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5166.303, 5168.08, 5168.22, 5168.23, 5525.01,  393
5703.37, 5709.83, 5736.041, 5751.40; to enact  394
sections 1509.031 and 3745.019; to repeal section  395
5123.195 of the Revised Code and to amend the  396
versions of sections 3772.13 and 3772.131 of the  397
Revised Code that are scheduled to take effect  398
December 29, 2023, to continue the changes on and  399
after that effective date; to amend sections  400
2925.01, 3701.33, 3701.83, 3717.27, 3717.47,  401
3718.011, 3718.03, 3742.03, 4736.01, 4736.02,  402
4736.03, 4736.07, 4736.08, 4736.09, 4736.11,  403
4736.12, 4736.13, 4736.14, 4736.15, 4743.05,  404
4776.20, and 5903.12; to amend, for the purpose of  405
adopting new section numbers as indicated in  406
parentheses, sections 4736.01 (3776.01), 4736.02  407
(3776.02), 4736.03 (3776.03), 4736.07 (3776.04),  408
4736.08 (3776.05), 4736.09 (3776.06), 4736.11  409
(3776.07), 4736.12 (3776.08), 4736.13 (3776.09),  410
4736.14 (3776.10), 4736.15 (3776.11), 4736.17  411
(3776.12), and 4736.18 (3776.13); to repeal  412
sections 4736.05, 4736.06, and 4736.10 of the  413
Revised Code; to amend the version of section  414
3701.83 of the Revised Code that is scheduled to  415
take effect September 30, 2024; to amend the  416
version of section 4736.14 of the Revised Code  417
that is scheduled to take effect December 29,  418
2023; to amend the version of section 4736.14  419
(3776.10) of the Revised Code that is scheduled to  420
take effect December 29, 2023, for the purpose of adopting a new section number as indicated in parentheses; and to repeal the version of section 4736.10 of the Revised Code that is scheduled to take effect December 29, 2023; and to amend the version of section 3701.351 that is scheduled to take effect September 30, 2024; to repeal the versions of sections 3727.70 and 4723.431 of the Revised Code that are scheduled to take effect September 30, 2024; and to amend Sections 280.12 and 280.28 of H.B. 45 of the 134th General Assembly; to amend Sections 130.11 and 130.12 as subsequently amended of H.B. 110 of the 134th General Assembly; to amend Sections 2, 3, and 8 of H.B. 509 of the 134th General Assembly; to amend Section 207.14 of H.B. 597 of the 134th General Assembly; to amend Sections 213.10, 237.10 as subsequently amended, 237.15, and 237.30 of H.B. 687 of the 134th General Assembly; to amend Sections 125.10 and 125.11 of H.B. 59 of the 130th General Assembly, as subsequently amended; and to repeal Section 5 of H.B. 371 of the 134th General Assembly; to repeal Section 3 of H.B. 669 of the 133rd General Assembly; and to repeal Section 21 of H.B. 790 of the 120th General Assembly to make operating appropriations for the biennium beginning July 1, 2023, and ending June 30, 2025, to levy taxes, and to provide authorization and conditions for the operation of state programs.

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

Section 101.01. That sections 101.35, 101.352, 101.353,
101.354, 101.38, 103.0521, 103.414, 103.60, 106.02, 106.031, 451
109.68, 109.803, 111.15, 113.41, 113.60, 117.34, 117.46, 117.47, 453
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be amended; that sections 113.41 (125.903), 125.22 (126.42),
2151.3534 (2151.3527), 3333.03 (3333.01), and 5103.422 (5103.42)
be amended, for the purpose of adopting new section numbers as
indicated in parentheses; and sections 5.2320, 5.55, 9.17, 9.51, 579
119.05, 121.376, 125.183, 128.43, 149.3010, 173.525, 175.16, 580
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5713.031, 5725.36, 5726.58, 5728.16, 5729.19, 5739.093, 5743.06, 610
5747.64, 5747.83, 5913.012, and 6301.113 of the Revised Code be
enacted to read as follows:

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

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

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

(1) Beginning on the effective date of this section through
calendar year 2024, seventy-five thousand dollars;

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

Sec. 9.51. (A) The general assembly designates the honor and
remember flag as the symbol of Ohio's concern and commitment to
honoring and remembering the service members of the United States
armed forces who have lost their lives while serving or as a
result of service, and to honoring and remembering the families of
fallen service members.

The honor and remember flag's red field represents the blood
shed by brave men and women who sacrificed their lives for
freedom; the flag's white field and border recognizes the purity
of that sacrifice; the flag's blue star is a symbol of active
service in military conflict that dates back to World War I; the
flag's gold star signifies the ultimate sacrifice of a warrior in
active service who is not returning home and reflects the value of
the life given; the flag's folded flag element highlights this
nation's final tribute to a fallen service member and a family's
sacrifice; and the flag's flame symbolizes the eternal spirit of
the departed.

(B) The general assembly encourages the display of the honor
and remember flag during normal business hours at any public
building in the state, and at any location during a military
memorial service.

(C) The honor and remember flag may be displayed at the
statehouse in Columbus on the last Monday in May, known as
Memorial Day.

(D) The statehouse may comply with this section by commencing
the display of the flag during normal business hours on a workday
before Memorial Day and ending the display during normal business
hours on a workday following Memorial Day.

(E) When displayed from the same halyard or staff, the honor
and remember flag should fly below, and be not larger than, the
United States flag. When displayed from adjacent staffs, the
United States flag should always be placed to the flag's own right
of other flags, per 4 U.S.C. 7(f). When three or more flags are
displayed from the same halyard or staff, the honor and remember
flag should always be positioned below all others.

Sec. 101.35. There is hereby created in the general assembly
the joint committee on agency rule review. The committee shall
consist of five members of the house of representatives and five
members of the senate. Within fifteen days after the commencement
of the first regular session of each general assembly, the speaker
of the house of representatives shall appoint the members of the
committee from the house of representatives, and the president of
the senate shall appoint the members of the committee from the
senate. Not more than three of the members from each house shall
be of the same political party. In the first regular session of a
general assembly, the chairperson of the committee shall be
appointed by the speaker of the house shall appoint a house
chairperson from among the house members of the committee, and the
vice chairperson shall be appointed by the president of the senate
shall appoint a senate chairperson from among the senate members
of the committee. In the first regular session of a general
assembly, the committee shall meet at the call of the house
chairperson, and the house chairperson shall conduct each meeting.

During the second regular session of a general assembly, the
community shall meet at the call of the senate chairperson, and
the senate chairperson shall be appointed by the president of the
senate from among the senate members of the committee, and the
vice chairperson shall be appointed by the speaker of the house
from among the house members of the committee conduct each
meeting. If the chairperson responsible for calling and conducting
committee meetings is absent or otherwise temporarily unable to
perform the chairperson's duties, the other chairperson shall act
as a substitute. The chairperson, vice chairperson, chairpersons
and members of the committee shall serve until their respective
successors are appointed or until they are no longer members of
the general assembly. When a vacancy occurs among the officers or
members of the committee, it shall be filled in the same manner as
the original appointment.

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

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

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

The president or speaker shall inform the executive director of the committee of a substitution. If the executive director learns of a substitution sufficiently in advance of the meeting of the committee the substitute is to attend, the executive director shall publish notice of the substitution on the internet, make reasonable effort to inform of the substitution persons who are known to the executive director to be interested in rules that are scheduled for review at the meeting, and inform of the substitution persons who inquire of the executive director concerning the meeting.

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

At meetings of the committee, the committee may request an agency, as defined in section 106.01 of the Revised Code, to provide information relative to the agency's implementation of its statutory authority.
A member of the committee, and the executive director and staff of the committee, are entitled in their official capacities to attend, but not in their official capacities to participate in, a public hearing conducted by an agency on a proposed rule.

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

Sec. 101.352. If the joint committee on agency rule review becomes aware that an agency subject to its jurisdiction is relying upon a principle of law or policy that, under section 121.93 of the Revised Code, should have been supplanted by its restatement in a rule, the chairperson of the joint committee responsible for calling and conducting meetings under section 101.35 of the Revised Code, in the chairperson's sole discretion, may request the agency to appear before the joint committee to address why, notwithstanding section 121.93 of the Revised Code, it is so relying. The request shall specify the time and place at which a designee of the agency is to appear before the joint committee to address, and to answer the joint committee's questions concerning, the agency's reliance. The date set for the appearance shall be not earlier than thirty days after the joint committee transmits the request to the agency. The joint committee shall transmit the request to the agency electronically. The joint committee also shall publish the request on its web site, as part of the relevant meeting agenda, and shall indicate in conjunction with the published request that any person is invited to appear before the joint committee when the agency appears to offer and make comments to the joint committee concerning the agency's reliance.
Upon receiving the request, the agency shall designate a suitable agency officer or employee to appear on behalf of the agency before the joint committee as directed in the request. The agency electronically shall notify the joint committee of the name, title, telephone number, and electronic mail address of the officer or employee who has been designated to appear before the joint committee in response to the request.

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

After the appearance has concluded, the joint committee, by vote of a majority of its members, in writing may recommend to the agency that it supplant the principle of law or policy that it is relying upon by its restatement in a rule. The joint committee shall support its recommendation with a brief rationale of why, under section 121.93 of the Revised Code, the principle of law or policy should be supplanted by its restatement in a rule. The joint committee shall transmit the recommendation electronically to the agency.

After receiving the recommendation from the joint committee, the agency shall commence the rule-making process as soon as it is reasonably feasible to do so, but not later than the date that is six months after the recommendation was received. The principle of law or policy as it is restated in a rule does not need to be wholly congruent with the supplanted principle of law or policy. The agency lawfully may improve or develop further the supplanted principle of law or policy as it is restated in a rule.
The agency may continue to rely upon the principle of law or policy, but only while it is complying with the preceding paragraph. The agency may not rely upon the principle of law or policy in advising with regard to or in determining the rights or liabilities of a person if the agency fails to commence the rule-making process by the deadline specified in the preceding paragraph, or if, after commencing the rule-making process, the agency neglects or abandons the rule-making process before it is completed.

Sec. 101.353. If the joint committee on agency rule review becomes aware, such as through its own inquiries or by receiving complaints from interested parties or stakeholders, that an agency subject to its jurisdiction is required expressly or impliedly by a statute to adopt a rule but appears neither to have done so nor to have commenced the rule-making process, the chairperson of the joint committee responsible for calling and conducting meetings under section 101.35 of the Revised Code, in the chairperson's sole discretion, may request the agency to appear before the joint committee to address its apparent dereliction. The request shall specify the time and place at which a designee of the agency is to appear before the joint committee to address, and answer the joint committee's questions concerning, the agency's apparent dereliction. The request shall identify the statute that expressly or impliedly requires rule-making and that apparently has not been complied with. The joint committee shall transmit the request to the agency electronically. The joint committee also shall publish the request on its web site, and shall indicate in conjunction with the published request that any person is invited to appear before the joint committee when the agency appears to offer and make comments to the joint committee concerning the agency's apparent dereliction.

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

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

After the appearance has concluded, the joint committee, by vote of a majority of its members, in writing may advise the agency to commence rule-making proceedings under the statute, as soon as it is reasonably feasible for the agency to do so. The joint committee shall transmit the advisory electronically to the agency. The joint committee also shall publish the advisory on its web site.

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

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

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

(3) The executive director shall submit the report required under divisions (B)(1) and (2) of this section to the members of the joint committee, which shall publish the report on its web site and transmit copies of the report electronically to the speaker of the house of representatives and the president of the senate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Upon receiving the certified motion, the director of the
legislative service commission shall remove the obsolete rule from
the Administrative Code as directed in the motion. The director
thereafter shall maintain the removed obsolete rule in a file of
obsolete rules. The file of obsolete rules may be maintained in
electronic form.

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

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

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

The actuary and, if JMOC determines a different projected
medical inflation rate, JMOC shall determine the projected medical
inflation rate for the state unless that is not practicable in
which case the determination shall be made for the midwest region.

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

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

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

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

(1) The following members appointed by the governor:

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

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

(c) One individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who has experience researching, diagnosing, and treating rare diseases;

(d) One individual authorized under Chapter 4723. of the Revised Code to practice nursing as a registered nurse who has experience providing nursing care to patients with rare diseases;

(e) One individual authorized under Chapter 4778. of the Revised Code to practice as a genetic counselor who is currently practicing at a children's hospital;

(f) Three members of the public who are living with a rare disease or represent an individual living with a rare disease;

(g) One representative of a national organization representing patients with a rare disease;

(h) One representative of a rare disease foundation operating....
in this state;

   (i) Two representatives of the department of health, one of whom is a representative of the program for children and youth with medical handicaps program special health care needs;

   (j) One representative of the department of medicaid;

   (k) One representative of the department of insurance;

   (l) One representative of the commission on minority health;

   (m) One representative of the Ohio hospital association;

   (n) One representative of Ohio health insurers;

   (o) One representative of bioOhio;

   (p) One representative of the association of Ohio health commissioners;

   (q) One representative of the pharmaceutical research and manufacturers of America.

   (2) The following members appointed by the president of the senate:

       (a) Two members of the senate, one from the majority party and one from the minority party;

       (b) Three members of the public, one of whom is recommended by the minority leader of the senate.

   (3) The following members appointed by the speaker of the house of representatives:

       (a) Two members of the house of representatives, one from the majority party and one from the minority party;

       (b) Three members of the public, one of whom is recommended by the minority leader of the house of representatives.

   (4) The governor or the governor's designee.

   (D)(1) Not later than April 23, 2021, initial appointments
shall be made to the council. Thereafter, appointments shall be made every two years, not later than thirty days after the commencement of the first regular session of each general assembly.

(2) Each member shall serve on the council until appointments are made following the commencement of the next general assembly. Members may be reappointed; however, no member shall serve more than four consecutive terms on the council.

(E) Prior to the expiration of each term, the council shall prepare and submit a report to the general assembly detailing the following:

(1) The coordination of statewide efforts for studying the incidence of rare diseases in this state;

(2) The council's findings and recommendations regarding rare disease research and care in this state;

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

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

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

(H) Members shall serve without compensation except to the extent that serving on the council is considered part of the member's regular duties of employment. The council shall reimburse each member for actual and necessary expenses incurred in the performance of the member's official duties.
Sec. 106.02. When (A) Subject to division (B) of this section, when an agency files a proposed rule and rule summary and fiscal analysis with the joint committee on agency rule review, the joint committee shall review the proposed rule and rule summary and fiscal analysis, and an invalidating concurrent resolution may be adopted, not later than the sixty-fifth day after the day on which the proposed rule was filed with the joint committee. If, after filing the original version of a proposed rule, the agency makes a revision in the proposed rule, the agency shall file the revised proposed rule and a revised rule summary and fiscal analysis with the joint committee. If the revised proposed rule is filed thirty-five or fewer days after the original version of the proposed rule was filed, the joint committee shall review the revised proposed rule and revised rule summary and fiscal analysis, and an invalidating concurrent resolution may be adopted, not later than the sixty-fifth day after the original version of the proposed rule was filed. If, however, the revised proposed rule is filed more than thirty-five days after the original version of the proposed rule was filed, the joint committee shall review the revised proposed rule and revised rule summary and fiscal analysis, and an invalidating concurrent resolution may be adopted, not later than the thirtieth day after the revised proposed rule was filed with the joint committee.

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

If, after notifying the joint committee of the agency's intention to file a revised proposed rule, the agency makes a revision in the proposed rule, the agency shall file the revised proposed rule and a revised rule summary and fiscal analysis with the joint committee. If the revised proposed rule is filed thirty-five or fewer days after the agency filed the original version of the proposed rule, the joint committee shall review the revised proposed rule and revised rule summary and fiscal analysis, and an invalidating concurrent resolution may be adopted, not later than the sixty-fifth day after the agency filed the original version of the proposed rule. If, however, the revised proposed rule is filed more than thirty-five days after the agency filed the original version of the proposed rule, the joint committee shall review the revised proposed rule and revised rule summary and fiscal analysis, and an invalidating concurrent resolution may be adopted, not later than the thirtieth day after the revised proposed rule is filed with the joint committee.

(C) When the an original or revised version of a proposed rule and rule summary and fiscal analysis is filed with the joint committee in December or in the following January before the first day of the legislative session, the joint committee shall review the proposed rule and rule summary and fiscal analysis, and an invalidating concurrent resolution may be adopted, as if the original version of the proposed rule and rule summary and fiscal analysis had been filed with the joint committee on the first day of the legislative session in the following January. If, however, the original version of a proposed rule and rule summary and fiscal analysis have been pending before the joint committee for more than thirty-five days, and the proposed rule and rule summary and fiscal analysis are revised in December or in the following January before the first day of the legislative session, the joint
committee shall review the revised proposed rule and revised rule summary and fiscal analysis, and an invalidating concurrent resolution may be adopted, not later than the thirtieth day after the first day of the legislative session in the following January.

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

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

Sec. 106.031. If an agency, on the basis of its review of a rule under section 106.03 of the Revised Code, determines that the rule does not need to be amended or rescinded, proceedings shall be had as follows:

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

(2) The agency shall transmit a copy of the full text of the rule and the business impact analysis electronically to the common sense initiative office. The office shall make the rule and analysis available to the public on its web site under section 107.62 of the Revised Code.
(3) The agency shall consider any recommendations made by the office.

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

(5) If the agency receives recommendations from the office, and determines not to amend or rescind the rule, the agency shall prepare a memorandum of response that explains why the rule is not being rescinded or why the recommendations are not being incorporated into the rule.

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

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

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

(D) The joint committee shall publish notice of the agency's determination not to amend or rescind the rule in the register of Ohio for four consecutive weeks after the rule is filed under division (C) of this section.

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

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

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

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

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

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

(c) The rule has been exempted in whole or in part from sections 121.71 to 121.74 of the Revised Code on grounds the incorporated text or other material has one or more of the characteristics described in division (B) of section 121.75 of the Revised Code, but the incorporated text or other material actually does not have any of those characteristics.

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

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

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

When the joint committee recommends that a rule be invalidated, the recommendation does not suspend operation of the rule, and the rule remains operational pending action by the senate and house of representatives on the concurrent resolution embodying the recommendation. If the senate and house of representatives adopt the concurrent resolution, the rule is invalid. If, however, the senate and house of representatives do not adopt the resolution, the rule continues in effect, and shall next be reviewed according to the new review date assigned to the rule.

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

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

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

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

Sec. 106.04. When the joint committee on agency rule review recommends invalidation of a proposed or existing rule under
section 106.021 or 106.031 of the Revised Code, the chairperson of the joint committee responsible for calling and conducting meetings under section 101.35 of the Revised Code, or another member of the joint committee designated by the chairperson, shall prepare the recommendation of invalidation in writing. The recommendation shall identify the proposed or existing rule, the agency that proposed or submitted the proposed or existing rule, and the finding that caused the joint committee to make the recommendation. The recommendation briefly shall explain the finding.

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

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

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

Sections 107.51 to 107.55 and 107.61 to 107.63 of the Revised
Code are complementary to sections 121.81 to 121.83 of the Revised Code.

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

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

The council consists of nine members. The governor, or the person to whom the governor has delegated responsibilities for the common sense initiative office under section 107.61 of the Revised Code, shall appoint five members, the president of the senate shall appoint two members, and the speaker of the house of representatives shall appoint two members. A member serves at the pleasure of the member's appointing authority. The appointing authorities shall consult with each other and appoint only individuals who are representative of small businesses, and shall do so in such a manner that the membership of the council is composed of representatives of small businesses that are of different sizes, engaged in different lines of business, and located in different parts of the state.

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

(1) The right of a victim and a victim's representative, if applicable, to attend a proceeding before a grand jury, in a juvenile delinquency case, or in a criminal case without being discharged from the victim's or victim's representative's employment, having the victim's or victim's representative's employment terminated, having the victim's or victim's representative's pay decreased or withheld, or otherwise being punished, penalized, or threatened as a result of time lost from regular employment because of the victim's or victim's representative's attendance at the proceeding, as set forth in section 2151.211, 2930.18, 2939.121, or 2945.451 of the Revised Code;

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

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

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

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

(6) The right of the victim and the victim's representative, if applicable, pursuant to the Ohio Constitution and section 2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised Code to receive notice of any pending commutation, pardon, parole, transitional control, discharge, other form of authorized release, post-release control, or supervised release for the person who committed the offense against the victim or any application for release of that person and to send a written statement relative to the victimization and the pending action to the adult parole authority or the release authority of the department of youth services;

(7) The right of the victim to bring a civil action pursuant to sections 2969.01 to 2969.06 of the Revised Code to obtain money from the offender's profit fund;
(8) The right, pursuant to section 3109.09 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully damages property through the commission of an act that would be a theft offense, as defined in section 2913.01 of the Revised Code, if committed by an adult;

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

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

(11) The right of a victim of domestic violence, including domestic violence in a dating relationship as defined in section 3113.31 of the Revised Code, to seek the issuance of a civil protection order pursuant to that section, the right of a victim of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code, a violation of a substantially similar municipal ordinance, or an offense of violence who is a family or household member of the offender at the time of the offense to seek the issuance of a temporary protection order pursuant to section 2919.26 of the Revised Code, and the right of both types of victims to be accompanied by a victim advocate during court proceedings;

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

(13) The right of a victim of certain sexually violent offenses committed by an offender who also is convicted of or pleads guilty to a sexually violent predator specification and who is sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code, of a victim of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, by an offender who is sentenced for the violation pursuant to division (B)(1)(a), (b), or (c) of section 2971.03 of the Revised Code, of a victim of an attempted rape committed on or after January 2, 2007, by an offender who also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code and is sentenced for the violation pursuant to division (B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code, and of a victim of an offense that is described in division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and is committed by an offender who is sentenced pursuant to one of those divisions to receive, pursuant to section 2930.16 of the Revised Code, notice of a hearing to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term. As used in this division, "sexually violent offense" and "sexually violent predator specification" have the same
meanings as in section 2971.01 of the Revised Code.

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

(B)(1)(a) A prosecuting attorney, assistant prosecuting attorney, city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation or an assistant of any of those officers who prosecutes an offense committed in this state, upon first contact with the victim of the offense, the victim's family, or the victim's dependents, shall give the victim, the victim's family, or the victim's dependents a copy of the victim's rights request form created under section 2930.04 of the Revised Code, or a similar form that, at a minimum, contains all the required information listed in that section, and the pamphlet prepared pursuant to division (A) of this section and explain, upon request, the information in the form and pamphlet to the victim, the victim's family, or the victim's dependents. The victim may receive either through the online version of the pamphlet published to the attorney general's web site, or as a paper copy, upon request.

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

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

(ii) If the circumstances of the criminal offense or delinquent act and the condition of the victim, the victim's family, or the victim's dependents indicate that the victim, the victim's family, or the victim's dependents will not be able to understand the significance of the form and pamphlet upon first contact with the agency, and if the agency anticipates that it will have an additional contact with the victim, the victim's family, or the victim's dependents, upon the agency's second contact with the victim, the victim's family, or the victim's dependents.

If the agency does not give the victim, the victim's family, or the victim's dependents a copy of the form and pamphlet upon first contact with them and does not have a second contact with the victim, the victim's family, or the victim's dependents, upon the agency's second contact with the victim, the victim's family, or the victim's dependents.
the victim, the victim's family, or the victim's dependents, the agency shall mail a copy of the form and pamphlet to the victim, the victim's family, or the victim's dependents at their last known address.

(c)(i) The attorney general shall create an information card which contains all of the following:

(I) An outline list of victim's rights contained in the Ohio Constitution and Revised Code;

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

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

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

(ii) Upon first contact with the victim, the law enforcement agency shall provide the victim with the information card.

(2) A law enforcement agency, a prosecuting attorney or assistant prosecuting attorney, or a city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation that distributes a copy of the form and pamphlet prepared pursuant to division (A) of this section shall not be required to distribute a copy of an information card or other printed material provided by the clerk of the court of claims pursuant to section 2743.71 of the Revised Code.

(C) The cost of printing and distributing the form and pamphlet prepared pursuant to division (A) of this section shall
be paid out of the reparations fund, created pursuant to section 2743.191 of the Revised Code, in accordance with division (D) of that section.

(D) As used in this section:

(1) "Criminal offense," "delinquent act," and "victim's representative" have the same meanings as in section 2930.01 of the Revised Code;

(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.

Sec. 109.57. (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, of all children under eighteen years of age who have been adjudicated delinquent children for committing within this state an act that would be a felony or an offense of violence if committed by an adult or who have been convicted of or pleaded guilty to committing within this state a felony or an offense of violence, and of all well-known and habitual criminals. The person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and the person in charge of any state institution having custody of a person suspected of having committed a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent
offenses, or any misdemeanor described in division (A)(1)(a),
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code or
having custody of a child under eighteen years of age with respect
to whom there is probable cause to believe that the child may have
committed an act that would be a felony or an offense of violence
if committed by an adult shall furnish such material to the
superintendent of the bureau. Fingerprints, photographs, or other
descriptive information of a child who is under eighteen years of
age, has not been arrested or otherwise taken into custody for
committing an act that would be a felony or an offense of violence
who is not in any other category of child specified in this
division, if committed by an adult, has not been adjudicated a
delinquent child for committing an act that would be a felony or
an offense of violence if committed by an adult, has not been
convicted of or pleaded guilty to committing a felony or an
offense of violence, and is not a child with respect to whom there
is probable cause to believe that the child may have committed an
act that would be a felony or an offense of violence if committed
by an adult shall not be procured by the superintendent or
furnished by any person in charge of any county, multicounty,
municipal, municipal-county, or multicounty-municipal jail or
workhouse, community-based correctional facility, halfway house,
alternative residential facility, or state correctional
institution, except as authorized in section 2151.313 of the
Revised Code.

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

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

(b) The style and number of the case;

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

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

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

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

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

(3) The superintendent shall cooperate with and assist
sheriffs, chiefs of police, and other law enforcement officers in
the establishment of a complete system of criminal identification
and in obtaining fingerprints and other means of identification of
all persons arrested on a charge of a felony, any crime
constituting a misdemeanor on the first offense and a felony on
subsequent offenses, or a misdemeanor described in division
(A)(1)(a), (A)(4)(a), or (A)(6)(a) of section 109.572 of the
Revised Code and of all children under eighteen years of age
arrested or otherwise taken into custody for committing an act
that would be a felony or an offense of violence if committed by
an adult. The superintendent also shall file for record the
fingerprint impressions of all persons confined in a county,
multicounty, municipal, municipal-county, or multicounty-municipal
jail or workhouse, community-based correctional facility, halfway
house, alternative residential facility, or state correctional
institution for the violation of state laws and of all children
under eighteen years of age who are confined in a county,
multicounty, municipal, municipal-county, or multicounty-municipal
jail or workhouse, community-based correctional facility, halfway
house, alternative residential facility, or state correctional
institution or in any facility for delinquent children for
committing an act that would be a felony or an offense of violence
if committed by an adult, and any other information that the
superintendent may receive from law enforcement officials of the state and its political subdivisions.

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

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

(6) The superintendent shall, upon request, assist a county coroner in the identification of a deceased person through the use of fingerprint impressions obtained pursuant to division (A)(1) of this section or collected pursuant to section 109.572 or 311.41 of the Revised Code.

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and to every clerk of a court in this state specified in division (A)(2) of this section standard forms for reporting the information required under division (A) of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both tangible formats and electronic formats.
(C)(1) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, criminal activity, crime prevention, law enforcement, and criminal justice, and may establish and operate a statewide communications network to be known as the Ohio law enforcement gateway to gather and disseminate information, data, and statistics for the use of law enforcement agencies and for other uses specified in this division. The superintendent may gather, store, retrieve, and disseminate information, data, and statistics that pertain to children who are under eighteen years of age and that are gathered pursuant to sections 109.57 to 109.61 of the Revised Code together with information, data, and statistics that pertain to adults and that are gathered pursuant to those sections.

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

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

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

(5) The attorney general may adopt rules under Chapter 119. of the Revised Code establishing guidelines for the operation of and participation in the Ohio law enforcement gateway. The rules may include criteria for granting and restricting access to information gathered and disseminated through the Ohio law enforcement gateway. The attorney general shall adopt rules under Chapter 119. of the Revised Code that grant access to information in the gateway regarding an address confidentiality program participant under sections 111.41 to 111.47 of the Revised Code to only chiefs of police, village marshals, county sheriffs, county prosecuting attorneys, and a designee of each of these individuals. The attorney general shall permit an office of a county coroner, the state medical board, and board of nursing to access and view, but not alter, information gathered and disseminated through the Ohio law enforcement gateway.

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

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

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

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

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

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

(E)(1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E)(2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed or described in division (A)(1), (2), or (3) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.

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

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

(b) The adjudication or conviction was for a sexually oriented offense, the juvenile court was required to classify the child a juvenile offender registrant for that offense under section 2152.82, 2152.83, or 2152.86 of the Revised Code, that classification has not been removed, and the records of the adjudication or conviction have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 or sealed or expunged pursuant to section 2953.32 of the Revised Code.

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

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

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

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

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

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

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3740.11, 5103.251, 5103.252, 5103.253, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; the director of job and family
services; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed under Chapter 5104. of the Revised Code; the chief administrator of any head start agency; the executive director of a public children services agency; a private company described in section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer described in division (J)(2) of section 3327.10 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, subject to division (E)(2) of this section, the superintendent shall determine whether that information exists and, upon request of the person, board, or entity requesting information, also shall request from the federal bureau of investigation any criminal records it has pertaining to that individual. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date that the superintendent receives a request, subject to division (E)(2) of this section, the superintendent shall send to the board, entity, or person a report of any information that the superintendent determines exists, including information contained in records that
have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, subject to division (E)(2) of this section, shall send the board, entity, or person a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(b) When a board of education or a registered private provider is required to receive information under this section as a prerequisite to employment of an individual pursuant to division (C) of section 3310.58 or section 3319.39 of the Revised Code, it may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by an individual applying for employment with the district in lieu of requesting that information itself. In such a case, the board shall accept the certified copy issued by the bureau in order to make a photocopy of it for that individual's employment application documents and shall return the certified copy to the individual. In a case of that nature, a district or provider only shall accept a certified copy of records of that nature within one year after the date of their issuance by the bureau.

(c) Notwithstanding division (F)(2)(a) of this section, in the case of a request under section 3319.39, 3319.391, or 3327.10 of the Revised Code only for criminal records maintained by the federal bureau of investigation, the superintendent shall not determine whether any information gathered under division (A) of this section exists on the person for whom the request is made.

(3) The state board of education may request, with respect to any individual who has applied for employment after October 2, 1989, in any position with the state board or the department of education, any information that a school district board of education is authorized to request under division (F)(2) of this
section, and the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(4) When the superintendent of the bureau receives a request for information under section 3319.291 of the Revised Code, the superintendent shall proceed as if the request has been received from a school district board of education and shall comply with divisions (F)(2)(a) and (c) of this section.

(G) In addition to or in conjunction with any request that is required to be made under section 3712.09, 3721.121, or 3740.11 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an older adult or adult resident, the chief administrator of a home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, or adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve providing direct care to an older adult or adult resident, whether the bureau has any information gathered under division (A) of this section that pertains to that individual.

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

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

In addition to or in conjunction with any request that is
required to be made under section 3712.09 of the Revised Code with
respect to an individual who has applied for employment in a
position that involves providing direct care to a pediatric
respite care patient, the chief administrator of a pediatric
respite care program may request that the superintendent of the
bureau investigate and determine, with respect to any individual
who has applied for employment in a position that does not involve
providing direct care to a pediatric respite care patient, whether
the bureau has any information gathered under division (A) of this
section that pertains to that individual.

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

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

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

(J) As used in this section:

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

(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13,
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11,
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07,
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25,
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02,
2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12,
2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03,
2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23,
2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the
Revised Code, felonious sexual penetration in violation of former
section 2907.12 of the Revised Code, a violation of section
2905.04 of the Revised Code as it existed prior to July 1, 1996, a
violation of section 2919.23 of the Revised Code that would have
been a violation of section 2905.04 of the Revised Code as it
existed prior to July 1, 1996, had the violation been committed
prior to that date, or a violation of section 2925.11 of the
Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state,
any other state, or the United States that is substantially
equivalent to any of the offenses listed in division (A)(1)(a) of
this section;
(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified under section 9.79 of the Revised Code or in section 3319.31 of the Revised Code.

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

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

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

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

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03,
(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

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

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

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

(4) On receipt of a request pursuant to section 2151.86 or 2151.904, 5103.251, 5103.252, or 5103.253 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

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

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

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.01, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.12, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

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

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

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

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

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

(8) On receipt of a request pursuant to section 1321.37,  
1321.53, or 4763.05 of the Revised Code, a completed form  
prescribed pursuant to division (C)(1) of this section, and a set  
of fingerprint impressions obtained in the manner described in  
division (C)(2) of this section, the superintendent of the bureau  
of criminal identification and investigation shall conduct a  
criminal records check with respect to any person who has applied  
for a license, permit, or certification from the department of  
commerce or a division in the department. The superintendent shall  
conduct the criminal records check in the manner described in  
division (B) of this section to determine whether any information  
exists that indicates that the person who is the subject of the  
request previously has been convicted of or pleaded guilty to any  
criminal offense in this state, any other state, or the United  
States.  

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

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

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

(12) On receipt of a request pursuant to section 2151.33 or 2151.412 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person for whom a criminal records check is required under that section. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03,
(a) A disqualifying offense as specified in rules adopted under section 9.79 and division (B)(2)(b) of section 3796.03 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the department of commerce under Chapter 3796. of the Revised Code.

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

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

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

(b) A disqualifying offense as specified in rules adopted
under division (B)(14)(a) of section 3796.04 of the Revised Code if the person who is the subject of the request is seeking employment with an entity licensed by the state board of pharmacy under Chapter 3796. of the Revised Code.

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

(16) On receipt of a request pursuant to division (B) of section 4764.07 or division (A) of section 4735.143 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in any state or the United States.

(17) On receipt of a request for a criminal records check under section 147.022 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any criminal offense under any existing or former law of this state, any other state, or the United States.

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

(19) On receipt of a request pursuant to section 3775.03 of
the Revised Code, a completed form prescribed under division
(C)(1) of this section, and a set of fingerprint impressions
obtained in the manner described in division (C)(2) of this
section, the superintendent of the bureau of criminal
identification and investigation shall conduct a criminal records
check in the manner described in division (B) of this section and
shall request information from the federal bureau of investigation
to determine whether any information exists indicating that the
person who is the subject of the request has been convicted of any
offense under any existing or former law of this state, any other
state, or the United States that is a disqualifying offense as
defined in section 3772.07 of the Revised Code.

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

(1) The superintendent shall review or cause to be reviewed
any relevant information gathered and compiled by the bureau under
division (A) of section 109.57 of the Revised Code that relates to
the person who is the subject of the criminal records check,
including, if the criminal records check was requested under
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131,
928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26,
(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86, 5103.251, 5103.252, 5103.253, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

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

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in the relevant provision of division (A) of this section. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.
(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C)(1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C)(2) of this section:

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

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

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

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this section. Any person for whom a records check is to be conducted under this section shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.
(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check under this section. The person requesting the criminal records check shall pay the fee prescribed pursuant to this division. In the case of a request under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the fee shall be paid in the manner specified in that section.

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

(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent completes the criminal records check. If during that period the superintendent receives another request for a criminal records check to be conducted under this section for that person, the superintendent shall provide the results from the previous criminal records check of the person at a lower fee than the fee prescribed for the initial criminal records check.

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

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

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

(G) As used in this section:

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.

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

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

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

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

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

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

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

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

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

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

(a) Information regarding the testing date and results of the kit;
(b) Whether a DNA profile was obtained from the kit;
(c) Whether a match was found to that DNA profile in state or federal databases;
(d) The estimated destruction date of the kit.

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

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

(3) A victim may request written notification from the appropriate official with custody of the kit notice of the destruction or disposal date of the kit and shall receive that notice not later than sixty days before the date of the intended destruction or disposal.

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

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

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

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

Sec. 109.803. (A) (1) Subject to divisions (A)(2) and (B) of this section, every appointing authority shall require each of its appointed peace officers and troopers to complete up to twenty-four hours of continuing professional training each calendar year, as directed by the Ohio peace officer training commission. The number of hours directed by the commission, up to twenty-four hours, is intended to be a minimum requirement, and appointing authorities are encouraged to exceed the number of hours the commission directs as the twenty-four hour minimum. The commission shall set the required minimum number of hours based upon available funding for reimbursement as described in this division. If no funding for the reimbursement is available, no continuing professional training will be required. A minimum of twenty-four hours of continuing professional training shall be reimbursed each calendar year and a maximum of forty hours of continuing professional training may be reimbursed each calendar year.

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

Upon receipt of a written request made under this division, the executive director of the commission shall review the request and the submitted documentation. If the executive director of the commission is satisfied that emergency circumstances exist for any peace officer or trooper for whom a request was made under this division, the executive director may approve the request for that peace officer or trooper and grant an extension of the time within which that peace officer or trooper must complete the required minimum number of hours of continuing professional training set by the commission. An extension granted under this division may be for any period of time the executive director believes to be appropriate, and the executive director shall specify in the notice granting the extension the date on which the extension ends. Not later than thirty days after the date on which a request is submitted to the commission, for each peace officer and trooper for whom an extension is requested, the executive director either shall approve the request and grant an extension or deny the request and deny an extension and shall send to the appointing authority that submitted the request written notice of the executive director's decision.

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

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

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

2. Allow a peace officer or trooper appointed by a law enforcement agency to earn hours of continuing professional training for other peace officers or troopers appointed by the law enforcement agency by providing drug use prevention education training under division (B)(1) of this section so that hours earned by the peace officer or trooper providing the training in excess of four hours may be applied to offset the number of continuing professional training hours required of another peace officer or trooper appointed by that law enforcement agency.

3. Prohibit the use of continuing professional training hours earned under division (B)(1) or (2) of this section from being used to offset any mandatory hands-on training requirement.
(4) Require a peace officer to complete training on proper interactions with civilians during traffic stops and other in-person encounters, which training shall have an online offering and shall include all of the following topics:

(a) A person's rights during an interaction with a peace officer, including all of the following:

(i) When a peace officer may require a person to exit a vehicle;

(ii) Constitutional protections from illegal search and seizure;

(iii) The rights of a passenger in a vehicle who has been pulled over for a traffic stop;

(iv) The right for a citizen to record an encounter with a peace officer.

(b) Proper actions for interacting with a civilian and methods for diffusing a stressful encounter with a civilian;

(c) Laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws;

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

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

(D) As used in this section:

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

(2) "Trooper" means an individual appointed as a state highway patrol trooper under section 5503.01 of the Revised Code.
(3) "Appointing authority" means any agency or entity that appoints a peace officer or trooper.

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

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

(2) "Agency" means any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, or institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, a state college or university, a community college district, a technical college district, a state community college, or any court.

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

(B)(1) Any rule, other than a rule of an emergency nature, adopted by any agency pursuant to this section shall be effective on the tenth day after the day on which the rule in final form and in compliance with division (B)(3) of this section is filed as follows:
(a) The rule shall be filed in electronic form with both the secretary of state and the director of the legislative service commission;

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

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

If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B)(1) of this section, the rule if filed as required by such division shall become effective on the later date designated by the agency.

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

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

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

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

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

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

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

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

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

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

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

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) of this section shall be recorded by the secretary of state and the director under the title of the agency adopting the rule and shall be numbered according to the numbering system devised by the director. The secretary of state and the director shall preserve the rules in an accessible manner. Each such rule shall be a public record open to public inspection and may be transmitted to any law publishing company that wishes to reproduce it.

(D) At least sixty-five days before a board, commission, department, division, or bureau of the government of the state files a rule under division (B)(1) of this section, it shall file the full text of the proposed rule in electronic form with the joint committee on agency rule review, and the proposed rule is subject to legislative review and invalidation under section 106.021 of the Revised Code. If a state board, commission, department, division, or bureau makes a revision in a proposed rule after it is filed with the joint committee, the state board, commission, department, division, or bureau shall promptly file
the full text of the proposed rule in its revised form in electronic form with the joint committee. A state board, commission, department, division, or bureau shall also file the rule summary and fiscal analysis prepared under section 106.024 of the Revised Code in electronic form along with a proposed rule, and along with a proposed rule in revised form, that is filed under this division. If a proposed rule has an adverse impact on businesses, the state board, commission, department, division, or bureau also shall file the business impact analysis, any recommendations received from the common sense initiative office, and the associated memorandum of response, if any, in electronic form along with the proposed rule, or the proposed rule in revised form, that is filed under this division.

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

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

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

This division does not apply to any of the following:
(1) A proposed rule of an emergency nature;

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

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

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

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

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

(b) A citation to the federal law or rule that requires verbatim compliance.

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

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

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

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

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

(1) "Service intermediary" means a person or entity that enters into a pay for success contract under this section and sections 113.61 and 113.62 of the Revised Code. The service intermediary may act as the service provider that delivers the services specified in the contract or may contract with a separate service provider to deliver those services.

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

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

1. Upon receiving an appropriation from the general assembly for the purpose of entering into a pay for success contract;

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

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

(c) The treasurer of state may apply for federal grant moneys on behalf of a requesting state agency, political subdivision, or group to pay the cost of all or part of the contract. The treasurer of state shall not apply for federal grant moneys for the purpose of entering into a pay for success contract without first entering into an agreement with a requesting state agency, political subdivision, or group for the treasurer of state to apply for those moneys.
(C) The treasurer of state may adopt rules in accordance with Chapter 119 of the Revised Code to administer the pay for success contracting program, including rules concerning both of the following:

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

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

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

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

(1) A requirement that for not less than seventy-five percent of the pay for success contracts entered into under this section, the performance targets specified in the contract require that, based on available regional or national data, the improvement in the status of this state or the relevant area of this state with respect to the issue the contract is meant to address be greater than the average improvement in status with respect to that issue in other geographical areas during the period of the contract;

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

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

Sec. 117.46. Each biennium the auditor of state shall conduct a minimum of four performance audits under this section. Except as otherwise provided in this section, at least two of the audits shall be of state agencies selected from a list comprised of the administrative departments listed in section 121.02 of the Revised Code and the department of education and at least two of the audits shall be of other state agencies. At the auditor of state's discretion, the auditor of state may also conduct performance audits of state institutions of higher education. The offices of the attorney general, auditor of state, governor, secretary of state, and treasurer of state and agencies of the legislative and judicial branches are not subject to an audit under this section.

The auditor shall select each agency or institution to be audited and shall determine whether to audit the entire agency or institution or a portion of the agency or institution by auditing one or more programs, offices, boards, councils, or other entities within that agency or institution. The auditor shall make the selection and determination in consultation with the governor and the speaker and minority leader of the house of representatives and president and minority leader of the senate.

An audit of a portion of an agency or institution shall be
considered an audit of one agency or institution. The authority to audit a portion of an agency or institution in no way limits the auditor's ability to audit an entire agency or institution if it is in the best interest of the state.

The performance audits under this section shall be conducted pursuant to sections 117.01 and 117.13 of the Revised Code. In conducting a performance audit, the auditor of state shall determine the scope of the audit, but shall consider, if appropriate, supervisory and subordinate level operations in the agency or institution. A performance audit under this section shall not include review or evaluation of an institution's academic performance.

As used in this section and in sections 117.461, 117.462, 117.463, and 117.471, and 117.472 of the Revised Code, "state institution of higher education" has the meaning defined in section 3345.011 of the Revised Code.

Sec. 117.47. There is hereby created in the state treasury the leverage for efficiency, accountability, and performance auditor's innovation fund. The auditor of state may use the fund to:

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

(B) Pay the costs the auditor of state or the auditor's auditing team incurs to conduct a feasibility study requested under section 117.473 of the Revised Code for innovative audit, accounting, or local government assistance services that improve the quality or increase the range of services offered to local governments and school districts.
The fund shall consist of money appropriated to it plus the repayments of principal and interest on loans made from the fund. Interest earned on money in the fund shall be credited to the fund.

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

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

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

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

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

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

Not later than one hundred eighty days after completing a feasibility study, the auditor of state shall conduct a public hearing on the feasibility study findings. Not later than ten days before the date of the public hearing, the auditor shall give notice of the date, time, and location of the public hearing in writing to the state agency or local public office that requested the feasibility study, to any other state agency or local public office that consented to being reviewed, and on the auditor's web site.

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

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

Sections 119.01 to 119.13 of the Revised Code do not apply to the public utilities commission. Sections 119.01 to 119.13 of the Revised Code do not apply to the utility radiological safety board; to the controlling board; to actions of the superintendent of financial institutions and the superintendent of insurance in the taking possession of, and rehabilitation or liquidation of, the business and property of banks, savings and loan associations, savings banks, credit unions, insurance companies, associations, reciprocal fraternal benefit societies, and bond investment companies; to any action taken by the division of securities under section 1707.201 of the Revised Code; or to any action that may be taken by the superintendent of financial institutions under section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 1349.33, 1733.35, 1733.361, 1733.37, or 1761.03 of the Revised Code.

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

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

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

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

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

(C) "Rule" means any rule, regulation, or standard, having a
general and uniform operation, adopted, promulgated, and enforced
by any agency under the authority of the laws governing such
agency, and includes any appendix to a rule. "Rule" does not
include any internal management rule of an agency unless the
internal management rule affects private rights and does not
include any guideline adopted pursuant to section 3301.0714 of the
Revised Code.

(D) "Adjudication" means the determination by the highest or
ultimate authority of an agency of the rights, duties, privileges,
benefits, or legal relationships of a specified person, but does
not include the issuance of a license in response to an
application with respect to which no question is raised, nor other
acts of a ministerial nature.
(E) "Hearing" means a public hearing by any agency in compliance with procedural safeguards afforded by sections 119.01 to 119.13 of the Revised Code.

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

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

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

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

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

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

(2) "Traceable delivery service" means a delivery service provided by the United States postal service or a domestic commercial delivery service allowing the sender to track a sent item's progress and providing notice of a completed delivery to the sender.

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

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

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

(3) Traceable delivery service at the party's last known address.
(4) Personal service at the party's last known address.

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

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

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

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

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

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

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

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

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

The following adjudication orders shall be effective without a hearing:

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

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

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

When a statute permits the suspension of a license without a prior hearing, any agency issuing an order pursuant to such statute shall afford the person to whom the order is issued a hearing upon request.
Whenever an agency claims that a person is required by statute to obtain a license, it shall afford a hearing upon the request of a person who claims that the law does not impose such a requirement.

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

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

When periodic registration of licenses is required by law, the agency shall afford a hearing upon the request of any licensee whose registration has been denied, unless a hearing was held prior to such denial.

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

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

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

Sec. 119.07. Except when a statute prescribes a notice and the persons to whom it shall be given, in all cases in which section 119.06 of the Revised Code requires an agency to afford an opportunity for a hearing prior to the issuance of an order, the agency shall give notice to the party informing the party of the party's right to a hearing. Notice shall be given by registered mail, return receipt requested, served in accordance with section 119.05 of the Revised Code and shall include the charges or other reasons for the proposed action, the law or rule directly involved, and a statement informing the party that the party is entitled to a hearing if the party requests it within thirty days of the time of mailing the notice service. The notice shall also inform the party that at the hearing the party may appear in person, by the party's attorney, or by such other representative as is permitted to practice before the agency, or may present the
party's position, arguments, or contentions in writing and that at the hearing the party may present evidence and examine witnesses appearing for and against the party. A copy of the notice shall be mailed provided to attorneys or other representatives of record representing the party. This paragraph does not apply to situations in which such section provides for a hearing only when it is requested by the party.

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

Whenever a party requests a hearing in accordance with this section and section 119.06 of the Revised Code, the agency shall immediately set the date, time, and place for the hearing and forthwith notify serve the party thereof with notice of the hearing. The date set for the hearing shall be within fifteen days, but not earlier than seven days, after the party has requested a hearing, unless otherwise agreed to by both the agency and the party.

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

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

Refusal of delivery by personal service or by mail is not failure of delivery and service is deemed to be complete. Failure of delivery occurs only when a mailed notice is returned by the postal authorities marked undeliverable, address or addressee unknown, or forwarding address unknown or expired. A party's last known address is the mailing address of the party appearing in the records of the agency.

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

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

For the purpose of conducting any adjudication hearing required by sections 119.01 to 119.13 of the Revised Code, the
An agency may postpone or continue any adjudication hearing upon the application of any party or upon its own motion.

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

At any adjudication hearing required by sections 119.01 to 119.13 of the Revised Code, the record of which may be the basis of an appeal to court, a stenographic record of the testimony and
other evidence submitted shall be taken at the expense of the agency. Such record shall include all of the testimony and other evidence, and rulings on the admissibility thereof presented at the hearing. This paragraph does not require a stenographic record at every adjudication hearing. In any situation where an adjudication hearing is required by sections 119.01 to 119.13 of the Revised Code, if an adjudication order is made without a stenographic record of the hearing, the agency shall, on request of the party, afford a hearing or rehearing for the purpose of making such a record which may be the basis of an appeal to court.

The rules of an agency may specify the situations in which a stenographic record will be made only on request of the party; otherwise such a record shall be made at every adjudication hearing from which an appeal to court might be taken.

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

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

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

In any adjudication hearing required by sections 119.01 to 119.13 of the Revised Code, the agency may appoint a referee or examiner to conduct the hearing. The referee or examiner shall have the same powers and authority in conducting the hearing as is granted to the agency. Such referee or examiner shall have been admitted to the practice of law in the state and be possessed of such additional qualifications as the agency requires. The referee or examiner shall submit to the agency a written report setting
forth the referee's or examiner's findings of fact and conclusions of law and a recommendation of the action to be taken by the agency. A copy of such written report and recommendation of the referee or examiner shall within five days of the date of filing thereof be served upon the party or the party's attorney or other representative of record, by certified mail in accordance with section 119.05 of the Revised Code. The party may, within ten days of receipt of such copy service of such written report and recommendation, file with the agency written objections to the report and recommendation, which objections shall be considered by the agency before approving, modifying, or disapproving the recommendation. The agency may grant extensions of time to the party within which to file such objections. No recommendation of the referee or examiner shall be approved, modified, or disapproved by the agency until after ten days after service of such report and recommendation as provided in this section. The agency may order additional testimony to be taken or permit the introduction of further documentary evidence. The recommendation of the referee or examiner may be approved, modified, or disapproved by the agency, and the order of the agency based on such report, recommendation, transcript of testimony and evidence, or objections of the parties, and additional testimony and evidence shall have the same effect as if such hearing had been conducted by the agency. No such recommendation shall be final until confirmed and approved by the agency as indicated by the order entered on its record of proceedings, and if the agency modifies or disapproves the recommendations of the referee or examiner it shall include in the record of its proceedings the reasons for such modification or disapproval.

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

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

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

(a) The agency;

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

(c) A sole owner of an unincorporated business that had, or a partnership, corporation, association, or organization that had, a net worth exceeding five million dollars at the time the party received notification of the hearing, except that an organization that is described in subsection 501(c)(3) and is tax exempt under subsection 501(a) of the Internal Revenue Code, shall not be excluded as an eligible party under this division because of its net worth;

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

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


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

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

(a) Identify the party;

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

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

(d) Indicate the amount sought as an award;

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

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

With respect to a motion under this section, the agency involved, through any representative it designates, has the burden of proving that its position in initiating the matter in controversy was substantially justified, that special circumstances make an award unjust, or that the prevailing eligible party engaged in conduct during the course of the hearing that unduly and unreasonably protracted the final resolution of the matter in controversy. A referee, examiner, or agency considering a motion under this section may deny an award entirely, or reduce the amount of an award that otherwise would be payable, to a prevailing eligible party only as follows:

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

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

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

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

(C) A prevailing eligible party that files a motion for an award of compensation for fees under this section and that is denied an award or receives a reduced award may appeal the determination of the referee, examiner, or agency to the same court, as determined under section 119.12 of the Revised Code, as the party could have appealed the adjudication order of the agency had the party been adversely affected by it. An agency may appeal the grant of an award to this same court if a referee or examiner made the final determination pursuant to division (B)(3) of this section. Notices of appeal shall be filed in the manner and within the period specified in section 119.12 of the Revised Code.

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

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

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

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

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

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

(3) Any other relevant information that may aid the general assembly in evaluating the scope and impact of awards of compensation for fees.
The provisions of this section do not apply when any of the following circumstances are involved:

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

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

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

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

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

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

(a) The liquor control commission;
(b) The Ohio casino control commission; 3826

c. The state medical board; 3827

d. The state chiropractic board; 3828

e. The board of nursing; 3829

(f) The bureau of workers' compensation regarding participation in the health partnership program created in sections 4121.44 and 4121.441 of the Revised Code. 3830

(3) If any party appealing from an order described in division (A)(1) of this section is not a resident of and has no place of business in this state, the party may appeal to the court of common pleas of Franklin county. 3833

(B) Any party adversely affected by any order of an agency issued pursuant to any other adjudication may appeal to the court of common pleas of Franklin county, except that appeals from orders of the fire marshal issued under Chapter 3737. of the Revised Code may be to the court of common pleas of the county in which the building of the aggrieved person is located and except that appeals under division (B) of section 124.34 of the Revised Code from a decision of the state personnel board of review or a municipal or civil service township civil service commission shall be taken to the court of common pleas of the county in which the appointing authority is located or, in the case of an appeal by the department of rehabilitation and correction, to the court of common pleas of Franklin county. 3837

(C) This section does not apply to appeals from the department of taxation. 3850

(D) Any party desiring to appeal shall file a notice of appeal with the agency setting forth the order appealed from and stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with
law. The notice of appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal shall also be filed by the appellant with the court. In filing a notice of appeal with the agency or court, the notice that is filed may be either the original notice or a copy of the original notice. Unless otherwise provided by law relating to a particular agency, notices of appeal shall be filed within fifteen days after the mailing service of the notice of the agency's order as provided in this section 119.05 of the Revised Code. For purposes of this paragraph, an order includes a determination appealed pursuant to division (C) of section 119.092 of the Revised Code. The amendments made to this paragraph by Sub. H.B. 215 of the 128th general assembly are procedural, and this paragraph as amended by those amendments shall be applied retrospectively to all appeals pursuant to this paragraph filed before September 13, 2010, but not earlier than May 7, 2009, which was the date the supreme court of Ohio released its opinion and judgment in Medcorp, Inc. v. Ohio Dep't. of Job and Family Servs. (2009), 121 Ohio St.3d 622.

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

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

(G) Notwithstanding any other provision of this section, any order issued by a court of common pleas or a court of appeals suspending the effect of an order of the liquor control commission issued pursuant to Chapter 4301. or 4303. of the Revised Code that suspends, revokes, or cancels a permit issued under Chapter 4303. of the Revised Code or that allows the payment of a forfeiture under section 4301.252 of the Revised Code shall terminate not more than six months after the date of the filing of the record of the liquor control commission with the clerk of the court of common pleas and shall not be extended. The court of common pleas, or the court of appeals on appeal, shall render a judgment in that matter within six months after the date of the filing of the record of the liquor control commission with the clerk of the court of common pleas. A court of appeals shall not issue an order suspending the effect of an order of the liquor control commission that extends beyond six months after the date on which the record of the liquor control commission is filed with a court of common pleas.

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

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

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

(K) Notwithstanding any other provision of this section, any party desiring to appeal an order or decision of the state personnel board of review shall, at the time of filing a notice of appeal with the board, provide a security deposit in an amount and manner prescribed in rules that the board shall adopt in accordance with this chapter. In addition, the board is not required to prepare or transcribe the record of any of its proceedings unless the appellant has provided the deposit described above. The failure of the board to prepare or transcribe a record for an appellant who has not provided a security deposit shall not cause a court to enter a finding adverse to the board.

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

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

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

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

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

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

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

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

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

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

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

(5) Collect all moneys due the state for reimbursement for legal services under this chapter and under section 2941.51 of the Revised Code and institute any actions in court on behalf of the state for the collection of such sums that the state public defender considers advisable. Except as provided otherwise in division (D) of section 120.06 of the Revised Code, all moneys collected by the state public defender under this chapter and section 2941.51 of the Revised Code shall be deposited in the state treasury to the credit of the client payment fund, which is hereby created. All moneys credited to the fund shall be used by the state public defender to appoint assistant state public defenders and to provide other personnel, equipment, and facilities necessary for the operation of the state public defender office, to reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems pursuant to sections 120.18, 120.28, and 120.33 of the Revised Code, or to provide assistance to counties in the operation of county indigent defense systems.

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

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

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

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

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

(11) Administer the program established pursuant to sections 120.51 to 120.55 of the Revised Code for the charitable public purpose of providing financial assistance to legal aid societies. Neither the state public defender nor any of the state public defender's employees who is responsible in any way for the administration of that program and who performs those administrative responsibilities in good faith is in any manner liable if a legal aid society that is provided financial assistance under the program uses the financial assistance other than in accordance with sections 120.51 to 120.55 of the Revised Code or fails to comply with the requirements of those sections.

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

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

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

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

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

(3) Make all the necessary arrangements to coordinate the services of the office with any federal, county, or private programs established to provide legal representation to indigent persons and others, and to obtain and provide all funds allowable under any such programs;

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

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

(6) Prescribe any forms that are necessary for the uniform operation of this chapter;
(7) Contract with a county public defender commission or a joint county public defender commission to provide all or any part of the services that a county public defender or joint county public defender is required or permitted to provide by this chapter, or contract with a board of county commissioners of a county that is not served by a county public defender commission or a joint county public defender commission for the provision of services in accordance with section 120.33 of the Revised Code. All money received by the state public defender pursuant to such a contract shall be credited to either the multicounty: county share fund or, if received as a result of a contract with Trumbull county, the Trumbull county: county share fund.

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

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

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

(D) No person employed by the state public defender as a criminal investigator shall attend the Ohio peace officer training academy or any other peace officer training school unless authorized to do so by the state public defender.
Sec. 120.06. (A)(1) The state public defender, when designated by the court or requested by a county public defender or joint county public defender, may provide legal representation in all courts throughout the state to indigent adults and juveniles who are charged with the commission of an offense or act for which the penalty or any possible adjudication includes the potential loss of liberty.

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

(3) The state public defender may provide legal representation to any person incarcerated in any correctional institution of the state, in any matter in which the person asserts the person is unlawfully imprisoned or detained.

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

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

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

(6)(a) Except as provided in division (A)(6)(b) of this
section, the state public defender may provide legal
representation in full board hearings pursuant to section 5149.101
of the Revised Code or parole eligibility hearings pursuant to
section 2967.132 of the Revised Code unless the state public
defender finds that the person subject to the full board hearing
or parole eligibility hearing has the financial capacity to retain
the person's own counsel.

(b) If the state public defender decides to provide the legal
representation described in division (A)(6)(a) of this section,
but determines that it does not have the capacity to provide the
legal representation described in division (A)(6)(a) of this
section, the state public defender may contract with private
counsel to provide the legal representation described in division
(A)(6)(a) of this section.

(7) If the state public defender contracts with a county
public defender commission, a joint county public defender
commission, or a board of county commissioners for the provision
of services, under authority of division (C)(7) of section 120.04
of the Revised Code, the state public defender shall provide legal
representation in accordance with the contract.

(B) The state public defender shall not be required to
prosecute any appeal, postconviction remedy, or other proceeding pursuant to division (A)(3), (4), or (5) of this section, unless the state public defender first is satisfied that there is arguable merit to the proceeding.

(C) A court may appoint counsel or allow an indigent person to select the indigent's own personal counsel to assist the state public defender as co-counsel when the interests of justice so require. When co-counsel is appointed to assist the state public defender, the co-counsel shall receive any compensation that the court may approve, not to exceed the amounts provided for in section 2941.51 of the Revised Code.

(D)(1) When the state public defender is designated by the court or requested by a county public defender or joint county public defender to provide legal representation for an indigent person in any case, other than pursuant to a contract entered into under authority of division (C)(7) of section 120.04 of the Revised Code, the state public defender shall send to the county in which the case is filed a bill detailing the actual cost of the representation that separately itemizes legal fees and expenses. The county, upon receipt of an itemized bill from the state public defender pursuant to this division, shall pay the state public defender one hundred per cent of the amount identified as legal fees and expenses in the itemized bill.

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

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

(4) When the state public defender decides to provide the legal representation described in division (A)(5)(a) or (6)(a) of this section, but does not have the capacity to provide the legal representation described in division (A)(5)(a) or (6)(a) of this section and the state public defender contracts with private counsel to provide the legal representation described in division (A)(5)(a) or (6)(a) of this section, the state public defender shall directly pay private counsel's legal fees and expenses from the indigent defense support fund pursuant to section 120.08 of the Revised Code.

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

(E)(1) Notwithstanding any contrary provision of sections 109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code that pertains to representation by the attorney general, an
assistant attorney general, or special counsel of an officer or employee, as defined in section 109.36 of the Revised Code, or of an entity of state government, the state public defender may elect to contract with, and to have the state pay pursuant to division (E)(2) of this section for the services of, private legal counsel to represent the Ohio public defender commission, the state public defender, assistant state public defenders, other employees of the commission or the state public defender, and attorneys described in division (C) of section 120.41 of the Revised Code in a malpractice or other civil action or proceeding that arises from alleged actions or omissions related to responsibilities derived pursuant to this chapter, or in a civil action that is based upon alleged violations of the constitution or statutes of the United States, including section 1983 of Title 42 of the United States Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that arises from alleged actions or omissions related to responsibilities derived pursuant to this chapter, if the state public defender determines, in good faith, that the defendant in the civil action or proceeding did not act manifestly outside the scope of the defendant's employment or official responsibilities, with malicious purpose, in bad faith, or in a wanton or reckless manner. If the state public defender elects not to contract pursuant to this division for private legal counsel in a civil action or proceeding, then, in accordance with sections 109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the attorney general shall represent or provide for the representation of the Ohio public defender commission, the state public defender, assistant state public defenders, other employees of the commission or the state public defender, or attorneys described in division (C) of section 120.41 of the Revised Code in the civil action or proceeding.

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

(i) The private legal counsel shall file with the attorney general a copy of the contract; a request for an award of legal fees, court costs, and expenses earned or incurred in connection with the defense of the Ohio public defender commission, the state public defender, an assistant state public defender, an employee, or an attorney in a specified civil action or proceeding; a written itemization of those fees, costs, and expenses, including the signature of the state public defender and the state public defender's attestation that the fees, costs, and expenses were earned or incurred pursuant to division (E)(1) of this section to the best of the state public defender's knowledge and information; a written statement whether the fees, costs, and expenses are for all legal services to be rendered in connection with that defense, are only for legal services rendered to the date of the request and additional legal services likely will have to be provided in connection with that defense, or are for the final legal services rendered in connection with that defense; a written statement indicating whether the private legal counsel previously submitted a request for an award under division (E)(2) of this section in connection with that defense and, if so, the date and the amount of each award granted; and, if the fees, costs, and expenses are for all legal services to be rendered in connection with that defense or are for the final legal services rendered in connection with that defense, a certified copy of any judgment entry in the civil action or proceeding or a signed copy of any settlement agreement entered into between the parties to the civil action or proceeding.

(ii) Upon receipt of a request for an award of legal fees, court costs, and expenses and the requisite supportive...
documentation described in division (E)(2)(a)(i) of this section, the attorney general shall review the request and documentation; determine whether any of the limitations specified in division (E)(2)(b) of this section apply to the request; and, if an award of legal fees, court costs, or expenses is permissible after applying the limitations, prepare a document awarding legal fees, court costs, or expenses to the private legal counsel. The document shall name the private legal counsel as the recipient of the award; specify the total amount of the award as determined by the attorney general; itemize the portions of the award that represent legal fees, court costs, and expenses; specify any limitation applied pursuant to division (E)(2)(b) of this section to reduce the amount of the award sought by the private legal counsel; state that the award is payable from the state treasury pursuant to division (E)(2)(a)(iii) of this section; and be approved by the inclusion of the signatures of the attorney general, the state public defender, and the private legal counsel.

(iii) The attorney general shall forward a copy of the document prepared pursuant to division (E)(2)(a)(ii) of this section to the director of budget and management. The award of legal fees, court costs, or expenses shall be paid out of the state public defender's appropriations, to the extent there is a sufficient available balance in those appropriations. If the state public defender does not have a sufficient available balance in the state public defender's appropriations to pay the entire award of legal fees, court costs, or expenses, the director shall make application for a transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies in an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations. A transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies shall be authorized if there are
sufficient moneys greater than the sum total of then pending emergency purposes account requests, or requests for releases from the other appropriation. If a transfer of appropriations out of the emergency purposes account or other appropriation for emergencies or contingencies is made to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the director shall cause the payment to be made to the private legal counsel. If sufficient moneys do not exist in the emergency purposes account or other appropriation for emergencies or contingencies to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the private legal counsel shall request the general assembly to make an appropriation sufficient to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, and no payment in that amount shall be made until the appropriation has been made. The private legal counsel shall make the request during the current biennium and during each succeeding biennium until a sufficient appropriation is made.

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

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

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

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

(c) If, pursuant to division (E)(2)(a) of this section, the attorney general denies a request for an award of legal fees, court costs, or expenses to private legal counsel because of the application of a limitation specified in division (E)(2)(b) of this section, the attorney general shall notify the private legal counsel in writing of the denial and of the limitation applied.

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

(F) If a court appoints the office of the state public defender to represent a petitioner in a postconviction relief proceeding under section 2953.21 of the Revised Code, the petitioner has received a sentence of death, and the proceeding relates to that sentence, all of the attorneys who represent the petitioner in the proceeding pursuant to the appointment, whether an assistant state public defender, the state public defender, or another attorney, shall be certified under Rule 20 of the Rules of Superintendence for the Courts of Ohio to represent indigent defendants charged with or convicted of an offense for which the death penalty can be or has been imposed.

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

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

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

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

(I) The state public defender shall have reasonable access to any child committed to the department of youth services, department of youth services institution, and department of youth services record as needed to implement this section.

(J) As used in this section:

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

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

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

Sec. 120.08. (A) There is hereby created in the state treasury the indigent defense support fund, consisting of money paid into the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 4511.19 of the Revised Code and pursuant to sections 2937.22, 2949.091, and 2949.094 of the Revised Code out of the additional court costs imposed under those sections. The state public defender shall use at least eighty-three per cent of the money in the fund for the following purposes of reimbursing:
(1) Reimbursing county governments for expenses incurred pursuant to sections 120.18, 120.28, and 120.33 of the Revised Code and operating;

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

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

Disbursements

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

(D) The state public defender may use not more than seventeen per cent of the money in the fund for the purposes of appointing assistant state public defenders, providing other personnel, equipment, and facilities necessary for the operation of the state public defender office, and providing training, developing and implementing electronic forms, or establishing and maintaining an information technology system used for the uniform operation of this chapter.

Sec. 120.34. (A) Except as provided in division (D) of this section, the total amount of money paid to all counties in any fiscal year pursuant to sections 120.18, 120.28, 120.33, 120.35, and 2941.51 of the Revised Code for the reimbursement of the counties' cost of operating county public defender offices, joint county public defender offices, and county appointed counsel
systems, the counties' costs and expenses of conducting the defense in capital cases, and the counties' costs and expenses of appointed counsel covered by section 2941.51 of the Revised Code shall not exceed the total amount appropriated for that fiscal year by the general assembly for the reimbursement of the counties for the operation of the offices and systems and for those appointed counsel costs and expenses, and shall be determined as specified in this section. If the amount appropriated by the general assembly in any fiscal year is insufficient to pay the cost in the fiscal year of all county public defender offices, all joint county public defender offices, all county appointed counsel systems, and all costs and expenses of appointed counsel covered by section 2941.51 of the Revised Code, the amount of money paid in that fiscal year pursuant to sections 120.18, 120.28, 120.33, 120.35, and 2941.51 of the Revised Code to each county for the fiscal year shall be reduced proportionately so that each county is paid an equal percentage of its cost in the fiscal year for operating its county public defender system, its joint county public defender system, and its county appointed counsel system, an equal percentage of its costs and expenses of conducting the defense in capital cases in the fiscal year, and an equal percentage of its costs and expenses of appointed counsel covered by section 2941.51 of the Revised Code.

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

(C) Within thirty days of the end of each fiscal quarter, the
state public defender shall provide to the office of budget and management and the legislative service commission an estimate of the amount of money that will be required for the balance of the fiscal year to make the payments required by sections 120.18, 120.28, 120.33, 120.35, and 2941.51 of the Revised Code.

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

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

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

In the department of commerce:
- Commissioner of securities;
- Superintendent of real estate and professional licensing;
- Superintendent of financial institutions;
- State fire marshal;
- Superintendent of industrial compliance;
- Superintendent of liquor control;
- Superintendent of unclaimed funds;
- Superintendent of marijuana control.

In the department of administrative services:
Equal employment opportunity coordinator.

In the department of agriculture:

Chiefs of divisions as follows:

Administration;
Animal health;
Livestock environmental permitting;
Soil and water conservation;
Dairy;
Food safety;
Plant health;
Markets;
Meat inspection;
Consumer protection laboratory;
Amusement ride safety;
Enforcement;
Weights and measures.

In the department of natural resources:

Chiefs of divisions as follows:

Mineral resources management;
Oil and gas resources management;
Forestry;
Natural areas and preserves;
Wildlife;
Geological survey;
Parks and watercraft;
Water resources;
Engineering.

In the department of insurance:

Deputy superintendent of insurance;
Assistant superintendent of insurance, technical;
Sec. 121.08. (A) There is hereby created in the department of commerce the position of deputy director of administration. This officer shall be appointed by the director of commerce, serve under the director's direction, supervision, and control, perform the duties the director prescribes, and hold office during the director's pleasure. The director of commerce may designate an assistant director of commerce to serve as the deputy director of administration. The deputy director of administration shall perform the duties prescribed by the director of commerce in supervising the activities of the division of administration of the department of commerce.

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

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

(2) All provisions of law governing the superintendent of financial institutions shall apply to and govern the superintendent of financial institutions provided for in this section; all authority vested by law in the superintendent of financial institutions with respect to the management of the division of financial institutions shall be construed as vested in the superintendent of financial institutions created by this section with respect to the division of financial institutions provided for in this section; and all rights, privileges, and emoluments conferred by law upon the superintendent of financial institutions shall be construed as conferred upon the superintendent of financial institutions as head of the division of financial institutions. The director of commerce shall not transfer from the division of financial institutions any of the functions specified in division (C)(2) of this section.

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

(E) The director of commerce shall not be interested, directly or indirectly, in any firm or corporation which is a dealer in securities as defined in sections 1707.01 and 1707.14 of the Revised Code, or in any firm or corporation licensed under sections 1321.01 to 1321.19 of the Revised Code.
(F) The director of commerce shall not have any official connection with a savings and loan association, a savings bank, a bank, a bank holding company, a savings and loan association holding company, a consumer finance company, or a credit union that is under the supervision of the division of financial institutions, or a subsidiary of any of the preceding entities, or be interested in the business thereof.

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

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

(I) There is hereby created in the department of commerce a division of industrial compliance, which shall have all powers and perform all duties vested by law in the superintendent of industrial compliance. Wherever powers are conferred or duties imposed upon the superintendent of industrial compliance, those powers and duties shall be construed as vested in the division of industrial compliance. The division of industrial compliance shall be under the control and supervision of the director of commerce and be administered by the superintendent of industrial compliance.
(J) There is hereby created in the department of commerce a division of unclaimed funds, which shall have all powers and perform all duties delegated to or vested by law in the superintendent of unclaimed funds. Wherever powers are conferred or duties imposed upon the superintendent of unclaimed funds, those powers and duties shall be construed as vested in the division of unclaimed funds. The division of unclaimed funds shall be under the control and supervision of the director of commerce and shall be administered by the superintendent of unclaimed funds. The superintendent of unclaimed funds shall exercise the powers and perform the functions and duties delegated to the superintendent by the director of commerce under section 121.07 and Chapter 169. of the Revised Code, and as may otherwise be provided by law.

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

(L) The department of commerce or a division of the department created by the Revised Code that is acting with authorization on the department's behalf may request from the bureau of criminal identification and investigation pursuant to section 109.572 of the Revised Code, or coordinate with appropriate federal, state, and local government agencies to accomplish, criminal records checks for the persons whose identities are required to be disclosed by an applicant for the issuance or transfer of a permit, license, certificate of
registration, or certification issued or transferred by the department or division. At or before the time of making a request for a criminal records check, the department or division may require any person whose identity is required to be disclosed by an applicant for the issuance or transfer of such a license, permit, certificate of registration, or certification to submit to the department or division valid fingerprint impressions in a format and by any media or means acceptable to the bureau of criminal identification and investigation and, when applicable, the federal bureau of investigation. The department or division may cause the bureau of criminal identification and investigation to conduct a criminal records check through the federal bureau of investigation only if the person for whom the criminal records check would be conducted resides or works outside of this state or has resided or worked outside of this state during the preceding five years, or if a criminal records check conducted by the bureau of criminal identification and investigation within this state indicates that the person may have a criminal record outside of this state.

In the case of a criminal records check under section 109.572 of the Revised Code, the department or division shall forward to the bureau of criminal identification and investigation the requisite form, fingerprint impressions, and fee described in division (C) of that section. When requested by the department or division in accordance with this section, the bureau of criminal identification and investigation shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the requested criminal records check and shall forward the requisite fingerprint impressions and information to the federal bureau of investigation for that criminal records check. After conducting a criminal records check or receiving the results of a criminal records check from the federal bureau of investigation, the bureau of criminal
identification and investigation shall provide the results to the department or division.

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

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

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

The purpose of the cabinet council is to help families seeking government services. This section shall not be interpreted or applied to usurp the role of parents, but solely to streamline and coordinate existing government services for families seeking assistance for their children.
In seeking to fulfill its purpose, the council may do any of the following:

(a) Advise and make recommendations to the governor and general assembly regarding the provision of services to children;

(b) Advise and assess local governments on the coordination of service delivery to children;

(c) Hold meetings at such times and places as may be prescribed by the council's procedures and maintain records of the meetings, except that records identifying individual children are confidential and shall be disclosed only as provided by law;

(d) Develop programs and projects, including pilot projects, to encourage coordinated efforts at the state and local level to improve the state's social service delivery system;

(e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children;

(f) Enter into contracts with and apply for grants from federal agencies or private organizations;

(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;

(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;

(i) Collect information provided by local communities
regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;

(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;

(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.

(3) The cabinet council shall provide for the following:

(a) Reviews of service and treatment plans for children for which such reviews are requested;

(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;

(c) Monitoring and supervision of a statewide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health developmental disabilities for early intervention services under the "Individuals with Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended;

(d) Establishing and maintaining the Ohio automated service coordination system pursuant to section 121.376 of the Revised Code.

(4) The cabinet council shall develop and implement the following:
(a) An interagency process to select the indicators that will be used to measure progress toward increasing child well-being in the state and to update the indicators on an annual basis. The indicators shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood.

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

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

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

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

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

(B)(1) Each board of county commissioners shall establish a county family and children first council. The board may invite any local public or private agency or group that funds, advocates, or
provides services to children and families to have a representative become a permanent or temporary member of its county council. Each county council must include the following individuals:

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

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

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

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

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

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

(g) The superintendent of the city, exempted village, or
local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its determination at least biennially;

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

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

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

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

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

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

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

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

The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are...
being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a county's board of county commissioners.

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

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

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

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

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

(d) Maintenance of an accountability system to monitor the county council's progress in achieving results for families and children;

(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system.

(3) A county council shall develop and implement the following:

(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county;

(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving, infants and toddlers thriving, children being ready for school, children and youth succeeding in school, youth choosing healthy behaviors, and youth successfully transitioning into adulthood and take into account the indicators established by the cabinet council under division (A)(4)(a) of this section.

(c) An annual plan that identifies the county's interagency efforts to increase child well-being in the county.

On an annual basis, the county council shall submit a report on the status of efforts by the county to increase child well-being in the county to the county's board of county commissioners and the cabinet council. This report shall be made available to any other person on request.

(4)(a) Except as provided in division (B)(4)(b) of this section, a county council shall comply with the policies,
procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to those rules or agreements.

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

(5)(a) Each county council shall designate an administrative agent for the council from among the following public entities: the board of alcohol, drug addiction, and mental health services, including a board of alcohol and drug addiction or a community mental health board if the county is served by separate boards; the board of county commissioners; any board of health of the county's city and general health districts; the county department of job and family services; the county agency responsible for the administration of children services pursuant to section 5153.15 of the Revised Code; the county board of developmental disabilities; any of the county's boards of education or governing boards of educational service centers; or the county's juvenile court. Any of the foregoing public entities, other than the board of county commissioners, may decline to serve as the council's administrative agent.
A county council's administrative agent shall serve as the council's appointing authority for any employees of the council. The council shall file an annual budget with its administrative agent, with copies filed with the county auditor and with the board of county commissioners, unless the board is serving as the council's administrative agent. The council's administrative agent shall ensure that all expenditures are handled in accordance with policies, procedures, and activities prescribed by state departments in rules, grant agreements, or interagency agreements that are applicable to the council's functions.

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

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

(i) Enter into agreements or administer contracts with public or private entities to fulfill specific council business. Such
agreements and contracts are exempt from the competitive bidding requirements of section 307.86 of the Revised Code if they have been approved by the county council and they are for the purchase of family and child welfare or child protection services or other social or job and family services for families and children. The approval of the county council is not required to exempt agreements or contracts entered into under section 5139.34, 5139.41, or 5139.43 of the Revised Code from the competitive bidding requirements of section 307.86 of the Revised Code.

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

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

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

(ii) The executive committee may, with the approval of the
board, hire an executive director to assist the county council in administering its powers and duties. The executive director shall serve in the unclassified civil service at the pleasure of the executive committee. The executive director may, with the approval of the executive committee, hire other employees as necessary to properly conduct the county council's business.

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

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

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

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

An agreement, plan, or decision for which a statement is required to be submitted to the board shall be implemented only if it is approved by the board.

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

Each mechanism shall include all of the following:

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

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

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

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

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

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

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

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

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

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

Nothing in division (C)(4) of this section shall be interpreted as overriding or affecting decisions of a juvenile court or public children services agency regarding an out-of-home placement, long-term placement, or emergency out-of-home
(D) Each county shall develop a family service coordination plan that does all of the following:

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

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

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

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

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

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

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

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

(b) An emphasis on the personal responsibilities of the child and the parental responsibilities of the parents, guardian, or custodian of the child;

(c) Involvement of local law enforcement agencies and officials.

(2) The method to divert a child from the juvenile court system that must be included in the service coordination process may include, but is not limited to, the following:

(a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system;

(b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system;

(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian;

(d) A program to provide a mentor to the child or the parents, guardian, or custodian;

(e) A program to provide parenting education to the parents, guardian, or custodian;

(f) An alternative school program for children who are truant
from school, repeatedly disruptive in school, or suspended or expelled from school;

(g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile court system that are identified by the Ohio family and children first cabinet council.

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

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

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

(1) Demographics including:

(a) Number and relationship of family members;
(b) Genders of youth;
(c) Ages of youth;
(d) Races of youth;
(e) Education of youth.
(2) Youth financial resource eligibility information;
(3) History and desired outcomes;
(4) Youth's physical and behavioral health histories, when available;
(5) Names of youth's insurers and physicians, when available;
(6) Individualized plans including:
(a) Referrals made to services;
(b) Services and supports received;
(c) Crisis plans;
(d) Safety plans.
(7) All relevant case file documents;
(8) Any other information related to families served, services provided, or the financial resources used to provide the services.

(B) Each county family and children first council shall enter and update information in the Ohio automated service coordination information system as information becomes available or within five business days of acquiring new information. Failure to enter information may result in the withholding of state funding.

(C) The data in the Ohio automated service coordination information system is confidential, and release of information is limited to those with whom the county family and children first council is permitted by law to share the information. Access to and use of data in the Ohio automated service coordination
information system shall be limited to the extent necessary to carry out the duties of the family and children first cabinet council and the county family and children first councils established in section 121.37 of the Revised Code.

(D) Personnel having access to the Ohio automated service coordination information system shall be limited to those individuals who have been educated on the confidentiality requirements of the Ohio automated service coordination information system, who are informed of all penalties, who have been educated in security procedures, and who have provided acknowledgement of rules developed by the Ohio family and children first cabinet council.

(E) Each county family and children first council shall do both of the following:

(1) Establish and implement a policy establishing administrative penalties, up to and including dismissal from employment, for unauthorized access to, disclosure of, or use of data in the Ohio automated service coordination information system;

(2) Monitor access to and use of the Ohio automated service coordination information system to prevent and identify unauthorized use of the system.

(F) No direct access to the Ohio automated service coordination information system shall be requested by or on behalf of, nor approved for or granted to, any researcher conducting research.

(G) The Ohio family and children first cabinet council state office may adopt rules, in accordance with Chapter 119. Of the Revised Code, governing county family and children first councils' access to, entry of, and use of information in the Ohio automated service coordination information system.
Sec. 121.381. A parent or custodian who disagrees with a decision rendered by a county family and children first council regarding services for a child may initiate the dispute resolution process established in the county service coordination mechanism pursuant to division (C)(10)-(C)(9) of section 121.37 of the Revised Code.

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

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

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

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

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

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

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

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

Sec. 121.81. As used in sections 121.81 to 121.83 of the Revised Code:
(A) "Agency" means a state agency that is required to file proposed rules for legislative review under division (D) of section 111.15 or division (C) of section 119.03 of the Revised Code.

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

Sections 121.81 to 121.83 and 121.91 of the Revised Code are complementary to sections 107.51 to 107.55 and 107.61 to 107.63 of the Revised Code.

**Sec. 121.811.** The offices of the governor, lieutenant governor, auditor of state, secretary of state, treasurer of state, and attorney general are subject, however, to section 106.05 of the Revised Code.
Sec. 121.93. (A) Except as provided in division (E) of this section, an agency shall review its operations to identify principles of law or policy that have not been stated in a rule and that the agency is relying upon in conducting adjudications or other determinations of rights and liabilities or in issuing writings and other materials, such as instructions, directives, policy statements, guidelines, handbooks, manuals, advisories, notices, circulars, advertisements, forms, letters, and opinions. An agency is not required to identify principles of law or policy relied upon in issuing internal management rules as defined in section 111.15 of the Revised Code. The agency shall complete at least one of the reviews during a governor's term.

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

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

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

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

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

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

(B) The agency shall determine whether a principle of law or
policy thus identified has a general and uniform operation and establishes a legal regulation or standard that would not exist in its absence. If the principle of law or policy has these characteristics, the agency shall determine whether the principle of law or policy should be supplanted by its restatement in a rule to achieve one or more of the following as they are relevant to the principle of law or policy:

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

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

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

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

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

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

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

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

If a principle of law or policy aids in the interpretation of an existing rule or statute, the agency shall consider whether the aiding effect clarifies or otherwise resolves an uncertainty in the existing rule or statute. If the principle of law or policy
can be so characterized, the agency shall consider whether the principle of law or policy should be supplanted by its restatement in an interpretive rule. The agency may not presume that a principle of law or policy that aids in the interpretation of an existing rule or statute is simply a reiteration of the existing rule or statute.

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

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

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

(E) This section does not apply to an agency, commission, or committee created in the legislative branch of government or to serve the general assembly including, but not limited to, all of the following:
(1) The joint legislative ethics committee;
(2) The joint medicaid oversight committee;
(3) The correctional institution inspection committee;
(4) The legislative service commission;
(5) The legislative information services;
(6) The capitol square review and advisory board.

Sec. 121.95. (A) As used in sections 121.95, 121.951, 121.952, and 121.953 of the Revised Code, "state agency" means an administrative department created under section 121.02 of the Revised Code, an administrative department head appointed under section 121.03 of the Revised Code, and a state agency organized under an administrative department or administrative department head. "State agency" also includes the department of education, the state lottery commission, the Ohio casino control commission, the state racing commission, and the public utilities commission of Ohio. Rules adopted by an otherwise independent official or entity organized under a state agency shall be attributed to the agency under which the official or entity is organized for the purposes of sections 121.95, 121.951, 121.952, and 121.953 of the Revised Code.

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

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

(1) A description of the regulatory restriction;
(2) The rule number of the rule in which the regulatory restriction appears;

(3) The statute under which the regulatory restriction was adopted;

(4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority;

(5) Whether removing the regulatory restriction would require a change to state or federal law, provided that removing a regulatory restriction adopted under a law granting the agency general authority shall be presumed not to require a change to state or federal law;

(6) Any other information the joint committee on agency rule review considers necessary.

(D) The state agency shall compute and state the total number of regulatory restrictions indicated in the base inventory, shall post the base inventory on its web site, and shall electronically transmit a copy of the inventory to the joint committee. The joint committee shall review the base inventory, then transmit it electronically to the speaker of the house of representatives and the president of the senate.

(E) The following types of rules or regulatory restrictions are not required to be included in a state agency's inventory of regulatory restrictions subject to this section or sections 121.951 to 121.953 of the Revised Code:

(1) An internal management rule;

(2) An emergency rule;

(3) A rule that state or federal law requires the state agency to adopt verbatim;
(4) A regulatory restriction contained in materials or
documents incorporated by reference into a rule pursuant to
sections 121.71 to 121.75 of the Revised Code;

(5) A rule adopted pursuant to section 1347.15 of the Revised
Code;

(6) A rule concerning instant lottery games;

(7) A rule adopted by the Ohio casino control commission or
the state lottery commission concerning sports gaming;

(8) Any other rule that is not subject to review under
Chapter 106. of the Revised Code.

(F) Beginning on October 17, 2019, and ending on June 30,
2025, a state agency may not adopt a new regulatory restriction
unless it simultaneously removes two or more other existing
regulatory restrictions. The state agency may not satisfy this
section by merging two or more existing regulatory restrictions
into a single surviving regulatory restriction.

Sec. 122.07. (A) There is hereby created within the
development services agency an office to be known as
the office of TourismOhio. The office shall be under the
supervision of a director who shall be of equivalent rank of
deputy director of the agency and shall serve at the pleasure of
the director of development services.

(B) The office shall do both of the following:

(1) Promote the state as a travel destination for living,
learning, working, and traveling, and provide related services or
otherwise carry out the promotional functions or duties of the
agency, as necessary;

(2) Perform an annual return-on-investment study analyzing
the office's success in promoting Ohio tourism. A report
containing the findings of the study shall be submitted to the
governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the senate. The report shall also be made available to the public.

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

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

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

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

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

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

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

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

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

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

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

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

(7) "Metric evaluation date" means the date by which the taxpayer must meet all of the commitments included in the agreement.
(8) "Qualifying work-from-home employee" means an employee who is a resident of this state and whose services are supervised from the employer's project location and performed primarily from a residence of the employee located in this state.

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

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

(11) "Megaproject" means a project in this state that meets all of the following requirements:

(a) At least one of the following applies:

(i) The project requires unique sites, extremely robust utility service, and a technically skilled workforce.

(ii) The megaproject operator of the project has its corporate headquarters in the United States, incurs more than fifty per cent of its research and development expenses in the United States in the year preceding the date the tax credit authority approves the project for a credit under this section, and builds and operates semiconductor wafer manufacturing factories in this state or intends to do so by the metric evaluation date applicable to the megaproject operator.

(b) The megaproject operator of the project agrees, in an agreement with the tax credit authority under division (D) of this section, that, on and after the metric evaluation date applicable to the megaproject operator and until the end of the last year for which the megaproject qualifies for the credit authorized under this section, the megaproject operator will compensate the project's employees at an average hourly wage of at least three hundred per cent of the federal minimum wage under 29 U.S.C. 206, exclusive of employee benefits, as determined at the time the tax credit authority approves the project for a credit under this section.
credit authority approves the project for a credit under this section.

(c) The megaproject operator agrees, in an agreement with the tax credit authority under division (D) of this section, to satisfy either of the following by the metric evaluation date applicable to the project:

(i) The megaproject operator makes at least one billion dollars, as adjusted under division (V)(1) of this section, in fixed-asset investments in the project.

(ii) The megaproject operator creates at least seventy-five million dollars, as adjusted under division (V)(1) of this section, in Ohio employee payroll at the project.

(d) The megaproject operator agrees, in an agreement with the tax credit authority under division (D) of this section, that if the project satisfies division (A)(11)(c)(ii) of this section, then, on and after the metric evaluation date and until the end of the last year for which the megaproject qualifies for the credit authorized under this section, the megaproject operator will maintain at least the amount in Ohio employee payroll at the project required under that division for each year in that period.

(12) "Megaproject operator" means a taxpayer that, separately or collectively with other taxpayers, undertakes and operates a megaproject. Such a taxpayer becomes a megaproject operator effective the first day of the calendar year in which the taxpayer and the tax credit authority enter into an agreement under division (D) of this section with respect to the megaproject. More than one taxpayer may be designated by the tax credit authority as a megaproject operator for the same megaproject.

(13) "Megaproject supplier" means a supplier in this state that meets either or both of the following requirements:

(a) The supplier sells tangible personal property directly to
a megaproject operator of a megaproject that satisfies the criteria described in division (A)(11)(a)(ii) of this section for use at a megaproject site, provided that such property was subject to substantial manufacturing, assembly, or processing in this state at a facility owned or operated by the supplier;

(b) The supplier sells tangible personal property directly to a megaproject operator for use at a megaproject site, provided that the supplier agrees, in an agreement with the tax credit authority under division (D) of this section, to meet all of the following requirements:

(i) By the metric evaluation date applicable to the supplier, makes at least one hundred million dollars, as adjusted under division (V)(2) of this section, in fixed-asset investments in this state;

(ii) By the metric evaluation date applicable to the supplier, creates at least ten million dollars, as adjusted under division (V)(2) of this section, in Ohio employee payroll;

(iii) On and after the metric evaluation date applicable to the supplier, until the end of the last year for which the supplier qualifies for the credit authorized under this section, maintains at least the amount in Ohio employee payroll required under division (A)(13)(b)(ii) of this section for each year in that period.

(B) The tax credit authority may make grants under this section to foster job creation in this state. Such a grant shall take the form of a refundable credit allowed against the tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 5747.02 or levied under Chapter 5751. of the Revised Code. The credit shall be claimed for the taxable years or tax periods specified in the taxpayer's agreement with the tax credit authority under division (D) of this section. With respect to
taxes imposed under section 5726.02, 5733.06, or 5747.02 or
Chapter 5751. of the Revised Code, the credit shall be claimed in
the order required under section 5726.98, 5733.98, 5747.98, or
5751.98 of the Revised Code. The amount of the credit available
for a taxable year or for a calendar year that includes a tax
period equals the excess payroll for that year multiplied by the
percentage specified in the agreement with the tax credit
authority.

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

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

The director of development shall prescribe the form of the
application. After receipt of an application, the authority may
enter into an agreement with the taxpayer for a credit under this
section if it determines all of the following:

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

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

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

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

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

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

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

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

(c) If the taxpayer is a megaproject operator or a
megaproject supplier that meets the requirements described in
division (A)(13)(b) of this section, the term of the tax credit
shall not exceed thirty years.

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

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

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

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

(7) A requirement that the director of development annually
review the information reported under division (D)(6) of this
section and verify compliance with the agreement; if the taxpayer
is in compliance, a requirement that the director issue a
certificate to the taxpayer stating that the information has been
verified and identifying the amount of the credit that may be
claimed for the taxable or calendar year. If the taxpayer is a
megaproject supplier, the director shall issue such a certificate
to the megaproject supplier and to any megaproject operator (a) to
which the megaproject supplier directly sells tangible personal
property and (b) that is authorized to claim the credit pursuant
to division (D)(10) of this section.

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

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

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

(10) If the taxpayer is a megaproject supplier, the
percentage of the annual tax credit certified under division
(D)(7) of this section, up to one hundred per cent, that may be
claimed by each megaproject operator to which the megaproject
supplier directly sells tangible personal property, rather than by
that megaproject supplier, on the condition that the megaproject
operator continues to qualify as a megaproject operator;

(11) If the taxpayer is a megaproject operator or megaproject supplier, a requirement that the taxpayer meet and maintain compliance with all thresholds and requirements to which the taxpayer agreed, pursuant to division (A)(11) or (13) of this section, respectively, as a condition of the operator's project qualifying as a megaproject or the supplier qualifying as a megaproject supplier until the end of the last year for which the taxpayer qualifies for the credit authorized under this section.

In each year that a megaproject operator or megaproject supplier is subject to an agreement with the tax credit authority under this section and meets the requirements of this division, the director of development shall issue a certificate to the megaproject operator or megaproject supplier stating that the megaproject operator or megaproject supplier continues to meet those requirements.

(12) If the taxpayer is a megaproject operator, a requirement that the megaproject operator submit, in a form acceptable to the director of development, an economic impact report with respect to each megaproject for which the megaproject operator is designated, summarizing all of the following for the reporting year:

(a) The aggregate amount of purchases made by the megaproject operator for such megaproject from megaproject suppliers;

(b) The aggregate amount of purchases made by the megaproject operator for such megaproject from suppliers other than megaproject suppliers;

(c) A summary of the construction activity for any facilities at the site of the megaproject in that year;

(d) The aggregate amount expended by the megaproject operator on research and development at the site of the megaproject in that year;
(e) The number of employees working at the site of the megaproject and the counties in which those employees reside;

(f) A summary of the supply chain activity in support of the megaproject, including a list of the twenty-five suppliers with a physical presence in Ohio from which the megaproject operator made the most purchases in that year.

The economic impact report shall be due on or before the first day of July of each year, beginning in the year specified in the agreement with the tax credit authority. The information required in the report shall be certified as true and correct by an officer of the megaproject operator. If there is more than one megaproject operator designated for a single megaproject, all of the megaproject operators designated for the megaproject may jointly submit a single report. Any information contained in the report is a public record for purposes of section 149.43 of the Revised Code and shall be published on the department of development's web site.

(E)(1) If a taxpayer fails to meet or comply with any condition or requirement set forth in a tax credit agreement, the tax credit authority may amend the agreement to reduce the percentage or term of the tax credit. The reduction of the percentage or term may take effect in the current taxable or calendar year.

(2) If the tax credit authority determines that a taxpayer that is a megaproject operator of a megaproject described in division (A)(11)(a)(ii) of this section is not fully compliant with the requirements of the agreement, the authority may impose a recoupment payment on the taxpayer in accordance with the following:

(a) If, on the metric evaluation date, the taxpayer fails to substantially meet the capital investment, full-time equivalent
employee, or payroll requirements included in the agreement, an
amount determined at the discretion of the authority, not to exceed the sum of the following for all years prior to the metric
evaluation date: (i) the amount of taxes that would have been imposed under Chapters 5739. and 5741. of the Revised Code in the
absence of the agreement, and (ii) the amount of taxes that would have been imposed under Chapter 5751. of the Revised Code on receipts realized from sales to the taxpayer in the absence of the agreement;

(b) If the taxpayer fails to substantially maintain the capital investment, full-time equivalent employee, or payroll requirements included in the agreement in any year after the metric evaluation date, an amount determined at the discretion of the authority, not to exceed the sum of the following for the calendar year in which taxpayer failed to meet the requirements: (i) the amount of taxes that would have been imposed under Chapters 5739. and 5741. of the Revised Code in the absence of the agreement, and (ii) the amount of taxes that would have been imposed under Chapter 5751. of the Revised Code on receipts realized from sales to the taxpayer in the absence of the agreement.

(3) The tax credit authority may, subject to any requirements of the tax credit agreement, take into consideration the taxpayer's prior performance and any market conditions impacting the taxpayer when determining the amount of the recoupment payment described in division (E)(2) of this section.

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

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

(H) A taxpayer claiming a credit under this section shall submit to the tax commissioner or, if the taxpayer is an insurance company, to the superintendent of insurance, a copy of the director of development's certificate of verification under division (D)(7) of this section with the taxpayer's tax report or return for the taxable year or for the calendar year that includes the tax period. Failure to submit a copy of the certificate with the report or return does not invalidate a claim for a credit if
the taxpayer submits a copy of the certificate to the commissioner or superintendent within the time prescribed by section 5703.0510 of the Revised Code or within thirty days after the commissioner or superintendent requests it.

(I) The director of development, after consultation with the tax commissioner and the superintendent of insurance and in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement this section, including rules that establish a procedure to be followed by the tax credit authority and the department of development in the event the authority considers a taxpayer's application for which it receives a recommendation under division (C)(2)(a) of this section but does not approve it. The rules may provide for recipients of tax credits under this section to be charged fees to cover administrative costs of the tax credit program. For the purposes of these rules, a qualifying work-from-home employee shall be considered to be an employee employed at the applicant's project location. The fees collected shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code. At the time the director gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director shall submit copies of the proposed rules to the chairpersons of the standing committees on economic development in the senate and the house of representatives.

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

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

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

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

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

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

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

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

(3) In determining the portion of the tax credit to be refunded to this state, the tax credit authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or superintendent of insurance, as appropriate. If the amount is certified to the commissioner, the commissioner shall make an assessment for that amount against the taxpayer under Chapter 5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the amount is certified to the superintendent, the superintendent shall make an assessment for that amount against the taxpayer under Chapter 5725. or 5729. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the commissioner or superintendent, as appropriate, shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded. Within ninety days after certifying the amount to be refunded, if circumstances have changed, the authority may adjust the amount to be refunded and certify the adjusted amount to the commissioner or superintendent. The authority may only adjust the amount to be refunded one time and only if the amount initially certified by
the authority has not been repaid, in whole or in part, by the taxpayer or certified to the attorney general for collection under section 131.02 of the Revised Code.

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

(M) There is hereby created the tax credit authority, which consists of the director of development and four other members appointed as follows: the governor, the president of the senate, and the speaker of the house of representatives each shall appoint one member who shall be a specialist in economic development; the governor also shall appoint a member who is a specialist in taxation. Terms of office shall be for four years. Each member shall serve on the authority until the end of the term for which the member was appointed. Vacancies shall be filled in the same manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Members may be reappointed to the authority. Members of the authority shall receive their necessary and actual expenses while engaged in the business of the authority. The director of development shall serve as chairperson of the authority, and the members annually shall elect a vice-chairperson from among themselves. Three members of the authority constitute a quorum to transact and vote on the business of the authority. The majority vote of the membership of the
authority is necessary to approve any such business, including the
election of the vice-chairperson.

The director of development may appoint a professional
employee of the department of development to serve as the
director's substitute at a meeting of the authority. The director
shall make the appointment in writing. In the absence of the
director from a meeting of the authority, the appointed substitute
shall serve as chairperson. In the absence of both the director
and the director's substitute from a meeting, the vice-chairperson
shall serve as chairperson.

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

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

(P) On or before the first day of January of 2019, the
director of development shall submit a report to the governor, the
president of the senate, and the speaker of the house of
representatives on the effect of agreements entered into under
this section in which the taxpayer included home-based employees
in the computation of income tax revenue, as that term was defined
in this section prior to the amendment of this section by H.B. 64
of the 131st general assembly. The report shall include
information on the number of such agreements that were entered
into in the preceding six years, a description of the projects
that were the subjects of such agreements, and an analysis of
nationwide home-based employment trends, including the number of
home-based jobs created from July 1, 2011, through June 30, 2017, and a description of any home-based employment tax incentives provided by other states during that time.

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

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

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

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

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

(2) In calendar year 2016 and thereafter, the tax credit authority shall annually determine a withholding adjustment factor to be used in the computation of income tax revenue for eligible agreements. The withholding adjustment factor shall be a numerical percentage that equals the percentage that employer income tax withholding rates have been increased or decreased as a result of changes in the income tax rates prescribed by section 5747.02 of

the Revised Code by amendment of that section taking effect on or after June 29, 2013.

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

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

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

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

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

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

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

(5) Failure by a taxpayer to have achieved any of the applicable commitments described in divisions (S)(4)(a) to (c) of this section in a reporting period does not disqualify the taxpayer for the adjustment under division (S) of this section for an ensuing reporting period.
(T) For reporting periods ending in calendar year 2020 or thereafter, any taxpayer may include qualifying work-from-home employees in its report required under division (D)(6) of this section, and the compensation of such employees shall qualify as Ohio employee payroll under division (A)(3)(a) of this section, even if the taxpayer's application to the tax credit authority to enter into an agreement for a tax credit under this section was approved before September 29, 2017, the effective date of the amendment of this section by H.B. 49 of the 132nd general assembly.

(U) The director of development services shall notify the tax commissioner if the director determines that a megaproject operator or megaproject supplier is not in compliance with the agreement pursuant to a review conducted under division (D)(11) of this section.

(V) Beginning in 2025 and in each fifth calendar year thereafter, the tax commissioner shall adjust the following amounts in September of that year:

1. The fixed-asset investment threshold described in division (A)(11)(c)(i) of this section and the Ohio employee payroll threshold described in division (A)(11)(c)(ii) of this section by completing the following calculations:

   a. Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the fifth preceding calendar year to the last day of December of the preceding calendar year;

   b. Multiply that percentage increase by the fixed-asset investment threshold and the Ohio employee payroll threshold for the current year;

   c. Add the resulting products to the corresponding...
fixed-asset investment threshold and Ohio employee payroll threshold for the current year;

(d) Round the resulting fixed-asset investment sum to the nearest multiple of ten million dollars and the Ohio employee payroll sum to the nearest multiple of one million dollars.

(2) The fixed-asset investment threshold described in division (A)(13)(b)(i) of this section and the Ohio employee payroll threshold described in division (A)(13)(b)(ii) of this section by completing the calculations described in divisions (V)(1)(a) to (c) of this section and rounding the resulting fixed-asset investment sum to the nearest multiple of one million dollars and the Ohio employee payroll sum to the nearest multiple of one hundred thousand dollars.

The commissioner shall certify the amount of the adjustments under divisions (V)(1) and (2) of this section to the director of development services and to the tax credit authority not later than the first day of December of the year the commissioner computes the adjustment. Each certified amount applies to the ensuing calendar year and each calendar year thereafter until the tax commissioner makes a new adjustment. The tax commissioner shall not calculate a new adjustment in any year in which the resulting amount from the adjustment would be less than the corresponding amount for the current year.

Sec. 122.171. (A) As used in this section:

(1) "Capital investment project" means a plan of investment at a project site for the acquisition, construction, renovation, or repair of buildings, machinery, or equipment, or for capitalized costs of basic research and new product development determined in accordance with generally accepted accounting principles, but does not include any of the following:
(a) Payments made for the acquisition of personal property through operating leases;

(b) Project costs paid before January 1, 2002;

(c) Payments made to a related member as defined in section 5733.042 of the Revised Code or to a consolidated elected taxpayer or a combined taxpayer as defined in section 5751.01 of the Revised Code.

(2) "Eligible business" means a taxpayer and its related members with Ohio operations that had a capital investment project reviewed and approved by the tax credit authority as provided in divisions (C), (D), and (E) of this section and that satisfies either of the following requirements:

(a) If engaged at the project site primarily in significant corporate administrative functions, as defined by the director of development by rule, the taxpayer meets both of the following criteria:

(i) The taxpayer either is located in a foreign trade zone, employs at least five hundred full-time equivalent employees, or has an annual Ohio employee payroll of at least thirty-five million dollars at the time the tax credit authority grants the tax credit under this section;

(ii) The taxpayer makes or causes to be made payments for the capital investment project of at least twenty million dollars in the aggregate at the project site during a period of three consecutive calendar years including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted.

(b) If engaged at the project site primarily as a manufacturer, the taxpayer makes or causes to be made payments for the capital investment project at the project site during a period of three consecutive calendar years, including the calendar year
that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted, in an amount that in the aggregate equals or exceeds the lesser of the following:

(i) Fifty million dollars;

(ii) Five per cent of the net book value of all tangible personal property used at the project site as of the last day of the three-year period in which the capital investment payments are made.

(3) "Full-time equivalent employees" means the quotient obtained by dividing the total number of hours for which employees were compensated for employment in the project by two thousand eighty. "Full-time equivalent employees" shall exclude hours that are counted for a credit under section 122.17 of the Revised Code.

(4) "Ohio employee payroll" has the same meaning as in section 122.17 of the Revised Code.

(5) "Manufacturer" has the same meaning as in section 5739.011 of the Revised Code.

(6) "Project site" means an integrated complex of facilities in this state, as specified by the tax credit authority under this section, within a fifteen-mile radius where a taxpayer is primarily operating as an eligible business.

(7) "Related member" has the same meaning as in section 5733.042 of the Revised Code as that section existed on the effective date of its amendment by Am. Sub. H.B. 215 of the 122nd general assembly, September 29, 1997.

(8) "Taxable year" includes, in the case of a domestic or foreign insurance company, the calendar year ending on the thirty-first day of December preceding the day the superintendent of insurance is required to certify to the treasurer of state under section 5725.20 or 5729.05 of the Revised Code the amount of
taxes due from insurance companies.

(9) "Foreign trade zone" means a general purpose foreign trade zone or a special purpose subzone for which, pursuant to 19 U.S.C. 81a, as amended, a permit for foreign trade zone status has been granted and remains active, including special purpose subzones for which a permit has been granted and remains active.

(B) The tax credit authority created under section 122.17 of the Revised Code may grant a nonrefundable tax credit to an eligible business under this section for the purpose of fostering job retention in this state. Upon application by an eligible business and upon consideration of the determination of the director of budget and management, tax commissioner, and the superintendent of insurance in the case of an insurance company, the recommendation and determination of the director of development under division (C)(1) of this section, and a review of the criteria described in division (C)(2) of this section, the tax credit authority may grant the credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 5751.02 of the Revised Code.

The credit authorized in this section may be granted for a period up to fifteen taxable years or, in the case of the tax levied by section 5736.02 or 5751.02 of the Revised Code, for a period of up to fifteen calendar years. The credit amount for a taxable year or a calendar year that includes the tax period for which a credit may be claimed equals the Ohio employee payroll for that year multiplied by the percentage specified in the agreement with the tax credit authority. The credit shall be claimed in the order required under section 5725.98, 5726.98, 5729.98, 5733.98, 5747.98, or 5751.98 of the Revised Code. In determining the percentage and term of the credit, the tax credit authority shall consider both the number of full-time equivalent employees and the value of the capital investment project. The credit amount may not
be based on the Ohio employee payroll for a calendar year before
the calendar year in which the tax credit authority specifies the
tax credit is to begin, and the credit shall be claimed only for
the taxable years or tax periods specified in the eligible
business' agreement with the tax credit authority. In no event
shall the credit be claimed for a taxable year or tax period
terminating before the date specified in the agreement.

If a credit allowed under this section for a taxable year or
tax period exceeds the taxpayer's tax liability for that year or
period, the excess may be carried forward for the three succeeding
taxable or calendar years, but the amount of any excess credit
allowed in any taxable year or tax period shall be deducted from
the balance carried forward to the succeeding year or period.

(C)(1) A taxpayer that proposes a capital investment project
to retain jobs in this state may apply to the tax credit authority
to enter into an agreement for a tax credit under this section.
The director of development shall prescribe the form of the
application. After receipt of an application, the authority shall
forward copies of the application to the director of budget and
management, the tax commissioner, and the superintendent of
insurance in the case of an insurance company, each of whom shall
review the application to determine the economic impact the
proposed project would have on the state and the affected
political subdivisions and shall submit a summary of their
determinations to the authority. The authority shall also forward
a copy of the application to the director of development, who
shall review the application to determine the economic impact the
proposed project would have on the state and the affected
political subdivisions and shall submit a summary of the
director's determinations and recommendations to the authority.

(2) The director of development, in reviewing applications
and making recommendations to the tax credit authority, and the
authority, in selecting taxpayers with which to enter into an agreement under division (D) of this section, shall give priority to applications that meet one or more of the following criteria, with greater priority given to applications that meet more of the criteria:

(a) Within the preceding five years, the applicant has not received a credit under this section or section 122.17 of the Revised Code for a project at the same project site as that proposed in the application.

(b) The applicant is not currently receiving a credit under this section or section 122.17 of the Revised Code.

(c) The applicant has operated at the project site for at least the preceding ten years.

(d) The project involves a significant upgrade of the project site, rather than only routine maintenance of existing facilities, such as an increase in capacity of a facility, new product development, or technology upgrades or other facility modernization.

(e) The applicant intends to use machinery, equipment, and materials supplied by Ohio businesses in the project when possible.

(D) Upon review and consideration of the determinations, recommendations, and criteria described in division (C) of this section, the tax credit authority may enter into an agreement with the taxpayer for a credit under this section if the authority determines all of the following:

(1) The taxpayer's capital investment project will result in the retention of employment in this state.

(2) The taxpayer is economically sound and has the ability to complete the proposed capital investment project.
(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least the greater of (a) the term of the credit plus three years, or (b) seven years.

(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project.

(E) An agreement under this section shall include all of the following:

1. A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, the number of full-time equivalent employees at the project site, and the anticipated Ohio employee payroll to be generated.

2. The term of the credit, the percentage of the tax credit, the maximum annual value of tax credits that may be allowed each year, and the first year for which the credit may be claimed.

3. A requirement that the taxpayer maintain operations at the project site for at least the greater of (a) the term of the credit plus three years, or (b) seven years.

4. (a) If the taxpayer is engaged at the project site primarily in significant corporate administrative functions, a requirement that the taxpayer either retain at least five hundred full-time equivalent employees at the project site and within this state for the entire term of the credit, maintain an annual Ohio employee payroll of at least thirty-five million dollars for the entire term of the credit, or remain located in a foreign trade zone for the entire term of the credit;

   (b) If the taxpayer is engaged at the project site primarily as a manufacturer, a requirement that the taxpayer maintain at least the number of full-time equivalent employees specified in the agreement pursuant to division (E)(1) of this section at the project site and within this state for the entire term of the
(5) A requirement that the taxpayer annually report to the director of development full-time equivalent employees, Ohio employee payroll, capital investment, and other information the director needs to perform the director's duties under this section.

(6) A requirement that the director of development annually review the annual reports of the taxpayer to verify the information reported under division (E)(5) of this section and compliance with the agreement. Upon verification, the director shall issue a certificate to the taxpayer stating that the information has been verified and identifying the amount of the credit for the taxable year or calendar year that includes the tax period. In determining the number of full-time equivalent employees, no position shall be counted that is filled by an employee who is included in the calculation of a tax credit under section 122.17 of the Revised Code.

(7) A provision providing that the taxpayer may not relocate a substantial number of employment positions from elsewhere in this state to the project site unless the director of development determines that the taxpayer notified the legislative authority of the county, township, or municipal corporation from which the employment positions would be relocated.

For purposes of this section, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position unless the movement is confined to the project site. The transfer of an employment position from one political subdivision to another political subdivision shall not be considered a relocation of an employment position if the employment position in the first political subdivision is replaced by another employment position.
(8) A waiver by the taxpayer of any limitations periods relating to assessments or adjustments resulting from the taxpayer's failure to comply with the agreement.

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

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

(H) A taxpayer claiming a tax credit under this section shall submit to the tax commissioner or, in the case of an insurance company, to the superintendent of insurance, a copy of the director of development's certificate of verification under division (E)(6) of this section with the taxpayer's tax report or return for the taxable year or for the calendar year that includes the tax period. Failure to submit a copy of the certificate with the report or return does not invalidate a claim for a credit if
the taxpayer submits a copy of the certificate to the commissioner or superintendent within the time prescribed by section 5703.0510 of the Revised Code or within thirty days after the commissioner or superintendent requests it.

   (I) For the purposes of this section, a taxpayer may include a partnership, a corporation that has made an election under subchapter S of chapter one of subtitle A of the Internal Revenue Code, or any other business entity through which income flows as a distributive share to its owners. A partnership, S-corporation, or other such business entity may elect to pass the credit received under this section through to the persons to whom the income or profit of the partnership, S-corporation, or other entity is distributed. The election shall be made on the annual report required under division (E)(5) of this section. The election applies to and is irrevocable for the credit for which the report is submitted. If the election is made, the credit shall be apportioned among those persons in the same proportions as those in which the income or profit is distributed.

   (J)(1) If the director of development determines that a taxpayer that received a certificate under division (E)(6) of this section is not complying with the requirements of the agreement, the director shall notify the tax credit authority of the noncompliance. After receiving such a notice, and after giving the taxpayer an opportunity to explain the noncompliance, the authority may terminate the agreement and require the taxpayer, or any related member or members that claimed the tax credit under division (N) of this section, to refund to the state all or a portion of the credit claimed in previous years, as follows:

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

      (i) If the taxpayer maintained operations at the project site
for less than or equal to the term of the credit, an amount not to exceed one hundred per cent of the sum of any tax credits allowed and received under this section.

(ii) If the taxpayer maintained operations at the project site longer than the term of the credit, but less than the greater of seven years or the term of the credit plus three years, the amount required to be refunded shall not exceed seventy-five per cent of the sum of any tax credits allowed and received under this section.

(b) If the taxpayer fails to substantially satisfy the employment, payroll, or location requirements required under the agreement, as prescribed under division (E)(4)(a) or (b), as applicable to the taxpayer, at any time during the term of the agreement or during the post-term reporting period, an amount determined at the discretion of the authority.

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

(3) In determining the portion of the credit to be refunded to this state, the authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or the superintendent of insurance. If the taxpayer, or any related member or members who claimed the tax credit under division (N) of this section, is not an insurance company, the commissioner shall make an assessment for that amount against the taxpayer under Chapter 5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the taxpayer, or any related member or members that claimed the tax credit under
division (N) of this section, is an insurance company, the superintendent of insurance shall make an assessment under section 5725.222 or 5729.102 of the Revised Code. The time limitations on assessments under those chapters and sections do not apply to an assessment under this division, but the commissioner or superintendent shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded. Within ninety days after certifying the amount to be refunded, if circumstances have changed, the authority may adjust the amount to be refunded and certify the adjusted amount to the commissioner or superintendent. The authority may only adjust the amount to be refunded one time and only if the amount initially certified by the authority has not been repaid, in whole or in part, by the taxpayer or certified to the attorney general for collection under section 131.02 of the Revised Code.

(K) The director of development, after consultation with the tax commissioner and the superintendent of insurance and in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement this section. The rules may provide for recipients of tax credits under this section to be charged fees to cover administrative costs of the tax credit program. The fees collected shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code. At the time the director gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director shall submit copies of the proposed rules to the chairpersons of the standing committees on economic development in the senate and the house of representatives.

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

(M) The aggregate amount of nonrefundable tax credits issued under this section during any calendar year for capital investment projects reviewed and approved by the tax credit authority may not exceed the following amounts:

1. For 2010, thirteen million dollars;
2. For 2011 through 2023, the amount of the limit for the preceding calendar year plus thirteen million dollars;
3. For 2024 and each year thereafter, one hundred ninety-five million dollars.

The limitations in division (M) of this section do not apply to credits for capital investment projects approved by the tax credit authority before July 1, 2009.

(N) This division applies only to an eligible business that is part of an affiliated group that includes a diversified savings and loan holding company or a grandfathered unitary savings and loan holding company, as those terms are defined in section 5726.01 of the Revised Code. Notwithstanding any contrary provision of the agreement between such an eligible business and the tax credit authority, any credit granted under this section against the tax imposed by section 5725.18, 5729.03, 5733.06, 5747.02, or 5751.02 of the Revised Code to the eligible business, at the election of the eligible business and without any action by the tax credit authority, may be shared with any member or members of the affiliated group that includes the eligible business, which member or members may claim the credit against the taxes imposed.
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02
of the Revised Code. Credits shall be claimed by the eligible
business in sequential order, as applicable, first claiming the
credits to the fullest extent possible against the tax that the
certificate holder is subject to, then against the tax imposed by,
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and
lastly 5726.02 of the Revised Code. The credits may be allocated
among the members of the affiliated group in such manner as the
eligible business elects, but subject to the sequential order
required under this division. This division applies to credits
granted before, on, or after March 27, 2013, the effective date of
H.B. 510 of the 129th general assembly. Credits granted before
that effective date that are shared and allocated under this
division may be claimed in those calendar years in which the
remaining taxable years specified in the agreement end.

As used in this division, "affiliated group" means a group of
two or more persons with fifty per cent or greater of the value of
each person's ownership interests owned or controlled directly,
indirectly, or constructively through related interests by common
owners during all or any portion of the taxable year, and the
common owners. "Affiliated group" includes, but is not limited to,
any person eligible to be included in a consolidated elected
taxpayer group under section 5751.011 of the Revised Code or a
combined taxpayer group under section 5751.012 of the Revised
Code.

(O)(1) As used in division (O) of this section:

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

(b) "Reporting period" means a period corresponding to the
annual report required under division (E)(5) of this section.
(c) "Income tax revenue" has the same meaning as under division (S) of section 122.17 of the Revised Code.

(2) In calendar year 2016 and thereafter, the tax credit authority shall annually determine a withholding adjustment factor to be used in the computation of income tax revenue for eligible agreements. The withholding adjustment factor shall be a numerical percentage that equals the percentage that employer income tax withholding rates have been increased or decreased as a result of changes in the income tax rates prescribed by section 5747.02 of the Revised Code by amendment of that section taking effect on or after June 29, 2013.

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

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

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

(4) Division (O)(3) of this section shall not apply unless all of the following apply with respect to the eligible agreement:

(a) If applicable, the taxpayer has achieved one hundred percent of the job retention commitment identified in the agreement.

(b) If applicable, the taxpayer has achieved one hundred percent of the payroll retention commitment identified in the
agreement."

(c) If applicable, the taxpayer has achieved one hundred percent of the investment commitment identified in the agreement.

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

Sec. 122.1710. (A) As used in this section:

(1) "Low-income individual" has the same meaning as "low-income person" in section 122.66 of the Revised Code.

(2) "Microcredential" has the same meaning as in section 122.178 of the Revised Code.

(3) "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code.

(4) "Partially unemployed" and "totally unemployed" have the same meanings as in section 4141.01 of the Revised Code.

(5) "Training provider" means all of the following:

(a) A state institution of higher education as defined in section 3345.011 of the Revised Code;

(b) An Ohio technical center as defined in section 3333.94 of the Revised Code;

(c) A private business or institution that offers training to allow an individual to earn one or more microcredentials.

(B) There is hereby created the individual microcredential assistance program to reimburse training providers for training costs for individuals to earn a microcredential. The department of development services agency, in consultation with the governor's office of workforce transformation, shall administer the program.
(C) A training provider seeking to participate in the program shall submit an application to the director of development services. The training provider shall include in the application all of the following information:

1. The number of microcredentials the training provider will seek a reimbursement for and the names of the microcredentials;
2. The cost of the training for each microcredential;
3. The total amount of the reimbursement the training provider will seek;
4. The training provider's plan to provide opportunities for individuals who are low income, partially unemployed, or totally unemployed to participate in a training program and receive a microcredential;
5. Any other information the director requires.

(D)(1) The director shall consider the following factors in determining whether to approve an application submitted under division (C) of this section:

a. The duration of the training program;
b. The cost of the training;
c. Whether approving an application will promote regional diversity in apportioning reimbursements uniformly across the state;
d. The training provider's commitment to providing opportunities for individuals who are low income, partially unemployed, or totally unemployed to participate in a training program and receive a microcredential.

(2) In determining regional diversity under division (D)(1)(c) of this section, the director shall use the regions established under division (G) of section 122.178 of the Revised Code.
(3) The director shall not approve an application submitted under this section if either of the following apply:

(a) The microcredentials identified in the application are not included in the list the chancellor of higher education establishes under section 122.178 of the Revised Code.

(b) The training provider has violated Chapter 4111. of the Revised Code within the four fiscal years immediately preceding the date of application.

(4) The director shall notify a training provider in writing of the director's decision to approve or deny the training provider's application to participate in the program.

(E) A participating training provider shall not charge an individual participating in a training program to earn a microcredential for which the training provider is seeking a reimbursement for either of the following:

(1) Any costs associated with the individual's participation in the training program;

(2) Any costs to the training provider resulting from an individual not completing the training program.

(F)(1) Each participating training provider seeking reimbursement for training costs for one or more microcredentials earned by one or more individuals in a training program shall submit an application to the director after the individual or individuals have earned a microcredential. The training provider shall include in the reimbursement application all of the following information:

(a) The actual cost for the training provider to provide each individual with the training;

(b) Evidence that each individual earned a microcredential;

(c) Any demographic information of each individual that the
individual provides to the training provider, including race and gender.

(2) The amount of the reimbursement shall be not more than three thousand dollars for each microcredential an individual receives. A participating training provider may not receive a reimbursement for any additional individual who earns a microcredential beyond the number of microcredentials included in the application under division (C) of this section. A participating training provider may receive a total reimbursement of two hundred fifty thousand dollars in a fiscal year.

(3) A training provider may request that an individual participating in the training provider's program provide demographic information to the training provider, including race and gender. An individual is not required to provide that information.

(G) The director shall do both of the following regarding the operation of the program:

(1) Create an application to participate in the program and an application for reimbursement;

(2) Create and distribute a survey to each individual who successfully earned a microcredential because of a reimbursement to a training provider under this section inquiring as to the individual's occupation and wages at the time of completing the survey.

(H) The director shall include on the internet web site maintained by the development services agency department, and the governor's office of workforce transformation shall include on the office's internet web site and the OhioMeansJobs web site, all of the content created under division (G) of this section.

(I) The director may adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to
implement this section, including establishing priority guidelines for approving applications under division (D) of this section.

(J) Any personal information of an individual the director receives in connection with the individual microcredential assistance program created under this section is not a public record for purposes of section 149.43 of the Revised Code. However, the director may use the information as necessary to complete the reports required under section 122.1711 of the Revised Code.

Sec. 122.4017.  (A) The broadband expansion program authority shall award program grants under the Ohio residential broadband expansion grant program using funds from the Ohio residential broadband expansion grant program fund created in section 122.4037 of the Revised Code and other funds appropriated by the general assembly.

(B) If an appropriation for the program includes funds that are not state funds or if the director of development receives funds that are in the form of a gift, grant, or contribution to the broadband expansion grant program fund, the broadband expansion program authority shall award those funds as described in sections 122.40 to 122.4077 of the Revised Code, except as provided in division (C) of this section.

(C) If the use of the funds described in division (B) of this section is contingent upon meeting application, scoring, or other requirements that are different from program requirements under sections 122.40 to 122.4077 of the Revised Code, the department of development shall adopt the requirements and publish a description of the different requirements with the program application as required under section 122.4040 of the Revised Code.

Sec. 122.4037.  Any gift, grant, and contribution received by
the director of development for the Ohio residential broadband expansion grant program and any money collected under section 122.4036 of the Revised Code shall be deposited into the Ohio residential broadband expansion grant program fund, which is hereby created in the state treasury. All amounts in the fund, including interest earned on those amounts, shall be used by the department of development services agency exclusively for grants under sections 122.40 to 122.4077 of the Revised Code.

**Sec. 122.4040.** The department of development services agency, in consultation with the broadband expansion program authority, shall establish a weighted scoring system to evaluate and select applications for program grants. The scoring system shall be available on the agency's web site at least thirty days before the beginning of the application submission period set by the agency department by rule. A description of any differences in application, scoring system, or other program requirements adopted under division (C) of section 122.4017 of the Revised Code shall be available with the application on the department's web site at least thirty days before the beginning of the application submission period.

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

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

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

(C) "Financial institution" means any bank, credit union,
trust company, savings bank, or savings and loan association that
is chartered by and has a significant presence in the state, or
any national bank, federally chartered credit union, federal
savings and loan association, or federal savings bank that has a
significant presence in the state.

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

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

(F) "Participating financial institution" means a financial
institution that has a valid, current participation agreement with
the department of development.

(G) "Participation agreement" means the agreement between a
financial institution and the department under which a financial
institution may participate in the program.

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

(I) "Program" means the capital access loan program created
under section 122.602 of the Revised Code.
(J) "Program reserve account" means a dedicated account at each participating financial institution that is the property of the state and may be used by the participating financial institution only for the purpose of recovering a claim under section 122.604 of the Revised Code arising from a default on a loan made by the participating financial institution under the program.

Sec. 122.6511. (A) As used in this section and section 122.6512 of the Revised Code, "brownfield" and "remediation" have the same meanings as in section 122.65 of the Revised Code.

(B)(1) There is hereby created the brownfield remediation program to award grants for the remediation of brownfield sites throughout Ohio. The program shall be administered by the director of development pursuant to this section and rules adopted pursuant to division (B)(2) of this section.

(2) The director shall adopt rules, under Chapter 119. of the Revised Code, for the administration of the program. The rules shall include provisions for determining project and project sponsor eligibility, program administration, and any other provisions the director finds necessary.

(3) The director shall ensure that the program is operational and accepting proposals for grants not later than ninety days after the effective date of this section September 30, 2021.

(C)(1) There is hereby created in the state treasury the brownfield remediation fund. The fund shall consist of moneys appropriated to it by the general assembly, and investment earnings on moneys in the fund shall be credited to the fund.

(2) The director shall reserve funds from each appropriation to the fund made in the first fiscal year from the biennial operating appropriations act to each county in the state.
The amount reserved shall be one million dollars per county, or, if an appropriation is less than eighty-eight million dollars, a proportionate amount to each county. Amounts reserved pursuant to this section are reserved for one calendar year from the date of the appropriation. After one calendar year, the funds shall be available pursuant to division (C)(3) of this section.

(3) Funds from an appropriation not reserved under division (C)(2) of this section shall be available for grants to projects located anywhere in the state, and grants from those funds shall be awarded to qualifying projects on a first-come, first-served basis. Grants awarded pursuant to this division shall be limited to seventy-five per cent of a project's total cost.

Sec. 122.6512. (A)(1) There is hereby created the building demolition and site revitalization program to award grants for the demolition of commercial and residential buildings and revitalization of surrounding properties on sites that are not brownfields. The program shall be administered by the director of development pursuant to this section and rules adopted pursuant to division (A)(2) of this section.

(2) The director shall adopt rules, under Chapter 119. of the Revised Code, for the administration of the program. The rules shall include provisions for determining project and project sponsor eligibility, program administration, and any other provisions the director finds necessary.

(3) The director shall ensure that the program is operational and accepting proposals for grants not later than ninety days after the effective date of this section September 30, 2021.

(B)(1) There is hereby created in the state treasury the building demolition and site revitalization fund. The fund shall consist of moneys appropriated to it by the general assembly, and investment earnings on moneys in the fund shall be credited to the
(2) The director shall reserve funds from each appropriation to the fund made in the first fiscal year from the biennial operating appropriations act to each county in the state. The amount reserved shall be five hundred thousand dollars per county, or, if an appropriation is less than forty-four million dollars, a proportionate amount to each county. Amounts reserved pursuant to this section are reserved for one calendar year from the date of the appropriation. After one calendar year, the funds shall be available pursuant to division (B)(3) of this section.

(3) Funds from an appropriation not reserved under division (B)(2) of this section shall be available for grants to projects located anywhere in the state, and grants from those funds shall be awarded to qualifying projects on a first-come, first-served basis. Grants awarded pursuant to this division shall be limited to seventy-five per cent of a project's total cost.

Sec. 122.85. (A) As used in this section and in sections 5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code:

(1) "Tax credit-eligible production" means a motion picture or broadway theatrical production certified by the director of development under division (B) of this section as qualifying the production company for a tax credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code.

(2) "Certificate owner" means a production company to which a tax credit certificate is issued.

(3) "Production company" means an individual, corporation, partnership, limited liability company, or other form of business association that is registered with the secretary of state and that is producing a motion picture or broadway theatrical production.
(4) "Eligible expenditures" means expenditures made after June 30, 2009, for goods or services purchased and consumed in this state by a production company directly for the production of a tax credit-eligible production, for postproduction activities, or for advertising and promotion of the production.

"Eligible expenditures" include expenditures for cast and crew wages, accommodations, costs of set construction and operations, editing and related services, photography, sound synchronization, lighting, wardrobe, makeup and accessories, film processing, transfer, sound mixing, special and visual effects, music, location fees, and the purchase or rental of facilities and equipment.

(5) "Motion picture" means entertainment content created in whole or in part within this state for distribution or exhibition to the general public, including, but not limited to, feature-length films; documentaries; long-form, specials, miniseries, series, and interstitial television programming; interactive web sites; sound recordings; videos; music videos; interactive television; interactive games; video games; commercials; any format of digital media; and any trailer, pilot, video teaser, or demo created primarily to stimulate the sale, marketing, promotion, or exploitation of future investment in either a product or a motion picture by any means and media in any digital media format, film, or videotape, provided the motion picture qualifies as a motion picture. "Motion picture" does not include any television program created primarily as news, weather, or financial market reports, a production featuring current events or sporting events, an awards show or other gala event, a production whose sole purpose is fundraising, a long-form production that primarily markets a product or service or in-house corporate advertising or other similar productions, a production for purposes of political advocacy, or any production for which
records are required to be maintained under 18 U.S.C. 2257 with respect to sexually explicit content.

(6) "Broadway theatrical production" means a prebroadway production, long run production, or tour launch that is directed, managed, and performed by a professional cast and crew and that is directly associated with New York city's broadway theater district.

(7) "Prebroadway production" means a live stage production that is scheduled for presentation in New York city's broadway theater district after the original or adaptive version is performed in a qualified production facility.

(8) "Long run production" means a live stage production that is scheduled to be performed at a qualified production facility for more than five weeks, with an average of at least six performances per week.

(9) "Tour launch" means a live stage production for which the activities comprising the technical period are conducted at a qualified production facility before a tour of the original or adaptive version of the production begins.

(10) "Qualified production facility" means a facility located in this state that is used in the development or presentation to the public of theater productions.

(B) For the purpose of encouraging and developing strong film and theater industries in this state, the director of development may certify a motion picture or broadway theatrical production produced by a production company as a tax credit-eligible production. In the case of a television series, the director may certify the production of each episode of the series as a separate tax credit-eligible production. A production company shall apply for certification of a motion picture or broadway theatrical production as a tax credit-eligible production on a form and in
the manner prescribed by the director. Each application shall include the following information:

1. The name and telephone number of the production company;
2. The name and telephone number of the company's contact person;
3. A list of the first preproduction date through the last production and postproduction dates in Ohio and, in the case of a broadway theatrical production, a list of each scheduled performance in a qualified production facility;
4. The Ohio production office or qualified production facility address and telephone number;
5. The total production budget;
6. The total budgeted eligible expenditures and the percentage that amount is of the total production budget of the motion picture or broadway theatrical production;
7. In the case of a motion picture, the total percentage of the production being shot in Ohio;
8. The level of employment of cast and crew who reside in Ohio;
9. A synopsis of the script;
10. In the case of a motion picture, the shooting script;
11. A creative elements list that includes the names of the principal cast and crew and the producer and director;
12. Documentation of financial ability to undertake and complete the motion picture or broadway theatrical production, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget;
13. Estimated value of the tax credit based upon total
budgeted eligible expenditures;

(14) Estimated amount of state and local taxes to be generated in this state from the production;

(15) Estimated economic impact of the production in this state;

(16) Any other information considered necessary by the director.

Within ninety days after certification of a motion picture or broadway theatrical production as a tax credit-eligible production, and any time thereafter upon the request of the director, the production company shall present to the director sufficient evidence of reviewable progress. If the production company fails to present sufficient evidence, the director may rescind the certification. If the production of a motion picture or broadway theatrical production does not begin within ninety days after the date it is certified as a tax credit-eligible production, the director shall rescind the certification unless the director finds that the production company shows good cause for the delay, meaning that the production was delayed due to unforeseeable circumstances beyond the production company's control or due to action or inaction by a government agency. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible production certification has been rescinded from submitting a subsequent application for certification.

(C)(1) A production company whose motion picture or broadway theatrical production has been certified as a tax credit-eligible production may apply to the director of development on or after July 1, 2009, for a refundable credit against the tax imposed by section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code.
The director in consultation with the tax commissioner shall prescribe the form and manner of the application and the information or documentation required to be submitted with the application.

The credit is determined as follows:

(a) If the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures as finally determined under division (D) of this section, whichever is least, is less than or equal to three hundred thousand dollars, no credit is allowed;

(b) If the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures as finally determined under division (D) of this section, whichever is least, is greater than three hundred thousand dollars, the credit equals thirty per cent of the least of such budgeted or actual eligible expenditure amounts.

(2) Except as provided in division (C)(4) of this section, if the director of development approves a production company's application for a credit, the director shall issue a tax credit certificate to the company. The director in consultation with the tax commissioner shall prescribe the form and manner of issuing certificates. The director shall assign a unique identifying number to each tax credit certificate and shall record the certificate in a register devised and maintained by the director for that purpose. The certificate shall state the amount of the eligible expenditures on which the credit is based and the amount of the credit. Upon the issuance of a certificate, the director shall certify to the tax commissioner the name of the production company to which the certificate was issued, the amount of eligible expenditures shown on the certificate, the amount of the credit, and any other information required by the rules adopted to administer this section.
(3) The amount of eligible expenditures for which a tax credit may be claimed is subject to inspection and examination by the tax commissioner or employees of the commissioner under section 5703.19 of the Revised Code and any other applicable law. Once the eligible expenditures are finally determined under section 5703.19 of the Revised Code and division (D) of this section, the credit amount is not subject to adjustment unless the director determines an error was committed in the computation of the credit amount.

(4) No tax credit certificate may be issued before the completion of the tax credit-eligible production. Not more than forty seventy-five million dollars of tax credit may be allowed per fiscal year provided that, for any fiscal year in which the amount of tax credits allowed under this section is less than that maximum annual amount, the amount not allowed for that fiscal year shall be added to the maximum annual amount that may be allowed for the following fiscal year.

(5) The director shall review and approve applications for tax credits in two rounds each fiscal year. The first round of credits shall be awarded not later than the last day of July of the fiscal year, and the second round of credits shall be awarded not later than the last day of the ensuing January. The amount of credits awarded in the first round of applications each fiscal year shall not exceed twenty thirty-seven and one-half million dollars plus any credit allotment that was not awarded in the preceding fiscal year and carried over under division (C)(4) of this section. For each round, the director shall rank applications on the basis of the extent of positive economic impact each tax credit-eligible production is likely to have in this state and the effect on developing a permanent workforce in motion picture or theatrical production industries in the state. For the purpose of such ranking, the director shall give priority to tax-credit
eligible productions that are television series or miniseries due to the long-term commitment typically associated with such productions. The economic impact ranking shall be based on the production company's total expenditures in this state directly associated with the tax credit-eligible production. The effect on developing a permanent workforce in the motion picture or theatrical production industries shall be evaluated first by the number of new jobs created and second by amount of payroll added with respect to employees in this state.

The director shall approve productions in the order of their ranking, from those with the greatest positive economic impact and workforce development effect to those with the least positive economic impact and workforce development effect.

(D) A production company whose motion picture or broadway theatrical production has been certified as a tax credit-eligible production shall engage, at the company's expense, an independent certified public accountant to examine the company's production, postproduction, and advertising and promotion expenditures to identify the expenditures that qualify as eligible expenditures. The certified public accountant shall issue a report to the company and to the director of development certifying the company's eligible expenditures and any other information required by the director. Upon receiving and examining the report, the director may disallow any expenditure the director determines is not an eligible expenditure. If the director disallows an expenditure, the director shall issue a written notice to the production company stating that the expenditure is disallowed and the reason for the disallowance. Upon examination of the report and disallowance of any expenditures, the director shall determine finally the lesser of the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures for the purpose of
computing the amount of the credit.

(E) No credit shall be allowed under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless the director has reviewed the report and made the determination prescribed by division (D) of this section.

(F) This state reserves the right to refuse the use of this state's name in the credits of any tax credit-eligible motion picture production or program of any broadway theatrical production.

(G)(1) The director of development in consultation with the tax commissioner shall adopt rules for the administration of this section, including rules setting forth and governing the criteria for determining whether a motion picture or broadway theatrical production is a tax credit-eligible production; activities that constitute the production or postproduction of a motion picture or broadway theatrical production; reporting sufficient evidence of reviewable progress; expenditures that qualify as eligible expenditures; a schedule and deadlines for applications to be submitted and reviewed; a competitive process for approving credits based on likely economic impact in this state and development of a permanent workforce in motion picture or theatrical production industries in this state; consideration of geographic distribution of credits; and implementation of the program described in division (H) of this section. The rules shall be adopted under Chapter 119. of the Revised Code.

(2) To cover the administrative costs of the program, the director shall require each applicant to pay an application fee equal to the lesser of ten thousand dollars or one per cent of the estimated value of the tax credit as stated in the application. The fees collected shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code. All grants, gifts, fees, and contributions made to the director for
marketing and promotion of the motion picture industry within this state shall also be credited to the fund.

(H) The director of development shall establish a program for the training of Ohio residents who are or wish to be employed in the film or multimedia industry. Under the program, the director shall:

(1) Certify individuals as film and multimedia trainees. In order to receive such a certification, an individual must be an Ohio resident, have participated in relevant on-the-job training or have completed a relevant training course approved by the director, and have met any other requirements established by the director.

(2) Accept applications from production companies that intend to hire and provide on-the-job training to one or more certified film and multimedia trainees who will be employed in the company's tax credit-eligible production.

(3) Upon completion of a tax-credit eligible production, and upon the receipt of any salary information and other documentation required by the director, authorize a reimbursement payment to each production company whose application was approved under division (H)(2) of this section. The payment shall equal fifty percent of the salaries paid to film and multimedia trainees employed in the production.

Sec. 123.211. (A) Notwithstanding any contrary provision of section 123.21 of the Revised Code, the executive director of the Ohio facilities construction commission may authorize any of the following agencies to administer any capital facilities project, the estimated cost of which, including design fees, construction, equipment, and contingency amounts, is less than three million dollars:
(1) The department of mental health and addiction services;
(2) The department of developmental disabilities;
(3) The department of agriculture;
(4) The department of job and family services;
(5) The department of rehabilitation and correction;
(6) The department of youth services;
(7) The department of public safety;
(8) The department of transportation;
(9) The department of veterans services;
(10) The bureau of workers' compensation;
(11) The department of administrative services;
(12) The state school for the deaf;
(13) The state school for the blind. Ohio deaf and blind
education services.

(B) A state agency that wishes to administer a project under
division (A) of this section shall submit a request for
authorization through the Ohio administrative knowledge system
capital improvements application. Upon the release of funds for
the projects by the controlling board or the director of budget
and management, the agency may administer the capital project or
projects for which agency administration has been authorized
without the supervision, control, or approval of the executive
director of the Ohio facilities construction commission.

(C) A state agency authorized by the executive director of
the Ohio facilities construction commission to administer capital
facilities projects pursuant to this section shall comply with the
applicable procedures and guidelines established in Chapter 153.
of the Revised Code and shall track all project information in the
Ohio administrative knowledge system capital improvements
application pursuant to Ohio facilities construction commission guidelines.

Sec. 124.136. (A) As used in this section:

(1) "Fetal death" has the same meaning as in section 3705.01 of the Revised Code.

(2) "Stillborn" means that an infant of at least twenty weeks of gestation suffered a fetal death.

(B)(1) Each permanent full-time and permanent part-time employee paid in accordance with section 124.152 of the Revised Code and each employee listed in division (B)(2), (3), or (4) of section 124.14 of the Revised Code who works thirty or more hours per week, and who meets the requirement of division (B)(2)(a) of this section is eligible, upon the birth, stillbirth, or adoption of a child, for a parental leave of absence and parental leave benefits under this section. If the employee takes leave under this section for a stillbirth, the employee is ineligible for leave under section 124.387 of the Revised Code.

(2)(a) To be eligible for leave and benefits under this section, an employee must be one of the following:

(i) A parent, as listed on the birth certificate, of a newly born child;

(ii) A parent, as listed on the fetal death certificate, of a stillborn child;

(iii) A legal guardian of a newly adopted child who resides in the same household as that child.

(b) Employees may elect to receive five thousand dollars for adoption expenses in lieu of receiving the paid leave benefit provided under this section. Such payment may be requested upon placement of the child in the employee's home. If the child is already residing in the home, payment may be requested at the time
the adoption is approved.

(3) The average number of regular hours worked, which shall include all hours of holiday pay and other types of paid leave, during the three-month period immediately preceding the day parental leave of absence begins shall be used to determine eligibility and benefits under this section for part-time employees, but such benefits shall not exceed forty hours per week. If an employee has not worked for a three-month period, the number of hours for which the employee has been scheduled to work per week during the employee's period of employment shall be used to determine eligibility and benefits under this section.

(C) Parental leave granted under this section shall not exceed six twelve consecutive weeks, which shall include four weeks or one hundred sixty eighty hours of paid leave for permanent full-time employees and a prorated number of hours of paid leave for permanent part-time employees. Parental leave shall be taken within one year of the birth of the child, delivery of the stillborn child, or placement of the child for adoption. All employees granted parental leave shall serve a waiting period of fourteen days that begins on the day parental leave begins and during which they shall not receive paid leave under this section. Employees may choose to work during the waiting period. During the remaining four weeks of the leave period, employees shall receive paid leave equal to seventy per cent of their base rate of pay.

All of the following apply to employees granted parental leave:

(1) They remain eligible to receive all employer-paid benefits and continue to accrue all other forms of paid leave as if they were in active pay status.

(2) They are ineligible to receive overtime pay, and no portion of their parental leave shall be included in calculating their overtime pay.
(3) They are ineligible to receive holiday pay. A holiday occurring during the leave period shall be counted as one day of parental leave and be paid as such.

(D) Employees receiving parental leave may utilize available sick leave, personal leave, vacation leave, or compensatory time balances in order to be paid during the fourteen-day waiting period and to supplement the seventy per cent of their base rate of pay received during the remaining part of their parental leave period, in an amount sufficient to give them up to one hundred per cent of their pay for time on parental leave.

Use of parental leave does not affect an employee's eligibility for other forms of paid leave granted under this chapter and does not prohibit an employee from taking leave under the "Family and Medical Leave Act of 1993," 107 Stat. 6, 29 U.S.C.A. 2601, except that parental leave shall be included in any leave time provided under that act. An employee may not receive parental leave under this section after exhausting leave under the Family and Medical Leave Act of 1993 for the birth of the child, delivery of the stillborn child, or placement of the child for adoption.

(E) Employees receiving disability leave benefits under section 124.385 of the Revised Code prior to becoming eligible for parental leave shall continue to receive disability leave benefits for the duration of their disabling condition or as otherwise provided under the disability leave benefits program. If an employee is receiving disability leave benefits because of pregnancy and these benefits expire prior to the expiration date of any benefits the employee would have been entitled to receive under this section, the employee shall receive parental leave for such additional time without being required to serve an additional waiting period if the parental leave is contiguous to the disability leave.
Sec. 124.14. (A)(1) The director of administrative services shall establish, and may modify or rescind, a job classification plan for all positions, offices, and employments in the service of the state. The director shall group jobs within a classification so that the positions are similar enough in duties and responsibilities to be described by the same title, to have the same pay assigned with equity, and to have the same qualifications for selection applied. The director shall assign a classification title to each classification within the classification plan. However, the director shall consider in establishing classifications, including classifications with parenthetical titles, and assigning pay ranges such factors as duties performed only on one shift, special skills in short supply in the labor market, recruitment problems, separation rates, comparative salary rates, the amount of training required, and other conditions affecting employment. The director shall describe the duties and responsibilities of the class, establish the qualifications for being employed in each position in the class, and file with the secretary of state a copy of specifications for all of the classifications. The director shall file new, additional, or revised specifications with the secretary of state before they are used.

The director shall assign each classification, either on a statewide basis or in particular counties or state institutions, to a pay range established under section 124.15 or section 124.152 of the Revised Code. The director may assign a classification to a pay range on a temporary basis for a period of six months. The director may establish experimental classification plans for some or all employees paid directly by warrant of the director of budget and management. Any such experimental classification plan shall include specifications for each classification within the plan and shall specifically address compensation ranges, and
methods for advancing within the ranges, for the classifications, which may be assigned to pay ranges other than the pay ranges established under section 124.15 or 124.152 of the Revised Code.

(2) The director of administrative services may reassign to a proper classification those positions that have been assigned to an improper classification. If the compensation of an employee in such a reassigned position exceeds the maximum rate of pay for the employee's new classification, the employee shall be placed in pay step X and shall not receive an increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(3) The director may reassign an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the director determines that the bargaining unit classification is the proper classification for that employee. Notwithstanding Chapter 4117. of the Revised Code or instruments and contracts negotiated under it, these placements are at the director's discretion.

(4) The director shall assign related classifications, which form a career progression, to a classification series. The director shall assign each classification in the classification plan a five-digit number, the first four digits of which shall denote the classification series to which the classification is assigned. When a career progression encompasses more than ten classifications, the director shall identify the additional classifications belonging to a classification series. The additional classifications shall be part of the classification series, notwithstanding the fact that the first four digits of the number assigned to the additional classifications do not correspond to the first four digits of the numbers assigned to other classifications in the classification series.

(B) Division (A) of this section and sections 124.15 and
124.152 of the Revised Code do not apply to the following persons, positions, offices, and employments:

(1) Elected officials;

(2) Legislative employees, employees of the legislative service commission, employees in the office of the governor, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, and employees of the supreme court;

(3) Any position for which the authority to determine compensation is given by law to another individual or entity;

(4) Employees of the bureau of workers' compensation whose compensation the administrator of workers' compensation establishes under division (B) of section 4121.121 of the Revised Code.

(C) The director may employ a consulting agency to aid and assist the director in carrying out this section.

(D)(1) When the director proposes to modify a classification or the assignment of classes to appropriate pay ranges, the director shall notify the appointing authorities of the affected employees before implementing the modification. The director's notice shall include the effective date of the modification. The appointing authorities shall notify the affected employees regarding the modification.

(2) When the director proposes to reclassify any employee in the service of the state so that the employee is adversely affected, the director shall give to the employee affected and to the employee's appointing authority a written notice setting forth the proposed new classification, pay range, and salary. Upon the request of any classified employee in the service of the state who is not serving in a probationary period, the director shall
perform a job audit to review the classification of the employee's position to determine whether the position is properly classified. The director shall give to the employee affected and to the employee's appointing authority a written notice of the director's determination whether or not to reclassify the position or to reassign the employee to another classification. An employee or appointing authority desiring a hearing shall file a written request for the hearing with the state personnel board of review within thirty days after receiving the notice. The board shall set the matter for a hearing and notify the employee and appointing authority of the time and place of the hearing. The employee, the appointing authority, or any authorized representative of the employee who wishes to submit facts for the consideration of the board shall be afforded reasonable opportunity to do so. After the hearing, the board shall consider anew the reclassification and may order the reclassification of the employee and require the director to assign the employee to such appropriate classification as the facts and evidence warrant. As provided in division (A)(1) of section 124.03 of the Revised Code, the board may determine the most appropriate classification for the position of any employee coming before the board, with or without a job audit. The board shall disallow any reclassification or reassignment classification of any employee when it finds that changes have been made in the duties and responsibilities of any particular employee for political, religious, or other unjust reasons.

(E)(1) Employees of each county department of job and family services shall be paid a salary or wage established by the board of county commissioners. The provisions of section 124.18 of the Revised Code concerning the standard work week apply to employees of county departments of job and family services. A board of county commissioners may do either of the following:

(a) Notwithstanding any other section of the Revised Code,
supplement the sick leave, vacation leave, personal leave, and 
other benefits of any employee of the county department of job and 
family services of that county, if the employee is eligible for 
the supplement under a written policy providing for the 
supplement; 

(b) Notwithstanding any other section of the Revised Code, 
establish alternative schedules of sick leave, vacation leave, 
personal leave, or other benefits for employees not inconsistent 
with the provisions of a collective bargaining agreement covering 
the affected employees.

(2) Division (E)(1) of this section does not apply to 
employees for whom the state employment relations board 
establishes appropriate bargaining units pursuant to section 
4117.06 of the Revised Code, except in either of the following 
situations:

(a) The employees for whom the state employment relations 
board establishes appropriate bargaining units elect no 
representative in a board-conducted representation election.

(b) After the state employment relations board establishes 
appropriate bargaining units for such employees, all employee 
organizations withdraw from a representation election.

(F)(1) Notwithstanding any contrary provision of sections 
124.01 to 124.64 of the Revised Code, the board of trustees of 
each state university or college, as defined in section 3345.12 of 
the Revised Code, shall carry out all matters of governance 
involving the officers and employees of the university or college, 
including, but not limited to, the powers, duties, and functions 
of the department of administrative services and the director of 
administrative services specified in this chapter. Officers and 
employees of a state university or college shall have the right of 
appeal to the state personnel board of review as provided in this
chapter.

(2) Each board of trustees shall adopt rules under section 111.15 of the Revised Code to carry out the matters of governance described in division (F)(1) of this section. Until the board of trustees adopts those rules, a state university or college shall continue to operate pursuant to the applicable rules adopted by the director of administrative services under this chapter.

(G)(1) Each board of county commissioners may, by a resolution adopted by a majority of its members, establish a county personnel department to exercise the powers, duties, and functions specified in division (G) of this section. As used in division (G) of this section, "county personnel department" means a county personnel department established by a board of county commissioners under division (G)(1) of this section.

(2)(a) Each board of county commissioners, by a resolution adopted by a majority of its members, may designate the county personnel department of the county to exercise the powers, duties, and functions specified in sections 124.01 to 124.64 and Chapter 325. of the Revised Code with regard to employees in the service of the county, except for the powers and duties of the state personnel board of review, which powers and duties shall not be construed as having been modified or diminished in any manner by division (G)(2) of this section, with respect to the employees for whom the board of county commissioners is the appointing authority or co-appointing authority.

(b) Nothing in division (G)(2) of this section shall be construed to limit the right of any employee who possesses the right of appeal to the state personnel board of review to continue to possess that right of appeal.

(c) Any board of county commissioners that has established a county personnel department may contract with the department of
administrative services, in accordance with division (H) of this section, another political subdivision, or an appropriate public or private entity to provide competitive testing services or other appropriate services.

(3) After the county personnel department of a county has been established as described in division (G)(2) of this section, any elected official, board, agency, or other appointing authority of that county, upon written notification to the county personnel department, may elect to use the services and facilities of the county personnel department. Upon receipt of the notification by the county personnel department, the county personnel department shall exercise the powers, duties, and functions as described in division (G)(2) of this section with respect to the employees of that elected official, board, agency, or other appointing authority.

(4) Each board of county commissioners, by a resolution adopted by a majority of its members, may disband the county personnel department.

(5) Any elected official, board, agency, or appointing authority of a county may end its involvement with a county personnel department upon actual receipt by the department of a certified copy of the notification that contains the decision to no longer participate.

(6) A county personnel department, in carrying out its duties, shall adhere to merit system principles with regard to employees of county departments of job and family services, child support enforcement agencies, and public child welfare agencies so that there is no threatened loss of federal funding for these agencies, and the county is financially liable to the state for any loss of federal funds due to the action or inaction of the county personnel department.
(H) County agencies may contract with the department of administrative services for any human resources services, including, but not limited to, establishment and modification of job classification plans, competitive testing services, and periodic audits and reviews of the county's uniform application of the powers, duties, and functions specified in sections 124.01 to 124.64 and Chapter 325. of the Revised Code with regard to employees in the service of the county. Nothing in this division modifies the powers and duties of the state personnel board of review with respect to employees in the service of the county. Nothing in this division limits the right of any employee who possesses the right of appeal to the state personnel board of review to continue to possess that right of appeal.

(I) The director of administrative services shall establish the rate and method of compensation for all employees who are paid directly by warrant of the director of budget and management and who are serving in positions that the director of administrative services has determined impracticable to include in the state job classification plan. This division does not apply to elected officials, legislative employees, employees of the legislative service commission, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, employees of the courts, employees of the bureau of workers' compensation whose compensation the administrator of workers' compensation establishes under division (B) of section 4121.121 of the Revised Code, or employees of an appointing authority authorized by law to fix the compensation of those employees.

(J) The director of administrative services shall set the rate of compensation for all intermittent, seasonal, temporary, emergency, and casual employees in the service of the state who...
are not considered public employees under section 4117.01 of the Revised Code. Those employees are not entitled to receive employee benefits, unless otherwise required by law. This rate of compensation shall be equitable in terms of the rate of employees serving in the same or similar classifications. This division does not apply to elected officials, legislative employees, employees of the legislative service commission, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, employees of the courts, employees of the bureau of workers' compensation whose compensation the administrator establishes under division (B) of section 4121.121 of the Revised Code, or employees of an appointing authority authorized by law to fix the compensation of those employees.

**Sec. 124.15.** (A) Board and commission members appointed prior to July 1, 1991, shall be paid a salary or wage in accordance with the following schedules of rates:

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<th>Schedule B</th>
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Step 5  Step 6  Step 7  Step 8  
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Schedule C

Pay Range and Values

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(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis.

(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this
section or in section 124.152 of the Revised Code.

(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority that appoints employees in the service of the state, with the approval of the director of administrative services and the director of budget and management, may establish payments to employees for uniforms, tools, equipment, and other requirements of the department and payments for the maintenance of them.

The director of administrative services may review collective bargaining agreements entered into under Chapter 4117. of the Revised Code that cover employees in the service of the state and determine whether certain benefits or payments provided to the employees covered by those agreements should also be provided to employees in the service of the state who are exempt from collective bargaining coverage and are paid in accordance with section 124.152 of the Revised Code or are listed in division (B)(2) or (4) of section 124.14 of the Revised Code. On completing the review, the director of administrative services, with the approval of the director of budget and management, may provide to some or all of these employees any payment or benefit, except for salary, contained in such a collective bargaining agreement even if it is similar to a payment or benefit already provided by law to some or all of these employees. Any payment or benefit so provided shall be paid, in whole or in part, by the appointing authority.
provided shall not exceed the highest level for that payment or benefit specified in such a collective bargaining agreement. The director of administrative services shall not provide, and the director of budget and management shall not approve, any payment or benefit to such an employee under this division unless the payment or benefit is provided pursuant to a collective bargaining agreement to a state employee who is in a position with similar duties as, is supervised by, or is employed by the same appointing authority as, the employee to whom the benefit or payment is to be provided.

As used in this division, "payment or benefit already provided by law" includes, but is not limited to, bereavement, personal, vacation, administrative, and sick leave, disability benefits, holiday pay, and pay supplements provided under the Revised Code, but does not include wages or salary.

(E) New employees paid in accordance with schedule B of division (A) of this section or schedule E-1 of section 124.152 of the Revised Code shall be employed at the minimum rate established for the range unless otherwise provided. Employees with qualifications that are beyond the minimum normally required for the position and that are determined by the director to be exceptional may be employed in, or may be transferred or promoted to, a position at an advanced step of the range. Further, in time of a serious labor market condition when it is relatively impossible to recruit employees at the minimum rate for a particular classification, the entrance rate may be set at an advanced step in the range by the director of administrative services. This rate may be limited to geographical regions of the state. Appointments made to an advanced step under the provision regarding exceptional qualifications shall not affect the step assignment of employees already serving. However, anytime the hiring rate of an entire classification is advanced to a higher
step, all incumbents of that classification being paid at a step lower than that being used for hiring, shall be advanced beginning at the start of the first pay period thereafter to the new hiring rate, and any time accrued at the lower step will be used to calculate advancement to a succeeding step. If the hiring rate of a classification is increased for only a geographical region of the state, only incumbents who work in that geographical region shall be advanced to a higher step. When an employee in the unclassified service changes from one state position to another or is appointed to a position in the classified service, or if an employee in the classified service is appointed to a position in the unclassified service, the employee's salary or wage in the new position shall be determined in the same manner as if the employee were an employee in the classified service. When an employee in the unclassified service who is not eligible for step increases is appointed to a classification in the classified service under which step increases are provided, future step increases shall be based on the date on which the employee last received a pay increase. If the employee has not received an increase during the previous year, the date of the appointment to the classified service shall be used to determine the employee's annual step advancement eligibility date. In reassigning any employee to a classification resulting in a pay range increase or to a new pay range as a result of a promotion, an increase pay range adjustment, or other classification change resulting in a pay range increase, the director shall assign such employee to the step in the new pay range that will provide an increase of approximately four per cent if the new pay range can accommodate the increase. When an employee is being assigned to a classification or new pay range as the result of a class plan change, if the employee has completed a probationary period, the employee shall be placed in a step no lower than step two of the new pay range. If the employee has not completed a probationary
period, the employee may be placed in step one of the new pay
range. Such new salary or wage shall become effective on such date
as the director determines.

(F) If employment conditions and the urgency of the work
require such action, the director of administrative services may,
upon the application of a department head, authorize payment at
any rate established within the range for the class of work, for
work of a casual or intermittent nature or on a project basis.
Payment at such rates shall not be made to the same individual for
more than three calendar months in any one calendar year. Any such
action shall be subject to the approval of the director of budget
and management as to the availability of funds. This section and
sections 124.14 and 124.152 of the Revised Code do not repeal any
authority of any department or public official to contract with or
fix the compensation of professional persons who may be employed
temporarily for work of a casual nature or for work on a project
basis.

(G)(1) Except as provided in divisions (G)(2) and (3) of this
section, each state employee paid in accordance with schedule B of
this section or schedule E-1 of section 124.152 of the Revised
Code shall be eligible for advancement to succeeding steps in the
range for the employee's class or grade according to the schedule
established in this division. Beginning on the first day of the
pay period within which the employee completes the prescribed
probationary period in the employee's classification with the
state, each employee shall receive an automatic salary adjustment
equivalent to the next higher step within the pay range for the
employee's class or grade.

Except as provided in divisions (G)(2) and (3) of this
section, each employee paid in accordance with schedule E-1 of
section 124.152 of the Revised Code shall be eligible to advance
to the next higher step until the employee reaches the top step in
the range for the employee's class or grade, if the employee has maintained satisfactory performance in accordance with criteria established by the employee's appointing authority. Those step advancements shall not occur more frequently than once in any twelve-month period.

When an employee is promoted, the step entry date shall be set to account for a probationary period. When an employee is reassigned to a higher pay range, the step entry date shall be set to allow an employee who is not at the highest step of the range to receive a step advancement one year from the reassignment date. Step advancement shall not be affected by demotion. A promoted employee shall advance to the next higher step of the pay range on the first day of the pay period in which the required probationary period is completed. Step advancement shall become effective at the beginning of the pay period within which the employee attains the necessary length of service. Time spent on authorized leave of absence shall be counted for this purpose.

If determined to be in the best interest of the state service, the director of administrative services may, either statewide or in selected agencies, adjust the dates on which annual step advancements are received by employees paid in accordance with schedule E-1 of section 124.152 of the Revised Code.

(2)(a) There shall be a moratorium on annual step advancements under division (G)(1) of this section beginning June 21, 2009, through June 20, 2011. Step advancements shall resume with the pay period beginning June 21, 2011. Upon the resumption of step advancements, there shall be no retroactive step advancements for the period the moratorium was in effect. The moratorium shall not affect an employee's performance evaluation schedule.

An employee who begins a probationary period before June 21,
2009, shall advance to the next step in the employee's pay range at the end of probation, and then become subject to the moratorium. An employee who is hired, promoted, or reassigned to a higher pay range between June 21, 2009, through June 20, 2011, shall not advance to the next step in the employee's pay range until the next anniversary of the employee's date of hire, promotion, or reassignment that occurs on or after June 21, 2011.

(b) The moratorium under division (G)(2)(a) of this section shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2009.

(3) Employees in intermittent positions shall be employed at the minimum rate established for the pay range for their classification and are not eligible for step advancements.

(H) Employees in appointive managerial or professional positions paid in accordance with schedule C of this section or schedule E-2 of section 124.152 of the Revised Code may be appointed at any rate within the appropriate pay range. This rate of pay may be adjusted higher or lower within the respective pay range at any time the appointing authority so desires as long as the adjustment is based on the employee's ability to successfully administer those duties assigned to the employee. Salary adjustments shall not be made more frequently than once in any six-month period under this provision to incumbents holding the same position and classification.

(I) When an employee is assigned to duty outside this state, the employee may be compensated, upon request of the department head and with the approval of the director of administrative
services, at a rate not to exceed fifty per cent in excess of the employee's current base rate for the period of time spent on that duty.

(J) Unless compensation for members of a board or commission is otherwise specifically provided by law, the director of administrative services shall establish the rate and method of payment for members of boards and commissions pursuant to the pay schedules listed in section 124.152 of the Revised Code.

(K) Regular full-time employees in positions assigned to classes within the instruction and education administration series under the job classification plans of the director of administrative services, except certificated employees on the instructional staff of the state school for the blind or the state school for the deaf Ohio deaf and blind education services, whose positions are scheduled to work on the basis of an academic year rather than a full calendar year, shall be paid according to the pay range assigned by the applicable job classification plan, but only during those pay periods included in the academic year of the school where the employee is located.

(1) Part-time or substitute teachers or those whose period of employment is other than the full academic year shall be compensated for the actual time worked at the rate established by this section.

(2) Employees governed by this division are exempt from sections 124.13 and 124.19 of the Revised Code.

(3) Length of service for the purpose of determining eligibility for step advancements as provided by division (G) of this section and for the purpose of determining eligibility for longevity pay supplements as provided by division (E) of section 124.181 of the Revised Code shall be computed on the basis of one full year of service for the completion of each academic year.
The superintendent of the state school for the deaf and the superintendent of the state school for the blind shall, subject to the approval of the superintendent of public instruction, carry out both of the following:

(1) Annually, between the first day of April and the last day of June, establish for the ensuing fiscal year a schedule of hourly rates for the compensation of each certificated employee on the instructional staff of Ohio deaf and blind education services constructed as follows:

(a) Determine for each level of training, experience, and other professional qualification for which an hourly rate is set forth in the current schedule, the per cent that rate is of the rate set forth in such schedule for a teacher with a bachelor's degree and no experience. If there is more than one such rate for such a teacher, the lowest rate shall be used to make the computation.

(b) Determine which six city, local, and exempted village school districts with territory in Franklin county have in effect, or have adopted by, the first day of April for the school year that begins on the ensuing first day of July, teacher salary schedules with the highest minimum salaries for a teacher with a bachelor's degree and no experience;

(c) Divide the sum of such six highest minimum salaries by ten thousand five hundred sixty;

(d) Multiply each per cent determined in division (L)(1)(a) of this section by the quotient obtained in division (L)(1)(c) of this section;

(e) One hundred five per cent of each product thus obtained shall be the hourly rate for the corresponding level of training, experience, or other professional qualification in the schedule.
for the ensuing fiscal year.

(2) Annually, assign each certificated employee on the instructional staff of the superintendent's respective school Ohio deaf and blind education services to an hourly rate on the schedule that is commensurate with the employee's training, experience, and other professional qualifications.

If an employee is employed on the basis of an academic year, the employee's annual salary shall be calculated by multiplying the employee's assigned hourly rate times one thousand seven hundred sixty. If an employee is not employed on the basis of an academic year, the employee's annual salary shall be calculated in accordance with the following formula:

(a) Multiply the number of days the employee is required to work pursuant to the employee's contract by eight;

(b) Multiply the product of division (L)(2)(a) of this section by the employee's assigned hourly rate.

Each employee shall be paid an annual salary in biweekly installments. The amount of each installment shall be calculated by dividing the employee's annual salary by the number of biweekly installments to be paid during the year.

Sections 124.13 and 124.19 of the Revised Code do not apply to an employee who is paid under this division.

As used in this division, "academic year" means the number of days in each school year that the state school for the deaf and the state school for the blind are required to be open for instruction with pupils in attendance. Upon completing an academic year, an employee paid under this division shall be deemed to have completed one year of service. An employee paid under this division is eligible to receive a pay supplement under division (L)(1), (2), or (3) of section 124.181 of the Revised Code for which the employee qualifies, but is not eligible to
receive a pay supplement under division (L)(4) or (5) of that section. An employee paid under this division is eligible to receive a pay supplement under division (L)(6) of section 124.181 of the Revised Code for which the employee qualifies, except that the supplement is not limited to a maximum of five per cent of the employee's regular base salary in a calendar year.

(M) Division (A) of this section does not apply to "exempt employees," as defined in section 124.152 of the Revised Code, who are paid under that section.

Notwithstanding any other provisions of this chapter, when an employee transfers between bargaining units or transfers out of or into a bargaining unit, the director of administrative services shall establish the employee's compensation and adjust the maximum leave accrual schedule as the director deems equitable.

Sec. 124.387. (A) As used in this section, "stillborn" has the same meaning as in section 124.136 of the Revised Code.

(B) Each full-time permanent and part-time permanent employee whose salary or wage is paid directly by warrant of the director of budget and management shall be granted three days of bereavement leave with pay upon due to the death of a member of the employee's immediate family.

(C) Except as provided in division (E) of this section, an employee described in division (B) of this section may use bereavement leave under this section when the employee is the parent of a miscarried or stillborn child. An employee using bereavement leave based on a miscarriage shall provide appropriate medical documentation of the miscarriage. An employee using bereavement leave based on a stillbirth shall provide a copy of the fetal death certificate.

(D) The bereavement leave described in this section begins...
within one of the following time periods:

(1) Not more than five calendar days after the immediate family member's death;

(2) Not more than five days before or five days after the date of the immediate family member's funeral.

(E) An employee who takes bereavement leave granted under this section on the basis of a stillbirth is ineligible for parental leave or benefits under section 124.136 of the Revised Code based on the same stillbirth.

(F) Compensation for bereavement leave shall be equal to the employee's base rate of pay.

Sec. 125.01. As used in this chapter:

(A) "Order" means a copy of a contract or a statement of the nature of a contemplated expenditure, a description of the property or supplies to be purchased or service to be performed, other than a service performed by officers and regular employees of the state, and per diem of the national guard, and the total sum of the expenditure to be made therefor, if the sum is fixed and ascertained, otherwise the estimated sum thereof, and an authorization to pay for the contemplated expenditure, signed by the person instructed and authorized to pay upon receipt of a proper invoice.

(B) "Invoice" means an itemized listing showing delivery of the supplies or performance of the service described in the order including all of the following:

(1) The date of the purchase or rendering of the service;

(2) An itemization of the things done, material supplied, or labor furnished;

(3) The sum due pursuant to the contract or obligation.
(C) "Products" means materials, manufacturer's supplies, merchandise, goods, wares, and foodstuffs.

(D) "Produced" means the manufacturing, processing, mining, developing, and making of a thing into a new article with a distinct character in use through the application of input, within the state or a state bordering Ohio, of Buy Ohio products, labor, skill, or other services. "Produced" does not include the mere assembling or putting together of non-Ohio products or materials from outside of Ohio or a state bordering Ohio.

(E) "Buy Ohio products" means products that are mined, excavated, produced, manufactured, raised, or grown in the state by a person or a state bordering Ohio where the input of Buy Ohio products, labor, skill, or other services constitutes no less than twenty-five per cent of the manufactured cost. With respect to mined products, such products shall be mined or excavated in this state or a state bordering Ohio.

(F) "Purchase" means to buy, rent, lease, lease purchase, or otherwise acquire supplies or services. "Purchase" also includes all functions that pertain to the obtaining of supplies or services, including description of requirements, selection and solicitation of sources, preparation and award of contracts, all phases of contract administration, and receipt and acceptance of the supplies and services and payment for them.

(G) "Services" means the furnishing of labor, time, or effort by a person, not involving the delivery of a specific end product other than a report which, if provided, is merely incidental to the required performance. "Services" does not include services furnished pursuant to employment agreements or collective bargaining agreements.

(H) "Supplies" means all property, including, but not limited to, equipment, materials, and other tangible assets, and
insurance, but excluding real property or an interest in real property.

(I) "Competitive selection" means any of the following procedures for making purchases:

(1) Competitive sealed bidding under section 125.07 of the Revised Code;

(2) Competitive sealed proposals under section 125.071 of the Revised Code;

(3) Reverse auctions under section 125.072 of the Revised Code;

(4) Electronic procurement under section 125.073 of the Revised Code.

(J) "Direct purchasing authority" means the authority of a state agency to make a purchase without competitive selection pursuant to sections 125.05 and 127.16 of the Revised Code.

Sec. 125.035. (A) Except as otherwise provided in the Revised Code, a state agency wanting to purchase supplies or services shall make the purchase subject to the requirements of an applicable first or second requisite procurement program described in this section, or obtain a determination from the department of administrative services that the purchase is not subject to a first or second requisite procurement program. State agencies shall submit a purchase request in a manner and form as prescribed by the department of administrative services unless the department has determined the request does not require a review. The director of administrative services shall adopt rules under Chapter 119. of the Revised Code to provide for the manner of carrying out the function and the power and duties imposed upon and vested in the director by this section.

(B) The following programs are first requisite procurement
programs that shall be given preference in the following order in fulfilling a purchase request:

(1) Ohio penal industries within the department of rehabilitation and correction; and

(2) Community rehabilitation programs administered by the department of administrative services under sections 125.601 to 125.6012 of the Revised Code.

(C) The following programs are second requisite procurement programs that may be able to fulfill the purchase request if the first requisite procurement programs are unable to do so:

(1) Business enterprise program at the opportunities for Ohioans with disabilities agency as prescribed in sections 3304.28 to 3304.33 of the Revised Code;

(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code;

(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code;

(4) Ohio pharmacy services at the department of mental health and addiction services as prescribed in section 5119.44 of the Revised Code;

(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and

(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency.

(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department
then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the applicable representative of the first and second requisite procurement programs shall review the request to determine whether the request can be fulfilled based on the products and services the requisite procurement program can provide. When the department representative has made its a determination, it the representative shall do one of the following:

(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite procurement program;

(2) Provide the agency with a waiver from the use of the applicable first requisite procurement programs under sections 125.609 or 5147.07 of the Revised Code; or

(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this section.

(E) In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide the requested purchase, the department shall direct the requesting agency to make the requested purchase from the appropriate second requisite procurement program. If the department has not received notification from a second requisite procurement program within two business days and the department has made the determination that the purchase is not subject to a second requisite procurement program, the department shall provide a waiver to the requesting
Within five business days after receipt of a request, the department applicable representative of the requisite procurement program shall notify the requesting agency of its determination and provide any waiver under divisions (D) or (E) of this section. If the department representative fails to respond within five business days or fails to provide an explanation for any further delay within that time, the requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division (F) of this section, division (F) of section 125.05, and section 127.16 of the Revised Code.

As provided in sections 125.02 and 125.05 of the Revised Code and subject to such rules as the director of administrative services may adopt, the department may issue a release and permit to the agency to secure supplies or services. A release and permit shall specify the supplies or services to which it applies, the time during which it is operative, and the reason for its issuance. A release and permit for telephone, other telecommunications, and computer services shall be provided in accordance with section 125.18 of the Revised Code and shall specify the type of services to be rendered, the number and type of hardware to be used, and may specify the amount of such services to be performed. No requesting agency shall proceed with such purchase until it has received an approved release and permit from the director of administrative services or the director's designee.

Sec. 125.041. (A) Nothing in sections 125.02, 125.04 to 125.08, 125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 of the Revised Code shall be construed as limiting the attorney general, auditor of state, secretary of state, or treasurer of
state in any of the following:

(1) Purchases for less than the dollar amounts for the purchase of supplies or services determined under section 125.05 of the Revised Code;

(2) Purchases that equal or exceed the dollar amounts for the purchase of supplies or services determined under section 125.05 of the Revised Code with the approval of the controlling board, if that approval is required by section 127.16 of the Revised Code;

(3) The final determination of the nature or quantity of any purchase of supplies or services under division (B) of section 125.02 or under division (G) of section 125.035 of the Revised Code;

(4) The final determination and disposal of excess and surplus supplies;

(5) The inventory of state property;

(6) The purchase of printing;

(7) Activities related to information technology development and use;

(8) The fleet management program.

(B) Nothing in this section shall be construed as preventing the attorney general, auditor of state, secretary of state, or treasurer of state from complying with or participating in any aspect of Chapter 125. of the Revised Code through the department of administrative services.

Sec. 125.05. Except as provided in division (D) or (E) of this section, no state agency shall purchase any supplies or services except as provided in divisions (A) to (C) of this section and section 127.16 of the Revised Code. When exercising direct purchasing authority the agency shall utilize a selection
process that complies with all applicable laws, rules, or regulations of the department of administrative services.

(A) A state agency may, without competitive selection, make any purchase of supplies or services that cost less than fifty thousand dollars after complying with divisions (A) to (E) of section 125.035 of the Revised Code. The agency may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines. The agency shall adopt written procedures consistent with the department's purchasing procedures and shall use those procedures when making purchases under this division.

Section 127.16 of the Revised Code does not apply to purchases made under this division.

(B) A state agency shall make purchases of supplies and services that cost fifty thousand dollars or more through the department of administrative services and the process provided in section 125.035 of the Revised Code, unless the department grants a waiver under division (D) or (E) of that section and a release and permit under division (G) of that section.

(C) An agency that has been granted a release and permit under division (G) of section 125.035 of the Revised Code to make a purchase may make the purchase without competitive selection if after making the purchase the cumulative purchase threshold as computed under division (E) of section 127.16 of the Revised Code would:

(1) Be exceeded and the controlling board approves the purchase;

(2) Not be exceeded and the department of administrative services approves the purchase.

(D) An agency that has been granted a release and permit under division (G) of section 125.035 of the Revised Code to make
a purchase may make the purchase by utilizing the electronic
procurement system established by the department of administrative
services under section 125.073 of the Revised Code. Such purchases
constitute a competitive selection through the department.

(E) If the department of education or the Ohio education
computer network determines that it can purchase software services
or supplies for specified school districts at a price less than
the price for which the districts could purchase the same software
services or supplies for themselves, the department or network
shall certify that fact to the department of administrative
services and, acting as an agent for the specified school
districts, shall make that purchase without following the
provisions in divisions (A) to (D) of this section.

(F) When the purchase cost of personal protective
equipment is less than fifty thousand dollars, a state agency
shall comply with divisions (A) to (E) of section 125.035 of the
Revised Code. If the purchase is not subject to the requirements
of an applicable first or second requisite procurement program,
the agency shall apply the same preferences in section 125.09 of
the Revised Code when making the purchase. As used in this
division, "personal protective equipment" means equipment worn to
minimize exposure to hazards that cause workplace injuries and
illnesses.

Sec. 125.071. (A) In accordance with rules the director of
administrative services shall adopt, the director may make
purchases by competitive sealed proposal whenever the director
determines that the use of competitive sealed bidding is not
possible or not advantageous to the state.

(B) Proposals shall be solicited through a request for
proposals. The request for proposals shall state the relative
importance of price and other evaluation factors. Notice of the
request for proposals shall be given in accordance with rules the
director shall adopt.

(C) Proposals shall be opened so as to avoid disclosure of
contents to competing offerors.

In order to ensure fair and impartial evaluation, proposals
and related documents submitted in response to a request for
proposals are not available for public inspection and copying
under section 149.43 of the Revised Code until after the award of
the contract.

(D) As provided in the request for proposals, and under rules
the director shall adopt, discussions may be conducted with
responsible offerors who submit proposals determined to be
reasonably susceptible of being selected for award for the purpose
of ensuring full understanding of, and responsiveness to,
solicitation requirements. Offerors shall be accorded fair and
equal treatment with respect to any opportunity for discussion
regarding any clarification, correction, or revision of proposals.
No disclosure of any information derived from proposals submitted
by competing offerors shall occur when discussions are conducted.

(E) Award may be made to the offeror offerors whose proposal
is proposals are determined to be the most advantageous to this
state, taking into consideration factors such as price and the
evaluation criteria set forth in the request for proposals. The
contract file shall contain the basis on which the award is made.

Sec. 125.073. (A) The department of administrative services
shall actively promote and accelerate the use of electronic
procurement, including reverse auctions as defined by section
125.072 of the Revised Code, by implementing the relevant
recommendations concerning electronic procurement from the "2000
Management Improvement Commission Report to the Governor" when
exercising its statutory powers.
Beginning July 1, 2004, the department shall annually on or before the first day of July report to the committees in each house of the general assembly dealing with finance indicating the effectiveness of electronic procurement.

Sec. 125.09. (A) Pursuant to sections 125.07, 125.071, and 125.072 of the Revised Code, the department of administrative services may prescribe such conditions under which competitive sealed bids, competitive sealed proposals, and bids in reverse auctions will be received and terms of the proposed purchase as it considers necessary; provided, that all such conditions and terms shall be reasonable and shall not unreasonably restrict competition, and bidders may bid and offerors may propose upon all or any item of the products, supplies, or services listed in such notice. Those bidders and offerors claiming the preference outlined in this chapter shall designate in their bid or offer either that whether the product or supply is produced or mined, excavated, produced, manufactured, raised, or grown in the United States and is either an a Buy Ohio product or that the product, supply, or service is provided by a bidder or offeror that qualifies as having a significant Ohio economic presence in the state or a state bordering Ohio, under the rules established by the director of administrative services; and whether the bidder or offeror is a certified veteran-friendly business enterprise under section 122.925 of the Revised Code.

(B) The department may require that each bidder or offeror provide sufficient information about the energy efficiency or energy usage of the bidder's or offeror's product, supply, or service.

(C) The director of administrative services shall, by rule adopted pursuant to Chapter 119. of the Revised Code, prescribe criteria and procedures for use by all state agencies in giving...
preference under this section as required by division (B) of section 125.11 of the Revised Code. The rules shall extend to:

(1) Criteria for determining that a product is produced or mined, excavated, produced, manufactured, raised, or grown in the United States rather than in another country or territory;

(2) Criteria for determining that a product is produced or mined in a Buy Ohio product;

(3) Information to be submitted by bidders or offerors as to the nature of a product and the location where it is produced or mined, excavated, produced, manufactured, raised, or grown;

(4) Criteria and procedures to be used by the director to qualify bidders or offerors located in states bordering Ohio who might otherwise be excluded from being awarded a contract by operation of this section and section 125.11 of the Revised Code. The criteria and procedures shall recognize the level and regularity of interstate commerce between Ohio and the border states and provide that the non-Ohio businesses may qualify for award of a contract as long as they are located in a state that imposes no greater restrictions than are contained in this section and section 125.11 of the Revised Code upon persons located in Ohio selling products or services to agencies of that state. The criteria and procedures shall also provide that a non-Ohio business shall not bid on a contract for state printing in this state if the business is located in a state that excludes Ohio businesses from bidding on state printing contracts in that state.

(5) Criteria and procedures to be used to qualify bidders and offerors whose manufactured products, except for mined products, are produced in other states or in North America, but the bidders or offerors have a significant Ohio economic presence in terms of the number of employees or capital investment a bidder or offeror has in this state. Bidders and offerors with a significant Ohio economic presence in terms of the number of employees or capital investment a bidder or offeror has in this state.
economic presence shall qualify for award of a contract on the 

same basis as if their products were produced in this state or as 

if the bidder or offeror was domiciled in this state.

(6) Criteria and procedures for the director to grant waivers 

of the requirements of division (B) of section 125.11 of the 

Revised Code on a contract-by-contract basis where compliance with 

those requirements would result in the state agency paying an 

excessive price for the product or acquiring a disproportionately 

inferior product not be in the best interest of the state or is 

otherwise prohibited;

(7) Criteria for applying a preference to bids and offers 

received from a certified veteran-friendly business enterprise;

(8) Such other requirements or procedures reasonably 

necessary to implement the system of preferences established 

pursuant to division (B) of section 125.11 of the Revised Code.

In adopting the rules required under this division, the 

director shall, to the maximum extent possible, conform to the 

requirements of the federal "Buy America American Act," 47 Stat. 

1520, (1933), 41 U.S.C.A. 10a-10d U.S.C. 8301-8305, as amended, 

and to the regulations adopted thereunder.

Sec. 125.10. (A) The department of administrative services 

may require that all competitive sealed bids, competitive sealed 

proposals, and bids received in a reverse auction be accompanied 

by a performance bond or other financial assurance acceptable to 

the director of administrative services, in the sum and with the 

sureties it prescribes, payable to the state, and conditioned that 

the person submitting the bid or proposal, if that person's bid or 

proposal is accepted, will faithfully execute the terms of the 

contract and promptly make deliveries of the supplies purchased.

(B) A sealed copy of each competitive sealed bid or
competitive sealed proposal shall be filed with the department prior to the time specified in the notice for opening of the bids or proposals. All competitive sealed bids and competitive sealed proposals shall be publicly opened in the office of standardized system of electronic procurement by the department at the time specified in the notice. A representative of the auditor of state shall be present at the opening of all competitive sealed bids and competitive sealed proposals, and shall certify the opening of each competitive sealed bid and competitive sealed proposal. No competitive sealed bid or competitive sealed proposal shall be considered valid unless it is so certified.

Sec. 125.11. (A) Subject to division (B) of this section, contracts awarded pursuant to a reverse auction under section 125.072 of the Revised Code or pursuant to competitive sealed bidding, including contracts awarded under section 125.081 of the Revised Code, shall be awarded to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. When the contract is for meat products as defined in section 918.01 of the Revised Code or poultry products as defined in section 918.21 of the Revised Code, only those bids received from vendors under inspection of the United States department of agriculture or who are licensed by the Ohio department of agriculture shall be eligible for acceptance. The department of administrative services may accept or reject any or all bids in whole or by items, except that when the contract is for services or products available from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code, the contract shall be awarded to that agency and contracts awarded pursuant to a competitive sealed proposal shall be awarded to the offeror determined to be the most advantageous to this state.

(B) Prior to awarding a contract under division (A) of this...
section, the department of administrative services or the state agency responsible for evaluating a contract for the purchase of products or services shall evaluate the bids and offers received according to the criteria and procedures established pursuant to divisions (C)(1) and (2) division (B) of section 125.09 of the Revised Code for determining if a product is produced or mined, excavated, produced, manufactured, raised, or grown in the United States and, if a product is produced or mined in this state, or in a state bordering Ohio, whether the bid or offer was received from a Buy Ohio supplier, and whether the bid or offer was received from a certified veteran-friendly business enterprise. The department or other state agency shall first consider bids that offer products that have been or that will be produced or mined in the United States. From among the remaining bids, the department or other state agency shall select the lowest responsive and responsible bid, in accordance with section 9.312 of the Revised Code, from among the bids that offer products that have been produced or mined in this state. These requirements shall be applied where sufficient competition can be generated within this state to ensure that compliance with these requirements will not result in an excessive price for the product or acquiring a disproportionately inferior product be in the best interest of the state unless otherwise prohibited.

(C) Division (B) of this section applies to contracts for which competitive bidding selection is waived by the controlling board.

(D) Division (B) of this section does not apply to the purchase by the division of liquor control of spirituous liquor.

(E) The director of administrative services shall publish in the form of a model act for use by counties, townships, municipal corporations, or any other political subdivision described in division (B) of section 125.04 of the Revised Code, a system of
preferences for products mined and produced in this state and in
the United States and for Ohio-based contractors. The model act
shall reflect substantial equivalence to the system of preferences
in purchasing and public improvement contracting procedures under
which the state operates pursuant to this chapter and section
153.012 of the Revised Code. To the maximum extent possible,
consistent with the Ohio system of preferences in purchasing and
public improvement contracting procedures, the model act shall
incorporate all of the requirements of the federal "Buy America
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and
the rules adopted under that act.

Before and during the development and promulgation of the
model act, the director shall consult with appropriate statewide
organizations representing counties, townships, and municipal
corporations so as to identify the special requirements and
concerns these political subdivisions have in their purchasing and
public improvement contracting procedures. The director shall
promulgate the model act by rule adopted pursuant to Chapter 119.
of the Revised Code and shall revise the act as necessary to
reflect changes in this chapter or section 153.012 of the Revised
Code.

The director shall make available copies of the model act,
supporting information, and technical assistance to any township,
county, or municipal corporation wishing to incorporate the
provisions of the act into its purchasing or public improvement
contracting procedure.

Sec. 125.18. (A) There is hereby established the office of
information technology within the department of administrative
services. The office shall be under the supervision of a state
chief information officer to be appointed by the director of
administrative services and subject to removal at the pleasure of
the director. The chief information officer is an assistant director of administrative services.

(B) Under the direction of the director of administrative services, the state chief information officer shall lead, oversee, and direct state agency activities related to information technology development and use. In that regard, the state chief information officer shall do all of the following:

(1) Coordinate and superintend statewide efforts to promote common use and development of technology by state agencies. The office of information technology shall establish policies and standards that govern and direct state agency participation in statewide programs and initiatives.

(2) Coordinate with the office of procurement services to establish policies and standards for state agency acquisition of information technology supplies and services;

(3) Establish policies and standards for the use of common information technology by state agencies, including, but not limited to, hardware, software, technology services, and security, and the extension of the service life of information technology systems, with which state agencies shall comply;

(4) Establish criteria and review processes to identify state agency information technology projects or purchases that require alignment or oversight. As appropriate, the department of administrative services shall provide the governor and the director of budget and management with notice and advice regarding the appropriate allocation of resources for those projects. The state chief information officer may require state agencies to provide, and may prescribe the form and manner by which they must provide, information to fulfill the state chief information officer's alignment and oversight role;
(5) Establish policies and procedures for the security of personal information that is maintained and destroyed by state agencies;

(6) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division (B)(5) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies;

(7) Employ a chief privacy officer who is responsible for advising state agencies when establishing policies and procedures for the security of personal information and developing education and training programs regarding the state’s security procedures;

(8) Establish policies on the purchasing, use, and reimbursement for use of handheld computing and telecommunications devices by state agency employees;

(9) Establish policies for the reduction of printing and for the increased use of electronic records by state agencies;

(10) Establish policies for the reduction of energy consumption by state agencies;

(11) Compute the amount of revenue attributable to the amortization of all equipment purchases and capitalized systems from information technology service delivery and major information technology purchases, MARCS administration, and enterprise applications, and the professions licensing system operating appropriation items and major computer purchases capital appropriation items that is recovered as part of the information technology services rates the department of administrative services charges and deposits into the information technology fund created in section 125.15 of the Revised Code, and the user fees the department of administrative services charges and deposits in the MARCS administration fund created in section 4501.29 of the
Revised Code, the rates the department of administrative services charges to benefitting agencies for the operation and management of information technology applications and deposits in the enterprise applications fund, and the rates the department of administrative services charges for the cost of ongoing maintenance of the professions licensing system and deposits in the professions licensing system fund. The enterprise applications fund is hereby created in the state treasury.

(12) Regularly review and make recommendations regarding improving the infrastructure of the state's cybersecurity operations with existing resources and through partnerships between government, business, and institutions of higher education;

(13) Assist, as needed, with general state efforts to grow the cybersecurity industry in this state.

(C)(1) The chief information security officer shall assist each state agency with the development of an information technology security strategic plan and review that plan, and each state agency shall submit that plan to the state chief information officer. The chief information security officer may require that each state agency update its information technology security strategic plan annually as determined by the state chief information officer.

(2) Prior to the implementation of any information technology data system, a state agency shall prepare or have prepared a privacy impact statement for that system.

(D) When a state agency requests a purchase of information technology supplies or services under Chapter 125. of the Revised Code, the state chief information officer may review and reject the requested purchase for noncompliance with information technology direction, plans, policies, standards, or
project-alignment criteria.

(E) The office of information technology may operate technology services for state agencies in accordance with this chapter.

Notwithstanding any provision of the Revised Code to the contrary, the office of information technology may assess a transaction fee on each license or registration issued as part of an electronic licensing system operated by the office in an amount determined by the office not to exceed three dollars and fifty cents. The transaction fee shall apply to all transactions, regardless of form, that immediately precede the issuance, renewal, reinstatement, reactivation of, or other activity that results in, a license or registration to operate as a regulated professional or entity. Each license or registration is a separate transaction to which a fee under this division applies.

Notwithstanding any provision of the Revised Code to the contrary, if a fee is assessed under this section, no agency, board, or commission shall issue a license or registration unless a fee required by this division has been received. The director of administrative services may collect the fee or require a state agency, board, or commission for which the system is being operated to collect the fee. Amounts received under this division shall be deposited in or transferred to the professions licensing system occupational licensing and regulatory fund created in division (H) of this section 4743.05 or the Revised Code.

(F) With the approval of the director of administrative services, the office of information technology may establish cooperative agreements with federal and local government agencies and state agencies that are not under the authority of the governor for the provision of technology services and the development of technology projects.

(G) The office of information technology may operate a
program to make information technology purchases. The director of administrative services may recover the cost of operating the program from all participating government entities by issuing intrastate transfer voucher billings for the procured technology or through any pass-through billing method agreed to by the director of administrative services, the director of budget and management, and the participating government entities that will receive the procured technology.

If the director of administrative services chooses to recover the program costs through intrastate transfer voucher billings, the participating government entities shall process the intrastate transfer vouchers to pay for the cost. Amounts received under this section for the information technology purchase program shall be deposited to the credit of the information technology governance fund created in section 125.15 of the Revised Code.

(H) Upon request from the director of administrative services, the director of budget and management may transfer cash from the information technology fund created in section 125.15 of the Revised Code, the MARCS administration fund created in section 4501.29 of the Revised Code, or the enterprise applications fund created in division (B)(11) of this section, or the professions licensing system fund created in division (I) of this section to the major information technology purchases fund in an amount not to exceed the amount computed under division (B)(11) of this section. The major information technology purchases fund is hereby created in the state treasury.

(I) There is hereby created in the state treasury the professions licensing system fund. The fund shall be used to operate the electronic licensing system referenced in division (E) of this section.

(J) As used in this section:
(1) "Personal information" has the same meaning as in section 149.45 of the Revised Code.

(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, other than any state-supported institution of higher education, the office of the auditor of state, treasurer of state, secretary of state, or attorney general, the adjutant general's department, the bureau of workers' compensation, the industrial commission, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, the state highway patrol retirement system, the general assembly or any legislative agency, the capitol square review advisory board, or the courts or any judicial agency.

Sec. 125.183. (A) As used in this section:

(1) "Covered application" means all of the following:

(a) The TikTok application and service or any successor application or service developed or provided by ByteDance limited or an entity owned by ByteDance limited;

(b) The WeChat application and service or any successor application or service developed or provided by Tencent holdings limited or an entity owned by Tencent holdings limited;

(c) Any application or service owned by an entity located in China, including QQ International (QQi), Qzone, Weibo, Xiao HongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian Music, DingTalkfDingDing, Douban, RenRen, Youku/Tudou, Little Red Book, and Zhihu.

(2) "State agency" means every organized body, office, or agency established by the laws of this state for the exercise of any function of state government, other than any state-supported
institution of higher education, the courts, or any judicial agency. "State agency" includes the general assembly, any legislative agency, and the capitol square review and advisory board.

(B) Subject to division (C) of this section, the state chief information officer shall adopt rules under Chapter 119. of the Revised Code to do all of the following:

(1) Require state agencies immediately to remove any covered application from all equipment they own or lease;

(2) Prohibit all of the following on equipment owned or leased by a state agency:

(a) The downloading, installation, or use of a covered application;

(b) The downloading, installation, or use of a covered application using an internet connection provided by a state agency;

(c) The downloading, installation, or use of a covered application by any officer, employee, or contractor of a state agency.

(3) Require state agencies to take measures to prevent the downloading, installation, or use of a covered application as described in division (B)(2) of this section.

(C) The rules adopted under division (B) of this section shall include exceptions to allow a qualified person to download, install, or use a covered application for law enforcement or information technology security purposes, so long as the person takes appropriate measures to mitigate the security risks involved in doing so.

(D) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained
in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 125.901. (A) There is hereby established the Ohio geographically referenced information program council within the department of administrative services to coordinate the property owned by the state. The department of administrative services shall provide administrative support for the council.

(B) The council shall consist of the following fifteen members:

(1) The state chief information officer, or the officer's designee, who shall serve as the council chair;

(2) The director of natural resources, or the director's designee;

(3) The director of transportation, or the director's designee;

(4) The director of environmental protection, or the director's designee;

(5) The director of development services, or the director's designee;

(6) The treasurer of state, or the treasurer of state's designee;

(7) The attorney general, or the attorney general's designee;

(8) The chancellor of higher education or the chancellor's designee;

(9) The chief of the division of oil and gas resources management in the department of natural resources or the chief's designee;

(10) The director of public safety or the director's designee;
(11) The executive director of the county auditors' association or the executive director's designee;

(12) The executive director of the county commissioners' association or the executive director's designee;

(13) The executive director of the county engineers' association or the executive director's designee;

(14) The executive director of the Ohio municipal league or the executive director's designee;

(15) A member of the senate, appointed by the president of the senate;

(16) A member of the house of representatives, appointed by the speaker of the house of representatives.

(C) Members of the council shall serve without compensation.

Sec. 113.41 125.903. (A) The treasurer department of state administrative services shall develop and maintain a comprehensive and descriptive database of all real property under the custody and control of the state, except when otherwise required for reasons of homeland security. The database shall adequately describe, when known, the location, boundary, and acreage of the property, the use and name of the property, and the contact information and name of the state agency managing the property. The information in the database shall be available to the public free of charge through a searchable internet web site. The treasurer of state shall allow for public comment on property owned by the state.

(B) For purposes of the database, each landholding state agency shall collect and maintain a geographic information systems database of its respective landholdings, and shall provide the
database to the Ohio geographically referenced information program established in section 125.901 of the Revised Code shall provide to the treasurer of state, and the treasurer of state shall collect, information, in a format prescribed by the treasurer of state, that adequately describes, when known, the location, acreage, and use of state-owned property. The council shall make its best efforts to obtain the required information on the state-owned property and shall submit updated information to the treasurer of state as it becomes available.

(C) As used in this section, "state-owned property" does not include state property owned or under the control of the general assembly or any legislative agency, any court or judicial agency, the secretary of state, auditor of state, treasurer of state, or attorney general and their respective offices.

Sec. 126.21. (A) The director of budget and management shall do all of the following:

(1) Keep all necessary accounting records;
(2) Prescribe and maintain the accounting system of the state and establish appropriate accounting procedures and charts of accounts;
(3) Establish procedures for the use of written, electronic, optical, or other communications media for approving and reviewing payment vouchers;
(4) Reconcile, in the case of any variation between the amount of any appropriation and the aggregate amount of items of the appropriation, with the advice and assistance of the state agency affected by it and the legislative service commission, totals so as to correspond in the aggregate with the total appropriation. In the case of a conflict between the item and the total of which it is a part, the item shall be considered the
intended appropriation.

(5) Evaluate on an ongoing basis and, if necessary, recommend improvements to the internal controls used in state agencies;

(6) Authorize the establishment of petty cash accounts. The director may withdraw approval for any petty cash account and require the officer in charge to return to the state treasury any unexpended balance shown by the officer's accounts to be on hand. Any officer who is issued a warrant for petty cash shall render a detailed account of the expenditures of the petty cash and shall report when requested the balance of petty cash on hand at any time.

(7) Process orders, invoices, vouchers, claims, and payrolls and prepare financial reports and statements;

(8) Perform extensions, reviews, and compliance checks prior to or after approving a payment as the director considers necessary;

(9) Issue the official annual comprehensive annual financial report of the state. The report shall cover all funds of the state reporting entity and shall include basic financial statements and required supplementary information prepared in accordance with generally accepted accounting principles and other information as the director provides. All state agencies, authorities, institutions, offices, retirement systems, and other component units of the state reporting entity as determined by the director shall furnish the director whatever financial statements and other information the director requests for the report, in the form, at the times, covering the periods, and with the attestation the director prescribes. The information for state institutions of higher education, as defined in section 3345.011 of the Revised Code, shall be submitted to the chancellor of higher education by the Ohio board department of regents higher education. The board
chancellor shall establish a due date by which each such institution shall submit the information to the board department, but no such date shall be later than one hundred twenty days after the end of the state fiscal year unless a later date is approved by the director.

(B) In addition to the director's duties under division (A) of this section, the director may establish and administer one or more payment card programs that permit state agencies and political subdivisions to use a payment card to purchase equipment, materials, supplies, or services in accordance with guidelines issued by the director. The chief administrative officer of a state agency or political subdivision that uses a payment card for such purposes shall ensure that purchases made with the card are made in accordance with the guidelines issued by the director. State agencies may participate in only those payment card programs that the director establishes pursuant to this section.

(C) In addition to the director's duties under divisions (A) and (B) of this section, the director may enter into any contract or agreement necessary for and incidental to the performance of the director's duties or the duties of the office of budget and management.

(D) In addition to the director's duties under divisions (A), (B), and (C) of this section, the director may operate a shared services center within the office of budget and management for the purpose of consolidating common business functions and transactional processes. The services offered by the shared services center may be provided to any state agency or political subdivision. In consultation with the director of administrative services, the director may appoint and fix the compensation of employees of the office whose primary duties include the consolidation of common business functions and transactional
processes.

(E) The director may transfer cash between funds other than the general revenue fund in order to correct an erroneous payment or deposit regardless of the fiscal year during which the erroneous payment or deposit occurred.

(F) As used in divisions (B) and (D) of this section:

(1) "Political subdivision" has the same meaning as in section 2744.01 of the Revised Code.

(2) "State agency" has the same meaning as in section 9.482 of the Revised Code.

Sec. 126.25. The services provided by the director of budget and management under sections 126.21 and 126.42 of the Revised Code shall be supported by charges. The director shall determine a rate that is sufficient to defray the expense of those services and the manner by which those charges shall be collected. All money collected from the charges shall be deposited in the state treasury to the credit of the accounting and budgeting fund, which is hereby created. Rebates or revenue shares received from any payment card program established under division (B) of section 126.21 of the Revised Code and miscellaneous payments that reimburse expenses paid from the accounting and budgeting fund may be deposited into the accounting and budgeting fund and used to support the services provided by the director.

Sec. 126.30. (A) Any state agency that purchases, leases, or otherwise acquires any equipment, materials, goods, supplies, or services from any person and fails to make payment for the equipment, materials, goods, supplies, or services by the required payment date shall pay an interest charge to the person in accordance with division (E) of this section, unless the amount of the interest charge is less than ten dollars. Except as otherwise
provided in division (B), (C), or (D) of this section, the required payment date shall be the date on which payment is due under the terms of a written agreement between the state agency and the person or, if a specific payment date is not established by such a written agreement, the required payment date shall be thirty days after the state agency receives a proper invoice for the amount of the payment due.

(B) If the invoice submitted to the state agency contains a defect or impropriety, the agency shall send written notification to the person within fifteen days after receipt of the invoice. The notice shall contain a description of the defect or impropriety and any additional information necessary to correct the defect or impropriety. If the agency sends such written notification to the person, the required payment date shall be thirty days after the state agency receives a proper invoice.

(C) In applying this section to claims submitted to the department of job and family services by providers of equipment, materials, goods, supplies, or services, the required payment date shall be the date on which payment is due under the terms of a written agreement between the department and the provider. If a specific payment date is not established by a written agreement, the required payment date shall be thirty days after the department receives a proper claim. If the department determines that the claim is improperly executed or that additional evidence of the validity of the claim is required, the department shall notify the claimant in writing or by telephone within fifteen days after receipt of the claim. The notice shall state that the claim is improperly executed and needs correction or that additional information is necessary to establish the validity of the claim. If the department makes such notification to the provider, the required payment date shall be thirty days after the department receives the corrected claim or such additional information as may
be necessary to establish the validity of the claim.

(D) In applying this section to invoices submitted to the bureau of workers' compensation for equipment, materials, goods, supplies, or services provided to employees in connection with an employee's claim against the state insurance fund, the public work-relief employees' compensation fund, the coal-workers pneumoconiosis fund, or the marine industry fund as compensation for injuries or occupational disease pursuant to Chapter 4123., 4127., or 4131. of the Revised Code, the required payment date shall be the date on which payment is due under the terms of a written agreement between the bureau and the provider. If a specific payment date is not established by a written agreement, the required payment date shall be thirty days after the bureau receives a proper invoice for the amount of the payment due or thirty days after the final adjudication allowing payment of an award to the employee, whichever is later. Nothing in this section shall supersede any faster timetable for payments to health care providers contained in sections 4121.44 and 4123.512 of the Revised Code.

For purposes of this division, a "proper invoice" includes the claimant's name, claim number and date of injury, employer's name, the provider's name and address, the provider's assigned payee number, a description of the equipment, materials, goods, supplies, or services provided by the provider to the claimant, the date provided, and the amount of the charge. If more than one item of equipment, materials, goods, supplies, or services is listed by a provider on a single application for payment, each item shall be considered separately in determining if it is a proper invoice.

If prior to a final adjudication the bureau determines that the invoice contains a defect, the bureau shall notify the provider in writing at least fifteen days prior to what would be
the required payment date if the invoice did not contain a defect. The notice shall contain a description of the defect and any additional information necessary to correct the defect. If the bureau sends a notification to the provider, the required payment date shall be redetermined in accordance with this division after the bureau receives a proper invoice.

For purposes of this division, "final adjudication" means the later of the date of the decision or other action by the bureau, the industrial commission, or a court allowing payment of the award to the employee from which there is no further right to reconsideration or appeal that would require the bureau to withhold compensation and benefits, or the date on which the rights to reconsideration or appeal have expired without an application therefor having been filed or, if later, the date on which an application for reconsideration or appeal is withdrawn.

If after final adjudication, the administrator of the bureau of workers' compensation or the industrial commission makes a modification with respect to former findings or orders, pursuant to Chapter 4123., 4127., or 4131. of the Revised Code or pursuant to court order, the adjudication process shall no longer be considered final for purposes of determining the required payment date for invoices for equipment, materials, goods, supplies, or services provided after the date of the modification when the propriety of the invoices is affected by the modification.

(E) The interest charge on amounts due shall be paid to the person for the period beginning on the day after the required payment date and ending on the day that payment of the amount due is made. The amount of the interest charge that remains unpaid at the end of any thirty-day period after the required payment date, including amounts under ten dollars, shall be added to the principal amount of the debt and thereafter the interest charge shall accrue on the principal amount of the debt plus the added
interest charge. The interest charge shall be at the rate per calendar month that equals one-twelfth of the rate per annum prescribed by section 5703.47 of the Revised Code for the calendar year that includes the month for which the interest charge accrues.

(F) No appropriations shall be made for the payment of any interest charges required by this section. Any state agency required to pay interest charges under this section shall make the payments from moneys available for the administration of agency programs.

If a state agency pays interest charges under this section, but determines that all or part of the interest charges should have been paid by another state agency, the state agency that paid the interest charges may request the attorney general to determine the amount of the interest charges that each state agency should have paid under this section. If the attorney general determines that the state agency that paid the interest charges should have paid none or only a part of the interest charges, the attorney general shall notify the state agency that paid the interest charges, any other state agency that should have paid all or part of the interest charges, and the director of budget and management of the attorney general's decision, stating the amount of interest charges that each state agency should have paid. The director shall transfer from the appropriate funds of any other state agency that should have paid all or part of the interest charges to the appropriate funds of the state agency that paid the interest charges an amount necessary to implement the attorney general's decision.

(G) Not later than forty-five days after the end of each fiscal year, each state agency shall file with the director of budget and management a detailed report concerning the interest charges the agency paid under this section during the previous fiscal year.
fiscal year. The report shall include the number, amounts, and
currency of interest charges the agency incurred during the
previous fiscal year and the reasons why the interest charges were
not avoided by payment prior to the required payment date. The
director shall compile a summary of all the reports submitted
under this division interest charges paid under this section
during the previous fiscal year and shall submit a copy of the
summary to the president and minority leader of the senate and to
the speaker and minority leader of the house of representatives no
later than the thirtieth day of September of each year.

Sec. 125.22 126.42. (A) The department of administrative
services Notwithstanding any provision of law to the contrary, the
office of budget and management shall establish the central
service agency to perform routine support for the following boards
and commissions:

(1) Architects board;

(2) State chiropractic board;

(3) State cosmetology and barber board;

(4) Accountancy board;

(5) State dental board;

(6) Ohio occupational therapy, physical therapy, and athletic
trainers board;

(7) State board of registration for professional engineers
and surveyors;

(8) Board of embalmers and funeral directors;

(9) State board of psychology;

(10) Counselor, social worker, and marriage and family
therapist board;

(11) State veterinary medical licensing board;
(12) Commission on Hispanic-Latino affairs;

(13) Commission on African-Americans;

(14) Chemical dependency professionals board;

(15) State vision professionals board;

(16) State speech and hearing professionals board.

(B)(1) Notwithstanding any other For purposes of this section of the Revised Code, the agency office of budget and management shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services office of budget and management:

(a) Preparing and processing payroll and other personnel documents;

(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;

(c) Maintaining ledgers of accounts and balances;

(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;

(e) Routine human resources and personnel services;

(f) Other routine support services that the director of administrative services budget and management considers appropriate to achieve efficiency.

(2) The agency In addition to the routine support services listed in division (B)(1) of this section, the office of budget and management may perform other services which a board or commission named in division (A) of this section delegates to the agency office and the agency office accepts.

(3) The agency office of budget and management may perform
any service routine support services for any professional or occupational licensing board or commission not named in division (A) of this section or any commission if at the request of the board or commission requests such service and the agency accepts.

(C) The director of administrative services shall be the appointing authority for the agency.

(D) The agency office of budget and management shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission.

(E) Each board or commission named in division (A) of this section and any other board or commission requesting services from the agency shall pay these fees to the agency from the general revenue fund maintenance account of the board or commission or from such other fund as the operating expenses of the board or commission are paid. Any amounts set aside for a fiscal year by a board or commission to allow for the payment of fees shall be used only for the services performed by the agency in that fiscal year. All receipts collected by the agency shall be deposited in the state treasury to the credit of the central service agency fund, which is hereby created. All expenses incurred by the agency in performing services for the boards or commissions shall be paid from the fund.

(F) Nothing in this section shall be construed as a grant of authority for the central service agency to initiate or deny personnel or fiscal actions for the boards and commissions.

Sec. 126.46. (A)(1) There is hereby created the state audit committee, consisting of the following five members: one public member appointed by the governor; two public members appointed by the speaker of the house of representatives, one of which may be a person who is recommended by the minority leader of the house of
representatives; and two public members appointed by the president of the senate, one of which may be a person who is recommended by the minority leader of the senate. Not more than two of the four members appointed by the speaker of the house of representatives and the president of the senate shall belong to or be affiliated with the same political party. The member appointed by the governor shall have the program and management expertise required to perform the duties of the committee's chairperson.

Each member of the committee shall be external to the management structure of state government and shall serve a three-year term. Each term shall commence on the first day of July and end on the thirtieth day of June. Any member may continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of ninety days has elapsed, whichever occurs first. Members may be reappointed to serve one additional term.

On September 29, 2011, the terms of the members shall be altered as follows:

(a) The terms of the members appointed by the president shall expire on June 30, 2012.

(b) The term of the member appointed by the speaker scheduled to expire on November 17, 2012, shall expire on June 30, 2013.

(c) The term of the other member appointed by the speaker shall expire on June 30, 2014.

(d) The term of the member appointed by the governor shall expire on June 30, 2014.

The committee shall include at least one member who is a financial expert; at least one member who is an active, inactive, or retired certified public accountant; at least one member who is familiar with governmental financial accounting; at least one member who is familiar with information technology systems and
services; and at least one member who is a representative of the public.

Any vacancy on the committee shall be filled in the same manner as provided in this division, and, when applicable, the person appointed to fill a vacancy shall serve the remainder of the predecessor's term.

(2) Members of the committee shall receive reimbursement for actual and necessary expenses incurred in the discharge of their duties.

(3) The member of the committee appointed by the governor shall serve as the committee's chairperson.

(4) Members of the committee shall be subject to the disclosure statement requirements of section 102.02 of the Revised Code.

(B) The state audit committee shall do all of the following:

(1) Evaluate whether the internal audits directed by the office of internal audit in the office of budget and management conform to the institute of internal auditors' international professional practices framework for internal auditing and to the institute of internal auditors' code of ethics;

(2) Review and comment on the process used by the office of budget and management to prepare the state's annual comprehensive annual financial report required under division (A)(9) of section 126.21 of the Revised Code;

(3) Review and comment on unaudited financial statements submitted to the auditor of state and communicate with external auditors as required by government auditing standards;

(4) Perform the additional functions imposed upon it by section 126.47 of the Revised Code.

(C) As used in this section, "financial expert" means a
person who has all of the following:

(1) An understanding of generally accepted accounting principles and financial statements;

(2) The ability to assess the general application of those principles in connection with accounting for estimates, accruals, and reserves;

(3) Experience preparing, auditing, analyzing, or evaluating financial statements presenting accounting issues that generally are of comparable breadth and level of complexity to those likely to be presented by a state agency's financial statements, or experience actively supervising one or more persons engaged in those activities;

(4) An understanding of internal controls and procedures for financial reporting; and

(5) An understanding of audit committee functions.

**Sec. 126.62.** (A) The investing in all Ohio future fund is hereby created in the state treasury. Moneys The fund shall consist of money credited to it and any donations, gifts, bequests, or other money received for deposit in the fund. All investment earnings of the fund shall be credited to the fund. Money in the fund shall be used to provide financial assistance through loans, grants, or other incentives that promote economic development throughout the state, including infrastructure improvements and electric infrastructure development approved by the public utilities commission under sections 4928.85 to 4928.89 of the Revised Code.

(B) The director of development shall adopt rules in accordance with Chapter 119. of the Revised Code that establish requirements and procedures to provide financial assistance from the all Ohio future fund to eligible economic development
projects. The director shall consult with JobsOhio in adopting the rules.

The rules shall include all of the following:

(1) All forms and materials required to apply for financial assistance from the all Ohio future fund;

(2) Requirements, procedures, and criteria that the director shall use in selecting sites to receive financial assistance from the fund. The rules shall require the director to consider sites that JobsOhio and local and regional economic development organizations have identified for economic development.

The criteria adopted in rules for site selection shall include a means to identify and designate economic development projects into the following development tiers:

(a) A tier one project is a megaproject, as defined in section 122.17 of the Revised Code;

(b) A tier two project is a megaproject supplier, as defined in section 122.17 of the Revised Code;

(c) A tier three project is a project in an industrial park or a site that is zoned industrial.

(3) Any other requirements or procedures necessary to administer this section.

(C) When awarding financial assistance under this section and rules adopted under it, the director shall do both of the following:

(1) Unless a higher amount is approved by the controlling board, limit financial assistance amounts as follows:

(a) For tier one projects, not more than two hundred million dollars per project;

(b) For tier two projects, not more than seventy-five million
dollars per project;

   (c) For tier three projects, not more than twenty-five million dollars per project.

   (2) Give preference to sites that are publicly owned.

   (D) The director may provide grants and loans under this section to port authorities, community improvement corporations, joint economic development districts, and public private partnerships to aid in the acquisition of land necessary for site development.

   (E) Notwithstanding section 131.35 of the Revised Code, the controlling board may exceed the limitation in division (E) of that section to increase appropriation to the all Ohio future fund, provided that there is a sufficient cash balance in the fund to support the requested increase.

   (F) No money shall be expended from the all Ohio future fund, pursuant to appropriation, until it has been released by the controlling board.

   (G) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 127.16. (A) Upon the request of either a state agency or the director of budget and management and after the controlling board determines that an emergency or a sufficient economic reason exists, the controlling board may approve the making of a purchase without competitive selection as provided in division (B) of this section.

   (B) Except as otherwise provided in this section, no state agency, using money that has been appropriated to it directly, shall:
(1) Make any purchase from a particular supplier, that would amount to fifty thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for purchases made by the agency and the amount of all outstanding encumbrances for purchases made by the agency from the supplier, unless the purchase is made by competitive selection or with the approval of the controlling board;

(2) Lease real estate from a particular supplier, if the lease would amount to seventy-five thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for real estate leases made by the agency and the amount of all outstanding encumbrances for real estate leases made by the agency from the supplier, unless the lease is made by competitive selection or with the approval of the controlling board.

(C) Any person who authorizes a purchase in violation of division (B) of this section shall be liable to the state for any state funds spent on the purchase, and the attorney general shall collect the amount from the person.

(D) Nothing in division (B) of this section shall be construed as:

(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code;

(2) Applying to medicaid provider agreements under the medicaid program;

(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;

(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided
that the controlling board has given its approval to the
commission to enter into such contracts and has approved a total
budget amount for such contracts as agreed upon by commission
action, and that the commission causes to be kept itemized records
of the amounts of money spent under each contract and annually
files those records with the clerk of the house of representatives
and the clerk of the senate following the close of the fair;

(5) Limiting the authority of the chief of the division of
mineral resources management to contract for reclamation work with
an operator mining adjacent land as provided in section 1513.27 of
the Revised Code;

(6) Applying to investment transactions and procedures of any
state agency, except that the agency shall file with the board the
name of any person with whom the agency contracts to make, broker,
service, or otherwise manage its investments, as well as the
commission, rate, or schedule of charges of such person with
respect to any investment transactions to be undertaken on behalf
of the agency. The filing shall be in a form and at such times as
the board considers appropriate.

(7) Applying to purchases made with money for the per cent
for arts program established by section 3379.10 of the Revised
Code;

(8) Applying to purchases made by the opportunities for
Ohioans with disabilities agency of services, or supplies, that
are provided to persons with disabilities, or to purchases made by
the agency in connection with the eligibility determinations it
makes for applicants of programs administered by the social
security administration;

(9) Applying to payments by the department of medicaid under
section 5164.85 of the Revised Code for group health plan
premiums, deductibles, coinsurance, and other cost-sharing
expenses;

   (10) Applying to any agency of the legislative branch of the state government;

   (11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;

   (12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;

   (13) Applying to dues or fees paid for membership in an organization or association;

   (14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;

   (15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;

   (16) Applying to purchases of tickets for passenger air transportation;

   (17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;

   (18) Applying to the judicial branch of state government;

   (19) Applying to purchases of liquor for resale by the division of liquor control;

   (20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;

(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;

(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education or the Ohio history connection;

(24) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;

(25) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;

(26) Applying to contracts entered into by the department of developmental disabilities under section 5123.18 of the Revised Code;

(27) Applying to payments made by the department of mental health and addiction services under a physician recruitment program authorized by section 5119.185 of the Revised Code;

(28) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (G) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.
(29) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;

(30) Applying to the department of medicaid's purchases of health assistance services under the children's health insurance program;

(31) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code;

(32) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code;

(33) Applying to purchases of goods and services by the department of veterans services in accordance with the terms of contracts entered into by the United States department of veterans affairs;

(34) Applying to payments by the superintendent of the bureau of criminal identification and investigation to the federal bureau of investigation for criminal records checks pursuant to section 109.572 of the Revised Code;

(35) Applying to contracts entered into by the department of medicaid under section 5164.47 of the Revised Code;

(36) Applying to contracts entered into under section 5160.12 of the Revised Code;

(37) Applying to payments to the Ohio history connection from other state agencies.

(E) When determining whether a state agency has reached the
cumulative purchase thresholds established in divisions (B)(1) and (2) of this section, all of the following purchases by such agency shall not be considered:

(1) Purchases made through competitive selection or with controlling board approval;
(2) Purchases listed in division (D) of this section;
(3) For the purposes of the threshold of division (B)(1) of this section only, leases of real estate.

(F) A state agency, when exercising direct purchasing authority under this section, shall utilize a selection process that complies with all applicable laws, rules, or regulations of the department of administrative services.

(G) As used in this section, "competitive selection," "direct purchasing authority," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.

Sec. 128.01. As used in this chapter:

(A) "9-1-1 system" means a system through which individuals can request emergency service using the telephone number 9-1-1.

(B) "Basic 9-1-1" means a 9-1-1 system in which a caller provides information on the nature of and the location of an emergency, and the personnel receiving the call must determine the appropriate emergency service provider to respond at that location.

(C) "Enhanced 9-1-1" means a 9-1-1 system capable of providing both enhanced wireline 9-1-1 and wireless enhanced 9-1-1.

(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in which the wireline telephone network, in providing wireline 9-1-1, does either of the following:
(1) Automatically routes the call to emergency service providers that serve the location from which the call is made and immediately provides to personnel answering the 9-1-1 call information on the location and the telephone number from which the call is being made;

(2) Receives, develops, collects, or processes requests for emergency assistance and relays, transfers, operates, maintains, or provides emergency notification services or system capabilities.

(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, in providing wireless 9-1-1, has the capabilities of phase I and, to the extent available, phase II enhanced 9-1-1 services as described in 47 C.F.R. 20.18 (d) to (h).

(F)(1) "Wireless service" means federally licensed commercial mobile service as defined in 47 U.S.C. 332(d) and further defined as commercial mobile radio service in 47 C.F.R. 20.3, and includes service provided by any wireless, two-way communications device, including a radio-telephone communications line used in cellular telephone service or personal communications service, a network radio access line, or any functional or competitive equivalent of such a radio-telephone communications or network radio access line.

(G) "Wireless service provider" means a facilities-based provider of wireless service to one or more end users in this state.

(H) "Wireless 9-1-1" means the emergency calling service provided by a 9-1-1 system pursuant to a call originating in the network of a wireless service provider.

(I) "Wireline 9-1-1" means the emergency calling service
provided by a 9-1-1 system pursuant to a call originating in the network of a wireline service provider.

(J) "Wireline service provider" means a facilities-based provider of wireline service to one or more end-users in this state.

(K) "Wireline service" means basic local exchange service, as defined in section 4927.01 of the Revised Code, that is transmitted by means of interconnected wires or cables by a wireline service provider authorized by the public utilities commission.

(L) "Wireline telephone network" means the selective router and data base processing systems, trunking and data wiring cross connection points at the public safety answering point, and all other voice and data components of the 9-1-1 system.

(M) "Subdivision" means a county, municipal corporation, township, township fire district, joint fire district, township police district, joint police district, joint ambulance district, or joint emergency medical services district that provides emergency service within its territory, or that contracts with another municipal corporation, township, or district or with a private entity to provide such service; and a state college or university, port authority, or park district of any kind that employs law enforcement officers that act as the primary police force on the grounds of the college or university or port authority or in the parks operated by the district.

(N) "Emergency service" means emergency law enforcement, firefighting, ambulance, rescue, and medical service.

(O) "Emergency service provider" means the state highway patrol and an emergency service department or unit of a subdivision or that provides emergency service to a subdivision under contract with the subdivision.
(P) "Public safety answering point" means a facility to which 9-1-1 system calls for a specific territory are initially routed for response and where personnel respond to specific requests for emergency service by directly dispatching the appropriate emergency service provider, relaying a message to the appropriate provider, or transferring the call to the appropriate provider.

(Q) "Customer premises equipment" means telecommunications equipment, including telephone instruments, on the premises of a public safety answering point that is used in answering and responding to 9-1-1 system calls.

(R) "Municipal corporation in the county" includes any municipal corporation that is wholly contained in the county and each municipal corporation located in more than one county that has a greater proportion of its territory in the county to which the term refers than in any other county.

(S) "Board of county commissioners" includes the legislative authority of a county established under Section 3 of Article X, Ohio Constitution, or Chapter 302. of the Revised Code.

(T) "Final plan" means a final plan adopted under division (B) of section 128.08 of the Revised Code and, except as otherwise expressly provided, an amended final plan adopted under section 128.12 of the Revised Code.

(U) "Subdivision served by a public safety answering point" means a subdivision that provides emergency service for any part of its territory that is located within the territory of a public safety answering point whether the subdivision provides the emergency service with its own employees or pursuant to a contract.

(V) A township's population includes only population of the unincorporated portion of the township.

(W) "Telephone company" means a company engaged in the
business of providing local exchange telephone service by making available or furnishing access and a dial tone to persons within a local calling area for use in originating and receiving voice grade communications over a switched network operated by the provider of the service within the area and gaining access to other telecommunications services. Unless otherwise specified, "telephone company" includes a wireline service provider, a wireless service provider, and any entity that is a covered 9-1-1 service provider under 47 C.F.R. 12.4. For purposes of sections 128.25 and 128.26 of the Revised Code, "telephone company" means a wireline service provider.

(X) "Prepaid wireless calling service" has the same meaning as in division (AA)(5) of section 5739.01 of the Revised Code.

(Y) "Provider of a prepaid wireless calling service" means a wireless service provider that provides a prepaid wireless calling service.

(Z) "Retail sale" has and "price" have the same meaning as in section 5739.01 of the Revised Code.

(AA) "Seller" means a person that sells a prepaid wireless calling service to another person by retail sale.

(BB) "Consumer" means the person for whom the prepaid wireless calling service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the prepaid wireless calling service is charged, or to whom the admission is granted.

(CC) "Reseller" means a nonfacilities-based provider of wireless service that provides wireless service under its own name to one or more end users in this state using the network of a wireless service provider.

(DD) "Steering committee" means the statewide emergency services internet protocol network steering committee established
by division (A)(1) of section 128.02 of the Revised Code.  

(EE) "Voice over internet protocol service" has the same meaning as in section 4927.01 of the Revised Code.

Sec. 128.43. (A) The board of county commissioners of a county that levies a property tax under division (SS) of section 5705.19 of the Revised Code may, upon the expiration or repeal of that tax, impose a monthly wireless 9-1-1 charge in the county. The charge shall be imposed and, if applicable, the property tax repealed, pursuant to a resolution adopted by the board. The resolution shall state all of the following:

(1) That the charge will apply to the retail sale of wireless service and voice over internet protocol service to subscribers who have a billing address in the county, and to the retail sale of any prepaid wireless calling service occurring in the county;

(2) The amount of the charge, which shall equal a percentage of the price of the service, not to exceed the aggregate percentage rate of tax in effect in the county under sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code;

(3) The last tax year that the property tax is to be levied;

(4) The month the charge will first be imposed, which shall be any month beginning after the end of the last tax year that the property tax is to be levied;

(5) The number of years for which the charge is to be imposed, or that it is for a continuing period of time.

(B)(1) The charge imposed pursuant to this section on wireless service and voice over internet protocol service shall be paid by the subscriber and collected by the service provider or reseller in the same manner as the wireless service charge imposed under division (A)(1) of section 128.42 of the Revised Code, except that the county charge shall be a separate line item on
each subscriber's monthly bill. The line item shall be designated "County Wireless-E911 Costs."

(2) The charge on prepaid wireless calling service shall be paid and collected in the same manner as the charge imposed under division (B) of section 128.42 of the Revised Code.

(C)(1) Before adopting a resolution under this section, the board of county commissioners shall hold at least two public hearings on the proposed charge. Before the first hearing, the board shall publish notice of the hearings once a week for two consecutive weeks in a newspaper of general circulation in the county or as provided in section 7.16 of the Revised Code. The notice shall state the amount of the proposed charge, an explanation of the necessity for the charge, and the date, time, and location of each of the hearings.

(2) A resolution adopted under division (A) of this section, or a resolution to increase the rate of a charge described in that division, shall direct the board of elections to submit the question of imposing the charge to the electors of the county at a special election on the day of the next primary or general election in the county. The board of county commissioners shall certify a copy of the resolution to the board of elections not less than ninety days before the day of the special election. The election notice and ballot language shall contain, at minimum, all of the information described in divisions (A)(1) to (5) or, in the case of an rate increase, divisions (A)(1), (2), (4), and (5) of this section.

No such resolution shall take effect unless approved by a majority of the electors voting upon the resolution at an election held pursuant to this section. If the question is approved, the board of elections shall notify the tax commissioner and, if the resolution repeals a property tax, the county auditor. The charge shall not take effect less than sixty-five days from the date the
tax commissioner receives notice from the board of elections of
the affirmative vote.

(D) The board of county commissioners may, at any time, adopt
a resolution to repeal or increase or decrease the rate of the
charge imposed pursuant to this section, subject to division (C)
of this section and the limitation described in division (A)(2) of
this section. Any rate change shall take effect on the first day
of the first month next following the sixty-fifth day after a copy
of the resolution or, in the case of an increase, the notice from
the board of elections is certified to the tax commissioner.

(E) All proceeds from the charge transferred to the county
under division (D) of section 128.54 of the Revised Code shall be
deposited into a special fund created in the county treasury, to
be used for the establishment and operation of a countywide public
safety communications system under section 307.63 of the Revised
Code and a 9-1-1 system.

(F) The charge imposed pursuant to this section shall be in
addition to the charge imposed under section 128.42 of the Revised
Code and shall be exempt from state and local taxation.

Sec. 128.45. Beginning January 1, 2014:

(A) Each wireless service provider and reseller shall keep
complete and accurate records of bills for wireless service,
together with a record of the wireless 9-1-1 charges collected
under sections 128.42 and 128.43 of the Revised Code, and
shall keep all related invoices and other pertinent documents.
Each voice over internet protocol service provider shall keep
complete and accurate records of bills for voice over internet
protocol service, together with a record of the wireless 9-1-1
charges collected under section 128.43 of the Revised Code, and
shall keep all related invoices and other pertinent documents.
Each seller shall keep complete and accurate records of retail
sales of prepaid wireless calling services, together with a record
of the wireless 9-1-1 charges collected under sections 128.42 and 128.43 of the Revised Code, and shall keep all related
invoices and other pertinent documents.

(B) Records, invoices, and documents required to be kept
under this section shall be open during business hours to the
inspection of the tax commissioner. They shall be preserved for a
period of four years unless the tax commissioner, in writing,
consents to their destruction within that period, or by order
requires that they be kept longer.

Sec. 128.46. (A) Prior to January 1, 2014:

(1) A wireless service provider or reseller, not later than
the last day of each month, shall remit the full amount of all
wireless 9-1-1 charges it collected under division (A) of section
128.42 of the Revised Code for the second preceding calendar month
to the administrator, with the exception of charges equivalent to
the amount authorized as a billing and collection fee under
division (A)(2) of this section. In doing so, the provider or
reseller may remit the requisite amount in any reasonable manner
consistent with its existing operating or technological
capabilities, such as by customer address, location associated
with the wireless telephone number, or another allocation method
based on comparable, relevant data. If the wireless service
provider or reseller receives a partial payment for a bill from a
wireless service subscriber, the wireless service provider or
reseller shall apply the payment first against the amount the
subscriber owes the wireless service provider or reseller and
shall remit to the administrator such lesser amount, if any, as
results from that invoice.

(2) A wireless service provider or reseller may retain as a
billing and collection fee two per cent of the total wireless
9-1-1 charges it collects in a month and shall account to the administrator for the amount retained.

(3) The administrator shall return to, or credit against the next month's remittance of, a wireless service provider or reseller the amount of any remittances the administrator determines were erroneously submitted by the provider or reseller.

(B) Beginning January 1, 2014:

(1) Each seller of a prepaid wireless calling service, voice over internet protocol service provider, wireless service provider, and reseller shall, on or before the twenty-third day of each month, except as provided in divisions (B)(2) and (3) of this section, do both of the following:

(a) Make and file a return for the preceding month, in the form prescribed by the tax commissioner, showing the amount of the wireless 9-1-1 charges due under section sections 128.42 and 128.43 of the Revised Code for that month;

(b) Remit the full amount due, as shown on the return, with the exception of charges equivalent to the amount authorized as a collection fee under division (B)(4) of this section.

(2) The commissioner may grant one or more thirty-day extensions for making and filing returns and remitting amounts due.

(3) If a seller is required to collect prepaid wireless 9-1-1 charges in amounts that do not merit monthly returns, the commissioner may authorize the seller to make and file returns less frequently. The commissioner shall ascertain whether this authorization is warranted upon the basis of administrative costs to the state.

(4) A wireless service provider, reseller, and seller may each retain as a collection fee three per cent of the total
wireless 9-1-1 charges required to be collected under section 128.42 of the Revised Code, and shall account to the tax commissioner for the amount retained.

(5) The return required under division (B)(1)(a) of this section shall be filed electronically using the Ohio business gateway, as defined in section 718.01 of the Revised Code, the Ohio telefile system, or any other electronic means prescribed by the tax commissioner. Remittance of the amount due shall be made electronically in a manner approved by the commissioner. A wireless service provider, reseller, or seller may apply to the commissioner on a form prescribed by the commissioner to be excused from either electronic requirement of this division. For good cause shown, the commissioner may excuse the provider, reseller, or seller from either or both of the requirements and may permit the provider, reseller, or seller to file returns or make remittances by nonelectronic means.

(C)(1) Prior to January 1, 2014, each subscriber on which a wireless 9-1-1 charge is imposed under division (A) of section 128.42 of the Revised Code is liable to the state for the amount of the charge. If a wireless service provider or reseller fails to collect the charge under that division from a subscriber of prepaid wireless service, or fails to bill any other subscriber for the charge, the wireless service provider or reseller is liable to the state for the amount not collected or billed. If a wireless service provider or reseller collects charges under that division and fails to remit the money to the administrator, the wireless service provider or reseller is liable to the state for any amount collected and not remitted.

(2) Beginning January 1, 2014:

(a) Each subscriber or consumer on which a wireless 9-1-1 charge is imposed under section 128.42 or 128.43 of the Revised Code is liable to the state for the amount of the charge. If a
wireless service provider or reseller fails to bill or collect the charge, or if a seller fails to collect the charge, the provider, reseller, or seller is liable to the state for the amount not billed or collected. If a provider, reseller, or seller fails to remit money to the tax commissioner as required under this section, the provider, reseller, or seller is liable to the state for the amount not remitted, regardless of whether the amount was collected.

(b) No provider of a prepaid wireless calling service shall be liable to the state for any wireless 9-1-1 charge imposed under section 128.43 or division (B)(1) of section 128.42 of the Revised Code that was not collected or remitted.

(D) Prior to January 1, 2014:

(1) If the steering committee has reason to believe that a wireless service provider or reseller has failed to bill, collect, or remit the wireless 9-1-1 charge as required by divisions (A)(1) and (C)(1) of this section or has retained more than the amount authorized under division (A)(2) of this section, and after written notice to the provider or reseller, the steering committee may audit the provider or reseller for the sole purpose of making such a determination. The audit may include, but is not limited to, a sample of the provider's or reseller's billings, collections, remittances, or retentions for a representative period, and the steering committee shall make a good faith effort to reach agreement with the provider or reseller in selecting that sample.

(2) Upon written notice to the wireless service provider or reseller, the steering committee, by order after completion of the audit, may make an assessment against the provider or reseller if, pursuant to the audit, the steering committee determines that the provider or reseller has failed to bill, collect, or remit the wireless 9-1-1 charge as required by divisions (A)(1) and (C)(1)
of this section or has retained more than the amount authorized under division (A)(2) of this section. The assessment shall be in the amount of any remittance that was due and unpaid on the date notice of the audit was sent by the steering committee to the provider or reseller or, as applicable, in the amount of the excess amount under division (A)(2) of this section retained by the provider or reseller as of that date.

(3) The portion of any assessment not paid within sixty days after the date of service by the steering committee of the assessment notice under division (D)(2) of this section shall bear interest from that date until paid at the rate per annum prescribed by section 5703.47 of the Revised Code. That interest may be collected by making an assessment under division (D)(2) of this section. An assessment under this division and any interest due shall be remitted in the same manner as the wireless 9-1-1 charge imposed under division (A) of section 128.42 of the Revised Code.

(4) Unless the provider, reseller, or seller assessed files with the steering committee within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment shall become final and the amount of the assessment shall be due and payable from the party assessed to the administrator. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the administrator or the steering committee prior to the date shown on the final determination.

(5) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas in the county in which the
place of business of the assessed party is located. If the party assessed maintains no place of business in this state, the certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas of Franklin county. Immediately upon the filing, the clerk shall enter a judgment for the state against the assessed party in the amount shown on the final assessment. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for wireless 9-1-1 charges" and shall have the same effect as other judgments. The judgment shall be executed upon the request of the steering committee.

(6) An assessment under this division does not discharge a subscriber's liability to reimburse the provider or reseller for the wireless 9-1-1 charge imposed under division (A) of section 128.42 of the Revised Code. If, after the date of service of the audit notice under division (D)(1) of this section, a subscriber pays a wireless 9-1-1 charge for the period covered by the assessment, the payment shall be credited against the assessment.

(7) All money collected by the administrator under division (D) of this section shall be paid to the treasurer of state, for deposit to the credit of the wireless 9-1-1 government assistance fund.

(E) Beginning January 1, 2014:

(1) If the tax commissioner has reason to believe that a wireless service provider, reseller, or seller has failed to bill, collect, or remit the wireless 9-1-1 charge as required by this section and sections 128.42 and 128.43 of the Revised Code or has retained more than the amount authorized under division (B)(4) of this section, and after written notice to the provider, reseller, or seller, the tax commissioner may audit the provider, reseller, or seller for the sole purpose of making such a determination. The audit may include, but is not limited to, a
sample of the provider's, reseller's, or seller's billings, collections, remittances, or retentions for a representative period, and the tax commissioner shall make a good faith effort to reach agreement with the provider, reseller, or seller in selecting that sample.

(2) Upon written notice to the wireless service provider, reseller, or seller, the tax commissioner, after completion of the audit, may make an assessment against the provider, reseller, or seller if, pursuant to the audit, the tax commissioner determines that the provider, reseller, or seller has failed to bill, collect, or remit the wireless 9-1-1 charge as required by this section and sections 128.42 and 128.43 of the Revised Code or has retained more than the amount authorized under division (B)(4) of this section. The assessment shall be in the amount of any remittance that was due and unpaid on the date notice of the audit was sent by the tax commissioner to the provider, reseller, or seller or, as applicable, in the amount of the excess amount under division (B)(4) of this section retained by the provider, reseller, or seller as of that date.

(3) The portion of any assessment consisting of wireless 9-1-1 charges due and not paid within sixty days after the date that the assessment was made under division (E)(2) of this section shall bear interest from that date until paid at the rate per annum prescribed by section 5703.47 of the Revised Code. That interest may be collected by making an assessment under division (E)(2) of this section.

(4) Unless the provider, reseller, or seller assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment shall become final and the amount of the assessment...
shall be due and payable from the party assessed to the treasurer of state, for who shall deposit the amount to the next generation 9-1-1 fund, which is created under section 128.54 of the Revised Code in the case of a charge imposed under section 128.42 of the Revised Code, or the permissive local wireless 9-1-1 charge fund, in the case of a charge imposed under section 128.43 of the Revised Code. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(5) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas in the county in which the business of the assessed party is conducted. If the party assessed maintains no place of business in this state, the certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas of Franklin county. Immediately upon the filing, the clerk shall enter a judgment for the state against the assessed party in the amount shown on the final assessment. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for wireless 9-1-1 charges" and shall have the same effect as other judgments. The judgment shall be executed upon the request of the tax commissioner.

(6) If the commissioner determines that the commissioner erroneously has refunded a wireless 9-1-1 charge to any person, the commissioner may make an assessment against that person for recovery of the erroneously refunded charge.

(7) An assessment under division (E) of this section does not discharge a subscriber's or consumer's liability to reimburse the
provider, reseller, or seller for a wireless 9-1-1 charge. If, after the date of service of the audit notice under division (E)(1) of this section, a subscriber or consumer pays a wireless 9-1-1 charge for the period covered by the assessment, the payment shall be credited against the assessment.

**Sec. 128.462.** Beginning January 1, 2014:

(A) Except as otherwise provided in this section, no assessment shall be made or issued against a wireless service provider, reseller, or seller for any wireless 9-1-1 charge imposed by or pursuant to section 128.42 or 128.43 of the Revised Code more than four years after the return date for the period in which the sale or purchase was made, or more than four years after the return for such period is filed, whichever is later. This division does not bar an assessment:

1. When the tax commissioner has substantial evidence of amounts of wireless 9-1-1 charges collected by a provider, reseller, or seller from subscribers or consumers, which were not returned to the state;

2. When the provider, reseller, or seller assessed failed to file a return as required by section 128.46 of the Revised Code;

3. When the provider, reseller, or seller and the commissioner waive in writing the time limitation.

(B) No assessment shall be made or issued against a wireless service provider, reseller, or seller for any wireless 9-1-1 charge imposed by or pursuant to section 128.42 or 128.43 of the Revised Code for any period during which there was in full force and effect a rule of the tax commissioner under or by virtue of which the collection or payment of any such wireless 9-1-1 charge was not required. This division does not bar an assessment when the tax commissioner has substantial evidence of amounts of
wireless 9-1-1 charges collected by a provider, reseller, or seller from subscribers or consumers, which were not returned to the state.

Sec. 128.47. Beginning January 1, 2014:

(A) A wireless service provider, reseller, seller, wireless service or voice over internet protocol service subscriber, or consumer of a prepaid wireless calling service may apply to the tax commissioner for a refund of wireless 9-1-1 charges described in division (B) of this section and of any penalties assessed with respect to such charges. The application shall be made on the form prescribed by the tax commissioner. The application shall be made not later than four years after the date of the illegal or erroneous payment by the subscriber or consumer, unless the wireless service provider, reseller, or seller waives the time limitation under division (A)(3) of section 128.462 of the Revised Code. If the time limitation is waived, the refund application period shall be extended for the same period as the waiver.

(B)(1) If a wireless service provider, reseller, or seller refunds to a subscriber or consumer the full amount of wireless 9-1-1 charges that the subscriber or consumer paid illegally or erroneously, and if the provider, reseller, or seller remitted that amount under section 128.46 of the Revised Code, the tax commissioner shall refund that amount to the provider, reseller, or seller.

(2) If a wireless service provider, reseller, or seller has illegally or erroneously billed a subscriber or charged a consumer for a wireless 9-1-1 charge, and if the provider, reseller, or seller has not collected the charge but has remitted that amount under section 128.46 of the Revised Code, the tax commissioner shall refund that amount to the provider, reseller, or seller.

(C)(1) The tax commissioner may refund to a subscriber or
consumer wireless 9-1-1 charges paid illegally or erroneously to a provider, reseller, or seller only if both of the following apply:

(a) The tax commissioner has not refunded the wireless 9-1-1 charges to the provider, reseller, or seller.

(b) The provider, reseller, or seller has not refunded the wireless 9-1-1 charges to the subscriber or consumer.

(2) The tax commissioner may require the subscriber or consumer to obtain from the provider, reseller, or seller a written statement confirming that the provider, reseller, or seller has not refunded the wireless 9-1-1 charges to the subscriber or consumer and that the provider, reseller, or seller has not filed an application for a refund under this section. The tax commissioner may also require the provider, reseller, or seller to provide this statement.

(D) On the filing of an application for a refund under this section, the tax commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the determined amount to the director of budget and management and the treasurer of state for payment from the tax refund fund created under section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

(E) Refunds granted under this section shall include interest as provided by section 5739.132 of the Revised Code.

Sec. 128.54. (A)(1) For the purpose of receiving, distributing, and accounting for amounts received from the wireless 9-1-1 charges imposed under section 128.42 of the Revised Code, the following funds are created in the state treasury:

(a) The wireless 9-1-1 government assistance fund;
(b) The wireless 9-1-1 administrative fund; 10183
(c) The wireless 9-1-1 program fund; 10184
(d) The next generation 9-1-1 fund. 10185

(2) Amounts remitted under section 128.46 of the Revised Code that are not required to be distributed as provided in division (D) of this section shall be paid to the treasurer of state for deposit as follows:

(a) Ninety-seven per cent to the wireless 9-1-1 government assistance fund. All interest earned on the wireless 9-1-1 government assistance fund shall be credited to the fund. 10190
(b) One per cent to the wireless 9-1-1 administrative fund; 10193
(c) Two per cent to the 9-1-1 program fund. 10194

(3) The tax commissioner shall use the wireless 9-1-1 administrative fund to defray the costs incurred in carrying out this chapter. 10196

(4) The steering committee shall use the 9-1-1 program fund to defray the costs incurred by the steering committee in carrying out this chapter. 10198

(5) Annually, the tax commissioner, after paying administrative costs under division (A)(3) of this section, shall transfer any excess remaining in the wireless 9-1-1 administrative fund to the next generation 9-1-1 fund, created under this section. 10203

(B) At the direction of the steering committee, the tax commissioner shall transfer the funds remaining in the wireless 9-1-1 government assistance fund to the credit of the next generation 9-1-1 fund. All interest earned on the next generation 9-1-1 fund shall be credited to the fund. 10209

(C) From the wireless 9-1-1 government assistance fund, the director of budget and management shall, as funds are available,
transfer to the tax refund fund, created under section 5703.052 of the Revised Code, amounts equal to the refunds certified by the tax commissioner under division (D) of section 128.47 of the Revised Code.

(D)(1) If a county imposes a charge pursuant to section 128.43 of the Revised Code, the tax commissioner shall, within forty-five days after the end of each month, determine and certify to the director of budget and management the amount of the proceeds of such charge received during that month to be returned to the county that imposes the charge. The amount to be returned to the county shall be reduced by the amount of any refunds of the county charge paid pursuant to section 128.47 of the Revised Code during the same month, or transfers made pursuant to division (B)(2) of section 5703.052 of the Revised Code.

(2) The director of budget and management shall transfer the amounts certified by the tax commissioner to the permissive local wireless 9-1-1 charge fund, which is hereby created in the state treasury. The tax commissioner shall then, on or before the twentieth day of the month in which such certification is made, provide for payment of such respective amounts to the county treasurer of the county imposing the charge.

Sec. 128.63. (A) The tax commissioner may adopt rules in accordance with Chapter 119. of the Revised Code to carry out this chapter, including rules prescribing the necessary accounting for the collection fee under division (B)(4) of section 128.46 of the Revised Code.

(B) The amounts of the wireless 9-1-1 charges shall be prescribed only by act of the general assembly, except as authorized under section 128.43 of the Revised Code.

Sec. 128.99. (A) Whoever violates division (E) of section
128.32 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (F) or (G) of section 128.32 or division (B)(2) of section 128.60 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense and a felony of the fifth degree on each subsequent offense.

(C) If a wireless service provider, voice over internet protocol service provider, reseller, or seller violates division (B)(1)(a) of section 128.46 of the Revised Code, and does not comply with any extensions granted under division (B)(2) of that section, the tax commissioner may impose a late-filing penalty of not more than the greater of fifty dollars or five per cent of the amount required to be remitted as described in division (B)(1)(b) of that section.

(D) If a wireless service provider, voice over internet protocol service provider, reseller, or seller fails to comply with division (B)(1)(b) of section 128.46 of the Revised Code, the tax commissioner may impose a late-payment penalty of not more than the greater of fifty dollars or five per cent of the wireless 9-1-1 charge required to be remitted for the reporting period minus any partial remittance made on or before the due date, including any extensions granted under division (B)(2) of section 128.46 of the Revised Code.

(E) The tax commissioner may impose an assessment penalty of not more than the greater of one hundred dollars or thirty-five per cent of the wireless 9-1-1 charges due after the tax commissioner notifies the person of an audit, an examination, a delinquency, assessment, or other notice that additional wireless 9-1-1 charges are due.

(F) If a wireless service provider, voice over internet protocol service provider, reseller, or seller fails to comply
with either electronic requirement of division (B)(5) of section 128.46 of the Revised Code, the tax commissioner may impose an electronic penalty, for either or both failures to comply, of not more than the lesser of the following:

1. The greater of one hundred dollars or ten per cent of the amount required to be, but not, remitted electronically;

2. Five thousand dollars.

(G) Each penalty described in divisions (C) to (F) of this section is in addition to any other penalty described in those divisions. The tax commissioner may abate all or any portion of any penalty described in those divisions.

Sec. 131.02. (A) Except as otherwise provided in section 4123.37, section 5703.061, and division (K) of section 4123.511 of the Revised Code, whenever any amount is payable to the state, the officer, employee, or agent responsible for administering the law under which the amount is payable shall immediately proceed to collect the amount or cause the amount to be collected and shall pay the amount into the state treasury or into the appropriate custodial fund in the manner set forth pursuant to section 113.08 of the Revised Code. Except as otherwise provided in this division, if the amount is not paid within forty-five days after payment is due, the officer, employee, or agent shall certify the amount due to the attorney general, in the form and manner prescribed by the attorney general, and notify the director of budget and management thereof. In the case of an amount payable by a student enrolled in a state institution of higher education, the amount shall be certified within the later of forty-five days after the amount is due or the tenth day after the beginning of the next academic semester, quarter, or other session following the session for which the payment is payable. The attorney general may assess the collection cost to the amount certified in such
manner and amount as prescribed by the attorney general. If an amount payable to a political subdivision is past due, the political subdivision may, with the approval of the attorney general, certify the amount to the attorney general pursuant to this section.

For the purposes of this section, the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable shall agree on the time a payment is due, and that agreed upon time shall be one of the following times:

(1) If a law, including an administrative rule, of this state prescribes the time a payment is required to be made or reported, when the payment is required by that law to be paid or reported.

(2) If the payment is for services rendered, when the rendering of the services is completed.

(3) If the payment is reimbursement for a loss, when the loss is incurred.

(4) In the case of a fine or penalty for which a law or administrative rule does not prescribe a time for payment, when the fine or penalty is first assessed.

(5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.

(6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.

(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.

(8) Upon proof of claim being filed in a bankruptcy case.

(9) Any other appropriate time determined by the attorney
general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the agency, institution, or political subdivision to which the payment is owed.

(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.

(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following:

(a) The assessment or case number;
(b) The tax pursuant to which the assessment is made;
(c) The reason for the liability, including, if applicable, that a penalty or interest is due;
(d) An explanation of how and when interest will be added to the amount assessed;
(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.

(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.

(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.

(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:

(1) Compromise the claim;
(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.

(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.

(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:

(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection;

(b) Cancel the claim or cause it to be canceled.

(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the date the claim is certified, unless the attorney general has adopted a rule under division (F)(5) of this section shortening this time frame with respect to a subset of claims.

(3) No initial action shall be commenced to collect any tax payable to the state that is administered by the tax commissioner, whether or not such tax is subject to division (B) of this section, or any penalty, interest, or additional charge on such tax, after the expiration of the period ending on the later of the dates specified in divisions (F)(3)(a) and (b) of this section, provided that such period shall be extended by the period of any stay to such collection or by any other period to which the parties mutually agree. If the initial action in aid of execution is commenced before the later of the dates specified in divisions (F)(3)(a) and (b) of this section, any and all subsequent actions
may be pursued in aid of execution of judgment for as long as the debt exists.

(a) Seven years after the assessment of the tax, penalty, interest, or additional charge is issued.

(b) Four years after the assessment of the tax, penalty, interest, or additional charge becomes final. For the purposes of division (F)(3)(b) of this section, the assessment becomes final at the latest of the following: upon expiration of the period to petition for reassessment, or if applicable, to appeal a final determination of the commissioner or decision of the board of tax appeals or a court, or, if applicable, upon decision of the United States supreme court.

For the purposes of division (F)(3) of this section, an initial action to collect a tax debt is commenced at the time when a certified copy of the tax commissioner's entry making an assessment final has been filed in the office of the clerk of court of common pleas in the county in which the taxpayer resides or has its principal place of business in this state, or in the office of the clerk of court of common pleas of Franklin county, as provided in section 5739.13, 5741.14, 5747.13, or 5751.09 of the Revised Code or in any other applicable law requiring such a filing. If an assessment has not been issued and there is no time limitation on the issuance of an assessment under applicable law, an action to collect a tax debt commences when the action is filed in the courts of this state to collect the liability.

(4) If information contained in a claim that is sold, conveyed, or transferred to a private entity pursuant to this section is confidential pursuant to federal law or a section of the Revised Code that implements a federal law governing confidentiality, such information remains subject to that law during and following the sale, conveyance, or transfer.
The attorney general may adopt rules to aid in the implementation of this section.

Sec. 131.43. There is hereby created in the state treasury the budget stabilization fund. All investment earnings of the fund shall be credited to the general revenue fund. It is the intent of the general assembly to maintain an amount of money in the budget stabilization fund that amounts to approximately eight and one-half per cent of the general revenue fund revenues for the preceding fiscal year. The governor shall include in the state budget the governor submits to the general assembly under section 107.03 of the Revised Code proposals for transfers between the general revenue fund and the budget stabilization fund for the ensuing fiscal biennium. The balance in the fund may be combined with the balance in the general revenue fund for purposes of cash management.

Sec. 131.51. (A) On or before the seventh day of each month, the director of budget and management shall credit to the local government fund one and sixty-six one-hundredths seven-tenths per cent of the total tax revenue credited to the general revenue fund during the preceding month. In determining the total tax revenue credited to the general revenue fund during the preceding month, the director shall include amounts transferred from the fund during the preceding month under this division and division (B) of this section. Money shall be distributed from the local government fund as required under sections 5747.50 and 5747.503 of the Revised Code during the same month in which it is credited to the fund.

(B) On or before the seventh day of each month, the director of budget and management shall credit to the public library fund one and sixty-six one-hundredths seven-tenths per cent of the total tax revenue credited to the general revenue fund during the
preceding month. In determining the total tax revenue credited to the general revenue fund during the preceding month, the director shall include amounts transferred from the fund during the preceding month under this division and division (A) of this section. Money shall be distributed from the public library fund as required under section 5747.47 of the Revised Code during the same month in which it is credited to the fund.

(C) The director of budget and management shall develop a schedule identifying the specific tax revenue sources to be used to make the monthly transfers required under divisions (A) and (B) of this section. The director may, from time to time, revise the schedule as the director considers necessary.

**Sec. 145.201.** (A) Subject to the limit described in division (C) of this section, any member who is or has been an elected official of the state or any political subdivision thereof or has been appointed either by the governor with the advice and consent of the senate or directly by the speaker of the house of representatives or president of the senate to serve full-time as a member of a board, commission, or other public body may at any time prior to retirement purchase additional service credit in an amount not to exceed thirty-five per cent of the service credit allowed the member for the period of service as an elected or appointed official subsequent to January 1, 1935, other than credit for military service, part-time service, and service subject to the tax on wages imposed by the "Federal Insurance Contributions Act," 68A Stat. 415 (1954), 26 U.S.C.A. 3101, as amended.

For each year of additional service credit purchased under this section, the member shall pay into the employees' savings fund an amount specified by the public employees retirement board that is equal to one hundred per cent of the additional liability.
resulting from the purchase of that year or portion of a year of
credit as determined by an actuary employed by the board. The
member shall receive full credit for such additional elective
service in computing an allowance or benefit under section 145.33,
145.331, 145.332, 145.36, 145.361, or 145.46 of the Revised Code,
notwithstanding any other provision of this chapter. The payment
to the employees' savings fund, and payments made to the
employers' accumulation fund prior to the effective date of this
amendment January 7, 2013, for such additional elective service
credit shall, in the event of death or withdrawal from service, be
considered as accumulated contributions of the member.

The board may determine by rule what constitutes full- or
part-time service for purposes of this section.

(B) Notwithstanding division (A) of this section, a member
who purchased service credit under this section prior to January
1, 1980, on the basis of part-time service shall be permitted to
retain the credit and shall be given full credit for it in
computing an allowance or benefit under section 145.33, 145.331,
145.332, 145.36, 145.361, or 145.46 of the Revised Code. The
public employees retirement board has no authority to cancel or
rescind such credit.

(C) A purchase made under this section shall not exceed the
limits established by division (n) of section 415 of the "Internal
amended.

(D) Subject to rules adopted by the public employees
retirement board, a member who has purchased service credit under
this section is entitled to be refunded all or a portion of the
actual amount the member paid for the service credit if, in
computing an age and service retirement allowance under division
(A) of section 145.33 or section 145.332 of Revised Code, the
allowance exceeds a limit established by either of those sections.
A refund under this division cancels the equivalent amount of service credit.

Sec. 149.3010. The Ohio history connection, in addition to its other functions, may use any land owned by the Ohio history connection, any land owned by the state and in the Ohio history connection's custody and control, any land leased by the Ohio history connection, or any land that the Ohio history connection has agreed to lease to another entity or organization, for the purpose of repatriation of American Indian human remains.

The Ohio history connection shall work with and cooperate with federally recognized Indian tribal governments in the selection, management, and use of burial sites under this section. The Ohio history connection shall implement reasonable standards for the use and maintenance of the burial sites. In the event the Ohio history connection shall deaccession, otherwise dispose of, or no longer have custody and control of a burial site, the Ohio history connection shall retain access and authority to maintain the site or the Ohio history connection shall assign its right of access and maintenance to the person acquiring the site.

Chapters 517., 759., 1721., and 4767. of the Revised Code do not apply to burial sites under this section.

Sec. 149.311. (A) As used in this section:

(1) "Historic building" means a building, including its structural components, that is located in this state and that is either individually listed on the national register of historic places under 16 U.S.C. 470a, located in a registered historic district, and certified by the state historic preservation officer as being of historic significance to the district, or is individually listed as an historic landmark designated by a local government certified under 16 U.S.C. 470a(c).
(2) "Qualified rehabilitation expenditures" means expenditures paid or incurred during the rehabilitation period, and before and after that period as determined under 26 U.S.C. 47, by an owner or qualified lessee of an historic building to rehabilitate the building. "Qualified rehabilitation expenditures" includes architectural or engineering fees paid or incurred in connection with the rehabilitation, and expenses incurred in the preparation of nomination forms for listing on the national register of historic places. "Qualified rehabilitation expenditures" does not include any of the following:

(a) The cost of acquiring, expanding, or enlarging an historic building;

(b) Expenditures attributable to work done to facilities related to the building, such as parking lots, sidewalks, and landscaping;

(c) New building construction costs.

(3) "Owner" of an historic building means a person holding the fee simple interest in the building. "Owner" does not include the state or a state agency, or any political subdivision as defined in section 9.23 of the Revised Code.

(4) "Qualified lessee" means a person subject to a lease agreement for an historic building and eligible for the federal rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" does not include the state or a state agency or political subdivision as defined in section 9.23 of the Revised Code.

(5) "Certificate owner" means the owner or qualified lessee of an historic building to which a rehabilitation tax credit certificate was issued under this section.

(6) "Registered historic district" means an historic district listed in the national register of historic places under 16 U.S.C. 470a, an historic district designated by a local government.
certified under 16 U.S.C. 470a(c), or a local historic district certified under 36 C.F.R. 67.8 and 67.9.

(7) "Rehabilitation" means the process of repairing or altering an historic building or buildings, making possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, and cultural values.

(8) "Rehabilitation period" means one of the following:

(a) If the rehabilitation initially was not planned to be completed in stages, a period chosen by the owner or qualified lessee not to exceed twenty-four months during which rehabilitation occurs;

(b) If the rehabilitation initially was planned to be completed in stages, a period chosen by the owner or qualified lessee not to exceed sixty months during which rehabilitation occurs. Each stage shall be reviewed as a phase of a rehabilitation as determined under 26 C.F.R. 1.48-12 or a successor to that section.

(9) "State historic preservation officer" or "officer" means the state historic preservation officer appointed by the governor under 16 U.S.C. 470a.

(10) "Catalytic project" means the rehabilitation of an historic building, the rehabilitation of which will foster economic development within two thousand five hundred feet of the historic building.

(B) The owner or qualified lessee of an historic building may apply to the director of development for a rehabilitation tax credit certificate for qualified rehabilitation expenditures paid or incurred by such owner or qualified lessee after April 4, 2007, for rehabilitation of an historic building. If the owner of an historic building enters a pass-through agreement with a qualified
lessee for the purposes of the federal rehabilitation tax credit under 26 U.S.C. 47, the qualified rehabilitation expenditures paid or incurred by the owner after April 4, 2007, may be attributed to the qualified lessee.

The form and manner of filing such applications shall be prescribed by rule of the director. Each application shall state the amount of qualified rehabilitation expenditures the applicant estimates will be paid or incurred and shall indicate whether the historic building was used as a theater before, and is intended to be used as a theater after, the rehabilitation. The director may require applicants to furnish documentation of such estimates.

The director, after consultation with the tax commissioner and in accordance with Chapter 119. of the Revised Code, shall adopt rules that establish all of the following:

(1) Forms and procedures by which applicants may apply for rehabilitation tax credit certificates;

(2) Criteria for reviewing, evaluating, and approving applications for certificates within the limitations under division (D) of this section, criteria for assuring that the certificates issued encompass a mixture of high and low qualified rehabilitation expenditures, and criteria for issuing certificates under division (C)(3)(b) of this section;

(3) Eligibility requirements for obtaining a certificate under this section;

(4) The form of rehabilitation tax credit certificates;

(5) Reporting requirements and monitoring procedures;

(6) Procedures and criteria for conducting cost-benefit analyses of historic buildings that are the subjects of applications filed under this section. The purpose of a cost-benefit analysis shall be to determine whether rehabilitation
of the historic building will result in a net revenue gain in state and local taxes once the building is used.

(7) Any other rules necessary to implement and administer this section.

(C) The director shall review the applications with the assistance of the state historic preservation officer and determine whether all of the following criteria are met:

(1) That the building that is the subject of the application is an historic building and the applicant is the owner or qualified lessee of the building;

(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to that section;

(3) That receiving a rehabilitation tax credit certificate under this section is a major factor in:

(a) The applicant's decision to rehabilitate the historic building; or

(b) To increase the level of investment in such rehabilitation.

(4) The historic building that is the subject of the application is not, and will not upon completion of the rehabilitation project be, part of a qualified low-income housing project allocated a tax credit pursuant to section 42 of the Internal Revenue Code.

An applicant shall demonstrate to the satisfaction of the state historic preservation officer and director that the rehabilitation will satisfy the standards described in division (C) (2) of this section before the applicant begins the physical rehabilitation of the historic building.
(D)(1) If the director determines that an application meets the criteria in division (C) of this section, the director shall conduct a cost-benefit analysis for the historic building that is the subject of the application to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used. The director shall consider the results of the cost-benefit analysis in determining whether to approve the application. The director shall also consider the potential economic impact and the regional distributive balance of the credits throughout the state. The director may approve an application only after completion of the cost-benefit analysis.

(2) A rehabilitation tax credit certificate shall not be issued for an amount greater than the estimated amount furnished by the applicant on the application for such certificate and approved by the director. The director shall not approve more than a total of one hundred twenty million dollars of rehabilitation tax credits for each of fiscal years 2023 and 2024, and sixty million dollars of rehabilitation tax credits for each fiscal year thereafter but the director may reallocate unused tax credits from a prior fiscal year for new applicants and such reallocated credits shall not apply toward the dollar limit of this division.

(3) For rehabilitations with a rehabilitation period not exceeding twenty-four months as provided in division (A)(8)(a) of this section, a rehabilitation tax credit certificate shall not be issued before the rehabilitation of the historic building is completed.

(4) For rehabilitations with a rehabilitation period not exceeding sixty months as provided in division (A)(8)(b) of this section, a rehabilitation tax credit certificate shall not be issued before a stage of rehabilitation is completed. After all
stages of rehabilitation are completed, if the director cannot determine that the criteria in division (C) of this section are satisfied for all stages of rehabilitations, the director shall certify this finding to the tax commissioner, and any rehabilitation tax credits received by the applicant shall be repaid by the applicant and may be collected by assessment as unpaid tax by the commissioner.

(5) The director shall require the applicant to provide a third-party cost certification by a certified public accountant of the actual costs attributed to the rehabilitation of the historic building when qualified rehabilitation expenditures exceed two hundred thousand dollars.

If an applicant whose application is approved for receipt of a rehabilitation tax credit certificate fails to provide to the director sufficient evidence of reviewable progress, including a viable financial plan, copies of final construction drawings, and evidence that the applicant has obtained all historic approvals within twelve months after the date the applicant received notification of approval, and if the applicant fails to provide evidence to the director that the applicant has secured and closed on financing for the rehabilitation within eighteen months after receiving notification of approval, the director may rescind the approval of the application. The director shall notify the applicant if the approval has been rescinded. Credits that would have been available to an applicant whose approval was rescinded shall be available for other qualified applicants. Nothing in this division prohibits an applicant whose approval has been rescinded from submitting a new application for a rehabilitation tax credit certificate.

(6) The director may approve the application of, and issue a rehabilitation tax credit certificate to, the owner of a catalytic project, provided the application otherwise meets the criteria
described in divisions (C) and (D) of this section. The director may not approve more than one application for a rehabilitation tax credit certificate under division (D)(6) of this section during each state fiscal biennium. The director shall not approve an application for a rehabilitation tax credit certificate under division (D)(6) of this section during the state fiscal biennium beginning July 1, 2017, or during any state fiscal biennium thereafter. The director shall consider the following criteria in determining whether to approve an application for a certificate under division (D)(6) of this section:

(a) Whether the historic building is a catalytic project;

(b) The effect issuance of the certificate would have on the availability of credits for other applicants that qualify for a credit certificate within the credit dollar limit described in division (D)(2) of this section;

(c) The number of jobs, if any, the catalytic project will create.

(7)(a) The owner or qualified lessee of a historic building may apply for a rehabilitation tax credit certificate under both divisions (B) and (D)(6) of this section. In such a case, the director shall consider each application at the time the application is submitted.

(b) The director shall not issue more than one certificate under this section with respect to the same qualified rehabilitation expenditures.

(8) The director shall give consideration for tax credits awarded under this section to rehabilitations of historic buildings used as a theater before, and intended to be used as a theater after, the rehabilitation. In determining whether to approve an application for such a rehabilitation, the director shall consider the extent to which the rehabilitation will
increase attendance at the theater and increase the theater's gross revenue.

(9) The director shall rescind the approval of any application if the building that is the subject of the application is part of a qualified low-income housing project allocated a tax credit pursuant to section 42 of the Internal Revenue Code at any time before the building's rehabilitation is complete.

(E) Issuance of a certificate represents a finding by the director of the matters described in divisions (C)(1), (2), and (3) of this section only; issuance of a certificate does not represent a verification or certification by the director of the amount of qualified rehabilitation expenditures for which a tax credit may be claimed under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of qualified rehabilitation expenditures for which a tax credit may be claimed is subject to inspection and examination by the tax commissioner or employees of the commissioner under section 5703.19 of the Revised Code and any other applicable law. Upon the issuance of a certificate, the director shall certify to the tax commissioner, in the form and manner requested by the tax commissioner, the name of the applicant, the amount of qualified rehabilitation expenditures shown on the certificate, and any other information required by the rules adopted under this section.

(F)(1) On or before the first day of August each year, the director and tax commissioner jointly shall submit to the president of the senate and the speaker of the house of representatives a report on the tax credit program established under this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The report shall present an overview of the program and shall include information on the number of rehabilitation tax credit...
certificates issued under this section during the preceding fiscal year, an update on the status of each historic building for which an application was approved under this section, the dollar amount of the tax credits granted under sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and any other information the director and commissioner consider relevant to the topics addressed in the report.

(2) On or before December 1, 2015, the director and tax commissioner jointly shall submit to the president of the senate and the speaker of the house of representatives a comprehensive report that includes the information required by division (F)(1) of this section and a detailed analysis of the effectiveness of issuing tax credits for rehabilitating historic buildings. The report shall be prepared with the assistance of an economic research organization jointly chosen by the director and commissioner.

(G) There is hereby created in the state treasury the historic rehabilitation tax credit operating fund. The director is authorized to charge reasonable application and other fees in connection with the administration of tax credits authorized by this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. Any such fees collected shall be credited to the fund and used to pay reasonable costs incurred by the department of development in administering this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code.

The Ohio historic preservation office is authorized to charge reasonable fees in connection with its review and approval of applications under this section. Any such fees collected shall be credited to the fund and used to pay administrative costs incurred by the Ohio historic preservation office pursuant to this section.

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52,
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate owner of a tax credit certificate issued under division (D)(6) of this section may claim a tax credit equal to twenty-five per cent of the dollar amount indicated on the certificate for a total credit of not more than twenty-five million dollars. The credit claimed by such a certificate owner for any calendar year, tax year, or taxable year under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed five million dollars. If the certificate owner is eligible for more than five million dollars in total credits, the certificate owner may carry forward the balance of the credit in excess of the amount claimed for that year for not more than five ensuing calendar years, tax years, or taxable years. If the credit claimed in any calendar year, tax year, or taxable year exceeds the tax otherwise due, the excess shall be refunded to the taxpayer.

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, the following apply to a tax credit approved under this section after September 13, 2022, and before July 1, 2024:

(1) The certificate holder may claim a tax credit equal to thirty-five per cent of the dollar amount indicated on the tax credit certificate if any county, township, or municipal corporation within which the project is located has a population of less than three hundred thousand according to the 2020 decennial census. The tax credit equals twenty-five per cent of the dollar amount indicated on the certificate if the project is not located within such a county, township, or municipal corporation.

(2) The total tax credit claimed under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code for any one project shall not exceed ten million dollars for any calendar year, tax year, or taxable year.
(3) If the credit claimed in any calendar year, tax year, or taxable year exceeds the tax otherwise due, the excess shall be refunded to the taxpayer, subject to division (I)(2) of this section.

(J) The director of development, in consultation with the director of budget and management, shall develop and adopt a system of tracking any information necessary to anticipate the impact of credits issued under this section on tax revenues for current and future fiscal years. Such information may include the number of applications approved, the estimated rehabilitation expenditures and rehabilitation period associated with such applications, the number and amount of tax credit certificates issued, and any other information the director of budget and management requires for the purposes of this division.

(K) For purposes of this section and Chapter 122:19-1 of the Ohio Administrative Code, a tax credit certificate issued under this section is effective on the date that all historic buildings rehabilitated by the project are "placed in service," as that term is used in section 47 of the Internal Revenue Code.

Sec. 149.43. (A) As used in this section:

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control.
sanctions and post-release control sanctions, or to proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(f) Records specified in division (A) of section 3107.52 of the Revised Code;

(g) Trial preparation records prior to the conclusion of all direct appeals or, if no appeal is filed, at the expiration of the time during which an appeal may be filed;

(h) Confidential law enforcement investigatory records;

(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;

(m) Intellectual property records;

(n) Donor profile records;

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;

(p) Designated public service worker residential and familial information;

(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;

(r) Information pertaining to the recreational activities of a person under the age of eighteen;

(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;

(t) Records provided to and statements made by the executive
director of a public children services agency or a prosecuting
attorney acting pursuant to section 5153.171 of the Revised Code
other than the information released under that section;

(u) Test materials, examinations, or evaluation tools used in
an examination for licensure as a nursing home administrator that
the board of executives of long-term services and supports
administers under section 4751.15 of the Revised Code or contracts
under that section with a private or government entity to
administer;

(v) Records the release of which is prohibited by state or
federal law;

(w) Proprietary information of or relating to any person that
is submitted to or compiled by the Ohio venture capital authority
created under section 150.01 of the Revised Code;

(x) Financial statements and data any person submits for any
purpose to the Ohio housing finance agency or the controlling
board in connection with applying for, receiving, or accounting
for financial assistance from the agency, and information that
identifies any individual who benefits directly or indirectly from
financial assistance from the agency;

(y) Records listed in section 5101.29 of the Revised Code;

(z) Discharges recorded with a county recorder under section
317.24 of the Revised Code, as specified in division (B)(2) of
that section;

(aa) Usage information including names and addresses of
specific residential and commercial customers of a municipally
owned or operated public utility;

(bb) Records described in division (C) of section 187.04 of
the Revised Code that are not designated to be made available to
the public as provided in that division;
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;

(dd) Personal information, as defined in section 149.45 of the Revised Code;

(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record; records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state; and any real property confidentiality notice filed under section 111.431 of the Revised Code and the information described in division (C) of that section. As used in this division, "confidential address" and "program participant" have the meaning defined in section 111.41 of the Revised Code.

(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order;

(gg) The name, address, contact information, or other personal information of an individual who is less than eighteen years of age that is included in any record related to a traffic accident involving a school vehicle in which the individual was an occupant at the time of the accident;
(hh) Protected health information, as defined in 45 C.F.R. 160.103, that is in a claim for payment for a health care product, service, or procedure, as well as any other health claims data in another document that reveals the identity of an individual who is the subject of the data or could be used to reveal that individual's identity;

(ii) Any depiction by photograph, film, videotape, or printed or digital image under either of the following circumstances:

(i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity.

(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.

(jj) Restricted portions of a body-worn camera or dashboard camera recording;

(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.

(ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of
health, other than the biennial reports prepared under section 3738.08 of the Revised Code;

(mm) Except as otherwise provided in division (A)(1)(oo) of this section, telephone numbers for a victim, as defined in section 2930.01 of the Revised Code or a witness to a crime that are listed on any law enforcement record or report.

(nn) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is contained in a report submitted by or for a funeral home to the board of embalmers and funeral directors under division (C) of section 4717.13, division (J) of section 4717.31, or section 4717.41 of the Revised Code.

(oo) Telephone numbers for a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report, except that the telephone numbers described in this division are not excluded from the definition of "public record" under this division on and after the thirtieth day after the occurrence of the motor vehicle accident.

(pp) Records pertaining to individuals who complete training under section 5502.703 of the Revised Code to be permitted by a school district board of education or governing body of a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, or a chartered nonpublic school to convey deadly weapons or dangerous ordnance into a school safety zone;

(qq) Records, documents, reports, or other information presented to a domestic violence fatality review board established under section 307.651 of the Revised Code, statements made by board members during board meetings, all work products of the
board, and data submitted by the board to the department of health, other than a report prepared pursuant to section 307.656 of the Revised Code;

(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code.

(ss) Records of an existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code that do not pertain to a purpose for which the district is created;

(tt) Attorney work product record at any time.

A record that is not a public record under division (A)(1) of this section and that, under law, is permanently retained becomes a public record on the day that is seventy-five years after the day on which the record was created, except for any record protected by the attorney-client privilege, a trial preparation record as defined in this section, a statement prohibiting the release of identifying information signed under section 3107.083 of the Revised Code, a denial of release form filed pursuant to section 3107.46 of the Revised Code, or any record that is exempt from release or disclosure under section 149.433 of the Revised Code. If the record is a birth certificate and a biological parent's name redaction request form has been accepted under section 3107.391 of the Revised Code, the name of that parent shall be redacted from the birth certificate before it is released under this paragraph. If any other section of the Revised Code establishes a time period for disclosure of a record that conflicts with the time period specified in this section, the time period in the other section prevails.

(2)(a) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a
criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

(a)(i) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;

(a)(ii) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;

(a)(iii) Specific confidential investigatory techniques or procedures or specific investigatory work product;

(a)(iv) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(b) As used in division (A)(2) of this section, "specific investigatory work product" means any record, thing, or item that documents the independent thought processes, factual findings, mental impressions, theories, strategies, opinions, or analyses of an investigating officer or an agent of an investigative agency and also includes any documents and evidence collected, written or recorded interviews or statements, interview notes, test results, lab results, preliminary lab results, and other internal memoranda, things, or items created during any point of an investigation. "Specific investigatory work product" does not include basic information regarding date, time, address, and type of incident.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history,
diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that is not a confidential law enforcement investigatory record or attorney work product record and that contains factual information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Designated public service worker" means a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, designated Ohio national guard member, protective services worker, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, emergency service
telecommunicator, forensic mental health provider, mental health evaluation provider, regional psychiatric hospital employee, judge, magistrate, or federal law enforcement officer.

(8) "Designated public service worker residential and familial information" means any information that discloses any of the following about a designated public service worker:

(a) The address of the actual personal residence of a designated public service worker, except for the following information:

(i) The address of the actual personal residence of a prosecuting attorney or judge; and

(ii) The state or political subdivision in which a designated public service worker resides.

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number,
the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

(9) As used in divisions (A)(7) and (15) to (17) of this section:

"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

"Correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

"County or multicounty corrections officer" means any corrections officer employed by any county or multicounty correctional facility.

"Designated Ohio national guard member" means a member of the Ohio national guard who is participating in duties related to remotely piloted aircraft, including, but not limited to, pilots, sensor operators, and mission intelligence personnel, duties related to special forces operations, or duties related to cybersecurity, and is designated by the adjutant general as a designated public service worker for those purposes.

"Protective services worker" means any employee of a county...
agency who is responsible for child protective services, child support services, or adult protective services.

"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code.

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

"Emergency service telecommunicator" has the meaning defined in section 4742.01 of the Revised Code.

"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

"Mental health evaluation provider" means an individual who, under Chapter 5122. of the Revised Code, examines a respondent who is alleged to be a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code, and reports to the probate court the respondent's mental condition.
"Regional psychiatric hospital employee" means any employee of the department of mental health and addiction services who, in the course of performing the employee's duties, has contact with patients committed to the department of mental health and addiction services by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.

(10) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.

(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.
(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.

(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.

(15) "Body-worn camera" means a visual and audio recording device worn on the person of a correctional employee, youth services employee, or peace officer while the correctional employee, youth services employee, or peace officer is engaged in the performance of official duties.

(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the department of rehabilitation and correction, department of youth services, or the law enforcement agency knows or has reason to know the person is a child based on the department's or law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a correctional employee, youth services employee, or peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;
(c) The death of a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a correctional employee, youth services employee, or peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a correctional employee, youth services employee, or peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(f) Grievous bodily harm to a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(g) An act of severe violence resulting in serious physical harm against a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(h) A person's nude body, unless, subject to division (H)(1) of this section, the person's consent has been obtained;
(i) Protected health information, the identity of a person in a health care facility who is not the subject of a correctional, youth services, or law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a correctional, youth services, or law enforcement encounter;

(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;

(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person;

(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;

(m) Proprietary correctional, youth services, or police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;

(n) A personal conversation unrelated to work between correctional employees, youth services employees, or peace officers or between a correctional employee, youth services employee, or peace officer and an employee of a law enforcement agency;

(o) A conversation between a correctional employee, youth services employee, or peace officer and a member of the public that does not concern correctional, youth services, or law enforcement activities;

(p) The interior of a residence, unless the interior of a
residence is the location of an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer;

(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a correctional employee, youth services employee, or peace officer occurs in that location.

As used in division (A)(17) of this section:

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.

"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.

"Protected health information" has the same meaning as in 45 C.F.R. 160.103.

"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.

"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.

"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.

"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.

(18) "Attorney work product record" means any record that documents the independent thought processes, mental impressions, legal theories, strategies, opinions, analysis, or reasoning of an attorney for the state including reports, memoranda, or other internal documents made by a prosecuting attorney, or the prosecuting attorney's agent, in connection with the investigation
or prosecution of a case.

(B)(1) Upon request by any person and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to the requester at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are
being requested, the public office or the person responsible for
the requested public record may deny the request but shall provide
the requester with an opportunity to revise the request by
informing the requester of the manner in which records are
maintained by the public office and accessed in the ordinary
course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole,
the public office or the person responsible for the requested
public record shall provide the requester with an explanation,
including legal authority, setting forth why the request was
denied. If the initial request was provided in writing, the
explanation also shall be provided to the requester in writing.
The explanation shall not preclude the public office or the person
responsible for the requested public record from relying upon
additional reasons or legal authority in defending an action
commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or
federal law or in accordance with division (B) of this section, no
public office or person responsible for public records may limit
or condition the availability of public records by requiring
disclosure of the requester's identity or the intended use of the
requested public record. Any requirement that the requester
disclose the requester's identity or the intended use of the
requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records
may ask a requester to make the request in writing, may ask for
the requester's identity, and may inquire about the intended use
of the information requested, but may do so only after disclosing
to the requester that a written request is not mandatory, that the
requester may decline to reveal the requester's identity or the
intended use, and when a written request or disclosure of the
identity or intended use would benefit the requester by enhancing
the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require the requester to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the requester under this division. The public office or the person responsible for the public record shall permit the requester to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the requester makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the requester. Nothing in this section requires a public office or person responsible for the public record to allow the requester of a copy of the public record to make the copies of the public record.

(7)(a) Upon a request made in accordance with division (B) of this section and subject to division (B)(6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail.
mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission.

(b) Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to division (B)(7) of this section. A public office that adopts a policy and procedures under division (B)(7) of this section shall comply with them in performing its duties under that division.

(c) In any policy and procedures adopted under division (B)(7) of this section:

(i) A public office may limit the number of records requested by a person that the office will physically deliver by United States mail or by another delivery service to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes;

(ii) A public office that chooses to provide some or all of its public records on a web site that is fully accessible to and searchable by members of the public at all times, other than during acts of God outside the public office's control or maintenance, and that charges no fee to search, access, download, or otherwise receive records provided on the web site, may limit to ten per month the number of records requested by a person that the office will deliver in a digital format, unless the requested records are not provided on the web site and unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes.
For purposes of division (B)(7) of this section, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(8) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(9)(a) Upon written request made and signed by a journalist, a public office, or person responsible for public records, having custody of the records of the agency employing a specified designated public service worker shall disclose to the journalist the address of the actual personal residence of the designated public service worker and, if the designated public service worker's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the designated public service worker's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.
(b) Division (B)(9)(a) of this section also applies to journalist requests for:

(i) Customer information maintained by a municipally owned or operated public utility, other than social security numbers and any private financial information such as credit reports, payment methods, credit card numbers, and bank account information;

(ii) Information about minors involved in a school vehicle accident as provided in division (A)(1)(gg) of this section, other than personal information as defined in section 149.45 of the Revised Code.

(c) As used in division (B)(9) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(10) Upon a request made by a victim, victim's attorney, or victim's representative, as that term is used in section 2930.02 of the Revised Code, a public office or person responsible for public records shall transmit a copy of a depiction of the victim as described in division (A)(1)(ii) of this section to the victim, victim's attorney, or victim's representative.

(C)(1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may do only one of the following, and not both:
(a) File a complaint with the clerk of the court of claims or
the clerk of the court of common pleas under section 2743.75 of
the Revised Code;

(b) Commence a mandamus action to obtain a judgment that
orders the public office or the person responsible for the public
record to comply with division (B) of this section, that awards
court costs and reasonable attorney's fees to the person that
instituted the mandamus action, and, if applicable, that includes
an order fixing statutory damages under division (C)(2) of this
section. The mandamus action may be commenced in the court of
common pleas of the county in which division (B) of this section
allegedly was not complied with, in the supreme court pursuant to
its original jurisdiction under Section 2 of Article IV, Ohio
Constitution, or in the court of appeals for the appellate
district in which division (B) of this section allegedly was not
complied with pursuant to its original jurisdiction under Section
3 of Article IV, Ohio Constitution.

(2) If a requester transmits a written request by hand
delivery, electronic submission, or certified mail to inspect or
receive copies of any public record in a manner that fairly
describes the public record or class of public records to the
public office or person responsible for the requested public
records, except as otherwise provided in this section, the
requester shall be entitled to recover the amount of statutory
damages set forth in this division if a court determines that the
public office or the person responsible for public records failed
to comply with an obligation in accordance with division (B) of
this section.

The amount of statutory damages shall be fixed at one hundred
dollars for each business day during which the public office or
person responsible for the requested public records failed to
comply with an obligation in accordance with division (B) of this
section, beginning with the day on which the requester files a
mandamus action to recover statutory damages, up to a maximum of
one thousand dollars. The award of statutory damages shall not be
construed as a penalty, but as compensation for injury arising
from lost use of the requested information. The existence of this
injury shall be conclusively presumed. The award of statutory
damages shall be in addition to all other remedies authorized by
this section.

The court may reduce an award of statutory damages or not
award statutory damages if the court determines both of the
following:

(a) That, based on the ordinary application of statutory law
and case law as it existed at the time of the conduct or
threatened conduct of the public office or person responsible for
the requested public records that allegedly constitutes a failure
to comply with an obligation in accordance with division (B) of
this section and that was the basis of the mandamus action, a
well-informed public office or person responsible for the
requested public records reasonably would believe that the conduct
or threatened conduct of the public office or person responsible
for the requested public records did not constitute a failure to
comply with an obligation in accordance with division (B) of this
section;

(b) That a well-informed public office or person responsible
for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person
responsible for the requested public records would serve the
public policy that underlies the authority that is asserted as
permitting that conduct or threatened conduct.

(3) In a mandamus action filed under division (C)(1) of this
section, the following apply:
(a)(i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(ii) If the court makes a determination described in division (C)(3)(b)(iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C)(4) of this section:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible.
for the public records. This division shall not be construed as
creating a presumption that the public office or the person
responsible for the public records acted in bad faith when the
office or person voluntarily made the public records available to
the relator for the first time after the relator commenced the
mandamus action, but before the court issued any order described
in this division.

(c) The court shall not award attorney's fees to the relator
if the court determines both of the following:

(i) That, based on the ordinary application of statutory law
and case law as it existed at the time of the conduct or
threatened conduct of the public office or person responsible for
the requested public records that allegedly constitutes a failure
to comply with an obligation in accordance with division (B) of
this section and that was the basis of the mandamus action, a
well-informed public office or person responsible for the
requested public records reasonably would believe that the conduct
or threatened conduct of the public office or person responsible
for the requested public records did not constitute a failure to
comply with an obligation in accordance with division (B) of this
section;

(ii) That a well-informed public office or person responsible
for the requested public records reasonably would believe that the
conduct or threatened conduct of the public office or person
responsible for the requested public records would serve the
public policy that underlies the authority that is asserted as
permitting that conduct or threatened conduct.

(4) All of the following apply to any award of reasonable
attorney's fees awarded under division (C)(3)(b) of this section:

(a) The fees shall be construed as remedial and not punitive.

(b) The fees awarded shall not exceed the total of the
reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C)(4)(c) of this section.

(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees.

(d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C)(1) of this section.

(5) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court.

(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.

(E)(1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. A future official may satisfy the requirements of this division by attending the training before taking office, provided that the future official may not send a designee in the future official's place.

(2) All public offices shall adopt a public records policy in
compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general under section 109.43 of the Revised Code. Except as otherwise provided in this section, the policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours.

The public office shall distribute the public records policy adopted by the public office under this division to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F)(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year.
year. The rules may include provisions for charges to be made for
bulk commercial special extraction requests for the actual cost of
the bureau, plus special extraction costs, plus ten per cent. The
bureau may charge for expenses for redacting information, the
release of which is prohibited by law.

(2) As used in division (F)(1) of this section:

(a) "Actual cost" means the cost of depleted supplies,
records storage media costs, actual mailing and alternative
delivery costs, or other transmitting costs, and any direct
equipment operating and maintenance costs, including actual costs
paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a
request for copies of a record for information in a format other
than the format already available, or information that cannot be
extracted without examination of all items in a records series,
class of records, or database by a person who intends to use or
forward the copies for surveys, marketing, solicitation, or resale
for commercial purposes. "Bulk commercial special extraction
request" does not include a request by a person who gives
assurance to the bureau that the person making the request does
not intend to use or forward the requested copies for surveys,
marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or
selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time
spent by the lowest paid employee competent to perform the task,
the actual amount paid to outside private contractors employed by
the bureau, or the actual cost incurred to create computer
programs to make the special extraction. "Special extraction
costs" include any charges paid to a public agency for computer or
records services.
(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.

(H)(1) Any portion of a body-worn camera or dashboard camera recording described in divisions (A)(17)(b) to (h) of this section may be released by consent of the subject of the recording or a representative of that person, as specified in those divisions, only if either of the following applies:

(a) The recording will not be used in connection with any probable or pending criminal proceedings;

(b) The recording has been used in connection with a criminal proceeding that was dismissed or for which a judgment has been entered pursuant to Rule 32 of the Rules of Criminal Procedure, and will not be used again in connection with any probable or pending criminal proceedings.

(2) If a public office denies a request to release a restricted portion of a body-worn camera or dashboard camera recording, as defined in division (A)(17) of this section, any
person may file a mandamus action pursuant to this section or a complaint with the clerk of the court of claims pursuant to section 2743.75 of the Revised Code, requesting the court to order the release of all or portions of the recording. If the court considering the request determines that the filing articulates by clear and convincing evidence that the public interest in the recording substantially outweighs privacy interests and other interests asserted to deny release, the court shall order the public office to release the recording.

Sec. 153.12. (A) With respect to award of any contract for the construction, reconstruction, improvement, enlargement, alteration, repair, painting, or decoration of a public improvement made by the state, or any county, township, municipal corporation, school district, or other political subdivision, or any public board, commission, authority, instrumentality, or special purpose district of or in the state or a political subdivision or that is authorized by state law, the award, and execution of the contract, shall be made within sixty days after the date on which the bids are opened. The failure to award and execute the contract within sixty days invalidates the entire bid proceedings and all bids submitted, unless the time for awarding and executing the contract is extended by mutual consent of the owner or its representatives and the bidder whose bid the owner accepts and with respect to whom the owner subsequently awards and executes a contract. The public owners referred to in this section shall include, in the plans and specifications for the project for which bids are solicited, the estimate of cost. The bid for which the award is to be made shall be opened at the time and place named in the advertisement for bids, unless extended by the owner or its representative or unless, within seventy-two hours prior to the published time for the opening of bids, excluding Saturdays, Sundays, and legal holidays, any modification of the plans or
specifications and estimates of cost for the project for which bids are solicited is issued and mailed or otherwise furnished to persons who have obtained plans or specifications for the project, for which the time for opening of bids shall be extended one week, with no further advertising of bids required. The contractor, upon request, is entitled to a notice to proceed with the work by the owner or its representative upon execution of the contract. No contract to which this section applies shall be entered into if the price of the contract, or, if the project involves multiple contracts where the total price of all contracts for the project, is in excess of ten twenty per cent above the entire estimate thereof, nor shall the entire cost of the construction, reconstruction, repair, painting, decorating, improvement, alteration, addition, or installation, including changes and estimates of expenses for architects or engineers, exceed in the aggregate the amount authorized by law.

The unit or lump sum price stated in the contract shall be used in determining the amount to be paid and shall constitute full and final compensation for all the work.

Partial payment to the contractor for work performed under the lump sum price shall be based on a schedule prepared by the contractor and approved by the architect or engineer who shall apportion the lump sum price to the major components entering into or forming a part of the work under the lump sum price.

Partial payments to the contractor for labor performed under either a unit or lump sum price contract shall be made at the rate of ninety-two per cent of the estimates prepared by the contractor and approved by the architect or engineer. All labor performed after the job is fifty per cent completed shall be paid for at the rate of one hundred per cent of the estimates submitted by the contractor and approved by the architect or engineer.

The amounts and time of payments of any public improvements
contract made by the state or any county, township, municipal
corporation, school district, or other political subdivision, or
any public board, commission, authority, instrumentality, or
special purpose district of or in the state or a political
subdivision or that is authorized by state law, except as provided
in section 5525.19 of the Revised Code, shall be governed by this
section and sections 153.13 and 153.14 of the Revised Code. If the
time for awarding the contract is extended by mutual consent, or
if the owner or its representative fails to issue a timely notice
to proceed as required by this section, the owner or its
representative shall issue a change order authorizing delay costs
to the contractor, which does not invalidate the contract. The
amount of such a change order to the owner shall be determined in
accordance with the provisions of the contract for change orders
or force accounts or, if no such provision is set forth in the
contract, the cost to the owner shall be the contractor's actual
costs including wages, labor costs other than wages, wage taxes,
materials, equipment costs and rentals, insurance, and
subcontracts attributable to the delay, plus a reasonable sum for
overhead. In the event of a dispute between the owner and the
contractor concerning such change order, procedures shall be
commenced under the applicable terms of the contract, or, if the
contract contains no provision for resolving the dispute, it shall
be resolved pursuant to the procedures for arbitration in Chapter
2711. of the Revised Code, except as provided in division (B) of
this section. Nothing in this division shall be construed as a
limitation upon the authority of the director of transportation
granted in Chapter 5525. of the Revised Code.

(B) If a dispute arises between the state and a contractor
concerning the terms of a public improvement contract let by the
state or concerning a breach of the contract, and after
administrative remedies provided for in such contract and any
alternative dispute resolution procedures provided in accordance
with guidelines established by the executive director of the Ohio facilities construction commission are exhausted, the contractor may bring an action to the court of claims in accordance with Chapter 2743. of the Revised Code. The state or the contractor may request the chief justice of the supreme court to appoint a referee or panel of referees in accordance with division (C)(3) of section 2743.03 of the Revised Code. As used in this division, "dispute" means a disagreement between the state and the contractor concerning a public improvement contract let by the state.

(C) No public entity subject to competitive bidding requirements under any section of the Revised Code shall subdivide a purchase, lease, project, or other expenditure into component parts, separate projects, or separate items of work in order to avoid the applicable competitive bidding requirements.

Sec. 153.17. (A) When in the opinion of the owner referred to in section 153.01 of the Revised Code, the work under any contract made under any law of the state is neglected by the contractor or such work is not prosecuted with the diligence and force specified or intended in the contract, such owner may make requisition upon the contractor for such additional specific force or materials to be brought into the work under such contract or to remove improper materials from the grounds as in their judgment the contract and its faithful fulfillment requires.

Not less than five days' notice in writing of such action shall be served upon the contractor or the contractor's agent in charge of the work. If the contractor fails to comply with such requisition within fifteen days, such owner with the written consent of the Ohio facilities construction commission, may employ upon the work the additional force, or supply the special materials or such part of either as is considered proper, and may
remove improper materials from the grounds.  

(B) When the original contractor has defaulted on a contract and the surety has declined to take over the project, the owner may contract with one or more takeover contractors to complete work that was not finished because of the default of the original contractor. The owner may enter into a contract with a takeover contractor without competitive bidding or controlling board approval. Upon execution of a takeover contract, the owner shall notify the director of budget and management.

When the owner has taken over a project after a default has occurred, any moneys that the owner receives from the surety as a settlement for completion of the project shall be deposited in the original fund from which the capital appropriation for the project was made. The executive director, without controlling board approval, may authorize specified additional uses for the moneys related to completion of the project and may increase the appropriation authority in the appropriation line item used to fund the project by an amount equal to the moneys received from the surety.

Sec. 153.54. (A) Except with respect to a contract described in section 9.334 or 153.693 of the Revised Code, each person bidding for a contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the department of transportation, for any public improvement shall file with the bid, a bid guaranty in the form of either:

(1) A bond in accordance with division (B) of this section for the full amount of the bid;

(2) A certified check, cashier's check, or letter of credit pursuant to Chapter 1305. of the Revised Code, in accordance with division (C) of this section. Any such letter of credit is
revocable only at the option of the beneficiary state, political
subdivision, district, institution, or agency. The amount of the
certified check, cashier's check, or letter of credit shall be
equal to ten per cent of the bid.

(B) A bid guaranty filed pursuant to division (A)(1) of this
section shall be conditioned to:

(1) Provide that, if the bid is accepted, the bidder, after
the awarding or the recommendation for the award of the contract,
whichever the contracting authority designates, will enter into a
proper contract in accordance with the bid, plans, details, and
specifications. If for any reason, other than as authorized by
section 9.31 of the Revised Code or division (G) of this section,
the bidder fails to enter into the contract, and the contracting
authority awards the contract to the next lowest bidder, the
bidder and the surety on the bidder's bond are liable to the
state, political subdivision, district, institution, or agency for
the difference between the bid and that of the next lowest bidder,
or for a penal sum not to exceed ten per cent of the amount of the
bond, whichever is less. If the state, political subdivision,
district, institution, or agency does not award the contract to
the next lowest bidder but resubmits the project for bidding, the
bidder failing to enter into the contract and the surety on the
bidder's bond, except as provided in division (G) of this section,
are liable to the state, political subdivision, district,
institution, or agency for a penal sum not to exceed ten per cent
of the amount of the bid or the costs in connection with the
resubmission of printing new contract documents, required
advertising, and printing and mailing notices to prospective
bidders, whichever is less.

(2) Indemnify the state, political subdivision, district,
institution, or agency against all damage suffered by failure to
perform the contract according to its provisions and in accordance
with the plans, details, and specifications therefor and to pay all lawful claims of subcontractors, material suppliers, and laborers for labor performed or material furnished in carrying forward, performing, or completing the contract; and agree and assent that this undertaking is for the benefit of any subcontractor, material supplier, or laborer having a just claim, as well as for the state, political subdivision, district, institution, or agency.

(C)(1) A bid guaranty filed pursuant to division (A)(2) of this section shall be conditioned to provide that if the bid is accepted, the bidder, after the awarding or the recommendation for the award of the contract, whichever the contracting authority designates, will enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material. If for any reason, other than as authorized by section 9.31 of the Revised Code or division (G) of this section, the bidder fails to enter into the contract, and the contracting authority awards the contract to the next lowest bidder, the bidder is liable to the state, political subdivision, district, institution, or agency for the difference between the bidder's bid and that of the next lowest bidder, or for a penal sum not to exceed ten per cent of the amount of the bid, whichever is less. If the state, political subdivision, district, institution, or agency does not award the contract to the next lowest bidder but resubmits the project for bidding, the bidder failing to enter into the contract, except as provided in division (G) of this section, is liable to the state, political subdivision, district, institution, or agency for a penal sum not to exceed ten per cent of the amount of the bid or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less.

If the bidder enters into the contract, the bidder, at the
time the contract is entered to, shall file a bond for the amount of the contract to indemnify the state, political subdivision, district, institution, or agency against all damage suffered by failure to perform the contract according to its provisions and in accordance with the plans, details, and specifications and to pay all lawful claims of subcontractors, material suppliers, and laborers for labor performed or material furnished in carrying forward, performing, or completing the contract; and agree and assent that this undertaking is for the benefit of any subcontractor, material supplier, or laborer having a just claim, as well as for the state, political subdivision, district, institution, or agency.

(2) A construction manager who enters into a contract pursuant to sections 9.33 to 9.333 of the Revised Code, if required by the public authority at the time the construction manager enters into the contract, shall file a letter of credit pursuant to Chapter 1305. of the Revised Code, bond, certified check, or cashier's check, for the value of the construction management contract to indemnify the state, political subdivision, district, institution, or agency against all damage suffered by the construction manager's failure to perform the contract according to its provisions, and shall agree and assent that this undertaking is for the benefit of the state, political subdivision, district, institution, or agency. A letter of credit provided by the construction manager is revocable only at the option of the beneficiary state, political subdivision, district, institution, or agency.

(D) Where the state, political subdivision, district, institution, or agency accepts a bid but the bidder fails or refuses to enter into a proper contract in accordance with the bid, plans, details, and specifications within ten days after the awarding of the contract, the bidder and the surety on any bond,
except as provided in division (G) of this section, are liable for the amount of the difference between the bidder's bid and that of the next lowest bidder, but not in excess of the liability specified in division (B)(1) or (C) of this section. Where the state, political subdivision, district, institution, or agency then awards the bid to such next lowest bidder and such next lowest bidder also fails or refuses to enter into a proper contract in accordance with the bid, plans, details, and specifications within ten days after the awarding of the contract, the liability of such next lowest bidder, except as provided in division (G) of this section, is the amount of the difference between the bids of such next lowest bidder and the third lowest bidder, but not in excess of the liability specified in division (B)(1) or (C) of this section. Liability on account of an award to any lowest bidder beyond the third lowest bidder shall be determined in like manner.

(E) Notwithstanding division (C) of this section, where the state, political subdivision, district, institution, or agency resubmits the project for bidding, each bidder whose bid was accepted but who failed or refused to enter into a proper contract, except as provided in division (G) of this section, is liable for an equal share of a penal sum in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, but no bidder's liability shall exceed the amount of the bidder's bid guaranty.

(F) All bid guaranties filed pursuant to this section shall be payable to the state, political subdivision, district, institution, or agency, be for the benefit of the state, political subdivision, district, institution, or agency or any person having a right of action thereon, and be deposited with, and held by, the board, officer, or agent contracting on behalf of the state,
political subdivision, district, institution, or agency. All bonds filed pursuant to this section shall be issued by a surety company authorized to do business in this state as surety approved by the board, officer, or agent awarding the contract on behalf of the state, political subdivision, district, institution, or agency.

(G) A bidder for a contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the Ohio department of transportation, for a public improvement costing less than one-half million dollars may withdraw the bid from consideration if the bidder's bid for some other contract with the state or any political subdivision, district, institution, or other agency thereof, excluding therefrom the department of transportation, for the public improvement costing less than one-half million dollars has already been accepted, if the bidder certifies in good faith that the total amount of all the bidder's current contracts is less than one-half million dollars, and if the surety certifies in good faith that the bidder is unable to perform the subsequent contract because to do so would exceed the bidder's bonding capacity. If a bid is withdrawn under authority of this division, the contracting authority may award the contract to the next lowest bidder or reject all bids and resubmit the project for bidding, and neither the bidder nor the surety on the bidder's bond are liable for the difference between the bidder's bid and that of the next lowest bidder, for a penal sum, or for the costs of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders.

(H) Bid guaranties filed pursuant to division (A) of this section shall be returned to all unsuccessful bidders immediately after the contract is executed. The bid guaranty filed pursuant to division (A)(2) of this section shall be returned to the successful bidder upon filing of the bond required in division (C)
of this section.

(I) For the purposes of this section, "next lowest bidder" means, in the case of a political subdivision that has adopted the model Ohio and United States preference requirements promulgated pursuant to division (E) of section 125.11 of the Revised Code, the next lowest bidder that qualifies under those preference requirements.

(J) For the purposes of this section and sections 153.56, 153.57, and 153.571 of the Revised Code, "public improvement," "subcontractor," "material supplier," "laborer," and "materials" have the same meanings as in section 1311.25 of the Revised Code.

**Sec. 155.33.** (A)(1) Beginning on the effective date of this amendment April 7, 2023, and ending on the effective date of the rules adopted under section 155.34 of the Revised Code, a state agency shall lease, in good faith, a formation within a parcel of land that is owned or controlled by the state agency for the exploration for and development and production of oil or natural gas. The lease shall be on terms that are just and reasonable, as determined by custom and practice in the oil and gas industry, and shall include at least the terms required under divisions (A)(1)(a) to (d) of section 155.34 of the Revised Code. The person seeking to lease the formation shall submit to the state agency the proof described in divisions (D)(5)(a) and (b) of this section before entering into the lease. On and after the effective date of the rules adopted under section 155.34 of the Revised Code, a formation within a parcel of land that is owned or controlled by a state agency may be leased for the exploration for and development and production of oil or natural gas only in accordance with divisions (A)(2) to (H) of this section and those rules.

(2) On and after the effective date of rules adopted under section 155.34 of the Revised Code, any person or state agency...
that is interested in leasing a formation within a parcel of land that is owned or controlled by a state agency for the exploration for and the development and production of oil or natural gas may submit to the oil and gas land management commission a nomination that shall include all of the following:

(a) The name of the person making the nomination and the person's address, telephone number, and email address;

(b) An identification of the formation and parcel of land proposed to be leased that specifies all of the following:

(i) The percentage of the interest owned or controlled by the state agency, and whether that interest is divided, undivided, or partial;

(ii) The source deed by book and page numbers, including the description and acreage of the parcel and an identification of the county, section, township, and range in which the parcel is located;

(iii) A plat map depicting the area in which the parcel is located.

(c) If the person making the nomination is not a state agency, a nomination fee of one hundred fifty dollars;

(d) The proposed lease bonus that applies to the nomination;

(e) If the person making the nomination is not a state agency, proof of both of the following:

(i) That the person has obtained the insurance and financial assurance required under section 1509.07 of the Revised Code;

(ii) That the person has registered with and obtained an identification number from the division of oil and gas resources management under section 1509.31 of the Revised Code.

(3) In order to encourage the submission of nominations and the responsible and reasonable development of the state's natural
resources, only the information submitted under division (A)(2)(b) of this section may be disclosed to the public until a person is selected under division (F) of this section. Until a person is selected under division (F) of this section, all other information submitted under division (A)(2) of this section is confidential, shall not be disclosed by the commission, and is not a public record subject to inspection or copying under section 149.43 of the Revised Code.

(4) When a nomination is not submitted by a state agency, the nomination is the opening bid for purposes of division (D) of this section. However, the person submitting the nomination may supplement or amend that bid by providing additional information in accordance with that division.

(B)(1) Not less than thirty days, but not more than one hundred twenty days following the receipt of a nomination, the commission shall conduct a meeting for the purpose of determining whether to approve or disapprove the nomination for the purpose of leasing a formation within the parcel of land that is identified in the nomination.

In making its decision to approve or disapprove the nomination, the commission shall consider all of the following:

(a) The economic benefits, including the potential income from an oil or natural gas operation, that would result if the lease of a formation that is the subject of the nomination were approved;

(b) Whether the proposed oil or gas operation is compatible with the current uses of the parcel of land that is the subject of the nomination;

(c) The environmental impact that would result if the lease of a formation that is the subject of the nomination were approved;
(d) Any potential adverse geological impact that would result if the lease of a formation that is the subject of the nomination were approved;

(e) Any potential impact to visitors or users of a parcel of land that is the subject of the nomination;

(f) Any potential impact to the operations or equipment of a state agency that is a state university or college if the lease of a formation within a parcel of land owned or controlled by the university or college that is the subject of the nomination were executed;

(g) Any comments or objections to the nomination submitted to the commission by the state agency that owns or controls the parcel of land on which the proposed oil or natural gas operation would take place;

(h) Any comments or objections to the nomination submitted to the commission by residents of this state or other users of the parcel of land that is the subject of the nomination;

(i) Any special terms and conditions the state agency included in its comments or objections that the state agency believes are appropriate for the lease of the parcel of land because of specific conditions related to that parcel of land.

(2) The commission shall approve or disapprove a nomination not later than two calendar quarters following the receipt of the nomination. The commission shall post notice of the commission's decision on the commission's web site and send notice of the decision by email and by certified mail to the person that submitted the nomination and to the state agency that owns or controls the formation within the parcel of land that is the subject of the nomination.

(C) Each calendar quarter, the commission shall proceed to advertise for bids for a lease for a formation within a parcel of
land that was the subject of a nomination approved during the
previous calendar quarter. The commission shall publish the
advertisement on its web site for a period of time established by
the commission. The advertisement shall include all of the
following:

(1) An identification of each formation and parcel of land
proposed to be leased that includes all of the information
specified in division (A)(2)(b) of this section;

(2) The deadline for the submission of bids;

(3) A statement that each bid must contain all of the items
required under division (D) of this section;

(4) A statement that a standard lease form that is consistent
with the practices of the oil and natural gas industries and
adopted by rule by the commission will be used for the lease of a
formation within the parcel of land;

(5) Any special terms and conditions that may apply to the
lease because of specific conditions related to the parcel of
land;

(6) The amount of the bid fee that is required to be
submitted with a bid;

(7) Any other information that the commission considers
pertinent to the advertisement for bids.

(D) A person interested in leasing a formation within a
parcel of land owned or controlled by a state agency for the
exploration for and development and production of oil or natural
gas may submit a bid to the commission on a parcel by parcel basis
that contains all of the following:

(1) A bid fee of twenty-five dollars;

(2) The name of the person making the bid and the person's
address, telephone number, and email address;
(3) An identification of the formation and parcel of land for which the bid is being submitted, including all of the information specified in division (A)(2)(b) of this section;

(4) The proposed lease bonus that applies to the bid;

(5) Proof of both of the following:
   (a) That the person has obtained the insurance and financial assurance required under section 1509.07 of the Revised Code;
   (b) That the person has registered with and obtained an identification number from the division of oil and gas resources management under section 1509.31 of the Revised Code.

(6) Any other information that the person believes is relevant to the bid.

(E) In order to encourage the submission of bids and the responsible and reasonable development of the state's natural resources, the information that is contained in a bid submitted to the commission under this section is confidential, shall not be disclosed by the commission, and is not a public record subject to inspection and copying under section 149.43 of the Revised Code until a person is selected under division (F) of this section.

The commission shall select the person who submits the highest and best bid, taking into account the financial responsibility of the prospective lessee and the ability of the prospective lessee to perform its obligations under the lease. After the commission selects a person, the commission shall notify the applicable state agency and send the person's bid to the agency. The state agency shall enter into a lease with the person selected by the commission.

(G)(1) Except as otherwise provided in section 155.37 of the Revised Code, all money received by a state agency from signing fees, rentals, and royalty payments for leases entered...
(2) All money received from nomination fees and bid fees shall be paid into the state treasury to the credit of the oil and gas land management commission administration fund created in section 155.35 of the Revised Code.

(H) Notwithstanding any other provision of this section to the contrary, a nature preserve as defined in section 1517.01 of the Revised Code that is owned or controlled by a state agency shall not be nominated or leased under this section for the purpose of exploring for and developing and producing oil and natural gas resources.

Sec. 173.03. (A) There is hereby created the Ohio advisory council for the aging, which shall consist of twelve members to be appointed by the governor with the advice and consent of the senate. Two ex officio members of the council shall be members of the house of representatives appointed by the speaker of the house of representatives and shall be members of two different political parties. Two ex officio members of the council shall be members of the senate appointed by the president of the senate and shall be members of two different political parties. The medicaid director and directors of mental health and addiction services, developmental disabilities, health, and job and family services, or their designees, shall serve as ex officio members of the council. The purpose of the council shall carry out its role as defined under is to advise the department of aging on the objectives of the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended and as directed by the governor.

At the first meeting of the council, and annually thereafter, the members shall select one of their members to serve.
as chairperson and one of their members to serve as vice-chairperson.

(B) Members of the council appointed by the governor shall be appointed for a term of three years, except that for the first appointment members of the Ohio commission on aging who were serving on the commission immediately prior to July 26, 1984, shall become members of the council for the remainder of their unexpired terms. Thereafter, appointment to the council shall be for a three-year term by the governor. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. No member shall continue in office subsequent to the expiration date of the member's term unless reappointed under the provisions of this section, and no member shall serve more than three consecutive terms on the council.

(C) Membership of the council shall represent all areas of Ohio and shall be as follows:

(1) A majority of members of the council shall have attained the age of fifty and have a knowledge of and continuing interest in the affairs and welfare of the older citizens of Ohio. The fields of business, labor, health, law, and human services shall be represented in the membership.

(2) No more than seven members shall be of the same political party.

(D) Any member of the council may be removed from office by the governor for neglect of duty, misconduct, or malfeasance in office after being informed in writing of the charges and afforded an opportunity for a hearing. Two consecutive unexcused absences from regularly scheduled meetings constitute neglect of duty.
(E) The director of aging may reimburse a member for actual and necessary traveling and other expenses incurred in the discharge of official duties. But reimbursement shall be made in the manner and at rates that do not exceed those prescribed by the director of budget and management for any officer, member, or employee of, or consultant to, any state agency.

(F) Council members are not limited as to the number of terms they may serve.

(G)(1) The department of aging may award grants to or enter into contracts with a member of the advisory council or an entity that the member represents if any of the following apply:

(a) The department determines that the member or the entity the member represents is capable of providing the goods or services specified under the terms of the grant or contract.

(b) The member has not taken part in any discussion or vote of the council related to whether the council should recommend that the department of aging award the grant to or enter into the contract with the member of the advisory council or the entity that the member represents.

(2) A member of the advisory council is not in violation of Chapter 102. or section 2921.42 of the Revised Code with regard to receiving a grant or entering into a contract under this section if the conditions of division (G)(1)(a) and (b) of this section have been met.

Sec. 173.06. (A) The director of aging shall establish a golden buckeye card program and provide a golden buckeye card to any resident of this state who applies to the director for a card and is sixty years of age or older or is a person with a disability and is eighteen years of age or older. The golden buckeye card may be physical or electronic and may be an...
individual card or an endorsement on a card for one or more other programs.

The director shall devise programs to provide benefits of any kind to card holders, and encourage support and participation in them by all persons, including governmental organizations. Card holders shall be entitled to any benefits granted to them by private persons or organizations, the laws of this state, or ordinances or resolutions of political subdivisions. This section does not require any person or organization to provide benefits to any card holder. The department of aging shall bear all costs of the program.

(B) Before issuing a golden buckeye card to any person, the director shall establish the identity of any person who applies for a card and shall ascertain that such person is sixty years of age or older or is a person with a disability and is eighteen years of age or older. The director shall adopt rules under Chapter 119. of the Revised Code to prevent the issuance of cards to persons not qualified to have them. Cards shall contain the signature of the card holder and any other information the director considers necessary to carry out the purposes of the golden buckeye card program under this section. Any card that the director issues shall be held in perpetuity by the original card holder and shall not be transferable to any other person. A person who loses the person's card may obtain another card from the director upon providing the same information to the director as was required for the issuance of the original card.

(C) No person shall use a golden buckeye card except to obtain a benefit for the holder of the card to which the holder is entitled under the conditions of the offer.

(D) As used in this section, "person with a disability" means a person who has some impairment of body or mind and has been certified as permanently and totally disabled by an agency of this state.
state or the United States having the function of so classifying persons.

**Sec. 173.21.** (A) The office of the state long-term care ombudsman program, through the state long-term care ombudsman and the regional long-term care ombudsman programs, shall require each representative of the office to complete a training and certification program in accordance with this section and to meet any continuing education requirements that may be established under in rules adopted under division (B) of this section.

(B) The department of aging shall adopt rules in accordance with Chapter 119. of the Revised Code specifying the content of training programs for representatives of the office of the state long-term care ombudsman program. Training for representatives other than those who are volunteers providing services through regional long-term care ombudsman programs shall include instruction regarding federal, state, and local laws, rules, and policies on long-term care facilities and community-based long-term care services; investigative techniques; and other topics considered relevant by the department and shall consist. All of the following apply to training for representatives other than volunteers:

(1) A Representatives shall complete a minimum of forty clock thirty-six hours of basic instruction, which shall be completed before the trainee is permitted to handle complaints without the supervision of a representative of the office certified under this section;

(2) An additional sixty clock Additional hours of instruction, which shall be completed within the first fifteen months of employment may include an internship, in-service training, and continuing education requirements as may be required in rules adopted under division (B) of this section;
(3) An internship of twenty clock hours, which shall be completed within the first twenty-four months of employment, including instruction in, and observation of, basic nursing care and long-term care provider operations and procedures. The internship shall be performed at a site that has been approved as an internship site by the state long-term care ombudsman.

(4) One of the following, which shall be completed within the first twenty-four months of employment:

(a) Observation of a survey conducted by the director of health to certify a nursing facility to participate in the medicaid program;

(b) Observation of an inspection conducted by the director of mental health and addiction services to license a residential facility under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.

(5) Any Representatives may be required to complete any other training considered appropriate by the department.

(C) Any person who for a period of at least six months prior to June 11, 1990, served as an ombudsman through the long-term care ombudsman program established by the department of aging under section 173.01 of the Revised Code shall not be required to complete a training program. Such a person and persons who complete a training program shall take an examination administered by the department of aging. On attainment of a passing score, the person shall be certified by the department as a representative of the office. The department shall issue the person an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the
office.

(B) The state ombudsman and each regional program shall conduct training programs for train volunteers on their respective staffs in accordance with the rules of the department of aging adopted under division (B) of this section. Training programs may be conducted that train volunteers trained to complete some, but not all, of the duties of a representative of the office. Each regional office shall bear the cost of training its representatives who are volunteers. On completion of a training program, the representative shall take an examination administered by the department of aging. On attainment of a passing score, a volunteer shall be certified by the department as a representative authorized to perform services specified in the certification. The department shall issue an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the office. Except as a supervised part of a training program, no volunteer shall perform any duty unless the volunteer is certified as a representative having received appropriate training for that duty.

(E) The state ombudsman shall provide technical assistance to regional programs conducting training programs for volunteers and shall monitor the training programs.

(F) Prior to scheduling an observation of a certification survey or licensing inspection for purposes of division (B)(4) of this section, the state ombudsman shall obtain permission to have the survey or inspection observed from both the long-term care facility at which the survey or inspection is to take place and, as the case may be, the director of health or director of mental health and addiction services.

(G) The department of aging shall establish continuing
education requirements for representatives of the office.

Sec. 173.51. As used in sections 173.51 to 173.56 of the Revised Code:

"Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.

"Assisted living program" means the program that consists of a medicaid-funded component created under section 173.54 of the Revised Code and a state-funded component created under section 173.543 of the Revised Code and provides assisted living services to individuals who meet the program's applicable eligibility requirements.

"Assisted living services" means the following home and community-based services: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming.

"Assisted living waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid-funded component of the assisted living program.

"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code.

"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code.

"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity.

"Medicaid waiver component" has the same meaning as in...
"Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

"PASSPORT program" means the preadmission screening system providing options and resources today program (PASSPORT) that consists of a medicaid-funded component created under section 173.52 of the Revised Code and a state-funded component created under section 173.522 of the Revised Code and provides home and community-based services as an alternative to nursing facility placement for individuals who are aged and disabled and meet the program's applicable eligibility requirements.

"PASSPORT waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid-funded component of the PASSPORT program.

"Representative" means a person acting on behalf of an applicant for the medicaid-funded component or state-funded component of the assisted living program. A representative may be a family member, attorney, hospital social worker, or any other person chosen to act on behalf of an applicant.

"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.

"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.

Sec. 173.52. (A) The department of medicaid shall create the medicaid-funded component of the PASSPORT program. In creating the medicaid-funded component, the department of medicaid shall collaborate with the department of aging.

(B) Unless the medicaid-funded component of the PASSPORT program is terminated under division (C) of this section, all All
of the following apply to the medicaid-funded component of the PASSPORT program:

1. The department of aging shall administer the medicaid-funded component through a contract entered into with the department of medicaid under section 5162.35 of the Revised Code.

2. The medicaid-funded component shall be operated as a separate medicaid waiver component.

3. For an individual to be eligible for the medicaid-funded component, the individual must be a medicaid recipient and meet the additional eligibility requirements applicable to the individual established in rules adopted under division (B)(4) of this section.

4. To the extent authorized by rules authorized by section 5162.021 of the Revised Code, the director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the medicaid-funded component.

(C) If the unified long-term services and support medicaid waiver component is created, the departments of aging and medicaid shall work together to determine whether the medicaid-funded component of the PASSPORT program should continue to operate as a separate medicaid waiver component or be terminated. If the departments determine that the medicaid-funded component of the PASSPORT program should be terminated, the medicaid-funded component shall cease to exist on a date the departments shall specify.

Sec. 173.521. (A) Unless the medicaid-funded component of the PASSPORT program is terminated pursuant to division (C) of section 173.52 of the Revised Code, the The department shall establish a home first component of the PASSPORT program under which eligible individuals may be enrolled in the medicaid-funded component of
the PASSPORT program in accordance with this section. An
individual is eligible for the PASSPORT program's home first
component if both of the following apply:

(1) The individual has been determined to be eligible for the
medicaid-funded component of the PASSPORT program.

(2) At least one of the following applies:

(a) The individual has been admitted to a nursing facility.

(b) A physician has determined and documented in writing that
the individual has a medical condition that, unless the individual
is enrolled in home and community-based services such as the
PASSPORT program, will require the individual to be admitted to a
nursing facility within thirty days of the physician's
determination.

(c) The individual has been hospitalized and a physician has
determined and documented in writing that, unless the individual
is enrolled in home and community-based services such as the
PASSPORT program, the individual is to be transported directly
from the hospital to a nursing facility and admitted.

(d) Both of the following apply:

(i) The individual is the subject of a report made under
section 5101.63 of the Revised Code regarding abuse, neglect, or
exploitation or such a report referred to a county department of
job and family services under section 5126.31 of the Revised Code
or has made a request to a county department for protective
services as defined in section 5101.60 of the Revised Code.

(ii) A county department of job and family services and an
area agency on aging have jointly documented in writing that,
unless the individual is enrolled in home and community-based
services such as the PASSPORT program, the individual should be
admitted to a nursing facility.
(B) Each month, each area agency on aging shall identify individuals residing in the area that the agency serves who are eligible for the home first component of the PASSPORT program. When an area agency on aging identifies such an individual, the agency shall notify the long-term care consultation program administrator serving the area in which the individual resides. The administrator shall determine whether the PASSPORT program is appropriate for the individual and whether the individual would rather participate in the PASSPORT program than continue or begin to reside in a nursing facility. If the administrator determines that the PASSPORT program is appropriate for the individual and the individual would rather participate in the PASSPORT program than continue or begin to reside in a nursing facility, the administrator shall so notify the department of aging. On receipt of the notice from the administrator, the department shall approve the individual's enrollment in the medicaid-funded component of the PASSPORT program regardless of the unified waiting list established under section 173.55 of the Revised Code, unless the enrollment would cause the component to exceed any limit on the number of individuals who may be enrolled in the component as set by the United States secretary of health and human services in the PASSPORT waiver.

Sec. 173.522. (A) The department of aging shall create and administer the state-funded component of the PASSPORT program. The state-funded component shall not be administered as part of the medicaid program.

(B) For an individual to be eligible for the state-funded component of the PASSPORT program, the individual must meet one of the following requirements and meet the additional eligibility requirements applicable to the individual established in rules adopted under division (D) of this section:
(1) The individual must have been enrolled in the state-funded component on September 1, 1991, (as the state-funded component was authorized by uncodified law in effect at that time) and have had one or more applications for enrollment in the medicaid-funded component of the PASSPORT program (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component) denied.

(2) The individual must have an application for the medicaid-funded component of the PASSPORT program (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component) pending and the department or the department's designee must have determined that the individual meets the nonfinancial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component) and not have reason to doubt that the individual meets the financial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.52 of the Revised Code, the unified long-term services and support medicaid waiver component).

(C) An individual who is eligible for the state-funded component of the PASSPORT program because the individual meets the requirement of division (B)(2) of this section may participate in the component on that basis for a period of time specified in rules adopted under division (D) of this section.

(D)(1) The director of aging shall adopt rules in accordance with section 111.15 of the Revised Code to implement the state-funded component of the PASSPORT program.

The rules shall include all of the following:
(a) Additional eligibility requirements for an individual to be eligible for the state-funded component of the PASSPORT program;

(b) The duration that an individual eligible for the state-funded component of the PASSPORT program under division (B)(2) of this section may participate in that component;

(c) Any other rules the director considers appropriate to implement the state-funded component of the PASSPORT program.

(2) The additional eligibility requirements established in the rules may vary for the different groups of individuals specified in divisions (B)(1) and (2) of this section.

Sec. 173.525. (A)(1) In addition to any other eligibility requirement of this chapter, to be eligible to serve as a home health aide or personal care aide under the PASSPORT program, an individual must successfully complete eight hours of pre-service training acceptable to the department of aging.

To maintain eligibility, each home health aide or personal care aide must successfully complete six hours of in-service training acceptable to the department. Such training must be completed every twelve months.

(2) In administering the PASSPORT program, the department shall not require an individual or aide described in division (A)(1) of this section to do either of the following:

(a) Complete more than eight hours of pre-service training;

(b) Complete more than six hours of in-service training in a twelve-month period.

(B) Only the following may supervise a home health aide or personal care aide under the PASSPORT program:

(l) A registered nurse:
(2) A licensed practical nurse under the direction of a registered nurse;

(3) A nurse aide under the direction of a nurse described in division (B)(1) or (2) of this section.

Sec. 173.54. (A) The department of medicaid shall create the medicaid-funded component of the assisted living program. In creating the medicaid-funded component, the department of medicaid shall collaborate with the department of aging.

(B) Unless the medicaid-funded component of the assisted living program is terminated under division (C) of this section, all of the following apply:

(1) The department of aging shall administer the medicaid-funded component through a contract entered into with the department of medicaid under section 5162.35 of the Revised Code.

(2) The contract shall include an estimate of the medicaid-funded component's costs.

(3) The medicaid-funded component shall be operated as a separate medicaid waiver component.

(4) The medicaid-funded component may not serve more individuals than is set by the United States secretary of health and human services in the assisted living waiver.

(5) To the extent authorized by rules authorized by section 5162.021 of the Revised Code, the director of aging may adopt rules under Chapter 119. of the Revised Code regarding the medicaid-funded component.

(C) If the unified long-term services and support medicaid waiver component is created, the departments of aging and medicaid shall collaborate to determine whether the medicaid-funded component of the assisted living program should continue to operate as a separate medicaid waiver component or be terminated.
If the departments determine that the medicaid-funded component of the assisted living program should be terminated, the medicaid-funded component shall cease to exist on a date the departments shall specify.

Sec. 173.542. (A) Unless the medicaid-funded component of the assisted living program is terminated pursuant to division (C) of section 173.54 of the Revised Code, the department of aging shall establish a home first component of the assisted living program under which eligible individuals may be enrolled in the medicaid-funded component of the assisted living program in accordance with this section. An individual is eligible for the assisted living program's home first component if both of the following apply:

(1) The individual has been determined to be eligible for the medicaid-funded component of the assisted living program.

(2) At least one of the following applies:

(a) The individual has been admitted to a nursing facility.

(b) A physician has determined and documented in writing that the individual has a medical condition that, unless the individual is enrolled in home and community-based services such as the assisted living program, will require the individual to be admitted to a nursing facility within thirty days of the physician's determination.

(c) The individual has been hospitalized and a physician has determined and documented in writing that, unless the individual is enrolled in home and community-based services such as the assisted living program, the individual is to be transported directly from the hospital to a nursing facility and admitted.

(d) Both of the following apply:

(i) The individual is the subject of a report made under
section 5101.63 of the Revised Code regarding abuse, neglect, or exploitation or such a report referred to a county department of job and family services under section 5126.31 of the Revised Code or has made a request to a county department for protective services as defined in section 5101.60 of the Revised Code.

(ii) A county department of job and family services and an area agency on aging have jointly documented in writing that, unless the individual is enrolled in home and community-based services such as the assisted living program, the individual should be admitted to a nursing facility.

(B) Each month, each area agency on aging shall identify individuals residing in the area that the area agency on aging serves who are eligible for the home first component of the assisted living program. When an area agency on aging identifies such an individual and determines that there is a vacancy in a residential care facility participating in the medicaid-funded component of the assisted living program that is acceptable to the individual, the agency shall notify the long-term care consultation program administrator serving the area in which the individual resides. The administrator shall determine whether the assisted living program is appropriate for the individual and whether the individual would rather participate in the assisted living program than continue or begin to reside in a nursing facility. If the administrator determines that the assisted living program is appropriate for the individual and the individual would rather participate in the assisted living program than continue or begin to reside in a nursing facility, the administrator shall so notify the department of aging. On receipt of the notice from the administrator, the department shall approve the individual's enrollment in the medicaid-funded component of the assisted living program regardless of the unified waiting list established under section 173.55 of the Revised Code, unless the enrollment would
cause the component to exceed any limit on the number of individuals who may participate in the component as set by the United States secretary of health and human services in the assisted living waiver.

**Sec. 173.544.** To be eligible for the state-funded component of the assisted living program, an individual must meet all of the following requirements:

(A) The individual must need an intermediate level of care as determined by an assessment conducted under section 173.546 of the Revised Code.

(B) The individual must have an application for the medicaid-funded component of the assisted living program (or, if the medicaid-funded component is terminated under division (C) of section 173.54 of the Revised Code, the unified long-term services and support medicaid waiver component) pending and the department or the department's designee must have determined that the individual meets the nonfinancial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.54 of the Revised Code, the unified long-term services and support medicaid waiver component) and not have reason to doubt that the individual meets the financial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C) of section 173.54 of the Revised Code, the unified long-term services and support medicaid waiver component).

(C) While receiving assisted living services under the state-funded component, the individual must reside in a residential care facility that is authorized by a valid provider agreement to participate in the component, including both of the following:

(1) A residential care facility that is owned or operated by
a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility;

(2) A county or district home licensed as a residential care facility.

(D) The individual must meet all other eligibility requirements for the state-funded component established in rules adopted under section 173.543 of the Revised Code.

Sec. 173.60. (A) As used in this section:

(1) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(2) "Person-centered care" means a relationship-based approach to care that honors and respects the opinions of individuals receiving care and those working closely with them.

(B) The department of aging shall implement a nursing home quality initiative to improve the provision of person-centered care in nursing homes. The office of the state long-term care ombudsman program shall assist the department with the initiative. The initiative shall include quality improvement projects that provide nursing homes with resources and on-site education promoting person-centered care strategies and positive resident outcomes, as well as other assistance designed to improve the quality of nursing home services. The department may offer any of the projects.

(C)(1) The department shall make available a list of quality improvement projects that may be used by nursing homes in meeting the requirements of section 3721.072 of the Revised Code. In addition to any of the projects offered by the department pursuant to division (B) of this section, the list may include
projects offered by any of the following:

(a) Other state agencies;

(b) A quality improvement organization under contract with the United States secretary of health and human services to carry out in this state the functions described in the "Social Security Act," section 1154, 42 U.S.C. 1320c-3;

(c) The Ohio person-centered care coalition;

(d) Any other academic, research, or health care entity identified by the department.

The department shall offer to nursing homes and other long-term care facility settings infection prevention and control and facility technical assistance, including services, programs, and content expertise, as a project authorized under division (C)(1) of this section to improve quality of care and quality of life, subject to the availability of funds.

(D) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.

Sec. 175.16. (A) As used in this section:

(1) "Federal credit" means the tax credit authorized under section 42 of the Internal Revenue Code.

(2) "Credit period," "qualified low-income building," and "qualified basis" have the same meanings as in section 42 of the Internal Revenue Code.

(3) "Qualified project" means a qualified low-income building that is located in Ohio, is placed in service on or after January 1, 2023, and for which the director reserves a tax credit under division (B) of this section before January 1, 2029.

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

(5) "Project owner" means a person holding a fee simple interest or a leasehold interest pursuant to a ground lease in the land on which a qualified project sits.

(6) "Reserved credit amount" means the amount determined by the director and stipulated in the notice sent to each owner of a qualified project under division (B) of this section.

(7) "Annual credit amount" means the amount computed by the director under division (D) of this section prior to issuing an eligibility certificate.

(8) "Equity owner" means a direct or indirect owner of a project owner, provided the project owner is a pass-through entity, as determined under applicable state law governing such an entity.

(9) "Person" has the same meaning as in section 5701.01 of the Revised Code.

(10) "Eligibility certificate" means a certificate issued by the director to each owner of a qualified project under division (D) of this section stating the amount of credit that may be claimed for each year of the credit period.

(11) "Qualified allocation plan" means the plan developed by the Ohio housing finance agency, as required under section 175.06 of the Revised Code, for evaluating and selecting projects for the federal credit pursuant to the mandates and requirements within section 42 of the Internal Revenue Code.

(12) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.

(13) "Pass-through certification" means a writing submitted with a project owner's applicable return or report pursuant to division (F)(2) of this section.
(14) "Designated reporter" means the project owner or one of
the project owner's equity owners designated pursuant to division
(I)(1) of this section.

(15) "Director" means the executive director of the Ohio
housing finance agency.

(B) Except as otherwise provided by this division, the
director, upon allocating a federal credit and issuing a binding
reservation or letter of eligibility, pursuant to the Ohio housing
finance agency's qualified allocation plan, for a qualified
low-income building that is located in this state and placed in
service on or after January 1, 2023, may reserve a tax credit
under this section for the project owners so long as doing so will
not result in exceeding the annual credit cap prescribed by
division (C) of this section. The director shall not reserve a tax
credit under this section after December 31, 2028.

The director shall send written notice of the reservation to
each project owner. The notice shall state the aggregate credit
amount reserved for all years of the qualified project's credit
period and stipulate that receipt of the credit is contingent upon
issuance of an eligibility certificate.

The agency shall determine the credit amount reserved for
each qualified project. The reserved credit amount shall not
exceed the amount necessary, when combined with the federal
credit, to ensure the financial feasibility of the qualified
project.

(C) The aggregate amount of credits reserved by the director
under division (B) of this section in a fiscal year shall not
exceed the sum of (1) five hundred million dollars, (2) the
amount, if any, by which the credit cap prescribed by this
division for the preceding fiscal year exceeds the credits
reserved by the director in that year, and (3) the amount of tax
credits recaptured and collected pursuant to an assessment issued
by the tax commissioner or superintendent of insurance or
otherwise disallowed under division (G) of this section in the
preceding fiscal year.

For the purpose of computing and determining compliance with
the credit cap prescribed by this division, the credit amount
reserved for the project owners of a qualified project is the full
amount for all years of the qualified project's credit period.

(D) Immediately after approving the final cost certification
for a qualified project for which a tax credit under this section
is reserved, or upon otherwise determining the qualified basis of
the qualified project and the date it was placed into service as
required by section 42(m) of the Internal Revenue Code, the
director shall compute the annual credit amount and issue an
eligibility certificate to each project owner. The director shall
send copies of all eligibility certificates issued each calendar
year to the tax commissioner and the superintendent of insurance.

The annual credit amount shall equal the lesser of the
following:

(1) The amount of the federal credit that would be awarded to
the owners of the qualified project for the first year of the
credit period if not for the adjustment required under section
42(f)(2) of the Internal Revenue Code;

(2) One-tenth of the reserved credit amount stated in the
notice issued under division (B) of this section.

(E) Each eligibility certificate shall state the annual
credit amount, the years that comprise the credit period, the
name, address, and taxpayer identification number of each project
owner, the date the certificate is issued, a unique identifying
number, and any additional information prescribed by a rule
adopted under division (H) of this section. A project owner, if
the project owner is a pass-through entity shall provide a copy of the eligibility certificate to each equity owner that has been allocated a credit under division (F)(2) of this section.

(F)(1) For each year of a qualified project's credit period, the project owner or an equity owner may claim a nonrefundable credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or a portion of the annual credit amount stated on the eligibility certificate. The credit shall be claimed in the manner prescribed by section 5725.36, 5726.58, 5729.19, or 5747.83 of the Revised Code, as applicable.

(2) If a project owner is a pass-through entity, the annual credit amount for any year of a qualified project's credit period may be allocated by the project owner among one or more equity owners, and any such equity owner that is itself a pass-through entity may reallocate its portion of a credit to its own equity owners, as described in division (F)(5) of this section, and may be applied by those equity owners against more than one tax over more than one calendar year, tax year, taxable year, or tax period, but the total credits claimed in connection with that year of the qualified project's credit period by all project owners and equity owners against all taxes over all calendar years, tax years, taxable years, and tax periods, shall not exceed the annual credit amount stated on the eligibility certificate.

A project owner or equity owner that is a pass-through entity that allocates a credit to its equity owners under this division shall list, in a writing submitted with the project owner's or equity owner's applicable return or report, the amount of the credit reflected on the eligibility certificate that is allocated to each equity owner.

(3) A project owner or equity owner may claim the credit authorized by division (F)(1) of this section for a calendar year,
tax year, taxable year, or tax period that ends after the date the
qualified project is placed into service but for which the project
owner or equity owner files its original tax return or report
claiming the credit before the director issues the project owner
an eligibility certificate under division (D) of this section. If
a credit is claimed before an eligibility certificate is issued,
the project owner or equity owner claiming the credit may claim an
amount that is not more than one-tenth of the reserved credit
amount. After the eligibility certificate is issued, if the annual
credit amount is different than one-tenth of the reserved credit
amount, the project owner or equity owner that claimed a tax
credit under division (F)(3) of this section shall reconcile that
difference through filing an amended tax return or report under
Chapter 5725., 5726., 5729., or 5747. of the Revised Code, as
applicable.

(4) A project owner or equity owner that claims or allocates
a tax credit under division (F)(1) or (2) of this section shall
submit a copy of the eligibility certificate with the project
owner's or equity owner's tax return or report. A project owner or
equity owner that claims or allocates a credit under division
(F)(3) of this section shall submit a copy of the notice stating
the reserved credit amount, issued under division (B) of this
section with the project owner's or equity owner's tax return or
report. Upon request of the tax commissioner or the superintendent
of insurance, any project owner or equity owner claiming a tax
credit under this section shall provide the commissioner or
superintendent other documentation that may be necessary to verify
that the project owner or equity owner is entitled to the credit.

(5) A project owner that is a pass-through entity may
allocate the credit authorized by this section to its equity
owners, and any such equity owner that is itself a pass-through
entity may reallocate its portion of a credit to its own equity
owners, under division (F)(2) of this section in any manner agreed to by such persons regardless of whether such equity owners are eligible for an allocation of the federal credit, whether the allocation of the credit under the terms of the agreement has substantial economic effect within the meaning of section 704(b) of the Internal Revenue Code, and whether any such person is deemed a partner of the project owner or equity owner for federal income tax purposes as long as the equity owner acquired its ownership interest prior to claiming the credit. The allocation shall be allowed without regard to any provision of the Internal Revenue Code, or regulation promulgated pursuant to it, that may be interpreted as contrary to the allocation, including, without limitation, the treatment of the allocation as a disguised sale.

(6) An equity owner may assign all or any part of its interest in a qualified project, including its interest in the tax credits authorized by this section, to one or more other equity owners, in whole or in part, one or more times, and each assignee shall be able to claim the credit so long as its interest is acquired prior to the filing of its tax return or report or amended tax return or report claiming the credit and the equity owner's ownership interest is identified in the report required by division (I) of this section. Each equity owner to whom the right to claim a tax credit authorized by this section is assigned shall provide the designated reporter with evidence of that transfer so the designated reporter may identify the transferee in the report required by division (I) of this section.

(G) If any portion of the federal credit allocated to a qualified project is recaptured under section 42(j) of the Internal Revenue Code or is otherwise disallowed, the director shall recapture a proportionate amount of the tax credit claimed pursuant to this section in connection with the same qualified project.
If the director determines to recapture such a tax credit, the director shall certify the name of each project owner and the amount to be recaptured to the tax commissioner and to the superintendent of insurance. The commissioner or superintendent shall determine the taxpayer or taxpayers that claimed the credit, the tax against which the credit was claimed, and the amount to be recaptured and make an assessment against the taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 5747. of the Revised Code, as applicable, for the amount of the tax credit to be recaptured. The time limitations on assessments under those chapters do not bar an assessment made under this division. Nothing in this section shall prohibit an assessment that otherwise may be timely made by law.

(H) The director, in consultation with the tax commissioner and the superintendent of insurance, shall adopt any rules necessary to implement this section in accordance with Chapter 119. of the Revised Code. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (H) of this section is not subject to sections 121.95 to 121.953 of the Revised Code.

(I)(1) Each project owner shall designate itself or one of its equity owners as designated reporter. The designation shall be made to the tax commissioner and superintendent of insurance at the time and in the manner prescribed by the commissioner and superintendent.

(2) For each calendar year, a designated reporter shall provide the tax commissioner and the superintendent of insurance, at the time and in the form prescribed by the tax commissioner in consultation with the superintendent of insurance, a summary report of all pass-through certifications issued, and assignment notifications received pursuant to division (F)(6) of this
section, in connection with a qualified project. The report shall contain all of the following:

(a) The name, address, and taxpayer identification number of each equity owner that has been allocated a portion of the annual credit awarded by the eligibility certificate for that year;

(b) The amount of the annual credit allocated to each such equity owner for such year and the tax against which the credit will be claimed;

(c) The total of the amounts listed for each equity owner under division (I)(1)(b) of this section;

(d) The annual credit amount.

(3) A designated reporter shall notify the tax commissioner and the superintendent of insurance of any changes to the information reported in division (I)(2) of this section in the time and manner prescribed by the commissioner and superintendent.

(4) No credit allocated under this section may be claimed by an equity owner for a year unless that equity owner and the amount of the credit allocated to that owner appear on the report required by division (I)(1) of this section for that year.

(J) The Ohio housing finance agency shall disclose to the tax commissioner and the superintendent of insurance any information in the possession of the agency that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the agency, commissioner, or superintendent pursuant to this section.

**Sec. 175.18.** (A) The Ohio housing finance agency shall include in the policies and guidelines for the administration of its programs, developed under section 175.04 of the Revised Code, a requirement that before financing, allocating a federal low-income housing tax credit, providing financial assistance, or
otherwise assisting a project under any of the agency's programs, the agency must receive a resolution supporting the project approved by the majority of the members of the board of county commissioners of the county in which the project is located.

   (B) A board of county commissioners shall do both of the following before voting to approve a resolution in support of a project under this section:

   (1) Consult with the board of township trustees of any township and the legislative authority of any municipal corporation in which the project is located;

   (2) Conduct at least one public hearing on the proposed resolution at which time is allotted for public comments.

Sec. 191.01. As used in sections 191.01 to 191.45 of the Revised Code:

   (A) "Affiliate" means a person or entity under common ownership or control with, or a participant in a joint venture, partnership, consortium, or similar business arrangement with, another person or entity pertaining to the provision of broadband service.

   (B) "Broadband expansion program authority" means the entity created under section 122.403 of the Revised Code.

   (C) "Broadband infrastructure" means facilities that are used, in whole or in part, to provide qualifying broadband service access to residences and businesses.

   (D) "Mid-span pole installation" means the installation of, and attachment of broadband infrastructure to, a new utility pole that is installed between or adjacent to one or more existing utility poles or replaced utility poles to which poles broadband infrastructure is attached.

   (E) "Pole owner" means any person or entity that owns or
controls a utility pole.

(F) "Pole replacement" means the removal of an existing utility pole and replacement of that pole with a new utility pole to which a provider attaches broadband infrastructure.

(G) "Provider" means an entity, including a pole owner or affiliate, that provides qualifying broadband service.

(H) "Qualifying broadband service" means a retail wireline broadband service that is capable of delivering symmetrical internet access at download and upload speeds of at least one hundred megabits per second with a latency level sufficient to permit real-time, interactive applications.

(I) "Undergrounding" means the placement of broadband infrastructure underground, including by directly burying the infrastructure or through the underground placement of new ducts or conduits and installation of the infrastructure in them.

(J) "Unserved area" means an area in the state that is without access to fixed, terrestrial broadband service capable of delivering internet access at download speeds of at least twenty-five megabits per second and upload speeds of at least three megabits per second.

(K) "Utility pole" means any pole used, in whole or in part, for any wired communications or electric distribution, irrespective of who owns or operates such pole.

**Sec. 191.02.** There is hereby established the Ohio broadband pole replacement and undergrounding program within the department of development to advance the provision of qualifying broadband service access to residences and businesses in an unserved area by reimbursing certain costs of pole replacements, mid-span pole installations, and undergrounding.

The department shall administer and provide staff assistance
for the program. The department shall be responsible for receiving and reviewing program applications and for sending completed applications to the broadband expansion program authority for final review and award of program reimbursements.

Sec. 191.03. (A) The department of development shall establish an administrative process to award program reimbursements under the Ohio broadband pole replacement and undergrounding program according to the provisions of sections 191.03 to 191.45 of the Revised Code.

(B) The broadband expansion program authority shall award program reimbursements after reviewing program applications and determining whether the applications meet the program's requirements for reimbursement.

Sec. 191.05. For the purposes of an application under the Ohio broadband pole replacement and undergrounding program, an area of the state shall be considered to be an unserved area, if one of the following applies:

(A) Under a program to deploy broadband service to unserved areas, a governmental entity has awarded a broadband grant for the area after determining the area to be an eligible unserved area under that program.

(B) The area has not been awarded any broadband grant funding, and the most recent mapping information published by the federal communications commission indicates that the area is an unserved area.

Sec. 191.07. (A) The broadband expansion program authority shall not award program reimbursements to an applicant under the Ohio broadband pole replacement and undergrounding program, if any of the following apply:

(1) The broadband infrastructure deployed is used only for
the provision of wholesale broadband service and is not used by
the applicant to provide qualifying broadband service directly to
residences or businesses.

(2) A provider, other than the applicant, is meeting the
terms of a legally binding commitment to a governmental entity to
deploy qualifying broadband service in the unserved area.

(3) For program reimbursements that are funded by federal
funds deposited in the pole replacement fund, the applicant fails
to commit to compliance with any conditions required by the
federal government in connection with the funds.

(B) The authority shall not award program reimbursements that
are federally funded, if the reimbursements are inconsistent with
federal requirements.

Sec. 191.10. In accordance with sections 191.10 to 191.45 of
the Revised Code, a provider may submit an application for a
program reimbursement under the Ohio broadband pole replacement
and undergrounding program, if the provider has deployed
qualifying broadband infrastructure in an unserved area and has
paid any of the following costs in connection with the deployment
of such broadband infrastructure:

(A) Pole replacement costs;

(B) Mid-span pole installation costs;

(C) Undergrounding costs.

The application shall be submitted on a form prescribed by
the department of development.

Sec. 191.13. (A) Not later than sixty days after the pole
replacement fund created in section 191.27 of the Revised Code
receives funds for the purpose of providing program reimbursements
under the Ohio broadband pole replacement and undergrounding
program, the department of development shall develop and publish an application form for the program and post the form on the department web site.

(B) An application shall include the following information:

(1) The number, cost, and locations of pole replacements, mid-span pole installations, and undergrounding for which reimbursement is requested;

(2) Documentation sufficient to establish that the pole replacements, mid-span pole installations, and undergrounding described in the application have been completed;

(3) Documentation sufficient to establish how the costs for which reimbursement is requested comport with the reimbursement requirements under the program;

(4) The reimbursement amount requested under the program;

(5) Documentation of any broadband grant funding awarded or received for the area described in the application;

(6) Accounting information that is sufficient to demonstrate that costs for which a program reimbursement is requested are eligible for a program reimbursement pursuant to division (C) of section 191.21 of the Revised Code, if the applicant has received any grant funding described in division (B)(5) of this section;

(7) A notarized statement, from an officer or agent of the applicant, that the contents of the application are true and accurate and that the applicant accepts the requirements of the program as a condition of receiving a program reimbursement;

(8) Any information necessary to demonstrate the applicant's compliance, and agreement to comply, with any conditions associated with the reimbursement awarded to the applicant;

(9) Any other information the department considers necessary for final review and for the award and payment of program
reimbursements.

(C) If any federal funds are used for any awards under the program, the application form shall identify and describe any additional federal conditions required in connection with the use of the federal funds.

Sec. 191.15. (A) Before receiving a program reimbursement under the Ohio broadband pole replacement and undergrounding program, each applicant shall agree to do the following:

(1) Not later than ninety days after receipt of a program reimbursement, activate qualifying broadband service to end users utilizing the broadband infrastructure for which the applicant has received reimbursement for pole replacement, mid-span pole installation, or undergrounding costs;

(2) Certify the application's compliance with the requirements of sections 191.10 to 191.24 of the Revised Code;

(3) Comply with any federal requirements associated with the funding used by the broadband expansion program authority in connection with the award;

(4) Refund all or any portion of reimbursements received under the program as specified in section 191.30 of the Revised Code, if pursuant to that section the applicant is found to have materially violated any of the requirements of sections 191.10 to 191.24 of the Revised Code.

(B) For an application regarding a pole replacement or mid-span pole installation, the applicant shall do the following if the applicant is the pole owner, or affiliate of the pole owner:

(1) Comply with division (A) of this section;

(2) Commit that the pole owner will comply with all applicable pole attachment regulations and requirements imposed by
the state or federal government;

(3) Commit that the pole owner will exclude from its costs used to calculate its rates or charges for access to its utility poles for which the applicant has been reimbursed as follows:

(a) Under the Ohio broadband pole replacement and undergrounding program or any other broadband grant program;

(b) By a provider, for make-ready charges;

(4)(a) Commit that the pole owner will maintain and make available, upon reasonable request, to the department of development or to a party subject to the rates and charges described in division (B)(3) of this section, accounting documentation sufficient to demonstrate compliance with division (B)(3) of this section;

(b) Division (B)(4)(a) of this section does not apply to an electric distribution utility as defined in section 4928.01 of the Revised Code, unless the electric distribution utility is the applicant.

Sec. 191.17. (A) Not later than sixty days after receiving an application forwarded by the department of development, the broadband expansion program authority shall award program reimbursements to the applicant for costs described in divisions (A) and (B) of section 191.21 of the Revised Code after reviewing the application, and establishing the applicant's eligibility for reimbursement under the Ohio broadband pole replacement and undergrounding program. Except as provided in division (B) of this section, program reimbursements shall be in an amount equal to the lesser of seven thousand five hundred dollars or seventy-five percent of the total amount paid by the applicant for each pole replacement or mid-span pole installation.

(B) For undergrounding costs described under division (B) of
section 191.21 of the Revised Code, the authority shall approve
program reimbursements as provided in division (A) of this
section, except that the reimbursements may not exceed the
reimbursement amount that would be available under division (A) of
this section, if the applicant had attached broadband
infrastructure to utility poles instead of undergrounding that
infrastructure.

Sec. 191.19. (A) The department of development, at the
direction of the broadband expansion program authority, shall
issue program reimbursements awarded for applications approved
under the Ohio broadband pole replacement and undergrounding
program. The reimbursements shall be made using money available
for this purpose in the broadband pole replacement fund created in
section 191.27 of the Revised Code. The authority shall award, and
the department shall fund, reimbursements until funds available
for that purpose are no longer available.

(B) If, upon the exhaustion of the fund, there are any
applications pending, the applications shall be denied.
Applications that have been denied pursuant to this division may
be resubmitted to the department, and, if sufficient money is
later deposited in the fund, reimbursements may be awarded
according to the application and award process under sections
191.10 to 191.24 of the Revised Code.

Sec. 191.21. If the broadband expansion program authority
approves an application under the Ohio broadband pole replacement
and undergrounding program, the following costs are eligible for
reimbursement under the program:

(A) Actual and reasonable costs to perform a pole replacement
or mid-span pole installation, including the amount of any
expenditures to remove and dispose of an existing utility pole,
purchase and install a replacement utility pole, and transfer any existing facilities to the new pole:

(B) Actual and reasonable undergrounding costs, including the costs to dig a trench, perform directional boring, install conduit, and seal the trench, if the undergrounding is either of the following:

(1) Required by law, regulation, or local ordinance;

(2) More economical than the cost of performing a pole replacement.

(C)(1) Costs of deploying qualifying broadband service for which the applicant is entitled to obtain full reimbursement from another governmental entity are not eligible for reimbursement under the program, except as provided in division (C)(2) of this section.

(2) If an applicant's costs for deploying such service are reimbursed in part by a governmental entity, the applicant may apply for and obtain reimbursement under the program for the portion of the eligible costs for which the applicant was not reimbursed.

(D) For applicants that obtain broadband grant funding from sources other than reimbursements under the program, the authority may require the applicants to maintain accounting records sufficient to demonstrate that the other grant funds do not fully reimburse the same costs as those reimbursed under the program.

Sec. 191.24. A pole owner that provides information and documentation to a provider to enable the provider to submit an application to the Ohio broadband pole replacement and undergrounding program may require the provider to reimburse the owner for the owner's actual and reasonable administrative expenses, the total of which shall not exceed five per cent of the
pole replacement or mid-span pole installation costs. Such costs are not eligible for reimbursement under the program.

Sec. 191.27. There is hereby created in the state treasury the broadband pole replacement fund consisting of money credited or transferred to the fund, money appropriated by the general assembly, including from available federal funds, or money authorized for expenditure by the state controlling board under section 131.35 of the Revised Code from available federal funds, and grants, gifts, and contributions made directly to the fund. Money in the fund shall be used by the department of development to provide reimbursements awarded under the Ohio broadband pole replacement and undergrounding program and by the director of development to administer the program.

Sec. 191.30. (A) The department of development shall direct an applicant that has been awarded a program reimbursement under the Ohio broadband pole replacement and undergrounding program to refund, with interest, all or any portion of the reimbursements the applicant received under the program, if the department finds, upon substantial evidence and after notice and the opportunity to respond, that the applicant materially violated any of the requirements agreed to under sections 191.10 to 191.24 of the Revised Code with respect to all or any portion of the reimbursements received. The interest included with a refund under this section shall be at the applicable federal funds rate as specified in division (B) of section 1304.84 of the Revised Code.

(B) At the direction of the department, refunds submitted under division (A) of this section shall be deposited into the broadband pole replacement fund created in section 191.27 of the Revised Code or the general revenue fund.

Sec. 191.33. Not later than sixty days after the first amount
of money is deposited to the credit of the broadband pole
replacement fund created in section 191.27 of the Revised Code, the department of development shall publish and regularly update on its web site the following program information:

(A) The number of program applications received, processed, and rejected by the broadband expansion program authority;

(B) The number, reimbursement amount, and status of program reimbursements awarded by the authority;

(C) The number of providers receiving reimbursements;

(D) The balance remaining in the fund at the time of the latest program update on the web site.

Sec. 191.35. Beginning not later than one year after the first amount of money is deposited to the credit of the broadband pole replacement fund created in section 191.27 of the Revised Code and annually thereafter, the auditor of state shall audit the fund and its administration by the broadband expansion program authority and the department of development for compliance with the requirements of sections 191.02 to 191.45 of the Revised Code.

Sec. 191.37. Not later than one year after each time money in the broadband pole replacement fund created in section 191.27 of the Revised Code is exhausted, the broadband expansion program authority shall identify, examine, and report on the deployment of qualifying broadband infrastructure under the Ohio broadband pole replacement and undergrounding program and the technology facilitated by the program reimbursements the authority has awarded. The report shall be published on the department of development web site.

Sec. 191.40. Not later than ninety days after the effective date of this section, the director of development shall adopt
rules under Chapter 119. of the Revised Code that are necessary for successful and efficient administration of the broadband pole replacement and undergrounding program.

Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 191.43. On the date that is six years after the effective date of this section, payments under the Ohio broadband pole replacement fund shall cease and section 191.27 of the Revised Code shall not be in force or have further application, except as described in sections 191.44 and 191.45 of the Revised Code.

Sec. 191.44. The department of development in coordination with the Ohio broadband expansion program authority shall do the following, for the period ending six months after the date described in section 191.43 of the Revised Code:

(A) Complete the review of any program applications that were submitted prior to the date described in section 191.43 of the Revised Code and pay program reimbursements for the approved applications;

(B) Complete the review of any program applications submitted not later than four months after the date described in section 191.43 of the Revised Code and pay program reimbursements for the approved applications, if the reimbursements are for costs that were incurred prior to the date described in section 191.43 of the Revised Code.

Sec. 191.45. If there is an outstanding balance in the broadband pole replacement fund after the Ohio broadband pole
replacement program reimbursements are paid pursuant to section 191.44 of the Revised Code, the remaining balance shall be returned to the original funding sources as determined by the department of development.

Sec. 301.27. (A) As used in this section:

(1) "Credit card" includes gasoline and telephone credit cards but excludes any procurement card authorized under section 301.29 of the Revised Code.

(2) "Officer" includes an individual who also is an appointing authority.

(3) "Gasoline and oil expenses" and "motor vehicle repair and maintenance expenses" refer to only those expenses incurred for motor vehicles owned or leased by the county.

(B)(1) A credit card held by a board of county commissioners or the office of any other county appointing authority shall be used only to pay the following work-related expenses:

(a) Food expenses;
(b) Transportation expenses;
(c) Gasoline and oil expenses;
(d) Motor vehicle repair and maintenance expenses;
(e) Telephone expenses;
(f) Lodging expenses;
(g) Internet service provider expenses;
(h) In the case of a public children services agency, expenses for purchases for children for whom the agency is providing temporary emergency care pursuant to section 5153.16 of the Revised Code, children in the temporary or permanent custody of the agency, and children in a planned permanent living
arrangement;

(i) Webinar expenses;

(j) The expenses for purchases of automatic or electronic data processing or record-keeping equipment, software, or services, provided that, in a county that has established an automatic data processing board, the county office and the county officer or employee authorized to use the credit card comply with sections 307.84 to 307.847 of the Revised Code. The expenses paid by a credit card under division (B)(1)(j) of this section shall not exceed ten thousand dollars per quarter, unless the board of county commissioners adopts a resolution approving the payment by credit card of such expenses that exceed that amount during that time period;

(k) Expenses related to temporary and necessary assistance care provided by the county veterans service office;

(l) Fees or charges related to a state-issued license or certificate.

(2) No late charges or finance charges shall be allowed as an allowable expense unless authorized by the board of county commissioners.

(C) A county appointing authority may apply to the board of county commissioners for authorization to have an officer or employee of the appointing authority use a credit card held by that appointing authority. The authorization request shall state whether the card is to be issued only in the name of the office of the appointing authority or whether the issued card also shall include the name of a specified officer or employee.

(D) The debt incurred as a result of the use of a credit card pursuant to this section shall be paid from moneys appropriated to specific appropriation line items of the appointing authority for work-related expenses listed in division (B)(1) of this section.
(E)(1) Except as otherwise provided in division (E)(2) of this section, every officer or employee authorized to use a credit card held by the board or appointing authority shall submit to the board by the first day of each month an estimate of the officer's or employee's work-related expenses listed in division (B)(1) of this section for that month along with the specific appropriation line items from which those expenditures are to be made, unless the board authorizes, by resolution, the officer or employee to submit to the board such an estimate for a period longer than one month. The board may revise the estimate and determine the amount it approves, if any, not to exceed the estimated amount. The board shall certify the amount of its determination to the county auditor along with the specific appropriation line items from which the expenditures are to be made. After receiving certification from the county auditor that the determined sum of money is in the treasury or in the process of collection to the credit of the specific appropriation line items for which the credit card is approved for use, and is free from previous and then-outstanding obligations or certifications, the board shall authorize the officer or employee to incur debt for the expenses against the county's credit up to the authorized amount.

(2) In lieu of following the procedure set forth in division (E)(1) of this section, a board of county commissioners may adopt a resolution authorizing an officer or employee of an appointing authority to use a county credit card to pay for specific classes of the work-related expenses listed in division (B)(1) of this section, or use a specific credit card for any of those work-related expenses listed in division (B)(1) of this section, without submitting an estimate of those expenses to the board as required by division (E)(1) of this section. Prior to adopting the resolution, the board shall notify the county auditor. The resolution shall specify whether the officer's or employee's exemption extends to the use of a specific credit card, which card
shall be identified by its number, or to one or more specific
work-related uses from the classes of uses permitted under
division (B)(1) of this section. Before any credit card exempted
for specific uses may be used to make purchases for uses other
than those specific uses listed in the resolution, the procedures
outlined in division (E)(1) of this section must be followed or
the use shall be considered an unauthorized use. Use of any credit
card under division (E)(2) of this section shall be limited to the
amount appropriated and encumbered in a specific appropriation
line item for the permitted use or uses designated in the
authorizing resolution, or, in the case of a resolution that
authorizes use of a specific credit card, for each of the
permitted uses listed in division (B) of this section, but only to
the extent the moneys in those specific appropriation line items
are not otherwise encumbered.

(F)(1) Any time a county credit card approved for use for an
authorized amount under division (E)(1) of this section is used
for more than that authorized amount, the appointing authority may
request the board of county commissioners to authorize after the
fact the expenditure of any amount charged beyond the originally
authorized amount if, upon the board's request, the county auditor
certifies that sum of money is in the treasury or in the process
of collection to the credit of the appropriate appropriation line
item for which the credit card was used, and is free from previous
and then-outstanding obligations or certifications. If the card is
used for more than the amount originally authorized and if for any
reason that amount is not authorized after the fact, the county
treasury shall be reimbursed for any amount spent beyond the
originally authorized amount in the following manner:

(a) If the card is issued in the name of a specific officer
or employee, that officer or employee is liable in person and upon
any official bond the officer or employee has given to the county
to reimburse the county treasury for the amount charged to the county beyond the originally authorized amount.

(b) If the card is issued to the office of the appointing authority, the appointing authority is liable in person and upon any official bond the appointing authority has given to the county for the amount charged to the county beyond the originally authorized amount.

(2) Any time a county credit card authorized for use under division (E)(2) of this section is used for more than the amount appropriated under that division, the county treasury shall be reimbursed for any amount spent beyond the originally appropriated amount in the following manner:

(a) If the card is issued in the name of a specific officer or employee, that officer or employee is liable in person and upon any official bond the officer or employee has given to the county for reimbursing the county treasury for any amount charged on the card beyond the originally appropriated amount.

(b) If the card is issued in the name of the office of the appointing authority, the appointing authority is liable in person and upon any official bond the appointing authority has given to the county for reimbursement for any amount charged on the card beyond the originally appropriated amount.

(3) Whenever any officer or employee who is authorized to use a credit card held by the board or the office of any other county appointing authority suspects the loss, theft, or possibility of unauthorized use of the card, the officer or employee shall notify the county auditor and either the officer's or employee's appointing authority or the board immediately and in writing.

(4) If the county auditor determines there has been a credit card expenditure beyond the appropriated or authorized amount as provided in division (E) of this section, the auditor immediately
shall notify the board of county commissioners. When the board
determines, on its own or after notification from the county
auditor, that the county treasury should be reimbursed for credit
card expenditures beyond the appropriated or authorized amount as
provided in divisions (F)(1) and (2) of this section, it shall
give written notice to the county auditor and to the officer or
employee or appointing authority liable to the treasury as
provided in those divisions. If, within thirty days after issuance
of the written notice, the county treasury is not reimbursed for
the amount shown on the written notice, the prosecuting attorney
of the county shall recover that amount from the officer or
employee or appointing authority who is liable under this section
by civil action in any court of appropriate jurisdiction.

(G) Use of a county credit card for any use other than those
permitted under division (B)(1) of this section is a violation of
section 2913.21 of the Revised Code.

Sec. 307.01. (A) A courthouse, jail, public comfort station,
offices for county officers, and a county home shall be provided
by the board of county commissioners when, in its judgment, any of
them are needed. Subject to Chapter 342. of the Revised Code, a
jail shall be provided by the board of county commissioners when,
in its judgment, it is needed. The buildings and offices shall be
of such style, dimensions, and expense as the board determines.
All new jails and renovations to existing jails shall be designed,
and all existing jails shall be operated in such a manner as to
comply substantially with the minimum standards for jails in Ohio
adopted by the department of rehabilitation and correction. The
board shall also provide equipment, stationery, and postage, as it
considers reasonably necessary for the proper and convenient
conduct of county offices, and such facilities as will result in
expeditious and economical administration of such offices, except
that, for the purpose of obtaining federal or state reimbursement,
the board may impose on the public children services agency reasonable charges, not exceeding the amount for which reimbursement will be made and consistent with cost-allocation standards adopted by the department of job and family services, for the provision of office space, supplies, stationery, utilities, telephone use, postage, and general support services.

The board of county commissioners shall provide all rooms, fireproof and burglarproof vaults, safes, and other means of security in the office of the county treasurer that are necessary for the protection of public moneys and property in the office.

(B) The court of common pleas shall annually submit a written request for an appropriation to the board of county commissioners that shall set forth estimated administrative expenses of the court that the court considers reasonably necessary for its operation. The board shall conduct a public hearing with respect to the written request submitted by the court and shall appropriate the amount of money each year that it determines, after conducting the public hearing and considering the written request of the court, is reasonably necessary to meet all administrative expenses of the court.

If the court considers the appropriation made by the board pursuant to this division insufficient to meet all the administrative expenses of the court, it shall commence an action under Chapter 2731. of the Revised Code in the court of appeals for the judicial district for a determination of the duty of the board of county commissioners to appropriate the amount of money in dispute. The court of appeals shall give priority to the action filed by the court of common pleas over all cases pending on its docket. The burden shall be on the court of common pleas to prove that the appropriation requested is reasonably necessary to meet all its administrative expenses. If, prior to the filing of an action under Chapter 2731. of the Revised Code or during the
pendency of the action, any judge of the court exercises the contempt power of the court of common pleas in order to obtain the amount of money in dispute, the judge shall not order the imprisonment of any member of the board of county commissioners notwithstanding sections 2705.02 to 2705.06 of the Revised Code.

(C) Division (B) of this section does not apply to appropriations for the probate court or the juvenile court that are subject to section 2101.11 or 2151.10 of the Revised Code.

(D) The board of county commissioners may provide offices for or lease offices to a county land reutilization corporation organized under Chapter 1724. of the Revised Code and, in connection with such a lease, charge rentals that are at or below the market rentals for such offices, if the board determines that providing offices for or leasing offices to the corporation will promote economic development or the general welfare of the people of the county through a plan of providing affordable housing, land reutilization, and community development.

Sec. 307.021. (A) It is hereby declared to be a public purpose and function of the state, and a matter of urgent necessity, that the state acquire, construct, or renovate capital facilities for use as county, multicounty, municipal-county, and multicounty-municipal jail facilities or workhouses, as single-county or district community-based correctional facilities authorized under section 2301.51 of the Revised Code, as minimum security misdemeanant jails under sections 341.34 and 753.21 of the Revised Code, and as single-county or joint-county juvenile facilities authorized under section 2151.65 of the Revised Code in order to comply with constitutional standards and laws for the incarceration of alleged and convicted offenders against state and local laws, and for use as county family court centers. For these purposes, counties and municipal corporations are designated as
state agencies to perform duties of the state in relation to such facilities, workhouses, jails, and centers, and such facilities, workhouses, jails, and centers are designated as state capital facilities. The treasurer of state is authorized to issue revenue obligations under Chapter 154. of the Revised Code to pay all or part of the cost of such state capital facilities as are designated by law.

The office of the sheriff, due to its responsibilities concerning alleged and convicted offenders against state laws, is designated as the state agency having jurisdiction over such jail, workhouse, community-based correctional, or county minimum security misdemeanant jail capital facilities in any one county or over any district community-based correctional facilities. The corrections commission, due to its responsibilities in relation to such offenders, is designated as the state agency having jurisdiction over any such multicounty, municipal-county, or multicounty-municipal jail, workhouse, or correctional capital facilities. The office of the chief of police or marshal of a municipal corporation, due to its responsibilities concerning certain alleged and convicted criminal offenders, is designated as the state agency having jurisdiction over any such municipal corporation minimum security misdemeanant jail capital facilities in the municipal corporation. The juvenile court, as defined in section 2151.011 of the Revised Code, is designated as the branch of state government having jurisdiction over any such family court center or single-county or joint-county juvenile capital facilities. It is hereby determined and declared that such capital facilities are for the purpose of housing such state agencies, their functions, equipment, and personnel.

(B) The capital facilities provided for in this section may be included in capital facilities in which one or more governmental entities are participating or in which other
facilities of the county or counties, or any municipal 13860
corporations, are included pursuant to division (B) of section 13861
154.24 of the Revised Code or in an agreement between any county 13862
or counties and any municipal corporation or municipal 13863
corporations for participating in the joint construction, 13864
acquisition, or improvement of public works, public buildings, or 13865
improvements benefiting the parties in the same manner as set 13866
forth in section 153.61 of the Revised Code.

(C) A county or counties or a municipal corporation or 13867
municipal corporations may contribute to the cost of capital 13868
facilities authorized under this section.

(D) A county or counties, and any municipal corporations, 13869
shall lease capital facilities described in this section that are 13870
constructed, reconstructed, or otherwise improved, which 13871
facilities are financed by the treasurer of state pursuant to 13872
Chapter 154. of the Revised Code, for the use of the county or 13873
counties and any municipal corporations, and may enter into other 13874
agreements ancillary to the construction, reconstruction, 13875
improvement, financing, leasing, or operation of such capital 13876
facilities, including, but not limited to, any agreements required 13877
by the applicable bond proceedings authorized by Chapter 154. of 13878
the Revised Code.

Such lease may obligate the county or counties and any 13879
municipal corporation, as using state agencies under Chapter 154. 13880
of the Revised Code, to occupy and operate such capital facilities 13881
for such period of time as may be specified by law and to pay such 13882
rent as the treasurer of state determines to be appropriate.
Notwithstanding any other section of the Revised Code, any county 13883
or counties or municipal corporation may enter into such a lease, 13884
and any such lease is legally sufficient to obligate the political 13885
subdivision for the term stated in the lease. Any such lease 13886
constitutes an agreement described in division (D) of section 13887
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154.06 of the Revised Code.

(E) If rental payments required from the county or counties or municipal corporation by a lease established pursuant to this section are not paid in accordance with such lease, the funds which otherwise would be apportioned to the lessees from the county undivided local government fund, pursuant to sections 5747.51 to 5747.53 of the Revised Code, shall be reduced by the amount of rent owed. The county treasurer immediately shall pay the amount of such reductions to the treasurer of state.

(F) Any lease of capital facilities authorized by this section, the rentals of which are payable in whole or in part from appropriations made by the general assembly, is governed by Chapter 154. of the Revised Code. Such rentals constitute available receipts as defined in section 154.24 of the Revised Code and may be pledged for the payment of bond service charges as provided in that section.

(G) Any provision of section 123.01 of the Revised Code that applies to buildings and facilities also applies to the buildings and facilities described in this section, unless it is inconsistent with this section.

(H) This section applies to the acquisition, construction, and renovation of jail facilities constructed pursuant to Chapter 342, of the Revised Code.

Sec. 307.86. Anything to be purchased, leased, leased with an option or agreement to purchase, or constructed, including, but not limited to, any product, structure, construction, reconstruction, improvement, maintenance, repair, or service, except the services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor, or appraiser, by or on behalf of the county or contracting authority, as defined in section 307.92 of the
Revised Code, at a cost in excess of fifty thousand dollars the amount specified in section 9.17 of the Revised Code, except as otherwise provided in division (D) of section 713.23 and in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, shall be obtained through competitive bidding. **No purchase, lease, project, or other transaction subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section.** However, competitive bidding is not required when any of the following applies:

(A) The board of county commissioners, by a unanimous vote of its members, makes a determination that a real and present emergency exists, and that determination and the reasons for it are entered in the minutes of the proceedings of the board, when either of the following applies:

(1) The estimated cost is less than one hundred twenty-five thousand dollars.

(2) There is actual physical disaster to structures, radio communications equipment, or computers.

For purposes of this division, "unanimous vote" means all three members of a board of county commissioners when all three members are present, or two members of the board if only two members, constituting a quorum, are present.

Whenever a contract of purchase, lease, or construction is exempted from competitive bidding under division (A)(1) of this section because the estimated cost is less than one hundred twenty-five thousand dollars, but the estimated cost is fifty thousand dollars the amount specified in section 9.17 of the Revised Code or more, the county or contracting authority shall...
solicit informal estimates from no fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the county or contracting authority shall maintain a record of such estimates, including the name of each person from whom an estimate is solicited. The county or contracting authority shall maintain the record for the longer of at least one year after the contract is awarded or the amount of time the federal government requires.

(B)(1) The purchase consists of supplies or a replacement or supplemental part or parts for a product or equipment owned or leased by the county, and the only source of supply for the supplies, part, or parts is limited to a single supplier.

(2) The purchase consists of services related to information technology, such as programming services, that are proprietary or limited to a single source.

(C) The purchase is from the federal government, the state, another county or contracting authority of another county, or a board of education, educational service center, township, or municipal corporation.

(D) The purchase is made by a county department of job and family services under section 329.04 of the Revised Code and consists of family services duties or workforce development activities or is made by a county board of developmental disabilities under section 5126.05 of the Revised Code and consists of program services, such as direct and ancillary client services, child care, case management services, residential services, and family resource services.

(E) The purchase consists of criminal justice services, social services programs, family services, or workforce development activities by the board of county commissioners from nonprofit corporations or associations under programs funded by
the federal government or by state grants.

(F) The purchase consists of any form of an insurance policy or contract authorized to be issued under Title XXXIX of the Revised Code or any form of health care plan authorized to be issued under Chapter 1751. of the Revised Code, or any combination of such policies, contracts, plans, or services that the contracting authority is authorized to purchase, and the contracting authority does all of the following:

(1) Determines that compliance with the requirements of this section would increase, rather than decrease, the cost of the purchase;

(2) Requests issuers of the policies, contracts, plans, or services to submit proposals to the contracting authority, in a form prescribed by the contracting authority, setting forth the coverage and cost of the policies, contracts, plans, or services as the contracting authority desires to purchase;

(3) Negotiates with the issuers for the purpose of purchasing the policies, contracts, plans, or services at the best and lowest price reasonably possible.

(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government.

(H) Child care services are purchased for provision to county employees.

(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply:

(a) The contracting authority is authorized by the Revised
Code to lease the property.

(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property.

(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Revised Code.

(d) The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.

(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this division.

(J) The purchase is made pursuant to section 5139.34 or sections 5139.41 to 5139.46 of the Revised Code and is of programs or services that provide case management, treatment, or prevention services to any felony or misdemeanant delinquent, unruly youth, or status offender under the supervision of the juvenile court, including, but not limited to, community residential care, day treatment, services to children in their home, or electronic monitoring.

(K) The purchase is made by a public children services agency pursuant to section 307.92 or 5153.16 of the Revised Code and consists of family services, programs, or ancillary services that provide case management, prevention, or treatment services for
children at risk of being or alleged to be abused, neglected, or dependent children.

(L) The purchase is to obtain the services of emergency medical service organizations under a contract made by the board of county commissioners pursuant to section 307.05 of the Revised Code with a joint emergency medical services district.

(M) The county contracting authority determines that the use of competitive sealed proposals would be advantageous to the county and the contracting authority complies with section 307.862 of the Revised Code.

(N) The purchase consists of used supplies and is made at a public auction.

Any issuer of policies, contracts, plans, or services listed in division (F) of this section and any prospective lessor under division (I) of this section may have the issuer's or prospective lessor's name and address, or the name and address of an agent, placed on a special notification list to be kept by the contracting authority, by sending the contracting authority that name and address. The contracting authority shall send notice to all persons listed on the special notification list. Notices shall state the deadline and place for submitting proposals. The contracting authority shall mail the notices at least six weeks prior to the deadline set by the contracting authority for submitting proposals. Every five years the contracting authority may review this list and remove any person from the list after mailing the person notification of that action.

Any contracting authority that negotiates a contract under division (F) of this section shall request proposals and negotiate with issuers in accordance with that division at least every three years from the date of the signing of such a contract, unless the parties agree upon terms for extensions or renewals of the
contract. Such extension or renewal periods shall not exceed six
years from the date the initial contract is signed.

Any real estate appraiser employed pursuant to division (I)
of this section shall disclose any fees or compensation received
from any source in connection with that employment.

As used in division (N) of this section, "supplies" means any
personal property including equipment, materials, and other
tangible assets.

Sec. 307.861. The county or contracting authority, as defined
in section 307.92 of the Revised Code, may renew a lease which has
been entered into for electronic data processing equipment,
services, or systems, or a radio communications system at a cost
in excess of fifty thousand dollars the amount specified in
section 9.17 of the Revised Code as follows:

(A) The lessor shall submit a written bid to the county or
contracting authority that is the lessee under the lease, stating
the terms under which the lease would be renewed, including the
length of the renewal lease, and the cost of the renewal lease to
the county or contracting authority. The county or contracting
authority may require the lessor to submit a bond with the bid.

(B) The county or contracting authority shall advertise for
and receive competitive bids, as provided in sections 307.87 to
307.90 of the Revised Code, for a lease under the same terms and
for the same period as provided in the bid of the lessor submitted
under division (A) of this section.

(C) The county or contracting authority may renew the lease
with the lessor only if the bid submitted by the lessor under
division (A) of this section is an amount less than the lowest and
best bid submitted pursuant to competitive bidding under division
(B) of this section.
Sec. 307.87. Where competitive bidding is required by section 307.86 of the Revised Code, notice thereof shall be given in the following manner:

(A) Notice shall be published once a week for not less than two consecutive weeks preceding the day of the opening of bids in a newspaper of general circulation within the county for any purchase, lease, lease with option or agreement to purchase, or construction contract in excess of fifty thousand dollars. The contracting authority may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the contracting authority's internet site on the world wide web. If the contracting authority posts the notice on that location on the world wide web, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the county, provided that the first notice published in such a newspaper meets all of the following requirements:

(1) It is published at least two weeks before the opening of bids.

(2) It includes a statement that the notice is posted on the contracting authority's internet site on the world wide web.

(3) It includes the internet address of the contracting authority's internet site on the world wide web.

(4) It includes instructions describing how the notice may be accessed on the contracting authority's internet site on the world wide web.

(B) Notices shall state all of the following:

(1) A general description of the subject of the proposed contract and the time and place where the plans and specifications or itemized list of supplies, facilities, or equipment and
estimated quantities can be obtained or examined;

(2) The time and place where bids will be opened;

(3) The time and place for filing bids;

(4) The terms of the proposed purchase;

(5) Conditions under which bids will be received;

(6) The existence of a system of preference, if any, for
products mined and produced in Ohio and the United States adopted pursuant to section 307.90 of the Revised Code.

(C) The contracting authority shall also maintain in a public
place in its office or other suitable public place a bulletin
board upon which it shall post and maintain a copy of such notice
for at least two weeks preceding the day of the opening of the
bids.

Sec. 307.90. (A) The award of all contracts subject to
sections 307.86 to 307.92 of the Revised Code shall be made to the
lowest and best bidder. The bond or bid guaranty of all
unsuccessful bidders shall be returned to them by the contracting
authority immediately upon awarding the contract or rejection of
all bids. The contracting authority may reject all bids.

(B) With respect to any contract for the purchase of
equipment, materials, supplies, insurance, services, or a public
improvement into which a county or its officers may enter, a board
of county commissioners, by resolution, may adopt the model system
of preferences for products mined or produced in Ohio and the
United States and for Ohio-based contractors promulgated pursuant
to division (E) of section 125.11 of the Revised Code. The
resolution shall specify the class or classes of contracts to
which the system of preferences apply, and once adopted, operates
to modify the awarding of such contracts accordingly. While the
system of preferences is in effect, no county officer or employee
with the responsibility for doing so shall award a contract to which the system applies in violation of the preference system.

Sec. 308.13. (A) The board of trustees of a regional airport authority or any officer or employee designated by such board may make without competitive bidding any contract for any purchase, lease, lease with option or agreement to purchase any property, or any construction contract for any work, the cost of which shall not exceed fifty thousand dollars the amount specified in section 9.17 of the Revised Code. Any purchase, lease, lease with option or agreement to purchase, or construction contract in excess of fifty thousand dollars the amount specified in section 9.17 of the Revised Code shall require that a notice calling for bids be published once a week for not less than two consecutive weeks preceding the day of the opening of the bids in a newspaper of general circulation within the territorial boundaries of the regional airport authority. The regional airport authority also may cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the internet site on the world wide web of the regional airport authority. If the contracting authority posts the notice on that internet web site, the requirement that a second notice be published in a newspaper of general circulation within the territorial boundaries of the regional airport authority does not apply provided the first notice published in that newspaper meets all of the following requirements:

(1) It is published at least two weeks prior to the day of the opening of the bids.

(2) It includes a statement that the notice is posted on the internet site on the world wide web of the regional airport authority.
(3) It includes the internet address of the internet site on the world wide web of the regional airport authority.

(4) It includes instructions describing how the notice may be accessed on the internet site on the world wide web of the regional airport authority.

No purchase, lease, project, or other transaction subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section.

If the bid is for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, it shall meet the requirements of section 153.54 of the Revised Code. If the bid is for any other contract authorized by this section, it shall be accompanied by a good and approved bond with ample security conditioned on the carrying out of the contract as determined by the board. The board may let the contract to the lowest and best bidder. Such contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done, as approved by the board. The plans and specifications at all times shall be made and considered part of the contract. The contract shall be approved by the board and signed by its chief executive officer and by the contractor, and shall be executed in duplicate.

(B) The competitive bidding procedures described in division (A) of this section do not apply in any of the following circumstances:

(1) The board of trustees of a regional airport authority, by a majority vote of its members present at any meeting, determines that a real and present emergency exists under any of the following conditions, and the board enters its determination and the reasons for it in its proceedings:
(a) Affecting safety, welfare, or the ability to deliver services;

(b) Arising out of an interruption of contracts essential to the provision of daily air services and other services related to the airport;

(c) Involving actual physical damage to structures, supplies, equipment, or property requiring immediate repair or replacement.

(2) The purchase consists of goods or services, or any combination thereof, and after reasonable inquiry the board or any officer or designee of the board finds that only one source of supply is reasonably available.

(3) The expenditure is for a renewal or renegotiation of a lease or license for telecommunications or informational technology equipment, services, or systems, or for the upgrade of such equipment, services, or systems, or for the maintenance thereof as supplied by the original source or its successors or assigns.

(4) The purchase of goods or services is made from another political subdivision, public agency, public transit system, regional transit authority, the state, or the federal government, or as a third-party beneficiary under a state or federal procurement contract, or as a participant in a department of administrative services contract under division (B) of section 125.04 of the Revised Code or under an approved purchasing plan of this state.

(5) The purchase substantially involves services of a personal, professional, highly technical, or scientific nature, including the services of an attorney, physician, engineer, architect, surveyor, appraiser, investigator, adjuster, advertising consultant, or licensed broker, or involves the special skills or proprietary knowledge required for the operation
of the airport owned by the regional transit authority.

(6) Services or supplies are available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code.

(7) The purchase consists of the product or services of a public utility.

Sec. 308.21. (A) The board of trustees of a regional airport authority, the board of directors of a port authority, or the legislative authority of a municipal corporation that owns, operates, or maintains a qualifying airport may, by resolution adopted before January 1, 2024, create an airport development district for the purpose of developing and implementing plans for public infrastructure improvements that benefit the qualifying airport and to finance expenditures to attract or retain airlines, increase the number of scheduled flights to and from the qualifying airport, or increase use of the airport by aircraft having greater passenger capacity or greater first-class seating availability. The resolution shall include a development plan for the district that, at minimum, specifies all of the following:

(1) The manner in which the nonprofit corporation that is to govern the district will be formed, operated, and organized;

(2) The manner in which the board of directors of the nonprofit corporation that is to govern the district are appointed;

(3) A plan for the public infrastructure improvements and other expenditures to be financed by the district;

(4) A description of the territory of the district, which shall consist of all parcels of real property that are located within five miles of the qualifying airport. For the purpose of this division, a parcel is located within five miles of a
qualifying airport if the distance between any portion of the parcel and any portion of the qualifying airport is five miles or less.

(B) After adopting a resolution under division (A) of this section, the board of trustees of the regional airport authority, board of directors of the port authority, or legislative authority of the municipal corporation shall submit a copy to the director of development services.

(C) An airport development district is not a political subdivision for any purpose prescribed in the Revised Code. A district shall be considered a public agency under section 102.01 of the Revised Code and a public authority under section 4115.03 of the Revised Code. Districts are subject to sections 121.22 and 121.23 of the Revised Code, but are not subject to sections 121.81 to 121.83 of the Revised Code.

Sec. 317.08. (A) The county recorder shall record all instruments in one general record series to be known as the "official records." The county recorder shall record in the official records all of the following instruments that are presented for recording, upon payment of the fees prescribed by law:

(1) Deeds and other instruments of writing for the absolute and unconditional sale or conveyance of lands, tenements, and hereditaments;

(2) Notices as provided in sections 5301.47 to 5301.56 of the Revised Code;

(3) Judgments or decrees in actions brought under section 5303.01 of the Revised Code;

(4) Declarations and bylaws, and all amendments to declarations and bylaws, as provided in Chapter 5311 of the Revised Code.
(5) Affidavits as provided in sections 5301.252 and 5301.56 of the Revised Code;

(6) Certificates as provided in section 5311.17 of the Revised Code;

(7) Articles dedicating archaeological preserves accepted by the director of the Ohio history connection under section 149.52 of the Revised Code;

(8) Articles dedicating nature preserves accepted by the director of natural resources under section 1517.05 of the Revised Code;

(9) Conveyances of conservation easements and agricultural easements under section 5301.68 of the Revised Code;

(10) Instruments extinguishing agricultural easements under section 901.21 or 5301.691 of the Revised Code or pursuant to the terms of such an easement granted to a charitable organization under section 5301.68 of the Revised Code;

(11) Instruments or orders described in division (B)(2)(b) of section 5301.56 of the Revised Code;

(12) No further action letters issued under section 122.654 or 3746.11 of the Revised Code;

(13) Covenants not to sue issued under section 3746.12 of the Revised Code, including all covenants not to sue issued pursuant to section 122.654 of the Revised Code;

(14) Restrictions on the use of property contained in a no further action letter issued under section 122.654 of the Revised Code, restrictions on the use of property identified pursuant to division (C)(3)(a) of section 3746.10 of the Revised Code, and restrictions on the use of property contained in a deed or other instrument as provided in division (E) or (F) of section 3737.882.
(15) Any easement executed or granted under section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code;

(16) Any environmental covenant entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code;

(17) Memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that describe specific real property;

(18) Agreements entered into under section 1506.44 of the Revised Code;

(19) Mortgages, including amendments, supplements, modifications, and extensions of mortgages, or other instruments of writing by which lands, tenements, or hereditaments are or may be mortgaged or otherwise conditionally sold, conveyed, affected, or encumbered;

(20) Executory installment contracts for the sale of land executed after September 29, 1961, that by their terms are not required to be fully performed by one or more of the parties to them within one year of the date of the contracts;

(21) Options to purchase real estate, including supplements, modifications, and amendments of the options, but no option of that nature shall be recorded if it does not state a specific day and year of expiration of its validity;

(22) Any tax certificate sold under section 5721.33 of the Revised Code, or memorandum of it, that is presented for filing of record;

(23) Powers of attorney, including all memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that do not describe specific real property;

(24) Plats and maps of town lots, of the subdivision of town
lots, and of other divisions or surveys of lands, any center line
survey of a highway located within the county, the plat of which
shall be furnished by the director of transportation or county
engineer, and all drawings and amendments to drawings, as provided
in Chapter 5311. of the Revised Code;

(25) Leases, memoranda of leases, and supplements,
modifications, and amendments of leases and memoranda of leases,
including a lease described in section 5301.09 of the Revised
Code;

(26) Declarations executed pursuant to section 2133.02 of the
Revised Code and durable powers of attorney for health care
executed pursuant to section 1337.12 of the Revised Code;

(27) Unemployment compensation liens, internal revenue tax
liens, and other liens in favor of the United States as described
in division (A) of section 317.09 of the Revised Code, personal
tax liens, mechanic's liens, agricultural product liens, notices
of liens, certificates of satisfaction or partial release of
estate tax liens, discharges of recognizances, excise and
franchise tax liens on corporations, broker's liens, and liens
provided for in section 1513.33, 1513.37, 3752.13, 4141.23,
5111.022, 5164.56, or 5311.18 of the Revised Code; and

(28) Corrupt activity lien notices filed pursuant to section
2923.36 of the Revised Code and medicaid fraud lien notices filed
pursuant to section 2933.75 of the Revised Code;

(29) Deeds for the purchase of burial lots or other interment
rights under section 517.07 of the Revised Code.

(B) All instruments or memoranda of instruments entitled to
record shall be recorded in the order in which they are presented
for recording.

The recording of an option to purchase real estate, including
any supplement, modification, and amendment of the option, under
this section shall serve as notice to any purchaser of an interest in the real estate covered by the option only during the period of the validity of the option as stated in the option.

(C) In addition to the official records, a county recorder may elect to keep a separate set of records that contain the instruments listed in division (A)(24) of this section.

(D) As part of the official records, the county recorder shall keep a separate set of records containing all transfers, conveyances, or assignments of any type of tangible or intangible personal property or any rights or interests in that property if and to the extent that any person wishes to record that personal property transaction and if the applicable instrument is acknowledged before a notary public. If the transferor is a natural person, the notice of personal property transfer shall be recorded in the county in this state in which the transferor maintains the transferor's principal residence. If the transferor is not a natural person, the notice of personal property transfer shall be recorded in the county in this state in which the transferor maintains its principal place of business. If the transferor does not maintain a principal residence or a principal place of business in this state and the transfer is to a trustee of a legacy trust formed pursuant to Chapter 5816. of the Revised Code, the notice of personal property transfer shall be recorded in the county in this state where that trustee maintains a principal residence or principal place of business. In all other instances, the notice of personal property transfer shall be recorded in the county in this state where the property described in the notice is located.

Sec. 317.13. (A) Except as otherwise provided in division (B) of this section, the county recorder shall record in the official records, in legible handwriting, typewriting, or printing, or by
any authorized photographic or electronic process, all deeds, mortgages, plats, or other instruments of writing that are required or authorized by the Revised Code to be recorded and that are presented to the county recorder for that purpose. The county recorder shall record the instruments in regular succession, according to the priority of presentation, and shall enter the file number at the beginning of the record. On the record of each instrument, the county recorder shall record the date and precise time the instrument was presented for record. All records made, prior to July 28, 1949, by means authorized by this section or by section 9.01 of the Revised Code shall be deemed properly made.

(B)(1) The county recorder may refuse to record an instrument of writing presented for recording if the instrument is not required or authorized by the Revised Code to be recorded or the county recorder has reasonable cause to believe the instrument is materially false or fraudulent. This division does not create a duty upon a recorder to inspect, evaluate, or investigate an instrument of writing, including a right-to-list home sale agreement, that is presented for recording.

(2) The county recorder shall refuse to record a right-to-list home sale agreement described in division (B) of section 5301.94 of the Revised Code.

Division (B) of this section does not create a duty upon a county recorder for recording and the county recorder, pursuant to division (B) of this section, refuses to record the instrument, the person has a cause of action for an order from the court of common pleas in the county that the county recorder serves, to require the county recorder to record the instrument. If the court determines that the instrument is required or authorized by the Revised Code to be recorded and is not materially false or
fraudulent, and is not a right-to-list home sale agreement, it shall order the county recorder to record the instrument.

(D) The county recorder shall keep confidential information that is subject to a real property confidentiality notice under section 111.431 of the Revised Code, in accordance with that section. A copy of the real property confidentiality notice shall accompany subsequent recordings of the property, unless the program participant's certification has been canceled under section 111.431 or 111.45 of the Revised Code.

Sec. 317.321. (A) Not later than the first day of October of any year, the county recorder may submit to the board of county commissioners a proposal for funding any of the following:

(1) The acquisition and maintenance of imaging and other technological equipment and contract services therefor;

(2) To reserve funds for the office's future technology needs if the county recorder has no immediate plans for the acquisition of imaging and other technological equipment or contract services, or to use the county recorder's technology fund as a dedicated revenue source to repay debt to purchase any imaging and other technological equipment before the accumulation of adequate resources to purchase the equipment with cash.

(3) Subject to division (G) of this section, for other expenses associated with the acquisition and maintenance of imaging and other technological equipment and contract services.

(B) The proposal shall be in writing and shall include at least the following:

(1) A request that an amount not to exceed eight dollars of the total base fees collected for filing or recording a document for which a fee is charged as required by division (A)(1) of section 317.32 or by section 1309.525 or 5310.15 of the Revised Code.
Code be placed in the county treasury to the credit of the county recorder's technology fund;

(2) Except as provided in division (E)(3) of this section, the number of years, not to exceed five, for which the county recorder requests that the amount requested under division (A)(1) of this section be given the designation specified in that division;

(3) An estimate of the total amount of fees that will be generated for filing or recording a document for which a fee is charged as required by division (A)(1) or (2) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code;

(4) An estimate of the total amount of fees for filing or recording a document for which a fee is charged as required by division (A)(1) or (2) of section 317.32 or by section 1309.525 or 5310.15 of the Revised Code that will be credited to the county recorder's technology fund if the request submitted under division (B)(1) of this section is approved by the board of county commissioners.

(C) A proposal for the purposes of division (A)(1) of this section shall include a description or summary of the imaging and other technological equipment that the county recorder proposes to acquire and maintain, and the nature of contract services that the county recorder proposes to utilize, if the proposal is for those purposes. A proposal for the purposes of division (A)(2) of this section shall explain the general future technology needs of the office for imaging and other technological equipment, or for revenue to repay debt, if the proposal is for those purposes. A proposal for the purposes of division (A)(3) of this section shall identify the other expenses associated with the acquisition and maintenance of imaging and other technological equipment and contract services that the county recorder proposes to pay with
moneys in the county recorder's technology fund, if the proposal is for those purposes.

(D) The board of county commissioners shall receive a proposal and the clerk shall enter it on the journal. At the same time, the board shall establish a date, not sooner than fifteen or later than thirty days after the board receives the proposal, on which to meet with the recorder to review the proposal.

(E)(1) Except as provided in division (E)(3) of this section, not later than the fifteenth day of December of any year in which a proposal is submitted under division (A) of this section, the board of county commissioners shall approve, reject, or modify the proposal and notify the county recorder of its action on the proposal. If the board rejects or modifies the proposal, it shall make a written finding that the request is for a purpose other than for a purpose in division (A) of this section, or that the amount requested is excessive as determined by the board.

(2) A proposal submitted under division (A) of this section that was approved by the board of county commissioners before, and is in effect on the effective date of this amendment, shall continue in effect until January 1, 2025, notwithstanding the number of years of funding specified in the approved proposal.

(3) A proposal submitted under division (A) of this section between October 1, 2019, and October 1, 2028, may request that an amount that does not exceed three dollars be credited to the county recorder's technology fund, in addition to the amount previously approved by the board of county commissioners in a proposal described in division (E)(2) of this section. The proposal may be submitted each year during that time period, but shall be limited to funding in the following fiscal year. If the total of the amount under division (E)(2) of this section and the amount requested under this division does not exceed eight
dollars, the board shall approve the proposal and notify the county recorder of its approval.

(4) If the total amount of fees provided for in divisions (B), (E)(2), and (E)(3) of this section is less than eight dollars, a proposal requesting additional fees may be submitted to the board of county commissioners under division (E)(1) of this section, as long as the total amount of the fees in divisions (B) and (E)(2), (3), and (4) of this section that are to be credited to the county recorder's technology fund does not exceed eight dollars, and the proposal is for a number of years, not to exceed five.

(5) When a proposal is approved by the board of county commissioners under division (E) of this section, the county recorder's technology fund is established in the county treasury, and, beginning on the following first day of January, the fees approved shall be deposited in that fund.

(F) The acquisition and maintenance of imaging and other technological equipment, and other associated expenses and contract services therefor, shall be specifically governed by sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, and 5705.38, and by division (D) of section 5705.41 of the Revised Code.

(G) If the use of the county recorder's technology fund for the purposes of division (A)(3) of this section includes associated expenses for personnel, the use of the fund for personnel shall be strictly confined to personnel directly related to imaging and other technological equipment, and any compensation increases for those personnel shall not exceed the average of the annual aggregate percentage increase or decrease in the compensation fixed by the board of county commissioners for their employees, and for the officers in section 325.27 of the Revised Code. Use of the fund for compensation bonuses, or for recognizing
outstanding employee performance in a manner described in section 325.25 of the Revised Code, is prohibited.

(H) If a county is under a fiscal caution under section 118.025 of the Revised Code, or is under a fiscal watch or fiscal emergency as defined in section 118.01 of the Revised Code, the board of county commissioners, notwithstanding sections 5705.14 to 5705.16 of the Revised Code, may transfer from the county recorder's technology fund any moneys the board deems necessary.

Sec. 319.202. Before the county auditor indorses any real property conveyance or manufactured or mobile home conveyance presented to the auditor pursuant to section 319.20 of the Revised Code or registers any manufactured or mobile home conveyance pursuant to section 4503.061 of the Revised Code, the grantee or the grantee's representative shall submit in triplicate, either electronically or three written copies of, a statement, in the form prescribed by the tax commissioner, and other information as the county auditor may require, declaring the value of real property or manufactured or mobile home conveyed, except that when the transfer is exempt under division (G)(3) of section 319.54 of the Revised Code only a statement of the reason for the exemption shall be required. Each statement submitted under this section shall contain the information required under divisions (A) and (B) of this section.

(A) Each statement submitted under this section shall either:

(1) Contain an affirmation by the grantee that the grantor has been asked by the grantee or the grantee's representative whether to the best of the grantor's knowledge either the preceding or the current year's taxes on the real property or the current or following year's taxes on the manufactured or mobile home conveyed will be reduced under division (A) of section 323.152 or under section 4503.065 of the Revised Code and that the
grantor indicated that to the best of the grantor's knowledge the

taxes will not be so reduced; or

(2) Be accompanied by a sworn or affirmed instrument stating:

(a) To the best of the grantor's knowledge the real property
or the manufactured or mobile home that is the subject of the
conveyance is eligible for and will receive a reduction in taxes
for or payable in the current year under division (A) of section
323.152 or under section 4503.065 of the Revised Code and that the
reduction or reductions will be reflected in the grantee's taxes;

(b) The estimated amount of such reductions that will be
reflected in the grantee's taxes;

(c) That the grantor and the grantee have considered and
accounted for the total estimated amount of such reductions to the
satisfaction of both the grantee and the grantor. The auditor
shall indorse the instrument, return it to the grantee or the
grantee's representative, and provide a copy of the indorsed
instrument to the grantor or the grantor's representative.

(B) Each statement submitted under this section shall either:

(1) Contain an affirmation by the grantee that the grantor
has been asked by the grantee or the grantee's representative
whether to the best of the grantor's knowledge the real property
conveyed qualified for the current agricultural use valuation
under section 5713.30 of the Revised Code either for the preceding
or the current year and that the grantor indicated that to the
best of the grantor's knowledge the property conveyed was not so
qualified; or

(2) Be accompanied by a sworn or affirmed instrument stating:

(a) To the best of the grantor's knowledge the real property
conveyed was qualified for the current agricultural use valuation
under section 5713.30 of the Revised Code either for the preceding
or the current year;

(b) To the extent that the property will not continue to qualify for the current agricultural use valuation either for the current or the succeeding year, that the property will be subject to a recoupment charge equal to the tax savings in accordance with section 5713.34 of the Revised Code;

(c) That the grantor and the grantee have considered and accounted for the total estimated amount of such recoupment, if any, to the satisfaction of both the grantee and the grantor. The auditor shall indorse the instrument, forward it to the grantee or the grantee's representative, and provide a copy of the indorsed instrument to the grantor or the grantor's representative.

(C) The grantor shall pay the fee required by division (G)(3) of section 319.54 of the Revised Code; and, in the event the board of county commissioners of the county has levied a real property or a manufactured home transfer tax pursuant to Chapter 322. of the Revised Code, the amount required by the real property or manufactured home transfer tax so levied. If the conveyance is exempt from the fee provided for in division (G)(3) of section 319.54 of the Revised Code and the tax, if any, levied pursuant to Chapter 322. of the Revised Code, the reason for such exemption shall be shown on the statement. "Value" means, in the case of any deed or certificate of title not a gift in whole or part, the amount of the full consideration therefor, paid or to be paid for the real estate or manufactured or mobile home described in the deed or title, including the amount of any mortgage or vendor's lien thereon. If property sold under a land installment contract is conveyed by the seller under such contract to a third party and the contract has been of record at least twelve months prior to the date of conveyance, "value" means the unpaid balance owed to the seller under the contract at the time of the conveyance, but the statement shall set forth the amount paid under such contract.
prior to the date of conveyance. In the case of a gift in whole or part, "value" means the estimated price the real estate or manufactured or mobile home described in the deed or certificate of title would bring in the open market and under the then existing and prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels. No person shall willfully falsify the value of property conveyed.

(D) The auditor shall indorse each conveyance on its face to indicate the amount of the conveyance fee and compliance with this section and if the property is residential rental property include a statement that the grantee shall file with the county auditor the information required under division (A) or (C) of section 5323.02 of the Revised Code. The auditor shall retain the original copy of the statement of value, forward to the tax commissioner one copy on which shall be noted the most recent assessed value of the property, and furnish one copy to the grantee or the grantee's representative.

(E) In order to achieve uniform administration and collection of the transfer fee required by division (G)(3) of section 319.54 of the Revised Code, the tax commissioner shall adopt and promulgate rules for the administration and enforcement of the levy and collection of such fee.

(F) As used in this section, "residential rental property" has the same meaning as in section 5323.01 of the Revised Code.

Sec. 323.152. In addition to the reduction in taxes required under section 319.302 of the Revised Code, taxes shall be reduced as provided in divisions (A) and (B) of this section.

(A)(1)(a) Division (A)(1) of this section applies to any of the following persons:
(i) A person who is permanently and totally disabled;

(ii) A person who is sixty-five years of age or older;

(iii) A person who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a reduction in taxes under this division in the year of death, provided the surviving spouse is at least fifty-nine but not sixty-five or more years of age on the date the deceased spouse dies.

(b) Real property taxes on a homestead owned and occupied, or a homestead in a housing cooperative occupied, by a person to whom division (A)(1) of this section applies shall be reduced for each year for which an application for the reduction has been approved. The reduction shall equal one of the following amounts, as applicable to the person:

(i) If the person received a reduction under division (A)(1) of this section for tax year 2006, the greater of the reduction for that tax year or the amount computed under division (A)(1)(c) of this section;

(ii) If the person received, for any homestead, a reduction under division (A)(1) of this section for tax year 2013 or under division (A) of section 4503.065 of the Revised Code for tax year 2014 or the person is the surviving spouse of such a person and the surviving spouse is at least fifty-nine years of age on the date the deceased spouse dies, the amount computed under division (A)(1)(c) of this section. For purposes of divisions (A)(1)(b)(ii) and (iii) of this section, a person receives a reduction under division (A)(1) of this section or under division (A) of section 4503.065 of the Revised Code for tax year 2013 or 2014, respectively, if the person files a late application for that respective tax year that is approved by the county auditor under.
section 323.153 or 4503.066 of the Revised Code.

(iii) If the person is not described in division (A)(1)(b)(i) or (ii) of this section and the person's total income does not exceed thirty thousand dollars, as adjusted under division (A)(1)(d) of this section, the amount computed under division (A)(1)(c) of this section.

(c) The amount of the reduction under division (A)(1)(c) of this section equals the product of the following:

(i) Twenty-five thousand dollars of the true value of the property in money, as adjusted under division (A)(1)(d) of this section;

(ii) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent;

(iii) The effective tax rate used to calculate the taxes charged against the property for the current year, where "effective tax rate" is defined as in section 323.08 of the Revised Code;

(iv) The quantity equal to one minus the sum of the percentage reductions in taxes received by the property for the current tax year under section 319.302 of the Revised Code and division (B) of section 323.152 of the Revised Code.

(d) Each calendar year, the tax commissioner shall adjust the total income threshold described in division (A)(1)(b)(iii) and the reduction amounts described in divisions (A)(1)(c)(i), (A)(2), and (A)(3) of this section by completing the following calculations in September of each year:

(i) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of
January of the preceding calendar year to the last day of December of the preceding calendar year;

(ii) Multiply that percentage increase by the total income threshold or reduction amount for the current tax year, as applicable;

(iii) Add the resulting product to the total income threshold or the reduction amount, as applicable, for the current tax year;

(iv) Round the resulting sum to the nearest multiple of one hundred dollars.

The commissioner shall certify the amount resulting from the each adjustment to each county auditor not later than the first day of December each year. The certified total income threshold amount applies to the following tax year for persons described in division (A)(1)(b)(iii) of this section. The certified reduction amount applies to the following tax year. The commissioner shall not make the applicable adjustment in any calendar year in which the amount resulting from the adjustment would be less than the total income threshold or the reduction amount for the current tax year.

(2) Real property taxes on a homestead owned and occupied, or a homestead in a housing cooperative occupied, by a disabled veteran shall be reduced for each year for which an application for the reduction has been approved. The reduction shall equal the product obtained by multiplying fifty thousand dollars of the true value of the property in money, as adjusted under division (A)(1)(d) of this section, by the amounts described in divisions (A)(1)(c)(ii) to (iv) of this section. The reduction is in lieu of any reduction under section 323.158 of the Revised Code or division (A)(1) or (3) of this section. The reduction applies to only one homestead owned and occupied by a disabled veteran.

If a homestead qualifies for a reduction in taxes under
division (A)(2) of this section for the year in which the disabled veteran dies, and the disabled veteran is survived by a spouse who occupied the homestead when the disabled veteran died and who acquires ownership of the homestead or, in the case of a homestead that is a unit in a housing cooperative, continues to occupy the homestead, the reduction shall continue through the year in which the surviving spouse dies or remarry.

(3) Real property taxes on a homestead owned and occupied, or a homestead in a housing cooperative occupied, by the surviving spouse of a public service officer killed in the line of duty shall be reduced for each year for which an application for the reduction has been approved. The reduction shall equal the product obtained by multiplying fifty thousand dollars of the true value of the property in money, as adjusted under division (A)(1)(d) of this section, by the amounts described in divisions (A)(1)(c)(ii) to (iv) of this section. The reduction is in lieu of any reduction under section 323.158 of the Revised Code or division (A)(1) or (2) of this section. The reduction applies to only one homestead owned and occupied by such a surviving spouse. A homestead qualifies for a reduction in taxes under division (A)(3) of this section for the tax year in which the public service officer dies through the tax year in which the surviving spouse dies or remarries.

(B) To provide a partial exemption, real property taxes on any homestead, and manufactured home taxes on any manufactured or mobile home on which a manufactured home tax is assessed pursuant to division (D)(2) of section 4503.06 of the Revised Code, shall be reduced for each year for which an application for the reduction has been approved. The amount of the reduction shall equal two and one-half per cent of the amount of taxes to be levied by qualifying levies on the homestead or the manufactured or mobile home after applying section 319.301 of the Revised Code.
For the purposes of this division, "qualifying levy" has the same meaning as in section 319.302 of the Revised Code.

(C) The reductions granted by this section do not apply to special assessments or respread of assessments levied against the homestead, and if there is a transfer of ownership subsequent to the filing of an application for a reduction in taxes, such reductions are not forfeited for such year by virtue of such transfer.

(D) The reductions in taxable value referred to in this section shall be applied solely as a factor for the purpose of computing the reduction of taxes under this section and shall not affect the total value of property in any subdivision or taxing district as listed and assessed for taxation on the tax lists and duplicates, or any direct or indirect limitations on indebtedness of a subdivision or taxing district. If after application of sections 5705.31 and 5705.32 of the Revised Code, including the allocation of all levies within the ten-mill limitation to debt charges to the extent therein provided, there would be insufficient funds for payment of debt charges not provided for by levies in excess of the ten-mill limitation, the reduction of taxes provided for in sections 323.151 to 323.159 of the Revised Code shall be proportionately adjusted to the extent necessary to provide such funds from levies within the ten-mill limitation.

(E) No reduction shall be made on the taxes due on the homestead of any person convicted of violating division (D) or (E) of section 323.153 of the Revised Code for a period of three years following the conviction.

Sec. 323.25.  (A) When taxes charged against an entry on the tax duplicate, or any part of those taxes, are not paid within sixty days after delivery of the delinquent land duplicate to the county treasurer as prescribed by section 5721.011 of the Revised
Code, the county treasurer shall enforce the lien for the taxes by civil action in the treasurer's official capacity as treasurer, for the sale of such premises in the same way mortgage liens are enforced or for the transfer of such premises to an electing subdivision pursuant to section 323.28 or 323.78 of the Revised Code, in the court of common pleas of the county, in a municipal court with jurisdiction, or in the county board of revision with jurisdiction pursuant to section 323.66 of the Revised Code.

Nothing in this section prohibits the treasurer from instituting such an action before the delinquent tax list or delinquent vacant land tax list that includes the premises has been published pursuant to division (B) of section 5721.03 of the Revised Code if the list is not published within the time prescribed by that division.

(B) After the civil action has been instituted, but before the expiration of the applicable redemption period, any person entitled to redeem the land may do so by tendering to the county treasurer an amount sufficient, as determined by the court or board of revision, to pay the taxes, assessments, penalties, interest, and charges then due and unpaid, and the costs incurred in the civil action, and by demonstrating that the property is in compliance with all applicable zoning regulations, land use restrictions, and building, health, and safety codes.

(C) If the delinquent land duplicate lists minerals or rights to minerals listed pursuant to sections 5713.04, 5713.05, and 5713.06 of the Revised Code, the county treasurer may enforce the lien for taxes against such minerals or rights to minerals by civil action, in the treasurer's official capacity as treasurer, in the manner prescribed by this section, or proceed as provided under section 5721.46 of the Revised Code.

(D) If service by publication is necessary, instead of as provided by the Rules of Civil Procedure, such publication shall
either be made (1) once a week for three consecutive weeks instead of as provided by the Rules of Civil Procedure, and the service in a newspaper of general circulation in the county or (2) once in a newspaper of general circulation in the county and, beginning one week thereafter, on a web site of the county or of the court, as selected by the clerk of the court. Publication on the web site shall continue until one year after the date a finding is entered under section 323.28 of the Revised Code with respect to such property. Any notices published on a web site shall identify the date the notice is first published on the web site. If proceeding under division (D)(1) of this section, the second and third publication of the notice may be abbreviated as authorized under section 7.16 of the Revised Code.

Service shall be complete, if proceeding under division (D)(1) of this section, at the expiration of three weeks after the date of the first publication or, if proceeding under division (D)(2) of this section, the date that is two weeks after the clerk causes the notice to be published on the selected web site. If the prosecuting attorney determines that service upon a defendant may be obtained ultimately only by publication, the prosecuting attorney may cause service to be made simultaneously by certified mail, return receipt requested, ordinary mail, and publication.

The

(E) The county treasurer shall not enforce the lien for taxes against real property to which any of the following applies:

(A)(1) The real property is the subject of an application for exemption from taxation under section 5715.27 of the Revised Code and does not appear on the delinquent land duplicate;

(B)(2) The real property is the subject of a valid delinquent tax contract under section 323.31 of the Revised Code for which the county treasurer has not made certification to the county auditor that the delinquent tax contract has become void in
accordance with that section;

(C) A tax certificate respecting that property has been sold under section 5721.32 or 5721.33 of the Revised Code; provided, however, that nothing in this division shall prohibit the county treasurer or the county prosecuting attorney from enforcing the lien of the state and its political subdivisions for taxes against a certificate parcel with respect to any or all of such taxes that at the time of enforcement of such lien are not the subject of a tax certificate.

(F) Upon application of the plaintiff, the court shall advance such cause on the docket, so that it may be first heard.

The court may order that the proceeding be transferred to the county board of revision if so authorized under section 323.691 of the Revised Code.

Sec. 323.69. (A) Upon the completion of the title search required by section 323.68 of the Revised Code, the prosecuting attorney, representing the county treasurer, the county land reutilization corporation, or the certificate holder may file with the clerk of court a complaint for the foreclosure of each parcel of abandoned land appearing on the abandoned land list, and for the equity of redemption on each parcel. The complaint shall name all parties having any interest of record in the abandoned land that was discovered in the title search. The prosecuting attorney, county land reutilization corporation, or certificate holder may file such a complaint regardless of whether the parcel has appeared on a delinquent tax list or delinquent vacant land tax list published pursuant to division (B) of section 5721.03 of the Revised Code.

(B)(1) In accordance with Civil Rule 4, the clerk of court promptly shall serve notice of the summons and the complaint filed under division (A) of this section to the last known address of
the record owner of the abandoned land and to the last known address of each lienholder or other person having a legal or equitable ownership interest or security interest of record identified by the title search. The notice shall inform the addressee that delinquent taxes stand charged against the abandoned land; that the land will be sold at public auction or otherwise disposed of if not redeemed by the owner or other addressee; that the sale or transfer will occur at a date, time, and place, and in the manner prescribed in sections 323.65 to 323.79 of the Revised Code; that the owner or other addressee may redeem the land by paying the total of the impositions against the land at any time before confirmation of sale or transfer of the parcel as prescribed in sections 323.65 to 323.79 of the Revised Code or before the expiration of the alternative redemption period, as may be applicable to the proceeding; that the case is being prosecuted by the prosecuting attorney of the county in the name of the county treasurer for the county in which the abandoned land is located or by a certificate holder, whichever is applicable; of the name, address, and telephone number of the county board of revision before which the action is pending; of the board case number for the action, which shall be maintained in the official file and docket of the clerk of court; and that all subsequent pleadings, petitions, and papers associated with the case and filed by any interested party must be filed with the clerk of court and will become part of the case file for the board of revision.

(2) The notice required by division (B)(1) of this section also shall inform the addressee that any owner of record may, at any time on or before the fourteenth day after service of process is perfected, file a pleading with the clerk of court requesting that the board transfer the case to a court of competent jurisdiction to be conducted in accordance with the applicable laws.
(C) Subject to division (D) of this section, subsequent pleadings, motions, or papers associated with the case and filed with the clerk of court shall be served upon all parties of record in accordance with Civil Rules 4 and 5, except that service by publication in any case requiring such service shall require that any such publication shall be advertised in the manner, and for the time periods and frequency, prescribed in section 5721.18 of the Revised Code. Any inadvertent noncompliance with those rules does not serve to defeat or terminate the case, or subject the case to dismissal, as long as actual notice or service of filed papers is shown by a preponderance of the evidence or is acknowledged by the party charged with notice or service, including by having made an appearance or filing in relation to the case. The county board of revision may conduct evidentiary hearings on the sufficiency of process, service of process, or sufficiency of service of papers in any proceeding arising from a complaint filed under this section. Other than the notice and service provisions contained in Civil Rules 4 and 5, the Rules of Civil Procedure shall not be applicable to the proceedings of the board. The board of revision may utilize procedures contained in the Rules of Civil Procedure to the extent that such use facilitates the needs of the proceedings, such as vacating orders, correcting clerical mistakes, and providing notice to parties. To the extent not otherwise provided in sections 323.65 to 323.79 of the Revised Code, the board may apply the procedures prescribed by sections 323.25 to 323.28 or Chapters 5721., 5722., and 5723. of the Revised Code. Board practice shall be in accordance with the practice and rules, if any, of the board that are promulgated by the board under section 323.66 of the Revised Code and are not inconsistent with sections 323.65 to 323.79 of the Revised Code.

(D)(1) A party shall be deemed to be in default of the proceedings in an action brought under sections 323.65 to 323.79 of the Revised Code if either of the following occurs:
(a) The party fails to appear at any hearing after being served with notice of the summons and complaint by certified or ordinary mail.

(b) For a party upon whom notice of summons and complaint is required by publication as provided under section 5721.18 of the Revised Code and has been considered served complete pursuant to that section, the party fails to appear, move, or plead to the complaint within twenty-eight days after service by publication is completed considered complete.

(2) If a party is deemed to be in default pursuant to division (D)(1) of this section, no further service of any subsequent pleadings, papers, or proceedings is required on the party by the court or any other party.

(E) At any time after a foreclosure action is filed under this section, the county board of revision may, upon its own motion, transfer the case to a court pursuant to section 323.691 of the Revised Code if it determines that, given the complexity of the case or other circumstances, a court would be a more appropriate forum for the action.

Sec. 340.01. (A) As used in this chapter:

(1) "Addiction," "addiction services," "alcohol and drug addiction services," "alcoholism," "alcohol use disorder," "certifiable services and supports," "community addiction services provider," "community mental health services provider," "drug addiction," "gambling addiction services," "included opioid and co-occurring drug addiction services and recovery supports," "mental health services," "mental illness," "recovery housing residence," and "recovery supports" have the same meanings as in section 5119.01 of the Revised Code.

(2) "Medication-assisted treatment" means alcohol and drug
addiction services that are accompanied by medication approved by the United States food and drug administration for the treatment of alcoholism, alcohol use disorder, or drug addiction, prevention of relapse of alcoholism or drug addiction, or both.

(3) "Recovery housing" means housing for individuals recovering from alcoholism or drug addiction that provides an alcohol and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other alcoholism and drug addiction recovery assistance.

(B) An alcohol, drug addiction, and mental health service district shall be established in any county or combination of counties having a population of at least fifty thousand. With the approval of the director of mental health and addiction services, any county or combination of counties having a population of less than fifty thousand may establish such a district. Districts comprising more than one county shall be known as joint-county districts.

The board of county commissioners of any county participating in a joint-county district may submit a resolution requesting withdrawal from the district together with a comprehensive plan or plans that are in compliance with rules adopted by the director of mental health and addiction services under section 5119.22 of the Revised Code, and that provide for the equitable adjustment and division of all services, assets, property, debts, and obligations, if any, of the joint-county district to the board of alcohol, drug addiction, and mental health services, to the boards of county commissioners of each county in the district, and to the director. No county participating in a joint-county service district may withdraw from the district without the consent of the director of mental health and addiction services nor earlier than one year after the submission of such resolution unless all of the participating counties agree to an earlier withdrawal. Any county...
withdrawing from a joint-county district shall continue to have levied against its tax list and duplicate any tax levied by the district during the period in which the county was a member of the district until such time as the levy expires or is renewed or replaced.

(C) For any tax levied under section 5705.19 of the Revised Code by a board of a joint-county district formed on or after the effective date of this amendment April 3, 2023, revenue from the tax shall only be expended for the benefit of the residents of the county from which the revenue is derived. For the purpose of this division, a joint-county district is not formed by virtue of a county joining or withdrawing from a district or if a joint-county service district merges with another joint-county district.

Sec. 340.032. Subject to rules adopted by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall do all of the following:

(A) Establish, to the extent resources are available, a community-based continuum of care that includes all of the following as essential elements:

(1) Prevention and wellness management services;

(2) At least both of the following outreach and engagement activities:

(a) Locating persons in need of addiction services and persons in need of mental health services to inform them of available addiction services, mental health services, and recovery supports;

(b) Helping persons who receive addiction services and
persons who receive mental health services obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income.

(3) Assessment services;
(4) Care coordination;
(5) Residential services;
(6) At least the following outpatient services:
   (a) Nonintensive;
   (b) Intensive, such as partial hospitalization and assertive community treatment;
   (c) Withdrawal management;
   (d) Emergency and crisis.
(7) Where appropriate, at least the following inpatient services:
   (a) Psychiatric care;
   (b) Medically managed alcohol or drug treatment.
(8) At least all of the following recovery supports:
   (a) Peer support;
   (b) A wide range of housing and support services, including recovery housing residences;
   (c) Employment, vocational, and educational opportunities;
   (d) Assistance with social, personal, and living skills;
   (e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;
   (f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.
In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;

Any additional elements the department of mental health and addiction services, pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.

(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected;

(C) Ensure that persons receiving any elements of the community-based continuum of care are able to utilize grievance procedures applicable to the elements.

Sec. 340.033. The array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction required by section 340.032 of the Revised Code to be included in a community-based continuum of care established under that section shall include at least ambulatory and sub-acute detoxification, non-intensive and intensive outpatient services, medication-assisted treatment, peer support, residential services, recovery housing residences pursuant to section 340.034 of the Revised Code, and multiple paths to recovery such as twelve-step approaches. The services and supports shall be made available in the service district of each board of alcohol, drug addiction, and mental health services, except as provided by either of the following:

(A) Sub-acute detoxification and residential services may be made available through a contract with one or more providers of sub-acute detoxification or residential services located in other service districts.

(B) To the extent authorized by a time-limited waiver issued
under section 5119.221 of the Revised Code, ambulatory
detoxification and medication-assisted treatment may be made
available through a contract with one or more community addiction
services providers located not more than thirty miles beyond the
borders of the board's service district.

The services and supports shall be made available in a manner
that ensures that recipients are able to access the services and
supports they need for opioid and co-occurring drug addiction in
an integrated manner and in accordance with their assessed needs
when changing or obtaining additional addiction services or
recovery supports for such addiction. An individual seeking a
service or support for opioid and co-occurring drug addiction
included in a community-based continuum of care shall not be
denied the service or support on the basis of the individual's
prior experience with the service or support.

Sec. 340.034. All of the following apply to the recovery
housing residences required by section 340.033 of the Revised Code
to be part of included opioid and co-occurring drug addiction
services and recovery supports:

(A) The recovery housing residence shall comply with the
requirements of being monitored by the department of mental health
and addiction services under sections 5119.39 to 5119.396 of the
Revised Code and any rules adopted under section 5119.397 of the
Revised Code, but the residence is not subject to residential
facility licensure by the department of mental health and
addiction services under section 5119.34 of the Revised Code.

(B) The recovery housing shall not be subject to
certification as a recovery support under section 5119.36 of the
Revised Code.

(C) The recovery housing residence shall not be owned and
operated by a board of alcohol, drug addiction, and mental health
services unless any of the following applies:

(1) The board owns and operated the recovery housing residence on July 1, 2017.

(2) The board utilizes local funds in the development, purchase or operation of the recovery housing residence.

(3) The board determines that there is a need for the board to assume the ownership and operation of the recovery housing residence, such as when an existing owner and operator of the recovery housing residence goes out of business, and the board considers the assumption of ownership and operation of the recovery housing residence to be in the best interest of the community.

(D) The recovery housing residence shall have protocols for all of the following:

(1) Administrative oversight;

(2) Quality standards;

(3) Policies and procedures, including house rules, for its residents to which the residents must agree to adhere.

(E) Family members of a resident of a recovery housing residence may reside in the recovery housing residence to the extent permitted by protocols of the recovery housing's protocols permit residence.

(F) The recovery housing residence shall not limit a resident's duration of stay to an arbitrary or fixed amount of time. Instead, each resident's duration of stay shall be determined by the resident's needs, progress, and willingness to abide by the recovery housing's protocols, in collaboration with the recovery housing's owner and operator, and, if appropriate, in consultation and integration with a community addiction services provider.
The A recovery housing residence may permit its residents to receive medication-assisted treatment.

A resident of a recovery housing resident residence may receive addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.

Sec. 340.036. (A) Subject to division (B) of this section and rules adopted by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall enter into contracts with all of the following:

(1) Public and private facilities for the operation of facility services;

(2) Community addiction services providers for addiction services and recovery supports;

(3) Community mental health services providers for mental health services and recovery supports.

(B) No board shall do any of the following:

(1) Contract with a residential facility required to be licensed under section 5119.34 of the Revised Code unless the facility is so licensed;

(2) Contract with a community addiction services provider or community mental health services provider for certifiable services and supports unless the certifiable services and supports are certified under section 5119.36 of the Revised Code;

(3) Contract with a community addiction services provider or community mental health services provider for recovery supports that are required by the director to meet quality criteria or core competencies unless the recovery supports meet the criteria or...
competencies.

(C) When a board contracts with a community addiction services provider or community mental health services provider for addiction services, mental health services, or recovery supports, all of the following apply:

(1) The board shall consider both of the following:

(a) The cost effectiveness and quality of the provider's services and supports;

(b) Continuity of care.

(2) The board may review cost elements, including salary costs, of the services and supports.

(3) The board may establish, in a way that is most effective and efficient in meeting local needs, a utilization review process as part of the contract.

(4) The board may contract with a government entity, for-profit entity, or nonprofit entity.

(D) If a party to a contract entered into under this section proposes not to renew the contract or proposes substantial changes in contract terms, the other party shall be given written notice at least one hundred twenty days before the expiration date of the contract. During the first sixty days of this one-hundred-twenty-day period, both parties shall attempt to resolve any dispute through good faith collaboration and negotiation in order to continue to provide services and supports to persons in need. If the dispute has not been resolved sixty days before the expiration date of the contract, either party may notify the director of the unresolved dispute. The director may require both parties to submit the dispute to another entity with the cost to be shared by the parties. Not later than twenty days before the expiration date of the contract or a later date to
which both parties agree, the other entity shall issue to the parties and director recommendations on how the dispute may be resolved. The director shall adopt rules establishing the procedures of this dispute resolution process.

(E) Section 307.86 of the Revised Code does not apply to contracts entered into under this section.

Sec. 340.08. In accordance with rules or guidelines issued by the director of mental health and addiction services, each board of alcohol, drug addiction, and mental health services shall do all of the following:

(A) Submit to the department of mental health and addiction services a proposed budget of receipts and expenditures for all federal, state, and local moneys the board expects to receive.

(1) The proposed budget shall identify funds the board has available for included opioid and co-occurring drug addiction services and recovery supports.

(2) The proposed budget shall identify funds the board and public children services agencies in the board's service district have available to fund jointly the services described in section 340.15 of the Revised Code.

(3) The board's proposed budget for expenditures of state and federal funds distributed to the board by the department shall be deemed an application for funds, and the department shall approve or disapprove the budget for these expenditures in whole or in part in accordance with division (G) of section 5119.22 of the Revised Code.

If a board determines that it is necessary to amend an approved budget, the board shall submit a proposed amendment to the director. The director shall approve or disapprove all or part of the amendment in accordance with division (H) of section
5119.22 of the Revised Code.

(B) Submit to the department a proposed list of addiction services, mental health services, and recovery supports the board intends to make available. The board shall include the services and supports required by section 340.032 of the Revised Code to be included in the community-based continuum of care and the services required by section 340.15 of the Revised Code. The board shall explain the manner in which the board intends to make such services and supports available. The list shall be compatible with the budget submitted pursuant to division (A) of this section. The department shall approve or disapprove the list in whole or in part in accordance with division (G) of section 5119.22 of the Revised Code.

If a board determines that it is necessary to amend an approved list, the board shall submit a proposed amendment to the director. The director shall approve or disapprove all or part of the amendment in accordance with division (H) of section 5119.22 of the Revised Code.

(C) Enter into a continuity of care agreement with the state institution operated by the department of mental health and addiction services and designated as the institution serving the district encompassing the board's service district. The continuity of care agreement shall outline the department's and the board's responsibilities to plan for and coordinate with each other to address the needs of board residents who are patients in the institution, with an emphasis on managing appropriate hospital bed day use and discharge planning. The continuity of care agreement shall not require the board to provide addiction services, mental health services, or recovery supports other than those on the list of services and supports submitted by the board pursuant to division (B) of this section and approved by the department in accordance with division (G) of section 5119.22 of the Revised Code.
(D) In conjunction with the department, operate a coordinated system for tracking and monitoring persons found not guilty by reason of insanity and committed pursuant to section 2945.40 of the Revised Code who have been granted a conditional release and persons found incompetent to stand trial and committed pursuant to section 2945.39 of the Revised Code who have been granted a conditional release. The system shall do all of the following:

(1) Centralize responsibility for the tracking of those persons;

(2) Provide for uniformity in monitoring those persons;

(3) Provide a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs.

(E) Submit to the department a report summarizing all of the following:

(1) Complaints and grievances received by the board concerning the rights of persons seeking or receiving addiction services, mental health services, or recovery supports;

(2) Investigations of the complaints and grievances;

(3) Outcomes of the investigations.

(F) Provide to the department information to be submitted to the community behavioral health information system or systems established by the department under Chapter 5119. of the Revised Code.

(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or
340.021 of the Revised Code, if applicable.

(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.

(I) Annually update and publish on the board's web site a list of all opioid treatment programs licensed under section 5119.37 of the Revised Code that are operating within the board's district, based on information obtained from any of the following:

(1) The federal substance abuse and mental health services administration's opioid treatment program directory;

(2) A resource directory created by the department of mental health and addiction services;

(3) The list maintained by the department of mental health and addiction services pursuant to division (P) of section 5119.37 of the Revised Code.

Sec. 342.01. As used in this chapter:

"Basic project cost" means an amount determined in accordance with rules adopted under section 111.15 of the Revised Code by the Ohio facilities construction commission. The basic project cost calculation shall take into consideration the square footage and cost per square foot necessary for the jail facilities, the variation across the state in construction and related costs, the cost of the installation of site utilities and site preparation, the cost of demolition of all or part of any existing jail facilities that are abandoned under the project, the cost of insuring the project until it is completed, any contingency reserve amount prescribed by the commission under division (P) of section 342.06 of the Revised Code, and the professional planning, administration, and design fees that a county may have to pay to
undertake a jail facilities project.

"Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, site electrical service, site generator system, and site telephone and data system.

"Jail facility" means a county, multicounty, municipal-county, or multicounty-municipal jail facility or workhouse, a minimum security jail under sections 341.34 and 753.21 of the Revised Code, or a single-county or joint-county juvenile facility authorized under section 2151.65 of the Revised Code, or another residential facility used for the confinement of alleged or convicted offenders that is operated by a county or a combination of a county or counties and other political subdivisions of this state.

"Multicounty jail facility" means a jail facility intended to serve two or more counties, and that may be located wholly in one county or partly in one or more counties that have made an agreement under section 342.12 of the Revised Code.

"Net bonded indebtedness" means the difference between the sum of the par value of all outstanding and unpaid bonds and notes that a board of county commissioners is obligated to pay, and the amount held in a sinking fund and other indebtedness retirement funds for their redemption.

"Project" means a project to construct or acquire jail facilities, or to reconstruct or make additions to existing jail facilities.

"Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, and lawn and planting on the project site.
Sec. 342.02. (A) The department of taxation shall rank each county based on its financial need with a percentile ranking using the following funding formula:

(1) The department shall determine the total value of all property in the county listed and assessed for taxation on the tax list as reported by the department in the preceding tax year, and list each county in order of total value, ascending, so that the county with the lowest value is number one on the list;

(2) The department also shall rank each county based on the estimate of the gross amount of taxable retail sales sourced to the county as reported by the department for the preceding calendar year, computed by dividing the total amount of tax revenue received by the county during that period from taxes levied under sections 5739.021, 5739.026, 5741.021, and 5741.023 of the Revised Code by the aggregate tax rate levied by the county under sections 5739.021 and 5739.026 of the Revised Code on the last day of the preceding calendar year, and list each county in order of total value, ascending, so that the county with the lowest value is number one on the list, except that any county that does not currently levy taxes under section 5739.021 or 5739.026 of the Revised Code shall be ranked at number eighty-eight on the list;

(3) The department shall then, for each county, add the numbered rank calculated under division (A)(1) of this section to the numbered rank calculated under division (A)(2) of this section, and shall order the counties according the sum of the two ranks, the county with the lowest sum being number one on the list. The percentile ranking shall be determined by taking the county's ranking on this final list, dividing it by eighty-eight, and multiplying it by one hundred.

(4) If the sum calculated under division (A)(3) of this
section is the same for two or more counties, the county with the lowest population shall receive the lowest final ranking. The final ranking for the counties should be numbers one through eighty-eight.

Every other year, on even-numbered years, the department shall conduct the financial ranking described in this division and report the ranking to the department of rehabilitation and correction and the Ohio facilities construction commission.

(B)(1) Upon receiving the financial ranking under division (A) of this section, the commission shall select a number of counties among the lowest ranking counties, the number of counties selected depending upon the commission's projections of the moneys available and moneys necessary to undertake projects under this chapter for that year, and invite the selected counties to apply for assistance under this chapter. Two or more counties may jointly apply for assistance under this chapter as long as at least one of the counties was invited to apply. The application shall be made on a form and in a manner prescribed by the commission. Upon the application of a county so invited, the commission may shortlist applicants before proceeding, and shall proceed with a needs assessment under division (B)(2) of this section.

(2) Upon the application and shortlisting of invited counties to receive assistance under this chapter, the commission shall conduct a needs assessment, or cause a needs assessment to be conducted, to determine the jail facility needs of the applicant county. The needs assessment, subject to division (B)(3) of this section, shall include an on-site assessment of applicable jail facilities identified as having jail facility needs. The on-site assessment shall assess the county's need to construct or acquire new jail facilities and may include an assessment of the county's need for facility additions or for the reconstruction of existing
facilities in lieu of constructing or acquiring replacement facilities.

(3) Before conducting an on-site assessment of a county, at the request of the board of county commissioners, the Ohio facilities construction commission shall examine any jail facilities needs assessment that the county has conducted and any master plan developed for meeting the facility needs of the county. If the commission determines that the county's needs assessment or master plan is sufficient for its purposes, and that any additional needs assessment is not necessary, the commission may waive the on-site assessment under division (B)(2) of this section.

(4) Upon conducting the on-site assessment, the commission shall make a determination of all of the following:

(a) The need of the county for additional jail facilities, or for renovations or improvements to existing jail facilities, based on whether and to what extent existing facilities comply with the standards adopted under division (C) of this section;

(b) The number of jail facilities to be included in a project;

(c) The estimated annual, monthly, or daily cost of operating the facility once it is operational, as reported and certified by the county auditor;

(d) The estimated basic project cost of constructing, acquiring, reconstructing, or making additions to each facility;

(e) The amount of the basic project cost that the county can supply through the means described in division (A)(2) of section 342.04 of the Revised Code;

(f) The amount of the cost to be supplied by the state under section 342.04 of the Revised Code;
(g) The amount of the state's portion to be encumbered in accordance with section 342.04 of the Revised Code in the current and subsequent fiscal years from funds appropriated for purposes of this chapter.

(5) If the project involves a multicounty jail facility, the Ohio facilities construction commission may determine a multicounty jail facility ranking cost for each county involved.

(C) The commission, in conjunction with the department of rehabilitation and correction, shall develop a set of standards by which the commission may evaluate the condition of existing jail facilities to determine need under this chapter. These standards shall include the standards developed under section 5120.10 of the Revised Code, and other standards that the commission and the department consider appropriate. In developing or changing these standards, the commission and the department shall solicit input from sheriffs and boards of county commissioners or from organizations representing sheriffs or boards of county commissioners in this state.

(D) The Ohio facilities construction commission shall then choose from among the applicant counties which counties will receive state funding under this chapter. The commission shall choose based on the results of the financial ranking conducted under division (A) of this section, the results of the needs assessment conducted under division (B) of this section, and the requirements described in sections 342.03 and 342.04 of the Revised Code. If a chosen project is subsequently denied approval by the controlling board under section 342.05 of the Revised Code, or canceled for some other reason, the commission may choose another applicant county under this division that applied for assistance but was not selected under this division. If no counties meet that description, the commission may invite additional counties to apply for assistance under this section.
Sec. 342.03. The Ohio facilities construction commission, following the completion of a needs assessment conducted under division (B) of section 342.02 of the Revised Code, shall make a determination in favor of constructing, acquiring, reconstructing, or making additions to a jail facility only upon evidence that the proposed project conforms to the construction and renovation standards described in divisions (D) and (E) of section 5120.10 of the Revised Code, and that it keeps with the needs of the county or counties as determined by the needs assessment conducted under division (B) of section 342.02 of the Revised Code. Exceptions shall be authorized only in those areas where topography, sparsity of population, and other factors make larger jail facilities impracticable.

If the board of county commissioners, multicounty jail facility commission, or the Ohio facilities construction commission determines that an existing jail facility should be renovated instead of acquiring a comparable jail facility by new construction, the Ohio facilities construction commission may approve the expenditure of project funds for the renovation of that jail facility up to but not exceeding one hundred per cent of the estimated cost of acquiring a comparable jail facility by new construction, if the commission determines that the renovated jail facility will be operationally efficient, will be adequate for the future needs of the county or counties, and will comply with the standards described in section 342.02 of the Revised Code.

Sec. 342.04. (A)(1) A project proposed under sections 342.02 and 342.03 of the Revised Code may be approved only upon submission of evidence to the Ohio facilities construction commission by the board of county commissioners or, in the case of a multicounty jail facility, by a multicounty jail facility commission, that the county or counties involved in the project
will generate adequate revenue to fund the county portion of the
basic project cost and the operations and maintenance of the
proposed jail facility or facilities.

(2) A county may generate the revenue described in division
(A)(1) of this section by any of the following means, provided the
revenue may be lawfully used for that purpose:

(a) Unencumbered funds of the county;

(b) Issuance of bonds previously authorized by the electors
of the county;

(c) Local donated contributions as authorized under section
342.07 of the Revised Code;

(d) A bond issue or tax levy under section 5705.234 of the
Revised Code;

(e) The proceeds of any other tax levy that may be lawfully
used for that purpose, including a tax levied under division (LL)
of section 5705.19 of the Revised Code or section 5705.233 of the
Revised Code.

(3) The Ohio facilities construction commission shall not
accept a proposal by a county or a multicounty jail facility
commission to rent any portion of the jail facility or facilities
to other political subdivisions as evidence that the county or
multicounty jail facility commission will generate adequate
revenue as described in division (A)(1) of this section.

(4) Evidence submitted under division (A)(1) of this section
shall not be considered sufficient until it has been certified as
true and accurate by the county auditor of each participating
county.

(B) Except as otherwise provided in divisions (C) and (D) of
this section, the portion of the basic project cost supplied by
each county shall be one per cent of the basic project costs times
the percentile in which the county ranks according to the department of taxation's ranking under division (A) of section 342.02 of the Revised Code, for the fiscal year preceding the fiscal year in which the controlling board approved the county's or counties' project under section 342.05 of the Revised Code. The amount of the county's or counties' portion determined under this section shall be calculated only as of the date the controlling board approved the project.

(C) At no time shall a county's, or all of the counties', portion of the basic project cost be greater than seventy-five per cent of the total basic project cost. If a county's portion of the basic project cost is calculated, under division (B) of this section, to be greater than seventy-five per cent of the total basic project cost, the county's portion shall be seventy-five per cent of the basic project cost. In the case of a multicounty jail facility commission, if the sum of two or more counties' portions of the total basic project cost are calculated, under division (B) of this section, to be greater than seventy-five per cent of the total basic project cost, the counties' portions shall be determined pro rata, so that the sum of their portions shall be equal to seventy-five per cent of the total basic project cost.

(D) If the controlling board approves a project for a county that previously received assistance under this chapter within twenty years of the date the previous project was approved by the controlling board, that county's or counties' portion of the basic project cost for the new project shall be the lesser of the following:

(1) The portion calculated under division (B) or (C) of this section;

(2) The greater of the following:

(a) The required percentage of the basic project costs for
the new project or, if the project is a multicounty jail facility, the county's or counties' required percentage of the basic project cost pursuant to an agreement under section 342.12 of the Revised Code:

(b) The percentage of the basic project cost paid by the county or counties for the previous project.

Sec. 342.05. (A) If the Ohio facilities construction commission makes a determination under sections 342.01 to 342.04 of the Revised Code in favor of constructing, acquiring, reconstructing, or making additions to a jail facility, the project shall be conditionally approved. The conditional approval shall be submitted to the controlling board for approval. The controlling board shall approve or reject the commission's determination, the amount of the state's portion of the basic project cost, and the amount of the state's portion to be encumbered in the current fiscal year. If approved by the controlling board, the commission shall certify the conditional approval to the board of county commissioners, or to the multicounty jail facilities commission in the case of a multicounty jail facilities project undertaken pursuant to section 342.12 of the Revised Code, and shall encumber from the total funds appropriated for the purpose of this chapter the amount approved under this section to be encumbered in the current fiscal year.

The basic project cost for a project approved under this section shall not exceed the cost that otherwise would have to be incurred if the jail facilities to be constructed, acquired, or reconstructed, or the additions to be made to jail facilities, under the project meet, but do not exceed, the specifications for plans and materials for jail facilities adopted by the Ohio facilities construction commission.
(B) No project proposed by a county that previously received assistance under this chapter and that levied a tax under section 5705.234 of the Revised Code for the purpose of qualifying for that previous assistance shall be approved by the controlling board in the twenty years following the controlling board's approval of the previous project unless the board of county commissioners or the multicounty jail facility commission demonstrates to the satisfaction of the Ohio facilities construction commission that the county or counties have experienced, since approval of its prior project, an exceptional increase in need beyond the design capacity under that prior project as determined by the commission.

If the commission finds that a county's or counties' existing jail facilities are adequate to meet all of the county's or counties' needs, the commission may determine that no additional state assistance be awarded to a county or counties under this section.

(C) Not later than one hundred twenty days after receiving notice of an approval, the board of county commissioners, or the multicounty jail facilities commission as applicable, shall accept or deny the Ohio facility construction commission's conditional approval. Additionally, if one or more counties must issue bonds or levy a tax under section 5705.234 of the Revised Code to provide adequate revenue for its portion of the basic project costs or for the maintenance and operation of the jail facility or facilities, the electors of the county or counties shall approve the bond issue or levy not later than sixteen months after the date the county received the commission's conditional approval. If the commission's conditional approval lapses under this division, the amount reserved and encumbered for the project shall be released. If the amount reserved and encumbered for the county's or counties' project is released, the county or counties shall be
given first priority for project funding as the funds become available.

Sec. 342.06. If the requisite favorable vote on an election described in section 5705.234 of the Revised Code is obtained or the county's or counties' share of the basic project cost is otherwise met in accordance with section 342.04 of the Revised Code, the Ohio facilities construction commission shall enter into a written agreement with the board of county commissioners, or with the multicounty jail facilities commission in the case of a multicounty jail facilities project undertaken pursuant to section 342.12 of the Revised Code, for the construction of the project. The agreement shall include at least the following provisions:

(A) The sale and issuance of bonds or notes in anticipation thereof, as soon as practicable after the execution of the agreement, in an amount equal to the county's portion of the basic project cost, dedicated by the board of county commissioners to payment of the county's portion of the basic project cost of the project; provided, that if at that time the county treasurer of each county in which the facility is located has not commenced the collection of taxes for the year in which the controlling board approved the project, the board or boards of county commissioners shall authorize the issuance of a first installment of bond anticipation notes in an amount specified by the agreement. If a first installment of bond anticipation notes is issued, the board or boards of county commissioners shall, as soon as practicable after the county treasurer of each county in which the facilities are located has commenced the collection of taxes on the general duplicate of real and public utility property for the year in which the controlling board approved the project, authorize the issuance of a second and final installment of bond anticipation notes or a first and final issue of bonds.
The combined value of the first and second installment of bond anticipation notes or the value of the first and final issue of bonds shall be equal to the county's portion of the basic project cost. The proceeds of any of these bonds shall be used first to retire any bond anticipation notes. Otherwise, the proceeds of any of these bonds and of any bond anticipation notes, except the premium and accrued interest thereon, shall be deposited in the county's project construction fund. In determining the amount of net bonded indebtedness for the purpose of fixing the amount of an issue of either bonds or bond anticipation notes, gross indebtedness shall be reduced by moneys in the bond retirement fund only to the extent of the moneys therein on the first day of the year preceding the year in which the controlling board approved the project. The maximum amount of indebtedness to be incurred by any board of county commissioners as its share of the cost of the project is either an amount that will cause its net bonded indebtedness, as of the first day of the year following the year in which the controlling board approved the project, to be within five thousand dollars of the required level of indebtedness, or an amount equal to the required percentage of the basic project costs, whichever is greater. All bonds and bond anticipation notes shall be issued in accordance with Chapter 133. of the Revised Code, and notes may be renewed as provided in section 133.22 of the Revised Code.

(B) The transfer of the funds of the board of county commissioners available for the project, together with the proceeds of the sale of the bonds or notes, except premium, accrued interest, and interest included in the amount of the issue, to the county's project construction fund;

(C) Dedication of any local donated contribution as provided for under section 342.07 of the Revised Code;

(D) Ownership of or interest in the project during the period
of construction, which shall be divided between the Ohio facilities construction commission and the board or boards of county commissioners in proportion to their respective contributions to the county's or counties' project construction fund;

(E) Maintenance of the state's interest in the project until any obligations issued for the project under this chapter are no longer outstanding;

(F) The insurance of the project by the county or counties from the time there is an insurable interest therein and so long as the state retains any ownership or interest in the project pursuant to division (D) of this section, in amounts and against risks as the Ohio facilities construction commission shall require; provided, that the cost of any required insurance until the project is completed shall be a part of the basic project cost;

(G) The certification by the director of budget and management that funds are available and have been set aside to meet the state's share of the basic project cost as approved by the controlling board pursuant to section 342.05 of the Revised Code;

(H) Authorization of the board of county commissioners or the multicounty jail facility commission to advertise for and receive construction bids for the project, for and on behalf of the Ohio facilities construction commission, and to award contracts in the name of the state subject to approval by the commission;

(I) Provisions for the disbursement of moneys from the county's project account upon issuance by the Ohio facilities construction commission or the commission's designated representative of vouchers for work done to be certified to the commission by the county auditor of each participating county.
(J) Disposal of any balance left in the county's project construction fund upon completion of the project;

(K) Provision for deposit of an executed copy of the agreement in the office of the commission;

(L) Provision for termination of the contract and release of the funds encumbered at the time of the conditional approval, if the proceeds of the sale of the bonds of the board of county commissioners are not paid into the county's project construction fund and if bids for the construction of the project have not been taken within this period after the execution of the agreement as may be fixed by the Ohio facilities construction commission;

(M) A requirement that the county or counties maintain the project in accordance with a facilities maintenance plan approved by the Ohio facilities construction commission;

(N) Provision that all state funds reserved and encumbered to pay the state share of the cost of the project and the funds provided by the county or counties to pay for its share of the project cost be spent on the construction and acquisition of the project simultaneously in proportion to the state's and each county's respective shares of that basic project cost as determined under section 342.04 or section 342.12 of the Revised Code, as applicable. However, if a board of county commissioners certifies to the commission that expenditure by the county is necessary to maintain the federal tax status or tax-exempt status of notes or bonds issued by the county to pay for its share of the project cost or to comply with applicable temporary investment periods or spending exceptions to rebate as provided for under federal law in regard to those notes or bonds, the board may commit to spend, or may spend, a greater portion of the funds it provides during any specific period than otherwise would be required under this division.
(O) A provision stipulating that the Ohio facilities construction commission may prohibit the board from proceeding with any project if the commission determines that the site is not suitable for construction purposes. The commission may perform soil tests in its determination of whether a site is appropriate for construction purposes.

(P) A provision stipulating that, unless otherwise authorized by the commission, any contingency reserve portion of the construction budget prescribed by the commission shall be used only to pay costs resulting from unforeseen job conditions, to comply with rulings regarding building and other codes, to pay costs related to design clarifications or corrections to contract documents, and to pay the costs of settlements or judgments related to the project.

Sec. 342.07. (A) As used in this section, "local donated contribution" means any of the following:

(1) Any moneys irrevocably donated or granted to a board of county commissioners or multicounty jail facility commission by a source other than the state that the board or multicounty jail facility commission has the authority to apply to the project under this chapter and that the board or multicounty jail facility commission has pledged for that purpose by resolution adopted by a majority of its members;

(2) Any irrevocable letter of credit issued on behalf of a county that the board has encumbered for payment of the county's share of its project under this chapter that has been approved by the Ohio facilities construction commission;

(3) Any cash a county has on hand that the board has encumbered for payment of the county's share of its project under this chapter that has been approved by the Ohio facilities construction commission, including any year-end operating fund.
balances that can be spent for jail facilities;

(4) Any moneys spent by a source other than the county or the state for construction or renovation of specific jail facilities that have been approved by the Ohio facilities construction commission as part of the basic project cost of the county's project. The board, the commission, and the entity providing the local donated contribution under division (A)(4) of this section shall enter into an agreement identifying the jail facilities to be acquired by the expenditures made by that entity. The agreement shall include stipulations that require an audit by the Ohio facilities construction commission of these expenditures made on behalf of the county or multicounty jail facility commission and that specify the maximum amount of credit to be allowed for those expenditures. Upon completion of the construction or renovation, the Ohio facilities construction commission shall determine the actual amount that the commission will credit, at the request of the board or multicounty jail facility commission, toward the county's or counties' portion of the basic project cost, or any project cost overruns. The actual amount of the credit shall not exceed the lesser of the amount specified in the agreement or the actual cost of the construction or renovation.

(B) A board of county commissioners or multicounty jail facility commission may apply a local donated contribution to the county's or counties' share of the basic project cost or use the contribution for maintenance and operation of the jail facility or facilities that are constructed, acquired, reconstructed, or expanded by the project.

(C) If the county is required to issue bonds or levy tax under section 5705.234 of the Revised Code as a condition of receiving assistance under this chapter, the board of county commissioners may, with the approval of the Ohio facilities construction commission, reduce the principal amount of bonds
issued or the rate of the tax levied under that section by an
amount commensurate with the local donated contributions applied
to the same purposes. The commission shall not approve a board of
county commissioners' proposal to reduce the amount of bonds
issued or the rate of a tax levied under section 5705.234 of the
Revised Code unless the board demonstrates to the satisfaction of
the commission that the revenue generated under the proposal, when
supplemented by the local donated contributions, is sufficient to
pay the county's share of the basic project cost and provide for
operation and maintenance of the jail facility or facilities.

(D) Except as provided in division (E) of this section, no
state moneys shall be released for a project to which this section
applies unless both of the following have occurred:

(1) Any local donated contribution authorized under this
section is first deposited into the county's project construction
fund.

(2) The board or multicounty jail facility commission and the
commission have included a stipulation in their agreement entered
into under section 342.06 of the Revised Code under which the
board or multicounty jail facility commission will deposit into a
fund approved by the commission according to a schedule that does
not extend beyond the anticipated completion date of the project
the total amount of any local donated contribution dedicated by
the board or multicounty jail facility commission for that
purpose.

(E) If any local donated contribution described in division
(A)(4) of this section has been approved under this section, the
state moneys may be released even if the entity providing the
local donated contribution has not spent the moneys so dedicated
as long as the agreement required under that division has been
executed.
Sec. 342.08. (A) Promptly after the board of county commissioners, or the multicounty jail facilities commission, and the Ohio facilities construction commission have entered into the written agreement, the board or boards of county commissioners shall issue its bonds or notes in anticipation of the agreement pursuant to the provision of the agreement required by division (A) of section 342.06 of the Revised Code, or required by section 342.12 of the Revised Code in the case of an agreement between boards of county commissioners for a multicounty jail facilities project, and deposit the proceeds of the agreement in the county's project construction fund pursuant to the provision of the agreement required by division (B) of section 342.06 of the Revised Code. The board of county commissioners or the multicounty jail facilities commission, with the approval of the Ohio facilities construction commission, also shall employ a qualified professional person to prepare preliminary plans, working drawings, specifications, estimates of cost, and such data as the board of county commissioners, or the multicounty jail facilities commission, and the Ohio facilities construction commission consider necessary for the project. When the preliminary plans and preliminary estimates of cost have been prepared, and approved by the board of county commissioners, or the multicounty jail facility commission, if applicable, the plans shall be submitted to the Ohio facilities construction commission and the department of rehabilitation and correction for approval, modification, or rejection. The Ohio facilities construction commission shall consult with the department to ensure that the plans and materials proposed for use in the project comply with specifications for plans and materials that shall be established by the commission in accordance with division (C) of section 342.02 of the Revised Code. When these preliminary plans and preliminary estimates of cost and any modifications thereof have been approved by the
commission and the board of county commissioners, or multicounty jail facility commission if applicable, the board or multicounty jail facility commission shall cause the qualified professional person to prepare the working drawings, specifications, and estimates of cost.

(B) Whenever project plans submitted to the commission for approval under division (A) of this section propose to locate a facility on a state route or United States highway or within one mile of a state route or United States highway, the commission shall send a copy of the plans to the director of transportation. The director shall review the plans to determine the feasibility of the proposed ingress and egress to the facility, the traffic circulation pattern on roadways around the facility, and any improvements that would be necessary to conform the roadways to provisions of the manual adopted by the department of transportation under section 4511.09 of the Revised Code or state or federal law. The director shall provide a written summary of the director's findings to the commission in a timely manner. The commission shall consider the findings in deciding whether to approve the plans.

Sec. 342.09. When the working drawings, specifications, and estimates of cost have been approved by the board of county commissioners, or the multicounty jail facilities commission if applicable, and the Ohio facilities construction commission pursuant to section 342.08 of the Revised Code, or section 342.12 of the Revised Code if applicable, the board of county commissioners or the multicounty jail facilities commission shall advertise for construction bids in accordance with section 307.86 of the Revised Code. These notices shall state that plans and specifications for the project are on file in the office of the Ohio facilities construction commission, at the office of the department of rehabilitation and correction, and other places as
may be designated in the notice, and the time and place when and
where bids will be received.

The form of proposal to be submitted by bidders shall be
supplied by the Ohio facilities construction commission. Bidders
may be permitted to bid on all or any of the branches of work and
materials to be furnished and supplied.

When the construction bids for all branches of work and
materials have been tabulated, the commission shall prepare a
revised estimate of the basic project cost based upon the lowest
responsive and responsible bids received. If the revised estimate
exceeds the estimated basic project cost as approved by the
controlling board pursuant to section 342.05 of the Revised Code,
no contracts may be entered into pursuant to this section unless
this revised estimate is approved by the commission and by the
controlling board. When this revised estimate has been prepared,
and after approvals are given, if necessary, and if the board or
boards of county commissioners have caused to be transferred to
the project construction fund the proceeds from the sale of the
first or first and final installment of its bonds or bond
anticipation notes pursuant to the provision of the written
agreement required by section 342.06 of the Revised Code, and
section 342.12 of the Revised Code, and when the director of
budget and management has certified that there is a balance in the
appropriation, not otherwise obligated to pay precedent
obligations, pursuant to which the state's share of this revised
estimate is required to be paid, the contract for all branches of
work and materials to be furnished and supplied, or for any branch
thereof as determined by the board of county commissioners or the
multicounty jail facilities commission, shall be awarded by the
board of county commissioners or the multicounty jail facilities
commission to the lowest responsible and responsive bidder subject
to the approval of the Ohio facilities construction commission.
The award shall be made not later than sixty days after the date on which the bids are opened, and the successful bidder shall enter into a contract not later than ten days after the successful bidder is notified of the award of the contract.

Subject to the approval of the Ohio facilities construction commission, the board of county commissioners or multicounty jail facilities commission may reject all bids and readvertise. Any contract made under this section shall be made in the name of the state and executed on its behalf by the president of the board of county commissioners and the county auditor of each participating county.

The provisions of sections 9.312 and 307.86 of the Revised Code which are applicable to construction contracts shall apply to construction contracts for the project.

The remedies afforded to any subcontractor, materials supplier, laborer, mechanic, or persons furnishing material or machinery for the project under sections 1311.26 to 1311.32 of the Revised Code, shall apply to contracts entered into under this section and the itemized statement required by section 1311.26 of the Revised Code shall be filed with the board of county commissioners or the multicounty jail facilities commission if applicable.

Notwithstanding the requirements of this section, a county or multicounty jail facility commission, with the approval of the commission, may utilize any otherwise lawful alternative construction delivery method for the construction of the project.

Sec. 342.10. For any project undertaken with financial assistance from the state under this chapter, the amount of state appropriations to be encumbered for the project in each fiscal year shall be determined by the Ohio facilities construction commission based on the project's estimated construction schedule.
for that year. In each fiscal year subsequent to the first year in which state appropriations are encumbered for the project, the commission shall grant the project priority for state funds over projects for which initial state funding is sought.

**Sec. 342.11.** (A) The Ohio facilities construction commission shall request that the controlling board transfer to the county's or counties' project construction fund the necessary amounts from amounts appropriated by the general assembly and set aside for this purpose, from time to time as may be necessary to pay obligations chargeable to the fund when due. All investment earnings of a county's project construction fund shall be credited to the fund.

(B)(1) The county auditor shall disburse funds from the county's project construction fund, including investment earnings credited to the fund, only upon the approval of the commission or the commission's designated representative. The commission or the commission's designated representative shall issue vouchers against the fund, in amounts and at times as required by the contracts for construction of the project.

(2) Notwithstanding anything to the contrary in division (B)(1) of this section, the board of county commissioners may, by a duly adopted resolution, choose to use all or part of the investment earnings of the county's project construction fund that are attributable to the county's contribution to the fund to pay the cost of jail facilities or portions or components of jail facilities that are not included in the county's basic project cost but that are related to the county's project. If the board of county commissioners adopts a resolution in favor of using those investment earnings as authorized under division (B)(2) of this section, the county auditor shall disburse the amount as designated and directed by the board. However, if the board
chooses to use any part of the investment earnings for jail facilities or portions or components of jail facilities that are not included in the basic project cost, as authorized under division (B)(2) of this section, and, subsequently, the cost of the project exceeds the amount in the project construction fund, the board shall restore to the project construction fund the full amount of the investment earnings used under division (B)(2) of this section before any additional state moneys shall be released for the project.

(C) After a certificate of completion has been issued for a project under section 342.15 of the Revised Code, all of the following apply:

(1) At the discretion of the board of county commissioners, any investment earnings remaining in the project construction fund that are attributable to the county's contribution to the fund shall be:

(a) Retained in the project construction fund for future projects;

(b) Transferred to a special fund of the county treasury to be used solely for maintaining the jail facilities included in the project; or

(c) Transferred to the county's permanent improvement fund.

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the Ohio facilities construction commission for expenditure pursuant to this chapter.

(3) Any other surplus remaining in the county's project construction fund shall be transferred to the commission and the board of county commissioners in proportion to their respective contributions to the fund. The commission shall use the money
transferred to it under this division for expenditures pursuant to this chapter.

Sec. 342.12. (A) Two or more boards of county commissioners under this chapter may, by agreement, build a multicounty jail facility. The terms of this agreement may be added to an agreement under section 342.06 of the Revised Code, or may be made a supplemental agreement. The boards of county commissioners of each county may, at their discretion, form a multicounty jail facilities commission to carry out the tasks of this section. The commission, if formed, shall administer the agreement.

(B) The contracting counties may agree to apportion their share of the cost according to their need as ranked by the department of taxation under section 342.02 of the Revised Code. Each county shall fund its portion of the cost as otherwise provided in this chapter. If the electors of one of the counties fail to approve the tax levy or the issuance of bonds necessary to fund the county's portion of the cost under section 5705.234 of the Revised Code within ninety days of the most recent election in which the electors of a contracting county have approved the tax levy or issuance of bonds, the other contracting counties are not obliged to pay any portion of the cost of the county in which the levy or issuance was not approved.

(C) An agreement under division (A) of this section shall do all of the following:

(1) Prescribe the structure, management, and responsibilities of the multicounty jail facilities commission;

(2) Provide for a process to establish the annual budget for the commission that includes a requirement that the annual budget be approved by all of the boards of county commissioners of the member counties;
(3) Apportion the annual operating costs of the commission to each member county;

(4) Designate the expenditure of funds from the county jail facilities construction fund of each member county;

(5) Provide for the timing of necessary elections in each county, in accordance with division (B) of this section, for the purpose of levies adopted under and bonds issued under section 5705.234 of the Revised Code;

(6) Provide that each contracting board of county commissioners fulfill its obligations under this chapter once an agreement is reached;

(7) Allocate interest in real property purchased with moneys in each county's project construction fund;

(8) Address amendments to the contract.

(D) An agreement to build a multicounty jail facility under this section is subject to the approval of the Ohio facilities construction commission.

Sec. 342.13. There is created the jail facility building fund in the state treasury consisting of any moneys transferred or appropriated to the fund by the general assembly, and any grants, gifts, or contributions received by the Ohio facilities construction commission to be used for the purposes of the fund. All investment earnings of the fund shall be credited to the fund.

Moneys transferred or appropriated to the fund by the general assembly and moneys in the fund from grants, gifts, and contributions shall be used for the purposes of this chapter as prescribed by the general assembly and may be used to pay the costs of administering the program under this chapter.

Sec. 342.14. The Ohio facilities construction commission
shall have an interest in real property purchased with moneys in
the county's project construction fund.

Once obligations issued to finance a project under this
chapter are no longer outstanding, any interest held by the
commission shall be transferred to the county or multicounty jail
facility commission, in the latter case to be allocated to the
member counties according to the terms of the agreement under
section 342.12 of the Revised Code.

Sec. 342.15. (A) When all of the following have occurred, a
project undertaken under this chapter shall be considered complete
and the Ohio facilities construction commission shall issue a
certificate of completion to the board of county commissioners, or
to a multicounty jail facilities commission if applicable:

(1) All facilities to be constructed under the project, as
specified in the project agreement entered into under section
342.06 of the Revised Code, have been completed in compliance with
the standards described in division (C) of section 342.02 of the
Revised Code, and the board has received a permanent certificate
of occupancy for each of those facilities.

(2) The Ohio facilities construction commission has completed
a final accounting of the project construction fund of each
participating county and has determined that all payments from the
fund or funds were made in compliance with all policies of the
commission.

(3) Any litigation concerning the project has been finally
resolved with no chance of appeal.

(4) All construction management services typically provided
by the commission to counties have been delivered and the
commission has canceled any remaining encumbrance of funds for
those services.
(B) The Ohio facilities construction commission may issue a certificate of completion to a board of county commissioners, or to a multicounty jail facilities commission if applicable, before all of the conditions described in division (A) of this section being satisfied, if the commission determines that the circumstances preventing the conditions from being satisfied are so minor in nature that the project should be considered complete. When issuing a certificate of completion under this division, the commission may specify any of the following:

(1) Any construction or work that has yet to be completed and the manner in which the board or multicounty jail facilities commission shall oversee its completion, which may include procedures for reporting progress to the Ohio facilities construction commission and for accounting of expenditures;

(2) Terms and conditions for the resolution of any pending litigation;

(3) Any remaining responsibilities of the construction manager regarding the project.

(C) The Ohio facilities construction commission may issue a certificate of completion to a board of county commissioners or multicounty jail facilities commission that does not voluntarily participate in the process of closing out the county's project, if the construction manager for the project verifies that all facilities to be constructed under the project, as specified in the project agreement entered into under section 342.06 of the Revised Code, have been completed and the Ohio facilities construction commission determines that those facilities have been occupied for at least one year. In that case, all funds due to the commission under division (C) of section 342.11 of the Revised Code shall be returned to the commission not later than thirty days after receipt of the certificate of completion. If the funds due to the commission have not been returned within sixty days...
after receipt of the certificate of completion, the auditor of
state shall issue a finding for recovery against the county or
counties and shall request legal action under section 117.42 of
the Revised Code.

(D) Upon issuance of a certificate of completion under this
section, the Ohio facilities construction commission's ownership
of and interest in the project, as specified in division (D) of
section 342.06 of the Revised Code, shall cease. This cessation
shall not alter or otherwise affect the state's or the
commission's interest in the project or any limitations on the use
of the project as specified in the project agreement pursuant to
divisions (E) and (J) of that section or as specified in section
342.14 of the Revised Code.

Sec. 342.16. (A) The corrective action program is established
to provide funding for the correction of work, in connection with
a project funded under this chapter, that is found after occupancy
of the facility to be defective or to have been omitted.

(B) The Ohio facilities construction commission may provide
funding under this section only if at least one contracting county
notifies the executive director of the commission of the defective
or omitted work within five years after occupancy of the facility
for which the county seeks the funding.

(C) The commission shall establish procedures and deadlines
for counties to follow in applying for assistance under this
section. The procedures shall include definitions of "defective"
and "omitted," and shall require that remediation efforts focus
first on engaging the respective contractors that designed and
constructed the areas that have design or construction-related
issues. The commission shall consider applications on a
case-by-case basis, taking into account the amount of money
appropriated and available for purposes of this section.
(D) The commission may provide funding assistance necessary to take corrective measures after evaluating the defective or omitted work.

(1) If the work to be corrected or remediated is part of a project not yet completed, the commission may amend the project agreement to increase the project budget and use corrective action funding to provide the state portion of the amendment. If the work to be corrected or remediated is part of a completed project and funds were retained or transferred pursuant to division (C) of section 342.11 of the Revised Code, the commission may enter into a new agreement to address the corrective action.

(2) Whether or not the project is completed, the county or counties shall contribute a portion of the cost of the corrective action, to be determined in accordance with section 342.04 of the Revised Code.

(E) The commission shall assess responsibility for the defective or omitted work and seek cost recovery from responsible parties, if applicable. Any recovery of the expense of remediation shall be applied first to the county's or counties' portion of the cost of the corrective action. Any remaining funds shall be applied to the state portion.

Sec. 349.01. As used in this chapter:

(A) "New community" means a community or development of property in relation to an existing community planned so that the resulting community includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities.

(B) "New community development program" means a program for
the development of a new community characterized by well-balanced and diversified land use patterns and which includes land acquisition and land development, the acquisition, construction, operation, and maintenance of community facilities, and the provision of services authorized in this chapter.

A new community development program may take into account any existing community in relation to which a new community is developed for purposes of being characterized by well-balanced and diversified land use patterns.

(C) "New community district" means the area of land described by the developer in the petition as set forth in division (A) of section 349.03 of the Revised Code for development as a new community and any lands added to the district by amendment of the resolution establishing the community authority.

(D) "New community authority" means a body corporate and politic in this state, established pursuant to section 349.03 of the Revised Code and governed by a board of trustees as provided in section 349.04 of the Revised Code.

(E) "Developer" means any person, organized for carrying out a new community development program who owns or controls, through leases of at least seventy-five years' duration, options, or contracts to purchase, the land within a new community district, or any municipal corporation, township, county, or port authority that owns the land within a new community district, or has the ability to acquire such land, either by voluntary acquisition or condemnation in order to eliminate slum, blighted, and deteriorated or deteriorating areas and to prevent the recurrence thereof. "Developer" may also mean a person, municipal corporation, township, county, or port authority that controls land within a new community district through leases of at least seventy-five years' duration. "Developer" includes a lessor that continues to own and control land for purposes of this chapter.
pursuant to leases with a ninety-nine-year renewable term, so long as all of the following apply:

(1) The developer's new community district consists of at least five leases described in this section.

(2) The leases are subject to forfeiture for all of the following:

(a) Failing to pay taxes and assessments;

(b) Failing to pay an annual fee of up to one per cent of rent for sanitary purposes and improvements made to streets;

(c) Failing to keep the premises as required by sanitary and police regulations of the developer.

(3) The new community authority is established on or before December 31, 2024.

(F) "Organizational board of commissioners" means any of the following:

(1) For a new community district that is located in only one county, the board of county commissioners of that county;

(2) For a new community district that is located in more than one county, a board consisting of the members of the board of county commissioners of each of the counties in which the district is located, provided that action of the board shall require a majority vote of the members of each separate board of county commissioners; or

(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new community district where more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation;

(4) For a new community district that is comprised entirely
of unincorporated territory within the boundaries of a township
with a population of at least five thousand, and located in a
county with a population of at least two hundred thousand and not
more than four hundred thousand, the board of township trustees of
the township.

   (G) "Land acquisition" means the acquisition of real property
and interests in real property as part of a new community
development program.

   (H) "Land development" means the process of clearing and
grading land, making, installing, or constructing water
distribution systems, sewers, sewage collection systems, steam,
gas, and electric lines, roads, streets, curbs, gutters,
sidewalks, storm drainage facilities, and other installations or
work, whether within or without the new community district, and
the construction of community facilities.

   (I) "Community facilities" means all real property,
buildings, structures, or other facilities, including related
fixtures, equipment, and furnishings, to be owned, operated,
financed, constructed, and maintained under this chapter or in
furtherance of community activities, whether within or without the
new community district, including public, community, village,
neighborhood, or town buildings, centers and plazas, auditoriums,
day care centers, recreation halls, educational facilities, health
care facilities including hospital facilities as defined in
section 140.01 of the Revised Code, telecommunications facilities,
including all facilities necessary to provide telecommunications
service as defined in section 4927.01 of the Revised Code,
recreational facilities, natural resource facilities, including
parks and other open space land, lakes and streams, cultural
facilities, community streets and off-street parking facilities,
pathway and bikeway systems, pedestrian underpasses and
overpasses, lighting facilities, design amenities, or other
community facilities, and buildings needed in connection with water supply or sewage disposal installations, or energy facilities including those for renewable or sustainable energy sources, and steam, gas, or electric lines or installation.

(J) "Cost" as applied to a new community development program means all costs related to land acquisition and land development, the acquisition, construction, maintenance, and operation of community facilities and offices of the community authority, and of providing furnishings and equipment therefor, financing charges including interest prior to and during construction and for the duration of the new community development program, planning expenses, engineering expenses, administrative expenses including working capital, and all other expenses necessary and incident to the carrying forward of the new community development program.

(K) "Income source" means any and all sources of income to the community authority, including community development charges of which the new community authority is the beneficiary as provided in section 349.07 of the Revised Code, rentals, user fees and other charges received by the new community authority, any gift or grant received, any moneys received from any funds invested by or on behalf of the new community authority, and proceeds from the sale or lease of land and community facilities.

(L) "Community development charge" means:

(1) A dollar amount which shall be determined on the basis of the assessed valuation of real property or interests in real property in a new community district, the income of the residents of such property subject to such charge under section 349.07 of the Revised Code, if such property is devoted to residential uses or to the profits, gross receipts, or other revenues of any business including, but not limited to, rentals received from leases of real property located in the district, a uniform or other fee on each parcel of such real property in a new community.
district, or any combination of the foregoing bases.

(2) If a new community authority imposes a community development charge determined on the basis of rentals received from leases of real property, improvements of any real property located in the new community district and subject to that charge may not be exempted from taxation under section 5709.40, 5709.41, 5709.45, 5709.48, 5709.73, or 5709.78 of the Revised Code.

(M) "Proximate city community" means the following:

(1) For a new community district other than a new community district described in division (M)(2) or (3), or (4) of this section, any city that, as of the date of filing of the petition under section 349.03 of the Revised Code, is the city with the greatest population located in the county in which the proposed new community district is located, is the city with the greatest population located in an adjoining county if any portion of such city is within five miles of any part of the boundaries of such district, or exercises extraterritorial subdivision authority under section 711.09 of the Revised Code with respect to any part of such district.

(2) A municipal corporation in which, at the time of filing the petition under section 349.03 of the Revised Code, any portion of the proposed new community district is located.

(3) For a new community district other than a new community district described in division (M)(2) or (4) of this section, if at the time of filing the petition under section 349.03 of the Revised Code, more than one-half of the proposed district is contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code, the township containing the greatest portion of the territory of the joint economic development district.

(4) For a new community district other than a new community
district described in division (M)(2) or (3) of this section, if at the time of filing the petition under section 343.03 of the Revised Code the proposed new community district is comprised entirely of unincorporated territory within the boundaries of a township with a population of five thousand, and located in a county with a population of at least two hundred thousand and not more than four hundred thousand, the township in which the proposed new community district is located.

(N) "Community activities" means cultural, educational, governmental, recreational, residential, industrial, commercial, distribution and research activities, or any combination thereof that includes residential activities.

**Sec. 349.03.** (A) Proceedings for the organization of a new community authority shall be initiated by a petition filed by the developer in the office of the clerk of the organizational board of commissioners determined based on where the territory of the proposed new community district is located. Such petition shall be signed by the developer and may be signed by each proximate city community. The legislative authorities of each such city community shall act in behalf of such city community. Such petition shall contain:

1. The name of the proposed new community authority;
2. The address where the principal office of the authority will be located or the manner in which the location will be selected;
3. A map and a full and accurate description of the boundaries of the new community district together with a description of the properties within such boundaries, if any, which will not be included in the new community district.
4. A statement setting forth the zoning regulations proposed
for zoning the area within the boundaries of the new community district for comprehensive development as a new community, and if the area has been zoned for such development, a certified copy of the applicable zoning regulations therefor;

(5) A current plan indicating the proposed development program for the new community district, the land acquisition and land development activities, community facilities, services proposed to be undertaken by the new community authority under such program, the proposed method of financing such activities and services, including a description of the bases, timing, and manner of collecting any proposed community development charges, and the projected total residential population of, and employment within, the new community;

(6) A suggested number of members, consistent with section 349.04 of the Revised Code, for the board of trustees;

(7) A preliminary economic feasibility analysis, including the area development pattern and demand, location and proposed new community district size, present and future socio-economic conditions, public services provision, financial plan, and the developer's management capability;

(8) A statement that the development will comply with all applicable environmental laws and regulations.

Upon the filing of such petition, the organizational board of commissioners shall determine whether such petition complies with the requirements of this section as to form and substance. The board in subsequent proceedings may at any time permit the petition to be amended in form and substance to conform to the facts by correcting any errors in the description of the proposed new community district or in any other particular.

Upon the determination of the organizational board of commissioners that a sufficient petition has been filed in
accordance with this section, the board shall fix the time and place of a hearing on the petition for the establishment of the proposed new community authority. Such hearing shall be held not less than ninety-five nor more than one hundred fifteen days after the petition filing date, except that if the petition has been signed by all proximate cities communities or if the organizational board of commissioners is the legislative authority of the only proximate city community for the proposed new community district, such hearing shall be held not less than thirty nor more than forty-five days after the petition filing date. The clerk of the organizational board of commissioners with which the petition was filed shall give notice thereof by publication once each week for three consecutive weeks, or as provided in section 7.16 of the Revised Code, in a newspaper of general circulation in any county of which a portion is within the proposed new community district. Except where the organizational board of commissioners is the legislative authority of the only proximate city community for the proposed new community district, such clerk shall also give written notice of the date, time, and place of the hearing and furnish a certified copy of the petition to the clerk of the legislative authority of each proximate city community which has not signed such petition. Except where the organizational board of commissioners is the legislative authority of the only proximate city community for the proposed new community district, in the event that the legislative authority of a proximate city community which did not sign the petition does not approve by ordinance, resolution, or motion the establishment of the proposed new community authority and does not deliver such ordinance, resolution, or motion to the clerk of the organizational board of commissioners with which the petition was filed within ninety days following the date of the first publication of the notice of the public hearing, the organizational board of commissioners shall cancel such public
hearing and terminate the proceedings for the establishment of the new community authority.

Upon the hearing, if the organizational board of commissioners determines by resolution that the proposed new community district will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community, the board shall by its resolution, declare the new community authority to be organized and a body politic and corporate with the corporate name designated in the resolution, and define the boundary of the new community district. In addition, the resolution shall provide the method of selecting the board of trustees of the new community authority and fix the surety for their bonds in accordance with section 349.04 of the Revised Code.

If the organizational board of commissioners finds that the establishment of the district will not be conducive to the public health, safety, convenience, or welfare, or is not intended to result in the development of a new community, it shall reject the petition thereby terminating the proceedings for the establishment of the new community authority.

(B)(1) At any time after the creation of a new community authority, the developer may file an application with the clerk of the organizational board of commissioners with which the original petition was filed, setting forth a general description of territory it desires to add or to delete from such district, that such change will be conducive to the public health, safety, convenience, and welfare, and will be consistent with the development of a new community and will not jeopardize the plan of the new community. If

(2) If the territory to be added or deleted from a new community district meets the criteria described in either division (F)(3) or (4) of section 349.01 of the Revised Code, and the
original petition was not filed with the municipal or township 
organizational board of commissioners described in those 
divisions, the developer shall also file the application to the 
clerk of that municipal or township organizational board of 
commissioners. A municipal or township organizational board of 
commissioners that receives an application under division (B)(2) 
of this section is the acting organizational board of 
commissioners for the purposes of division (B)(4) of this section. 
Otherwise, the organizational board of commissioners with which 
the original petition was filed is the acting organizational board 
of commissioners for the purposes of that division.

(3) If the developer is not a municipal corporation, port 
authority, or county, all of such an addition to such a district 
shall be owned by, or under the control through leases of at least 
seventy-five years' duration, options, or contracts to purchase, 
of the developer. Upon

(4) Upon the filing of the application, the acting 
organizational board of commissioners shall follow the same 
procedure as required by this section in relation to the original 
petition for the establishment of the proposed new community. The 
acting organizational board of commissioners also may determine by 
resolution to add territory to such district, provided that the 
owner or other person who controls such territory through leases 
of at least forty years' duration, options, or contracts to 
purchase files a written consent to the addition of such territory 
with the clerk of the acting organizational board of 
commissioners, and neither the developer does not object nor, if 
applicable, the organizational board of commissioners with which 
the original petition was filed objects to the addition of such 
territory by filing a written objection to the addition of such 
territory with the clerk of the acting organizational board of 
commissioners before the adoption of the resolution adding such
territory to the district. The acting organizational board of commissioners shall follow the same procedure as required by this section in relation to the original petition for the establishment of the proposed new community when adopting such a resolution.

(C) If all or any part of the new community district is annexed to one or more existing municipal corporations, their legislative authorities may appoint persons to replace any appointed citizen member of the board of trustees. The number of such trustees to be replaced by the municipal corporation shall be the number, rounded to the lowest integer, bearing the proportionate relationship to the number of existing appointed citizen members as the acreage of the new community district within such municipal corporation bears to the total acreage of the new community district. If any such municipal corporation chooses to replace an appointed citizen member, it shall do so by ordinance, the term of the trustee being replaced shall terminate thirty days from the date of passage of such ordinance, and the trustee to be replaced shall be determined by lot. Each newly appointed member shall assume the term of the member's predecessor.

Sec. 349.04. The following method of selecting a board of trustees is deemed to be a compelling state interest. Within ten days after the new community authority has been established, as provided in section 349.03 of the Revised Code, an initial board of trustees shall be appointed as follows: the organizational board of commissioners shall appoint by resolution at least three, but not more than six, citizen members of the board of trustees to represent the interests of present and future residents and employers of the new community district and one member to serve as a representative of local government, and the developer shall appoint a number of members equal to the number of citizen members to serve as representatives of the developer.
Members shall serve two-year overlapping terms, with two of each of the initial citizen and developer members appointed to serve initial one-year terms. The organizational board of commissioners shall adopt, by further resolution adopted within one year of such resolution establishing such initial board of trustees, a method for selection of successor members thereof which determines the projected total population of the projected new community and meets the following criteria:

(A) The appointed citizen members shall be replaced by elected citizen members according to a schedule established by the organizational board of commissioners calculated to achieve one such replacement each time the new community district gains a proportion, having a numerator of one and a denominator of twice the number of citizen members, of its projected total population until such time as all of the appointed citizen members are replaced.

(B) Representatives of the developer shall be replaced by elected citizen members according to a schedule established by the organizational board of commissioners calculated to achieve one such replacement each time the new community district gains a proportion, having a numerator of one and a denominator equal to the number of developer members, of its projected total population until such time as all of the developer's representatives are replaced.

(C) The representative of local government shall be replaced by an elected citizen member at the time the new community district gains three-quarters of its projected total population.

Elected citizen members of the board of trustees shall be elected by a majority of the residents of the new community district voting at elections held at the times and in the manner provided in a resolution of the organizational board of commissioners. Each citizen member except an appointed citizen
member shall be a qualified elector who resides within the new community district. The organizational board of commissioners, by resolution, may adopt an alternative method of selecting or electing successor members of the board of trustees provided that if an alternative method of selection is adopted for a new community authority organized prior to March 22, 2012, the board of trustees of that authority shall be limited in the collection of a community development charge, collected pursuant to division (Q) of section 349.06 of the Revised Code, and the issuance of bonds or notes, issued pursuant to section 349.08 of the Revised Code, to the amount or to the extent otherwise permitted for a board of trustees whose members are not elected by residents of the new community district. If the alternative method provides for the election of citizen members, the elections may be held at the times and in the manner provided in the petition or in a resolution of the organizational board of commissioners, and the elected citizen members shall be qualified electors who reside in the new community district.

Citizen members shall not be employees of or have financial interest in the developer. If a vacancy occurs in the office of a member other than a member appointed by the developer, the organizational board of commissioners may appoint a successor member for the remainder of the unexpired term. Any appointed member of the board of trustees may at any time be removed by the organizational board of commissioners for misfeasance, nonfeasance, or malfeasance in office. Members appointed by the developer may also at any time be removed by the developer without a showing of cause.

Each member of the board of trustees, before entering upon official duties, shall take and subscribe to an oath before an officer authorized to administer oaths in Ohio that the member will honestly and faithfully perform the duties of the member's
office. Such oath shall be filed in the office of the clerk of
organizational board of commissioners with which the petition was
filed. Upon taking the oath, the board of trustees shall elect one
of its number as chairperson and another as vice-chairperson, and
shall appoint suitable persons as secretary and treasurer who need
not be members of the board. The treasurer shall be the fiscal
officer of the authority. The board shall adopt by-laws governing
the administration of the affairs of the new community authority.
Each member of the board shall post a bond for the faithful
performance of official duties and give surety therefor in such
amount, but not less than ten thousand dollars, as the resolution
creating such board shall prescribe.

All of the powers of the new community authority shall be
exercised by its board of trustees, but without relief of such
responsibility, such powers may be delegated to committees of the
board or its officers and employees in accordance with its
by-laws. A majority of the board shall constitute a quorum, and a
concurrence of a majority of a quorum in any matter within the
board's duties is sufficient for its determination, provided a
quorum is present when such concurrence is had and a majority of
those members constituting such quorum are trustees not appointed
by the developer. All trustees shall be empowered to vote on all
matters within the authority of the board of trustees, and no vote
by a member appointed by the developer shall be construed to give
rise to civil or criminal liability for conflict of interest on
the part of public officials.

Sec. 349.14. Except as provided in section 349.03 of the
Revised Code, or as otherwise provided in a resolution adopted by
the organizational board of commissioners of a new community
authority, a new community authority organized under this chapter
may be dissolved only on the vote of a majority of the voters of
the new community district at a special election called by the
board of trustees on the question of dissolution. Such an election may be called only after the board has determined that the new community development program has been completed, when no community authority bonds or notes are outstanding, and other legal indebtedness of the authority has been discharged or provided for, and only after there has been filed with the board of trustees a petition requesting such election, signed by a number of qualified electors residing in the new community district equal to not less than eight per cent of the total vote cast for all candidates for governor in the new community district at the most recent general election at which a governor was elected. If a majority of the votes cast favor dissolution, the board of trustees shall, by resolution, declare the authority dissolved and thereupon the community authority shall be dissolved. A certified copy of the resolution shall, within fifteen days after its adoption, be filed with the clerk of the organizational board of commissioners of the county with which the original petition for the organization of the new community authority was filed and with the clerk of any other organizational board of commissioners where territory of the new community district was located.

Upon dissolution of a new community authority, the powers thereof shall cease to exist. Any property of the new community authority shall vest with a municipal corporation, county, or township in which that property is located or with the developer of the new community authority or the developer's designee, all as provided in a resolution adopted by the organizational board of commissioners. Any vesting of property in a municipal corporation, township, or county shall be subject to acceptance of the property by resolution of the legislative authority of the municipal corporation, board of township trustees, or board of county commissioners, as applicable. If the legislative authority of a municipal corporation, board of township trustees, or board of
county commissioners declines to accept the property, the property vests with the developer or the developer's designee. Any funds of the community authority at the time of dissolution shall be transferred to the municipal corporation and county or township, as provided in a resolution, in which the new community district is located in the proportion to the assessed valuation of taxable real property of the new community authority within such municipal corporation and township or county as said valuation appears on the current assessment rolls.

Sec. 503.59. A board of township trustees that has entered into an agreement with the Ohio air quality development authority under section 3706.051 of the Revised Code may levy, in accordance with that agreement, a special assessment upon real property located in the township specially benefited by an air quality facility that is the subject of that agreement.

An assessment levied under this section shall be made in any manner authorized under section 727.01 of the Revised Code and, except as otherwise provided in this section, in accordance with the procedures prescribed for special assessments levied by municipal corporations under Chapter 727. of the Revised Code, except that where that chapter refers to a municipal corporation, it shall be deemed to refer to the township and where that chapter refers to the legislative authority of a municipal corporation, it shall be deemed to refer to the board of township trustees. All rights and privileges of an owner of property subject to an assessment levied under that chapter shall apply to the owner of property assessed under this section.

No special assessment may be levied under this section unless the owner of the property to be assessed files a written statement with the board of township trustees requesting that the assessment be levied.
Sec. 505.08. After adopting by a unanimous vote a resolution declaring a real and present emergency in connection with the administration of township services or the execution of duties assigned by law to any officer of a township, the board of township trustees may, by resolution, enter into a contract, without bidding or advertising, for the purchase of services, materials, equipment, or supplies needed to meet the emergency if the estimated cost of the contract is less than fifty thousand dollars, the amount specified in section 9.17 of the Revised Code.

During the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, the board of township trustees may, by resolution, enter into a contract, without bidding or advertising, for the purchase of personal protective equipment needed to meet the emergency, regardless of the estimated cost of the contract.

"Personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

Sec. 505.37. (A) The board of township trustees may establish all necessary rules to guard against the occurrence of fires and to protect the property and lives of the citizens against damage and accidents, and may, with the approval of the specifications by the prosecuting attorney or, if the township has adopted limited home rule government under Chapter 504. of the Revised Code, with the approval of the specifications by the township's law director, purchase, lease, lease with an option to purchase, or otherwise provide any fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment, appliances, materials, fire hydrants, and water supply for fire-fighting and fire and rescue purposes that seems advisable to the board. The board shall provide for the care and maintenance of
such fire equipment, and, for these purposes, may purchase, lease, lease with an option to purchase, or construct and maintain necessary buildings, and it may establish and maintain lines of fire-alarm communications within the limits of the township. The board may employ one or more persons to maintain and operate such fire equipment, or it may enter into an agreement with a volunteer fire company for the use and operation of the equipment. The board may compensate the members of a volunteer fire company on any basis and in any amount that it considers equitable.

When the estimated cost to purchase fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment, appliances, materials, fire hydrants, buildings, or fire-alarm communications equipment or services exceeds fifty thousand dollars the amount specified in section 9.17 of the Revised Code, the contract shall be let by competitive bidding. No purchase or other transaction subject to this section shall be divided into component parts in order to avoid the requirements of this section. When competitive bidding is required, the board shall advertise once a week for not less than two consecutive weeks in a newspaper of general circulation within the township. The board may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the board's internet web site. If the board posts the notice on its web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the township, provided that the first notice published in such newspaper meets all of the following requirements:

(1) It is published at least two weeks before the opening of bids.
(2) It includes a statement that the notice is posted on the board's internet web site.

(3) It includes the internet address of the board's internet web site.

(4) It includes instructions describing how the notice may be accessed on the board's internet web site.

The advertisement shall include the time, date, and place where the clerk of the township, or the clerk's designee, will read bids publicly. The time, date, and place of bid openings may be extended to a later date by the board of township trustees, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications not later than ninety-six hours prior to the original time and date fixed for the opening. The board may reject all the bids or accept the lowest and best bid, provided that the successful bidder meets the requirements of section 153.54 of the Revised Code when the contract is for the construction, demolition, alteration, repair, or reconstruction of an improvement.

(B) The boards of township trustees of any two or more townships, or the legislative authorities of any two or more political subdivisions, or any combination of these, may, through joint action, unite in the joint purchase, lease, lease with an option to purchase, maintenance, use, and operation of fire equipment described in division (A) of this section, or for any other purpose designated in sections 505.37 to 505.42 of the Revised Code, and may prorate the expense of the joint action on any terms that are mutually agreed upon.

(C) The board of township trustees of any township may, by resolution, whenever it is expedient and necessary to guard against the occurrence of fires or to protect the property and lives of the citizens against damages resulting from their
occurrence, create a fire district of any portions of the township that it considers necessary. The board may purchase, lease, lease with an option to purchase, or otherwise provide any fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment, appliances, materials, fire hydrants, and water supply for fire-fighting and fire and rescue purposes, or may contract for the fire protection for the fire district as provided in section 9.60 of the Revised Code. The fire district so created shall be given a separate name by which it shall be known.

Additional unincorporated territory of the township may be added to a fire district upon the board's adoption of a resolution authorizing the addition. A municipal corporation, or a portion of a municipal corporation, that is within or adjoining the township may be added to a fire district upon the board's adoption of a resolution authorizing the addition and the municipal legislative authority's adoption of a resolution or ordinance requesting the addition of the municipal corporation or a portion of the municipal corporation to the fire district.

If the township fire district imposes a tax, additional unincorporated territory of the township or a municipal corporation or a portion of a municipal corporation that is within or adjoining the township shall become part of the fire district only after all of the following have occurred:

(1) Adoption by the board of township trustees of a resolution approving the expansion of the territorial limits of the district and, if the resolution proposes to add a municipal corporation or a portion of a municipal corporation, adoption by the municipal legislative authority of a resolution or ordinance requesting the addition of the municipal corporation or a portion of the municipal corporation to the district;

(2) Adoption by the board of township trustees of a
resolution recommending the extension of the tax to the additional territory;

(3) The board requests and obtains from the county auditor the information required for a tax levy under section 5705.03 of the Revised Code, in the manner prescribed in that section, except that the levy’s annual collections shall be estimated assuming that the additional territory has been added to the fire district.

(4) Approval of the tax by the electors of the territory proposed for addition to the district.

Each resolution of the board adopted under division (C)(2) of this section shall state the name of the fire district, a description of the territory to be added, the rate, expressed in mills for each one dollar of taxable value, the estimated effective rate, expressed in dollars for each one hundred thousand dollars of the county auditor's appraised value, and termination date of the tax, which shall be the rate, estimated effective rate, and termination date of the tax currently in effect in the fire district.

The board of trustees shall certify each resolution adopted under division (C)(2) of this section and the county auditor's certification under division (C)(3) of this section to the board of elections in accordance with section 5705.19 of the Revised Code. The election required under division (C)(4) of this section shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section 5705.25 of the Revised Code, except that the question appearing on the ballot shall read:

"Shall the territory within ______________________ (description of the proposed territory to be added) be added to ______________________ (name) fire district, and a property tax, that the county auditor estimates will collect $____ annually, at a rate not exceeding _____ mills for each $1 of taxable value,
which amounts to $________ (here insert estimated effective rate) for each $100,000 of the county auditor's appraised value, be in effect for _________ (here insert the number of years the tax is to be in effect or "a continuing period of time," as applicable)?"

If the question is approved by at least a majority of the electors voting on it, the joinder shall be effective as of the first day of July of the year following approval, and on that date, the township fire district tax shall be extended to the taxable property within the territory that has been added. If the territory that has been added is a municipal corporation or portion thereof and if it had adopted a tax levy for fire purposes, the levy is terminated on the effective date of the joinder in the area of the municipal corporation added to the district.

Any municipal corporation may withdraw from a township fire district created under division (C) of this section by the adoption by the municipal legislative authority of a resolution or ordinance ordering withdrawal. On the first day of July of the year following the adoption of the resolution or ordinance of withdrawal, the withdrawing municipal corporation or the portion thereof ceases to be a part of the district, and the power of the fire district to levy a tax upon taxable property in the withdrawing municipal corporation or the portion thereof terminates, except that the fire district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the fire district as it was composed at the time the indebtedness was incurred.

Upon the withdrawal of any municipal corporation from a township fire district created under division (C) of this section, the county auditor shall ascertain, apportion, and order a division of the funds on hand, moneys and taxes in the process of collection except for taxes levied for the payment of
indebtedness, credits, and real and personal property, either in
money or in kind, on the basis of the valuation of the respective
tax duplicates of the withdrawing municipal corporation and the
remaining territory of the fire district.

A board of township trustees may remove unincorporated
territory of the township from the fire district upon the adoption
of a resolution authorizing the removal. On the first day of July
of the year following the adoption of the resolution, the
unincorporated township territory described in the resolution
ceases to be a part of the district, and the power of the fire
district to levy a tax upon taxable property in that territory
terminates, except that the fire district shall continue to levy
and collect taxes for the payment of indebtedness within the
territory of the fire district as it was composed at the time the
indebtedness was incurred.

As used in this section, "the county auditor's appraised
value" and "estimated effective rate" have the same meanings as in
section 5705.01 of the Revised Code.

(D) The board of township trustees of any township, the board
of fire district trustees of a fire district created under section
505.371 of the Revised Code, or the legislative authority of any
municipal corporation may purchase, lease, or lease with an option
to purchase the necessary fire equipment described in division (A)
of this section, buildings, and sites for the township, fire
district, or municipal corporation and issue securities for that
purpose with maximum maturities as provided in section 133.20 of
the Revised Code. The board of township trustees, board of fire
district trustees, or legislative authority may also construct any
buildings necessary to house fire equipment and issue securities
for that purpose with maximum maturities as provided in section
133.20 of the Revised Code.

The board of township trustees, board of fire district
trustees, or legislative authority may issue the securities of the township, fire district, or municipal corporation, signed by the board or designated officer of the municipal corporation and attested by the signature of the township fiscal officer, fire district clerk, or municipal clerk, covering any deferred payments and payable at the times provided, which securities shall bear interest not to exceed the rate determined as provided in section 9.95 of the Revised Code, and shall not be subject to Chapter 133 of the Revised Code. The legislation authorizing the issuance of the securities shall provide for levying and collecting annually by taxation, amounts sufficient to pay the interest on and principal of the securities. The securities shall be offered for sale on the open market or given to the vendor or contractor if no sale is made.

Section 505.40 of the Revised Code does not apply to any securities issued, or any lease with an option to purchase entered into, in accordance with this division.

(E) A board of township trustees of any township or a board of fire district trustees of a fire district created under section 505.371 of the Revised Code may purchase a policy or policies of liability insurance for the officers, employees, and appointees of the fire department, fire district, or joint fire district governed by the board that includes personal injury liability coverage as to the civil liability of those officers, employees, and appointees for false arrest, detention, or imprisonment, malicious prosecution, libel, slander, defamation or other violation of the right of privacy, wrongful entry or eviction, or other invasion of the right of private occupancy, arising out of the performance of their duties.

When a board of township trustees cannot, by deed of gift or by purchase and upon terms it considers reasonable, procure land for a township fire station that is needed in order to respond in
reasonable time to a fire or medical emergency, the board may appropriate land for that purpose under sections 163.01 to 163.22 of the Revised Code. If it is necessary to acquire additional adjacent land for enlarging or improving the fire station, the board may purchase, appropriate, or accept a deed of gift for the land for these purposes.

(F) As used in this division, "emergency medical service organization" has the same meaning as in section 4766.01 of the Revised Code.

A board of township trustees, by adoption of an appropriate resolution, may choose to have the state board of emergency medical, fire, and transportation services license any emergency medical service organization it operates. If the board adopts such a resolution, Chapter 4766. of the Revised Code, except for sections 4766.06 and 4766.99 of the Revised Code, applies to the organization. All rules adopted under the applicable sections of that chapter also apply to the organization. A board of township trustees, by adoption of an appropriate resolution, may remove its emergency medical service organization from the jurisdiction of the state board of emergency medical, fire, and transportation services.

Sec. 505.376. When any expenditure of a fire and ambulance district, other than for the compensation of district employees, exceeds fifty thousand dollars the amount specified in section 9.17 of the Revised Code, the contract for the expenditure shall be in writing and made with the lowest and best bidder after advertising once a week for not less than two consecutive weeks in a newspaper of general circulation within the district. The board of trustees of a fire and ambulance district may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the
notice on the board's internet web site. If the board posts the notice on its web site, it may eliminate the second notice otherwise required to be published in a newspaper of general circulation within the district, provided that the first notice published in such newspaper meets all of the following requirements:

(A) It is published at least two weeks before the opening of bids.

(B) It includes a statement that the notice is posted on the board's internet web site.

(C) It includes the internet address of the board's internet web site.

(D) It includes instructions describing how the notice may be accessed on the board's internet web site.

The bids shall be opened and shall be publicly read by the clerk of the district, or the clerk's designee, at the time, date, and place specified in the advertisement to bidders or the specifications. The time, date, and place of bid openings may be extended to a later date by the board of trustees of the district, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than ninety-six hours prior to the original time and date fixed for the opening.

Each bid on any contract shall contain the full name of every person interested in the bid. If the bid is for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, it shall meet the requirements of section 153.54 of the Revised Code. If the bid is for any other contract, it shall be accompanied by a sufficient bond or certified check, cashier's check, or money order on a solvent bank or savings and loan association that, if the bid is accepted, a contract will be
entered into and the performance of it will be properly secured. If the bid for work embraces both labor and material, it shall be separately stated, with the price of the labor and the material. The board may reject any and all bids. The contract shall be between the district and the bidder, and the district shall pay the contract price in cash. When a bonus is offered for completion of a contract prior to a specified date, the board may exact a prorated penalty in like sum for each day of delay beyond the specified date. When there is reason to believe there is collusion or combination among bidders, the bids of those concerned shall be rejected.

No expenditure subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section.

Sec. 505.38. (A) In each township or fire district that has a fire department, the head of the department shall be a fire chief, appointed by the board of township trustees, except that, in a joint fire district, the fire chief shall be appointed by the board of fire district trustees. Neither this section nor any other section of the Revised Code requires, or shall be construed to require, that the fire chief be a resident of the township or fire district.

The board shall provide for the employment of firefighters as it considers best and shall fix their compensation. No person shall be appointed as a permanent full-time paid member, whose duties include fire fighting, of the fire department of any township or fire district unless that person has received a certificate issued under former section 3303.07 or section 4765.55 of the Revised Code evidencing satisfactory completion of a firefighter training program. Those appointees shall continue in office until removed from office as provided by sections 733.35 to
733.39 of the Revised Code. To initiate removal proceedings, and for that purpose, the board shall designate the fire chief or a private citizen to investigate the conduct and prepare the necessary charges in conformity with those sections.

In case of the removal of a fire chief or any member of the fire department of a township or fire district, an appeal may be had from the decision of the board to the court of common pleas of the county in which the township or fire district fire department is situated to determine the sufficiency of the cause of removal. The appeal from the findings of the board shall be taken within ten days.

No person who is appointed as a volunteer firefighter of the fire department of any township or fire district shall remain in that position unless either of the following applies:

(1) Within one year of the appointment, the person has received a certificate issued under former section 3303.07 of the Revised Code or section 4765.55 of the Revised Code evidencing satisfactory completion of a firefighter training program.

(2) The person began serving as a permanent full-time paid firefighter with the fire department of a city or village prior to July 2, 1970, or as a volunteer firefighter with the fire department of a city, village, or other township or fire district prior to July 2, 1979, and receives a certificate issued under division (C)(3) of section 4765.55 of the Revised Code.

No person shall receive an appointment under this section, in the case of a volunteer firefighter, unless the person has, not more than sixty days prior to receiving the appointment, passed a physical examination, given by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife, showing that the person meets the physical requirements necessary to perform the
duties of the position to which the person is appointed as established by the board of township trustees having jurisdiction over the appointment. The appointing authority, prior to making an appointment, shall file with the Ohio police and fire pension fund or the local volunteer fire fighters' dependents fund board a copy of the report or findings of that licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife. The professional fee for the physical examination shall be paid for by the board of township trustees.

(B) In each township not having a fire department, the board of township trustees shall appoint a fire prevention officer who shall exercise all of the duties of a fire chief except those involving the maintenance and operation of fire apparatus. The board may appoint one or more deputy fire prevention officers who shall exercise the duties assigned by the fire prevention officer.

The board may fix the compensation for the fire prevention officer and the fire prevention officer's deputies as it considers best. The board shall appoint each fire prevention officer and deputy for a one-year term. An appointee may be reappointed at the end of a term to another one-year term. Any appointee may be removed from office during a term as provided by sections 733.35 to 733.39 of the Revised Code. Section 505.45 of the Revised Code extends to those officers.

(C)(1) Division (A) of this section does not apply to any township that has a population of ten thousand or more persons residing within the township and outside of any municipal corporation, that has its own fire department employing ten or more full-time paid employees, and that has a civil service commission established under division (B) of section 124.40 of the Revised Code. The township shall comply with the procedures for the employment, promotion, and discharge of firefighters provided.
by Chapter 124. of the Revised Code, except as otherwise provided in divisions (C)(2) and (3) of this section.

(2) The board of township trustees of the township may appoint the fire chief, and any person so appointed shall be in the unclassified service under section 124.11 of the Revised Code and shall serve at the pleasure of the board. Neither this section nor any other section of the Revised Code requires, or shall be construed to require, that the fire chief be a resident of the township. A person who is appointed fire chief under these conditions and who is removed by the board or resigns from the position is entitled to return to the classified service in the township fire department in the position held just prior to the appointment as fire chief.

(3) The appointing authority of an urban township, as defined in section 504.01 of the Revised Code, may appoint to a vacant position any one of the three highest scorers on the eligible list for a promotional examination.

(4) The board of township trustees shall determine the number of personnel required and establish salary schedules and conditions of employment not in conflict with Chapter 124. of the Revised Code.

(5) No person shall receive an original appointment as a permanent full-time paid member of the fire department of the township described in this division unless the person has received a certificate issued under former section 3303.07 or section 4765.55 of the Revised Code evidencing the satisfactory completion of a firefighter training program.

(6) Persons employed as firefighters in the township described in this division on the date a civil service commission is appointed pursuant to division (B) of section 124.40 of the Revised Code, without being required to pass a competitive
examination or a firefighter training program, shall retain their employment and any rank previously granted them by action of the board of township trustees or otherwise, but those persons are eligible for promotion only by compliance with Chapter 124. of the Revised Code.

Sec. 507.02. When the office of township fiscal officer becomes vacant, or when a township fiscal officer is unable to carry out the duties of office because of illness, because of entering the military service of the United States, because of a court ordered suspension as provided for under section 507.13 of the Revised Code, or because the fiscal officer is otherwise incapacitated or disqualified, the board of township trustees shall appoint a deputy fiscal officer, who shall have full power to discharge the duties of the office. The deputy fiscal officer shall serve during the period of time the fiscal officer is absent or incapacitated, or until a successor fiscal officer is appointed or elected and qualified as provided in section 503.24 of the Revised Code. Except as otherwise provided in section 3.061 of the Revised Code, before entering on the discharge of official duties, the deputy fiscal officer shall give bond, for the faithful discharge of official duties, as required under section 507.03 of the Revised Code. The board shall, by resolution, adjust and determine the compensation of the fiscal officer and deputy fiscal officer. The total compensation of both the fiscal officer and any deputy fiscal officer shall not exceed the sums fixed by section 507.09 of the Revised Code in any one year.

Sec. 511.01. If, in a township, a town hall is to be built, improved, enlarged, or removed at a cost greater than fifty thousand dollars the amount specified in section 9.17 of the Revised Code, the board of township trustees shall submit the question to the electors of such township and shall certify their
resolution to the board of elections not later than four p.m. of
the ninetieth day before the day of the election.

Sec. 511.12. The board of township trustees may prepare plans
and specifications and make contracts for the construction and
errection of a memorial building, monument, statue, or memorial,
for the purposes specified and within the amount authorized by
section 511.08 of the Revised Code. If the total estimated cost of
the construction and erection exceeds fifty thousand dollars the
amount specified in section 9.17 of the Revised Code, the contract
shall be let by competitive bidding. If the estimated cost is
fifty thousand dollars the amount specified in section 9.17 of the
Revised Code or less, competitive bidding may be required at the
board's discretion. In making contracts under this section, the
board shall be governed as follows:

(A) Contracts for construction when competitive bidding is
required shall be based upon detailed plans, specifications, forms
of bids, and estimates of cost, adopted by the board.

(B) Contracts shall be made in writing upon concurrence of a
majority of the members of the board, and shall be signed by at
least two of the members and by the contractor. If competitive
bidding is required, no contract shall be made or signed until an
advertisement has been placed in a newspaper, published or of
general circulation in the township, at least twice. The board may
also cause notice to be inserted in trade papers or other
publications designated by it or to be distributed by electronic
means, including posting the notice on the board's internet web
site. If the board posts the notice on its web site, it may
eliminate the second notice otherwise required to be published in
a newspaper published or of general circulation in the township,
provided that the first notice published in such newspaper meets
all of the following requirements:
(1) It is published at least two weeks before the opening of bids.

(2) It includes a statement that the notice is posted on the board's internet web site.

(3) It includes the internet address of the board's internet web site.

(4) It includes instructions describing how the notice may be accessed on the board's internet web site.

(C) No contract shall be let by competitive bidding except to the lowest and best bidder, who shall meet the requirements of section 153.54 of the Revised Code.

(D) When, in the opinion of the board, it becomes necessary in the prosecution of such work to make alterations or modifications in any contract, the alterations or modifications shall be made only by order of the board, and that order shall be of no effect until the price to be paid for the work or materials under the altered or modified contract has been agreed upon in writing and signed by the contractor and at least two members of the board.

(E) No contract or alteration or modification of it shall be valid unless made in the manner provided in this section.

(F) No project subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section.

Sec. 515.01. The board of township trustees may provide artificial lights for any road, highway, public place, or building under its supervision or control, or for any territory within the township and outside the boundaries of any municipal corporation, when the board determines that the public safety or welfare requires that the road, highway, public place, building, or
territory shall be lighted. The lighting may be procured either by
the township installing a lighting system or by contracting with
any person or corporation to furnish lights.

If lights are furnished under contract, the contract may
provide that the equipment employed may be owned by the township
or by the person or corporation supplying the lights.

If the board determines to procure lighting by contract and
the total estimated cost of the contract exceeds \textit{fifty thousand
dollars} the amount specified in section 9.17 of the Revised Code,
the board shall prepare plans and specifications for the lighting
equipment and shall, for two weeks, advertise for bids for
furnishing the lighting equipment, either by posting the
advertisement in three conspicuous places in the township or by
publication of the advertisement once a week, for two consecutive
weeks, in a newspaper of general circulation in the township. Any
such contract for lighting shall be made with the lowest and best
bidder.

The board may also cause notice to be inserted in trade
papers or other publications designated by it or to be distributed
by electronic means, including posting the notice on the board's
internet web site. If the board posts the notice on its web site,
it may eliminate the second notice otherwise required to be
published in a newspaper of general circulation in the township,
provided that the first notice published in such newspaper meets
all of the following requirements:

(A) It is published at least two weeks before the opening of
bids.

(B) It includes a statement that the notice is posted on the
board's internet web site.

(C) It includes the internet address of the board's internet
web site.
(D) It includes instructions describing how the notice may be accessed on the board's internet web site.

No lighting contract awarded by the board shall be made to cover a period of more than twenty years. The cost of installing and operating any lighting system or any light furnished under contract shall be paid from the general fund of the township treasury.

No procurement subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section.

**Sec. 517.07.** Upon application, the board of township trustees shall sell at a reasonable price the number of lots as public wants demand for burial purposes. Purchasers of lots or other interment rights, upon complying with the terms of sale, may receive deeds for the lots or rights which the board shall execute and which shall be recorded by the township fiscal officer. The township fiscal officer shall record each deed in a book the township keeps for that purpose or with the county recorder under section 317.08 of the Revised Code. The expense of recording shall be paid by the person receiving the deed. Upon the application of a head of a family living in the township, the board shall, without charge, make and deliver to the applicant a deed for a suitable lot or right for the interment of the applicant's family, if, in the opinion of the board and by reason of the circumstances of the family, the payment would be oppressive.

The terms of sale and any deed for lots executed after July 24, 1986, for an entombment, including a mausoleum, columbarium, or other interment right executed on or after September 29, 2015, may include the following requirements:

(A) The grantee shall provide to the board of township trustees, in writing, a list of the names and addresses of the
persons to whom the grantee's property would pass by intestate succession.

(B) The grantee shall notify the board in writing of any subsequent changes in the name or address of any persons to whom property would descend.

(C) Any person who receives a township cemetery lot or right by gift, inheritance, or any other means other than the original conveyance shall, within one year after receiving the interest, give written notice of the person's name and address to the board having control of the cemetery, and shall notify the board of any subsequent changes in the person's name or address.

The terms of sale and any deed for any lots or rights executed in compliance with the notification requirements set forth in divisions (A), (B), and (C) of this section shall state that the board of township trustees shall have right of reentry to the cemetery lot or right if the notification requirements are not met. At least ninety days before establishing reentry, the board shall publish a notice on the board's internet web site, if applicable, and shall send a notice by certified mail to the last known owner at the owner's last known address to inform the owner that the owner's interest in the lot or right will cease unless the notification requirements are met. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the county. In order to establish reentry, the board shall pass a resolution stating that the conditions of the sale or of the deed have not been fulfilled, and that the board reclaims its interest in the lot or right.

The board may limit the terms of sale or the deed for a cemetery lot or right by specifying that the owner, a member of the owner's family, or an owner's descendant must use the lot, tomb, including a mausoleum, or columbarium, or at least a portion
of the lot, tomb, including a mausoleum, or columbarium, within a specified time period. The board may specify this time period to be at least twenty but not more than fifty years, with right of renewal provided at no cost. At least ninety days before the termination date for use of the cemetery lot, tomb, including a mausoleum, or columbarium, the board shall publish a notice on the board's internet web site, if applicable, and shall send a notice to the owner to inform the owner that the owner's interest in the lot or right will cease on the termination date unless the owner contracts for renewal by that date. The board shall send the notice by certified mail to the owner if the owner is a resident of the township or is a nonresident whose address is known. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the county.

The terms of sale and any deed for lots or rights conveyed with a termination date shall state that the board shall have right of reentry to the lot or right at the end of the specified time period if the lot, tomb, including a mausoleum, or columbarium, is not used within this time period or renewed for an extended period. In order to establish reentry, the board shall pass a resolution stating that the conditions of the sale or of the deed have not been fulfilled, and that the board reclaims its interest in the lot or right. The board shall compensate owners of unused lots or rights who do not renew the terms of sale or the deed by offering to pay the owner eighty per cent of the purchase price or to provide another available lot or right, as applicable, at no additional cost. The board may repurchase any cemetery lot or right from its owner at any time at a price that is mutually agreed upon by the board and the owner.

Sec. 517.271. Notwithstanding section 517.22 of the Revised Code, the company, association, or religious society that most

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recently owned and operated a cemetery currently owned by a board of township trustees may petition the probate court of the county in which the cemetery is located to transfer the ownership of the cemetery to the petitioner.

If the court determines that the petitioner has met all of the following conditions, the court shall transfer the ownership of the cemetery to the petitioner and shall order the board and county recorder to give the petitioner all necessary records and documents concerning the cemetery, including records of the board's sale of any lots pursuant to section 517.07 of the Revised Code:

(A) The petitioner has the financial resources necessary to operate and maintain the cemetery;

(B) The petitioner is in compliance with all applicable laws and administrative rules concerning the owners and operators of cemeteries, including registration under section 4767.02 of the Revised Code; and

(C) The petitioner owes no delinquent taxes.

Sec. 715.18. Any municipal corporation may establish and furnish the necessary equipment for a department of purchase, construction, and repair. Such department shall be under the management of the director of public service, who shall purchase all material, supplies, tools, machinery, and equipment, and shall supervise all construction, alterations, and repairs in each of the municipal departments whether established by law or ordinance.

No such purchase, construction, alteration, or repair shall be made except upon requisition by the director, the officer at the head of the department for which it is to be made or done, or upon the order of the legislative authority of the municipal corporation, nor shall any purchase, construction, alteration, or
repair for any of such departments be made or done except on
authority of the legislative authority and under sections 735.05
to 735.09 of the Revised Code, if the cost thereof exceeds ten
thousand dollars the amount specified in section 9.17 of the
Revised Code.

Sec. 718.01. Any term used in this chapter that is not
otherwise defined in this chapter has the same meaning as when
used in a comparable context in laws of the United States relating
to federal income taxation or in Title LVII of the Revised Code,
unless a different meaning is clearly required. Except as provided
in section 718.81 of the Revised Code, if a term used in this
chapter that is not otherwise defined in this chapter is used in a
comparable context in both the laws of the United States relating
to federal income tax and in Title LVII of the Revised Code and
the use is not consistent, then the use of the term in the laws of
the United States relating to federal income tax shall control
over the use of the term in Title LVII of the Revised Code.

Except as otherwise provided in section 718.81 of the Revised
Code, as used in this chapter:

(A)(1) "Municipal taxable income" means the following:

(a) For a person other than an individual, income apportioned
or sitused to the municipal corporation under section 718.02 of
the Revised Code, as applicable, reduced by any pre-2017 net
operating loss carryforward available to the person for the
municipal corporation.

(b)(i) For an individual who is a resident of a municipal
corporation other than a qualified municipal corporation, income
reduced by exempt income to the extent otherwise included in
income, then reduced as provided in division (A)(2) of this
section, and further reduced by any pre-2017 net operating loss
carryforward available to the individual for the municipal
(ii) For an individual who is a resident of a qualified municipal corporation, Ohio adjusted gross income reduced by income exempted, and increased by deductions excluded, by the qualified municipal corporation from the qualified municipal corporation's tax. If a qualified municipal corporation, on or before December 31, 2013, exempts income earned by individuals who are not residents of the qualified municipal corporation and net profit of persons that are not wholly located within the qualified municipal corporation, such individual or person shall have no municipal taxable income for the purposes of the tax levied by the qualified municipal corporation and may be exempted by the qualified municipal corporation from the requirements of section 718.03 of the Revised Code.

(c) For an individual who is a nonresident of a municipal corporation, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or sitused to the municipal corporation under section 718.02 of the Revised Code, then reduced as provided in division (A)(2) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the municipal corporation.

(2) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (A)(1)(b)(i) or (c) of this section, the amount of the individual's employee business expenses reported on the individual's form 2106 that the individual deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may deduct all such expenses allowed for federal income tax purposes. For a municipal corporation in which the taxpayer is
not a resident, the taxpayer may deduct such expenses only to the
extent the expenses are related to the taxpayer's performance of
personal services in that nonresident municipal corporation.

(B) "Income" means the following:

(1)(a) For residents, all income, salaries, qualifying wages,
commissions, and other compensation from whatever source earned or
received by the resident, including the resident's distributive
share of the net profit of pass-through entities owned directly or
indirectly by the resident and any net profit of the resident,
except as provided in division (D)(5) of this section.

(b) For the purposes of division (B)(1)(a) of this section:

(i) Any net operating loss of the resident incurred in the
taxable year and the resident's distributive share of any net
operating loss generated in the same taxable year and attributable
to the resident's ownership interest in a pass-through entity
shall be allowed as a deduction, for that taxable year and the
following five taxable years, against any other net profit of the
resident or the resident's distributive share of any net profit
attributable to the resident's ownership interest in a
pass-through entity until fully utilized, subject to division
(B)(1)(d) of this section;

(ii) The resident's distributive share of the net profit of
each pass-through entity owned directly or indirectly by the
resident shall be calculated without regard to any net operating
loss that is carried forward by that entity from a prior taxable
year and applied to reduce the entity's net profit for the current
taxable year.

(c) Division (B)(1)(b) of this section does not apply with
respect to any net profit or net operating loss attributable to an
ownership interest in an S corporation unless shareholders'
distributive shares of net profits from S corporations are subject
to tax in the municipal corporation as provided in division (C)(14)(b) or (c) of this section.

(d) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer.

(2) In the case of nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(3) For taxpayers that are not individuals, net profit of the taxpayer;

(4) Lottery, sweepstakes, gambling and sports winnings, winnings from games of chance, and prizes and awards. If the taxpayer is a professional gambler for federal income tax purposes, the taxpayer may deduct related wagering losses and expenses to the extent authorized under the Internal Revenue Code and claimed against such winnings.

(C) "Exempt income" means all of the following:

(1) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state;

(2)(a) Except as provided in division (C)(2)(b) of this section, intangible income;
(b) A municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988.

(3) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C)(3) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o)(2) of the Internal Revenue Code.

(4) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.

(5) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.

(6) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or
labor unions, lodges, and similar organizations;

(7) Alimony and child support received;

(8) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages;

(9) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code. Division (C)(9) of this section does not apply for purposes of Chapter 5745. of the Revised Code.

(10) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;

(11) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;

(12) Employee compensation that is not qualifying wages as defined in division (R) of this section;

(13) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.

(14)(a) Except as provided in division (C)(14)(b) or (c) of
this section, an S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code.

(b) If, pursuant to division (H) of former section 718.01 of the Revised Code as it existed before March 11, 2004, a majority of the electors of a municipal corporation voted in favor of the question at an election held on November 4, 2003, the municipal corporation may continue after 2002 to tax an S corporation shareholder's distributive share of net profits of an S corporation.

(c) If, on December 6, 2002, a municipal corporation was imposing, assessing, and collecting a tax on an S corporation shareholder's distributive share of net profits of the S corporation to the extent the distributive share would be allocated or apportioned to this state under divisions (B)(1) and (2) of section 5733.05 of the Revised Code if the S corporation were a corporation subject to taxes imposed under Chapter 5733. of the Revised Code, the municipal corporation may continue to impose the tax on such distributive shares to the extent such shares would be so allocated or apportioned to this state only until December 31, 2004, unless a majority of the electors of the municipal corporation voting on the question of continuing to tax such shares after that date voted in favor of that question at an election held November 2, 2004. If a majority of those electors voted in favor of the question, the municipal corporation may continue after December 31, 2004, to impose the tax on such distributive shares only to the extent such shares would be so allocated or apportioned to this state.

(d) A municipal corporation shall be deemed to have elected
to tax S corporation shareholders' distributive shares of net 
profits of the S corporation in the hands of the shareholders if a 
majority of the electors of a municipal corporation voted in favor 
of a question at an election held under division (C)(14)(b) or (c) 
of this section. The municipal corporation shall specify by 
resolution or ordinance that the tax applies to the distributive 
share of a shareholder of an S corporation in the hands of the 
shareholder of the S corporation.

(15) To the extent authorized under a resolution or ordinance 
adopted by a municipal corporation before January 1, 2016, all or 
a portion of the The income of individuals or a class of 
individuals under eighteen years of age.

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 
(d) of this section, qualifying wages described in division (B)(1) 
or (E) of section 718.011 of the Revised Code to the extent the 
qualifying wages are not subject to withholding for the municipal 
corporation under either of those divisions.

(b) The exemption provided in division (C)(16)(a) of this 
section does not apply with respect to the municipal corporation 
in which the employee resided at the time the employee earned the 
qualifying wages.

(c) The exemption provided in division (C)(16)(a) of this 
section does not apply to qualifying wages that an employer elects 
to withhold under division (D)(2) of section 718.011 of the 
Revised Code.

(d) The exemption provided in division (C)(16)(a) of this 
section does not apply to qualifying wages if both of the 
following conditions apply:

(i) For qualifying wages described in division (B)(1) of 
section 718.011 of the Revised Code, the employee's employer 
withholds and remits tax on the qualifying wages to the municipal
corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(ii) The employee receives a refund of the tax described in division (C)(16)(d)(i) of this section on the basis of the employee not performing services in that municipal corporation.

(17)(a) Except as provided in division (C)(17)(b) or (c) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the municipal corporation on not more than twenty days in a taxable year.

(b) The exemption provided in division (C)(17)(a) of this section does not apply under either of the following circumstances:

(i) The individual's base of operation is located in the municipal corporation.

(ii) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (C)(17)(b)(ii) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in section 718.011 of the Revised Code.

(c) Compensation to which division (C)(17) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.
(d) For purposes of division (C)(17) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.

(18) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.

(19) In the case of a tax administered, collected, and enforced by a municipal corporation pursuant to an agreement with the board of directors of a joint economic development district under section 715.72 of the Revised Code, the net profits of a business, and the income of the employees of that business, exempted from the tax under division (Q) of that section.

(20) All of the following:

(a) Income derived from disaster work conducted in this state by an out-of-state disaster business during a disaster response period pursuant to a qualifying solicitation received by the business;

(b) Income of a qualifying employee described in division (A)(14)(a) of section 5703.94 of the Revised Code, to the extent such income is derived from disaster work conducted in this state by the employee during a disaster response period pursuant to a
qualifying solicitation received by the employee's employer;

(c) Income of a qualifying employee described in division (A)(14)(b) of section 5703.94 of the Revised Code, to the extent such income is derived from disaster work conducted in this state by the employee during a disaster response period on critical infrastructure owned or used by the employee's employer.

(21) Income the taxation of which is prohibited by the constitution or laws of the United States.

Any item of income that is exempt income of a pass-through entity under division (C) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.

(D)(1) "Net profit" for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of division (D)(1) of this section, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (D)(3) of this section.

(2) "Net profit" for a person other than an individual means adjusted federal taxable income reduced by any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017, subject to the limitations of division (D)(3) of this section.

(3)(a) The amount of such net operating loss shall be deducted from net profit to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than...
necessary for the deduction to be fully utilized.

(b) No person shall use the deduction allowed by division (D)(3) of this section to offset qualifying wages.

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, more than fifty per cent of the amount of the deduction otherwise allowed by division (D)(3) of this section.

(ii) For taxable years beginning in 2023 or thereafter, a person may deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, the full amount allowed by division (D)(3) of this section without regard to the limitation of division (D)(3)(b)(i) of this section.

(d) Any pre-2017 net operating loss carryforward deduction that is available may be utilized before a taxpayer may deduct any amount pursuant to division (D)(3) of this section.

(e) Nothing in division (D)(3)(c)(i) of this section precludes a person from carrying forward, for use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (D)(3)(c)(i) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (D)(3)(c)(i) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (D)(3)(c)(i) of this section shall apply to the amount carried forward.

(4) For the purposes of this chapter, and notwithstanding division (D)(2) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity,
but shall instead be included in the net profit of the owner of
the disregarded entity.

(5) For the purposes of this chapter, and notwithstanding any
other provision of this chapter, the net profit of a publicly
traded partnership that makes the election described in division
(D)(5) of this section shall be taxed as if the partnership were a
C corporation, and shall not be treated as the net profit or
income of any owner of the partnership.

A publicly traded partnership that is treated as a
partnership for federal income tax purposes and that is subject to
tax on its net profits in one or more municipal corporations in
this state may elect to be treated as a C corporation for
municipal income tax purposes. The publicly traded partnership
shall make the election in every municipal corporation in which
the partnership is subject to taxation on its net profits. The
election shall be made on the annual tax return filed in each such
municipal corporation. The publicly traded partnership shall not
be required to file the election with any municipal corporation in
which the partnership is not subject to taxation on its net
profits, but division (D)(5) of this section applies to all
municipal corporations in which an individual owner of the
partnership resides.

(E) "Adjusted federal taxable income," for a person required
to file as a C corporation, or for a person that has elected to be
taxed as a C corporation under division (D)(5) of this section,
means a C corporation's federal taxable income before net
operating losses and special deductions as determined under the
Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in
federal taxable income. The deduction shall be allowed regardless
of whether the intangible income relates to assets used in a trade
or business or assets held for the production of income.
(2) Add an amount equal to five per cent of intangible income deducted under division (E)(1) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code;

(3) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;

(4)(a) Except as provided in division (E)(4)(b) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;

(b) Division (E)(4)(a) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.

(5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;

(6) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;

(7) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code;

(8) Deduct exempt income to the extent not otherwise deducted or excluded in computing adjusted federal taxable income.
(9) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (E)(3)(b) of section 718.06 of the Revised Code.

(10) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (E)(3)(b) of section 718.06 of the Revised Code.

If the taxpayer is not a C corporation, is not a disregarded entity that has made the election described in division (L)(2) of this section, is not a publicly traded partnership that has made the election described in division (D)(5) of this section, and is not an individual, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are a pension or retirement benefit payment paid to a retired partner, retired shareholder, or retired member or are in consideration for the use of capital and treated as payment of interest under section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a
partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division (E) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

(F) "Schedule C" means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(G) "Schedule E" means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(H) "Schedule F" means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.

(I) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.

(J) "Resident" means an individual who is domiciled in the municipal corporation as determined under section 718.012 of the Revised Code.

(K) "Nonresident" means an individual that is not a resident.

(L)(1) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (L)(2)(a) of this section, a disregarded entity.

(2)(a) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file...
for its taxable year ending in 2003, if all of the following conditions are met:

(i) The limited liability company's single member is also a limited liability company.

(ii) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.

(iii) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of this section as this section existed on December 31, 2004.

(iv) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(v) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(b) For purposes of division (L)(2)(a)(v) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least four hundred thousand dollars.

(M) "Person" includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.
(N) "Pass-through entity" means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or disregarded entity.

(O) "S corporation" means a person that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.

(P) "Single member limited liability company" means a limited liability company that has one direct member.

(Q) "Limited liability company" means a limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of another state.

(R) "Qualifying wages" means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

1. Deduct the following amounts:
   
   (a) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code.
   
   (b) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.
   
   (c) Any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of
the Internal Revenue Code if the compensation is included in wages and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.

(d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.

(e) Any amount included in wages that is exempt income.

(2) Add the following amounts:

(a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.

(b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (R)(2)(b) of this section applies only to those amounts constituting ordinary income.

(c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (R)(2)(c) of this section applies only to employee contributions and employee deferrals.

(d) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages.
(e) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a)(8) of the Internal Revenue Code.

(f) Any amount not included in wages if all of the following apply:

(i) For the taxable year the amount is employee compensation that is earned outside of the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under section 911 of the Internal Revenue Code;

(ii) For no preceding taxable year did the amount constitute wages as defined in section 3121(a) of the Internal Revenue Code;

(iii) For no succeeding taxable year will the amount constitute wages; and

(iv) For any taxable year the amount has not otherwise been added to wages pursuant to either division (R)(2) of this section or section 718.03 of the Revised Code, as that section existed before the effective date of H.B. 5 of the 130th general assembly, March 23, 2015.

(S) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701. of the Revised Code, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.
chance.

(T) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.

(U)(1) "Tax administrator" means, subject to division (U)(2) of this section, the individual charged with direct responsibility for administration of an income tax levied by a municipal corporation in accordance with this chapter, and also includes the following:

(a) A municipal corporation acting as the agent of another municipal corporation;

(b) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis;

(c) The central collection agency or the regional income tax agency or their successors in interest, or another entity organized to perform functions similar to those performed by the central collection agency and the regional income tax agency.

(2) "Tax administrator" does not include the tax commissioner.

(3) A private individual or entity serving in any position described in division (U)(1)(b) or (c) of this section shall have no access to criminal history record information.

(V) "Employer" means a person that is an employer for federal income tax purposes.

(W) "Employee" means an individual who is an employee for federal income tax purposes.

(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an
individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.

(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.

(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.

(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.

(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.

(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.

(EE) "Ohio business gateway" means the online computer network system, created under section 125.30 of the Revised Code, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.

(FF) "Local board of tax review" and "board of tax review"
mean the entity created under section 718.11 of the Revised Code.

(GG) "Net operating loss" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.

(HH) "Casino operator" and "casino facility" have the same meanings as in section 3772.01 of the Revised Code.

(II) "Video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.

(JJ) "Video lottery terminal sales agent" means a lottery sales agent licensed under Chapter 3770. of the Revised Code to conduct video lottery terminals on behalf of the state pursuant to section 3770.21 of the Revised Code.

(KK) "Postal service" means the United States postal service.

(LL) "Certified mail," "express mail," "United States mail," "postal service," and similar terms include any delivery service authorized pursuant to section 5703.056 of the Revised Code.

(MM) "Postmark date," "date of postmark," and similar terms include the date recorded and marked in the manner described in division (B)(3) of section 5703.056 of the Revised Code.

(NN) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty per cent" shall be substituted for "5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code.
(OO) "Related entity" means any of the following:

1. An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;

2. A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;

3. A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (OO)(4) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock;

4. The attribution rules described in section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (OO)(1) to (3) of this section have been met.

(PP)(1) "Assessment" means a written finding by the tax administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation that commences the person's time limitation for making an appeal to the local board of tax review pursuant to section 718.11 of the Revised Code, and has "ASSESSMENT" written in all capital letters at the top of such
finding.

(2) "Assessment" does not include an informal notice denying a request for refund issued under division (B)(3) of section 718.19 of the Revised Code, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a tax administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a tax administrator's other written correspondence to a person or taxpayer that does not meet the criteria prescribed by division (PP)(1) of this section.

(QQ) "Taxpayers' rights and responsibilities" means the rights provided to taxpayers in sections 718.11, 718.12, 718.19, 718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the Revised Code and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718. of the Revised Code and resolutions, ordinances, and rules adopted by a municipal corporation for the imposition and administration of a municipal income tax.

(RR) "Qualified municipal corporation" means a municipal corporation that, by resolution or ordinance adopted on or before December 31, 2011, adopted Ohio adjusted gross income, as defined by section 5747.01 of the Revised Code, as the income subject to tax for the purposes of imposing a municipal income tax.

(SS)(1) "Pre-2017 net operating loss carryforward" means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the municipal corporation that was adopted by the municipal corporation before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in such municipal corporation in future taxable years.
(2) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in the resolution or ordinance or until fully utilized, whichever is earlier.

(TT) "Small employer" means any employer that had total revenue of less than five hundred thousand dollars during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

(UU) "Audit" means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person for the purpose of determining liability for a municipal income tax.

(VV) "Publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

(WW) "Tax commissioner" means the tax commissioner appointed...
under section 121.03 of the Revised Code.

(XX) "Out-of-state disaster business," "qualifying solicitation," "qualifying employee," "disaster work," "critical infrastructure," and "disaster response period" have the same meanings as in section 5703.94 of the Revised Code.

(YY) "Pension" means a retirement benefit plan, regardless of whether the plan satisfies the qualifications described under section 401(a) of the Internal Revenue Code, including amounts that are taxable under the "Federal Insurance Contributions Act," Chapter 21 of the Internal Revenue Code, excluding employee contributions and elective deferrals, and regardless of whether such amounts are paid in the same taxable year in which the amounts are included in the employee's wages, as defined by section 3121(a) of the Internal Revenue Code.

(ZZ) "Retirement benefit plan" means an arrangement whereby an entity provides benefits to individuals either on or after their termination of service because of retirement or disability. "Retirement benefit plan" does not include wage continuation payments, severance payments, or payments made for accrued personal or vacation time.

Sec. 718.05. (A) An annual return with respect to the income tax levied by a municipal corporation shall be completed and filed by every taxpayer for any taxable year for which the taxpayer is liable for the tax. If the total credit allowed against the tax as described in division (D) of section 718.04 of the Revised Code for the year is equal to or exceeds the tax imposed by the municipal corporation, no return shall be required unless the municipal ordinance or resolution levying the tax requires the filing of a return in such circumstances.

(B) If an individual is deceased, any return or notice required of that individual shall be completed and filed by that
decedent's executor, administrator, or other person charged with the property of that decedent.

(C) If an individual is unable to complete and file a return or notice required by a municipal corporation in accordance with this chapter, the return or notice required of that individual shall be completed and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(D) Returns or notices required of an estate or a trust shall be completed and filed by the fiduciary of the estate or trust.

(E) No municipal corporation shall deny spouses the ability to file a joint return.

(F)(1) Each return required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number or taxpayer identification number. Each return shall be verified by a declaration under penalty of perjury.

(2) A tax administrator may require a taxpayer who is an individual to include, with each annual return, amended return, or request for refund required under this section, copies of only the following documents: all of the taxpayer's Internal Revenue Service form W-2, "Wage and Tax Statements," including all information reported on the taxpayer's federal W-2, as well as taxable wages reported or withheld for any municipal corporation; the taxpayer's Internal Revenue Service form 1040 or, in the case of a return or request required by a qualified municipal corporation, Ohio form IT-1040; and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return. An individual taxpayer who files the annual return

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required by this section electronically is not required to provide paper copies of any of the foregoing to the tax administrator unless the tax administrator requests such copies after the return has been filed.

(3) A tax administrator may require a taxpayer that is not an individual to include, with each annual net profit return, amended net profit return, or request for refund required under this section, copies of only the following documents: the taxpayer's Internal Revenue Service form 1041, form 1065, form 1120, form 1120-REIT, form 1120F, or form 1120S, and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return.

A taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio business gateway or in some other manner shall either mail the documents required under this division to the tax administrator at the time of filing or, if electronic submission is available, submit the documents electronically through the Ohio business gateway. The department of taxation shall publish a method of electronically submitting the documents required under this division through the Ohio business gateway on or before January 1, 2016. The department shall transmit all documents submitted electronically under this division to the appropriate tax administrator.

(4) After a taxpayer files a tax return, the tax administrator may request, and the taxpayer shall provide, any information, statements, or documents required by the municipal corporation to determine and verify the taxpayer's municipal income tax liability. The requirements imposed under division (F) of this section apply regardless of whether the taxpayer files on a generic form or on a form prescribed by the tax administrator.

(G)(1)(a) Except as otherwise provided in this chapter, each
individual income tax return required to be filed under this section shall be completed and filed as required by the tax administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of section 5747.08 of the Revised Code. The taxpayer shall complete and file the return or notice on forms prescribed by the tax administrator or on generic forms, together with remittance made payable to the municipal corporation or tax administrator. No remittance is required if the amount shown to be due is ten dollars or less. A municipal corporation shall not require a qualifying employee whose income consists exclusively of exempt income described in division (C)(20)(b) or (c) of section 718.01 of the Revised Code to file a return under this section.

(b) Except as otherwise provided in this chapter, each annual net profit return required to be filed under this section by a taxpayer that is not an individual shall be completed and filed as required by the tax administrator on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year. The taxpayer shall complete and file the return or notice on forms prescribed by the tax administrator or on generic forms, together with remittance made payable to the municipal corporation or tax administrator. No remittance is required if the amount shown to be due is ten dollars or less.

(2)(a) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return for a taxpayer that is an individual shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates. The extended due date of the municipal income tax return for a taxpayer that is not an individual shall be the fifteenth day of the eleventh month.
after the last day of the taxable year to which the return relates.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the tax administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's municipal income tax return. If the request is received by the tax administrator on or before the date the municipal income tax return is due, the tax administrator shall grant the taxpayer's requested extension.

(c) An extension of time to file under division (G)(2) of this section is not an extension of the time to pay any tax due unless the tax administrator grants an extension of that date.

(3) If the tax commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of section 5747.08 of the Revised Code, a taxpayer shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the same as the extended due date of the state income tax return.

(4) If the tax administrator considers it necessary in order to ensure the payment of the tax imposed by the municipal corporation in accordance with this chapter, the tax administrator may require taxpayers to file returns and make payments otherwise than as provided in this section, including taxpayers not otherwise required to file annual returns.

(5) If a taxpayer receives an extension for the filing of a municipal income tax return under division (G)(2), (3), or (4) of this section, the tax administrator shall not make any inquiry or send any notice to the taxpayer with regard to the return on or before the date the taxpayer files the return or on or before the extended due date to file the return, whichever occurs first.
If a tax administrator violates division (G)(5) of this section, the municipal corporation shall reimburse the taxpayer for any reasonable costs incurred to respond to such inquiry or notice.

Division (G)(5) of this section does not apply to an extension received under division (G)(2) of this section if the tax administrator has actual knowledge that the taxpayer failed to file for a federal extension as required to receive the extension under division (G)(2)(a) of this section or failed to file for an extension under division (G)(2)(b) of this section.

(6) To the extent that any provision in this division conflicts with any provision in section 718.052 of the Revised Code, the provision in that section prevails.

(H)(1) For taxable years beginning after 2015, a municipal corporation shall not require a taxpayer to remit tax with respect to net profits if the amount due is less than ten dollars.

(2) Except as provided in division (H)(3) of this section, any taxpayer not required to remit tax to a municipal corporation for a taxable year pursuant to division (H)(1) of this section shall file with the municipal corporation an annual net profit return under division (F)(3) of this section.

(3) A municipal corporation shall not require a person to file a net profit return under this section if the person's income consists exclusively of exempt income described in division (C)(20)(a) of section 718.01 of the Revised Code.

(I)(1) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under this chapter is delivered after that period or that date by United States mail to the tax administrator or other municipal official with which the report, claim, statement, or other document is...
required to be filed, or to which the payment is required to be made, the date of the postmark stamped on the cover in which the report, claim, statement, or other document, or payment is mailed shall be deemed to be the date of delivery or the date of payment. "The date of postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(2) If a payment under this chapter is made by electronic funds transfer, the payment shall be considered to be made on the date of the timestamp assigned by the first electronic system receiving that payment.

(J) The amounts withheld by an employer, the agent of an employer, or an other payer as described in section 718.03 of the Revised Code shall be allowed to the recipient of the compensation as credits against payment of the tax imposed on the recipient by the municipal corporation, unless the amounts withheld were not remitted to the municipal corporation and the recipient colluded with the employer, agent, or other payer in connection with the failure to remit the amounts withheld.

(K) Each return required by a municipal corporation to be filed in accordance with this section shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the tax administrator about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the tax administrator to contact the preparer or other person concerning questions that arise during the examination or other review of the return and authorizes the preparer or other person only to provide the tax administrator with information that is missing from the return, to contact the tax administrator for information about the examination or other review of the return or the status of the return.
taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the tax administrator and has shown to the preparer or other person.

(L) The tax administrator of a municipal corporation shall accept for filing a generic form of any income tax return, report, or document required by the municipal corporation in accordance with this chapter, provided that the generic form, once completed and filed, contains all of the information required by ordinance, resolution, or rules adopted by the municipal corporation or tax administrator, and provided that the taxpayer or tax return preparer filing the generic form otherwise complies with the provisions of this chapter and of the municipal corporation ordinance or resolution governing the filing of returns, reports, or documents.

(M) When income tax returns, reports, or other documents require the signature of a tax return preparer, the tax administrator shall accept a facsimile of such a signature in lieu of a manual signature.

(N)(1) As used in this division, "worksite location" has the same meaning as in section 718.011 of the Revised Code.

(2) A person may notify a tax administrator that the person does not expect to be a taxpayer with respect to the municipal corporation for a taxable year if both of the following conditions apply:

(a) The person was required to file a tax return with the municipal corporation for the immediately preceding taxable year because the person performed services at a worksite location within that municipal corporation.

(b) The person no longer provides services in the municipal corporation and does not expect to be subject to the municipal
corporation's income tax for the taxable year. The person shall provide the notice in a signed affidavit that briefly explains the person's circumstances, including the location of the previous worksite location and the last date on which the person performed services or made any sales within the municipal corporation. The affidavit also shall include the following statement: "The affiant has no plans to perform any services within the municipal corporation, make any sales in the municipal corporation, or otherwise become subject to the tax levied by the municipal corporation during the taxable year. If the affiant does become subject to the tax levied by the municipal corporation for the taxable year, the affiant agrees to be considered a taxpayer and to properly register as a taxpayer with the municipal corporation if such a registration is required by the municipal corporation's resolutions, ordinances, or rules." The person shall sign the affidavit under penalty of perjury.

(c) If a person submits an affidavit described in division (N)(2) of this section, the tax administrator shall not require the person to file any tax return for the taxable year unless the tax administrator possesses information that conflicts with the affidavit or if the circumstances described in the affidavit change. Nothing in division (N) of this section prohibits the tax administrator from performing an audit of the person.

Sec. 718.27. (A) As used in this section:

(1) "Applicable law" means this chapter, the resolutions, ordinances, codes, directives, instructions, and rules adopted by a municipal corporation provided such resolutions, ordinances, codes, directives, instructions, and rules impose or directly or indirectly address the levy, payment, remittance, or filing requirements of a municipal income tax.

(2) "Income tax," "estimated income tax," and "withholding
"tax" means any income tax, estimated income tax, and withholding tax imposed by a municipal corporation pursuant to applicable law, including at any time before January 1, 2016.

(3) A "return" includes any tax return, report, reconciliation, schedule, and other document required to be filed with a tax administrator or municipal corporation by a taxpayer, employer, any agent of the employer, or any other payer pursuant to applicable law, including at any time before January 1, 2016.

(4) "Federal short-term rate" means the rate of the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of three years or less, as determined under section 1274 of the Internal Revenue Code, for July of the current year.

(5) "Interest rate as described in division (A) of this section" means the federal short-term rate, rounded to the nearest whole number per cent, plus five per cent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term rate is determined in accordance with division (A)(4) of this section.

(6) "Unpaid estimated income tax" means estimated income tax due but not paid by the date the tax is required to be paid under applicable law.

(7) "Unpaid income tax" means income tax due but not paid by the date the income tax is required to be paid under applicable law.

(8) "Unpaid withholding tax" means withholding tax due but not paid by the date the withholding tax is required to be paid under applicable law.

(9) "Withholding tax" includes amounts an employer, any agent of an employer, or any other payer did not withhold in whole or in part from an employee's qualifying wages, but that, under
applicable law, the employer, agent, or other payer is required to withhold from an employee's qualifying wages.

(B)(1) This section applies to the following:

(a) Any return required to be filed under applicable law for taxable years beginning on or after January 1, 2016;

(b) Income tax, estimated income tax, and withholding tax required to be paid or remitted to the municipal corporation on or after January 1, 2016.

(2) This section does not apply to returns required to be filed or payments required to be made before January 1, 2016, regardless of the filing or payment date. Returns required to be filed or payments required to be made before January 1, 2016, but filed or paid after that date shall be subject to the ordinances or rules, as adopted before January 1, 2016, of the municipal corporation to which the return is to be filed or the payment is to be made.

(C) Each municipal corporation levying a tax on income may impose on a taxpayer, employer, any agent of the employer, and any other payer, and must attempt to collect, the interest amounts and penalties prescribed under division (C) of this section when the taxpayer, employer, any agent of the employer, or any other payer for any reason fails, in whole or in part, to make to the municipal corporation timely and full payment or remittance of income tax, estimated income tax, or withholding tax or to file timely with the municipal corporation any return required to be filed.

(1) Interest shall be imposed at the rate described in division (A) of this section, per annum, on all unpaid income tax, unpaid estimated income tax, and unpaid withholding tax.

(2)(a) With respect to unpaid income tax and unpaid estimated income tax, a municipal corporation may impose a penalty equal to
fifteen per cent of the amount not timely paid.

(b) With respect to any unpaid withholding tax, a municipal corporation may impose a penalty not exceeding fifty per cent of the amount not timely paid.

(3) With respect to returns other than estimated income tax returns, a municipal corporation may impose a penalty of not exceeding twenty-five dollars for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed one hundred fifty dollars for each failure, except that a municipal corporation shall abate or refund the penalty assessed on a taxpayer's first failure to timely file a return after the taxpayer files that return.

(D)(1) With respect to the income taxes, estimated income taxes, withholding taxes, and returns, no municipal corporation shall impose, seek to collect, or collect any penalty, amount of interest, charges, or additional fees not described in this section.

(2) With respect to the income taxes, estimated income taxes, withholding taxes, and returns not described in division (A) of this section, nothing in this section requires a municipal corporation to refund or credit any penalty, amount of interest, charges, or additional fees that the municipal corporation has properly imposed or collected before January 1, 2016.

(E) Nothing in this section limits the authority of a municipal corporation to abate or partially abate penalties or interest imposed under this section when the tax administrator determines, in the tax administrator's sole discretion, that such abatement is appropriate.

(F) By the thirty-first day of October of each year the
municipal corporation shall publish the rate described in division (A) of this section applicable to the next succeeding calendar year.

(G) The municipal corporation may impose on the taxpayer, employer, any agent of the employer, or any other payer the municipal corporation's post-judgment collection costs and fees, including attorney's fees.

Sec. 718.80. (A) A taxpayer may elect to be subject to sections 718.80 to 718.95 of the Revised Code in lieu of the provisions set forth in the remainder of this chapter. Notwithstanding any other provision of this chapter, upon the taxpayer's election, both of the following shall apply:

(1) The tax commissioner shall serve as the sole administrator of each municipal income tax for which the taxpayer is liable for the term of the election;

(2) The commissioner shall administer the tax pursuant to sections 718.80 to 718.95 of the Revised Code and any applicable provision of Chapter 5703. of the Revised Code.

(B)(1) A taxpayer shall make the initial election on or before the fifteenth day of the fourth month after the beginning of the taxpayer's taxable year by providing to the tax commissioner a list of all municipal corporations in which the taxpayer conducted business during the previous taxable year, on a form prescribed by the tax commissioner.

(2) At least quarterly, the tax commissioner shall notify each municipal corporation that a taxpayer lists in its election under division (B)(1) of this section that the taxpayer has made the election.

(3)(a) The election, once made by the taxpayer, applies to the taxable year in which the election is made and to each
subsequent taxable year until the taxpayer notifies the tax
commissioner of its termination of the election.

(b) A notification of termination shall be made, on a form
prescribed by the tax commissioner, on or before the fifteenth day
of the fourth month of any taxable year.

(c) Upon a timely and valid termination of the election, the
taxpayer is no longer subject to sections 718.80 to 718.95 of the
Revised Code, and is instead subject to the provisions set forth
in the remainder of this chapter.

(d) At least quarterly, the tax commissioner shall notify
each municipal corporation reported on a taxpayer's most recent
return or declaration filed with the commissioner of the
taxpayer's termination of its election.

(4) The tax commissioner shall provide to all municipal
corporations imposing a tax on income on or after January 1, 2018,
a list of taxpayers that are subject to sections 718.80 to 718.95
of the Revised Code, including the taxpayers' names, addresses,
and federal employee identification numbers. The list shall be
made available via the portal created under section 718.841 of the
Revised Code.

(C)(1)(a) On or before the thirty-first day of January each
year, each municipal corporation imposing a tax on income shall
certify to the tax commissioner the rate of the tax in effect on
the first day of January of that year.

(b) If, after the thirty-first day of January of any year,
the electors of a municipal corporation approve an increase in
changes the rate of the municipal corporation's tax on income such
that a new rate takes effect within that year, the municipal
corporation shall certify to the tax commissioner the new rate of
tax not less than sixty days before the effective date of the
increase new rate, after which effective date the commissioner
shall apply the increased new rate.

(2) A municipal corporation that receives a notification under division (B)(2) of this section shall submit to the tax commissioner, on a form prescribed by the commissioner and within the time prescribed by division (C)(3) of this section, the following information regarding the taxpayer and any member of an affiliated group of corporations included on the taxpayer's consolidated tax return, when applicable:

(a) The amount of any net operating loss that the taxpayer is entitled to carry forward to a future tax year;

(b) The amount of any net operating loss carryforward utilized by the taxpayer in prior years;

(c) Any credits granted by the municipal corporation to which the taxpayer is entitled, the amount of such credits, whether the credits may be carried forward to future tax years, and, if the credits may be carried forward, the duration of any such carryforward;

(d) Any overpayments of tax that the taxpayer has elected to carry forward to a subsequent tax year;

(e) Any other information the municipal corporation deems relevant in order to effectuate the tax commissioner's efficient administration of the tax on the municipal corporation's behalf.

(3) A municipal corporation shall submit the information required under division (C)(2) of this section to the tax commissioner within ninety days after the taxpayer files its final return or within fifteen days after the end of the taxable year for which the taxpayer made the initial election under division (B)(1) of this section, whichever occurs first. For the purposes of this section, "final return" means the return filed with the municipal corporation for the taxable year immediately preceding the taxable year for which the taxpayer made the election under
division (B)(1) of this section.

(4) If any municipal corporation fails to timely comply with division (C)(1), (2), or (3) of this section, the tax commissioner may notify the director of budget and management, who, upon receiving such notification, shall withhold a portion of each payment made to the municipal corporation under section 718.83 of the Revised Code. The commissioner shall specify the percentage of the payment to be withheld, not to exceed fifty per cent of the amount of the payment otherwise due to the municipal corporation under that section. The director shall compute the withholding on the basis of the tax rate most recently certified to the tax commissioner until the municipal corporation complies with divisions (C)(1), (2), and (3) of this section.

If, after any such withholding, the municipal corporation complies with divisions (C)(1), (2), and (3) of this section, the tax commissioner shall notify the director of budget and management, who shall provide payment to the municipal corporation under section 718.83 of the Revised Code of such amounts withheld under this division.

(D) The tax commissioner shall enforce and administer sections 718.80 to 718.95 of the Revised Code. In addition to any other powers conferred upon the tax commissioner by law, the tax commissioner may:

(1) Prescribe all forms necessary to administer those sections;

(2) Adopt such rules as the tax commissioner finds necessary to carry out those sections;

(3) Appoint and employ such personnel as are necessary to carry out the duties imposed upon the tax commissioner by those sections.

(E) No tax administrator shall utilize sections 718.81 to
718.95 of the Revised Code in the administrator's administration of a municipal income tax, and those sections shall not be applied to any taxpayer that has not made the election under this section.

(F) Nothing in this chapter shall be construed to make any section of this chapter, other than sections 718.01 and 718.80 to 718.95 of the Revised Code, applicable to the tax commissioner's administration of a municipal income tax or to any taxpayer that has made the election under this section.

(G) The tax commissioner shall not be considered a tax administrator, as that term is defined in section 718.01 of the Revised Code.

Sec. 718.84. (A) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by sections 718.80 to 718.95 of the Revised Code is confidential, and no person shall disclose such information, except for official purposes, in accordance with a proper judicial order, or as provided in section 4123.271 or 5703.21 of the Revised Code. The tax commissioner may furnish the internal revenue service with copies of returns filed. This section does not prohibit the publication of statistics in a form which does not disclose information with respect to particular taxpayers.

(B) In May and November December of each year, the tax commissioner shall provide each tax administrator with the following information for every taxpayer that filed had municipal taxable income apportionable to the municipal corporation under this chapter on tax returns filed with the commissioner under sections 718.80 to 718.95 of the Revised Code and that had municipal taxable income apportionable to the municipal corporation under this chapter for any prior year in the preceding five or seven months, respectively:

(1) The taxpayer's name, address, and federal employer
identification number;

(2) The taxpayer's apportionment ratio for, and amount of municipal taxable income apportionable to, the municipal corporation pursuant to section 718.82 of the Revised Code;

(3) The amount of any pre-2017 net operating loss carryforward utilized by the taxpayer;

(4) Whether the taxpayer requested that any overpayment be carried forward to a future taxable year;

(5) The amount of any credit claimed under section 718.94 of the Revised Code.

(C) Not later than thirty days after each distribution made to municipal corporations under section 718.83 of the Revised Code, the tax commissioner shall provide to each municipal corporation a report stating the name and federal identification number of every taxpayer that made estimated payments that are attributable to the municipal corporation and the amount of each such taxpayer's estimated payment.

(D) Not later than the thirty-first day of January of each year, every municipal corporation having taxpayers that have made the election allowed under section 718.80 of the Revised Code shall provide to the tax commissioner, in a format prescribed by the commissioner, the name and mailing address of up to two persons to whom the municipal corporation requests that the commissioner send the information described in divisions (B) and (C) of this section. The commissioner shall not provide such information to any person other than a person who is designated to receive the information under this section and who is employed by the municipal corporation or by a tax administrator, as defined in section 718.01 of the Revised Code, that administers the municipal corporation's income tax, except as may otherwise be provided by law.
(E)(1) The tax commissioner may adopt rules that further govern the terms and conditions under which tax returns filed with the commissioner under this chapter, and any other information gained in the performance of the commissioner's duties prescribed by this chapter, shall be available for inspection by properly authorized officers, employees, or agents of the municipal corporations to which the taxpayer's net profit is apportioned under section 718.82 of the Revised Code.

(2) As used in this division, "properly authorized officer, employee, or agent" means an officer, employee, or agent of a municipal corporation who is authorized by charter or ordinance of the municipal corporation to view or possess information referred to in section 718.13 of the Revised Code.

(F)(1) If, upon receiving the information described in division (B) of section 718.91 of the Revised Code or division (B) or (C) of this section, a municipal corporation discovers that it has additional information in its possession that could result in a change to a taxpayer's tax liability, the municipal corporation may refer the taxpayer to the tax commissioner for an audit. Such referral shall be made on a form prescribed by the commissioner and shall include any information that forms the basis for the referral.

(2) Upon receipt of a referral under division (F)(1) of this section, the commissioner shall review the referral and may conduct an audit of the taxpayer that is the subject of the referral based on the information in the referral and any other relevant information available to the commissioner.

(3) Nothing in division (F) of this section shall be construed as forming the sole basis upon which the commissioner may conduct an audit of a taxpayer.

(4) Nothing in this chapter shall prohibit a municipal
corporation from filing a writ of mandamus if the municipal

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corporation believes that the commissioner has violated the

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commissioner's fiduciary duty as the administrator of the tax

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levied by the municipal corporation.

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Sec. 718.85. (A)(1) For each taxable year, every taxpayer

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shall file an annual return. Such return, along with the amount of
tax shown to be due on the return less the amount paid for the

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taxable year under section 718.88 of the Revised Code, shall be

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submitted to the tax commissioner, on a form and in the manner

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prescribed by the commissioner, on or before the fifteenth day of

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the fourth month following the end of the taxpayer's taxable year.

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(2) The remittance shall be made payable to the treasurer of

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state and in the form prescribed by the tax commissioner. If the

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amount payable with the tax return is ten dollars or less, no

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remittance is required.

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(B) The tax commissioner shall immediately forward to the

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treasurer of state all amounts the commissioner receives pursuant
to sections 718.80 to 718.95 of the Revised Code. The treasurer

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shall credit such amounts to the municipal net profit tax fund

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which is hereby created in the state treasury.

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(C)(1) Each return required to be filed under this section

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shall contain the signature of the taxpayer or the taxpayer's duly

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authorized agent and of the person who prepared the return for the
taxpayer, and shall include the taxpayer's identification number.

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Each return shall be verified by a declaration under penalty of

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perjury.

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(2)(a) The tax commissioner may require a taxpayer to

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include, with each annual tax return, amended return, or request

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for refund filed with the commissioner under sections 718.80 to

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718.95 of the Revised Code, copies of any relevant documents or

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other information.
(b) A taxpayer that files an annual tax return electronically through the Ohio business gateway or in another manner as prescribed by the tax commissioner shall either submit the documents required under this division electronically as prescribed at the time of filing or, if electronic submission is not available, mail the documents to the tax commissioner. The department of taxation shall publish a method of electronically submitting the documents required under this division on or before January 1, 2019.

(3) After a taxpayer files a tax return, the tax commissioner may request, and the taxpayer shall provide, any information, statements, or documents required to determine and verify the taxpayer's municipal income tax.

(D)(1)(a) Any taxpayer that has duly requested an automatic extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a tax return with the commissioner under this section. The extended due date of the return shall be the fifteenth day of the tenth eleventh month after the last day of the taxable year to which the return relates.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the commissioner grant the taxpayer a six-month extension of the date for filing the taxpayer's municipal income tax return. If the commissioner receives the request on or before the date the municipal income tax return is due, the commissioner shall grant the taxpayer's extension request.

(c) An extension of time to file under division (D)(1) of this section is not an extension of the time to pay any tax due unless the tax commissioner grants an extension of that date.

(2) If the commissioner considers it necessary in order to
ensure payment of a tax imposed in accordance with section 718.04 of the Revised Code, the commissioner may require taxpayers to file returns and make payments otherwise than as provided in this section, including taxpayers not otherwise required to file annual returns.

(3) If a taxpayer receives an extension for the filing of a tax return under division (D)(1) or (2) of this section, the commissioner shall not make any inquiry or send any notice to the taxpayer with regard to the return on or before the date the taxpayer files the return or on or before the extended due date to file the return, whichever occurs first.

If the commissioner violates division (D)(3) of this section, the commissioner shall reimburse the taxpayer for any reasonable costs incurred to respond to such inquiry or notice. Such reimbursement shall be paid from the general revenue fund.

Division (D)(3) of this section does not apply to an extension received under division (D)(1) of this section if the commissioner has actual knowledge that the taxpayer failed to file for a federal extension as required to receive the extension under division (D)(1)(a) of this section or failed to file for an extension under division (D)(1)(b) of this section.

(E) Each return required to be filed in accordance with this section shall include a box that the taxpayer may check to authorize another person, including a tax return preparer who prepared the return, to communicate with the tax commissioner about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the commissioner to contact the preparer or other person concerning questions that arise during the examination or other review of the return and authorizes the preparer or other person only to provide the commissioner with information that is missing from the return, to contact the
commissioner for information about the examination or other review of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the commissioner and has shown to the preparer or other person.

(F) When income tax returns or other documents require the signature of a tax return preparer, the tax commissioner shall accept a facsimile or electronic version of such a signature in lieu of a manual signature.

**Sec. 718.89.** (A) In addition to any other penalty imposed by sections 718.80 to 718.95 or Chapter 5703. of the Revised Code, the following penalties shall apply:

(1) If a taxpayer required to file a tax return under sections 718.80 to 718.95 of the Revised Code fails to make and file the return within the time prescribed, including any extensions of time granted by the tax commissioner, the commissioner may impose a penalty not exceeding twenty-five dollars per month or fraction of a month, for each month or fraction of a month elapsing between the due date, including extensions of the due date, and the date on which the return is filed. The aggregate penalty, per instance, under this division shall not exceed one hundred fifty dollars, except that the commissioner shall abate or refund the penalty assessed on a taxpayer's first failure to timely file a return after the taxpayer files that return.

(2) If a person required to file a tax return electronically under sections 718.80 to 718.95 of the Revised Code fails to do so, the commissioner may impose a penalty not to exceed the following:

(a) For each of the first two failures, five per cent of the amount required to be reported on the return;
(b) For the third and any subsequent failure, ten per cent of the amount required to be reported on the return.

(3) If a taxpayer that has made the election allowed under section 718.80 of the Revised Code fails to timely pay an amount of tax required to be paid under this chapter, the commissioner may impose a penalty equal to fifteen per cent of the amount not timely paid.

(4) If a taxpayer files what purports to be a tax return required by sections 718.80 to 718.95 of the Revised Code that does not contain information upon which the substantial correctness of the return may be judged or contains information that on its face indicates that the return is substantially incorrect, and the filing of the return in that manner is due to a position that is frivolous or a desire that is apparent from the return to delay or impede the administration of sections 718.80 to 718.95 of the Revised Code, a penalty of up to five hundred dollars may be imposed.

(5) If a taxpayer makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any return required under sections 718.80 to 718.95 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the return.

(6) If any person makes a false or fraudulent claim for a refund under section 718.91 of the Revised Code, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per cent of the claim. Any penalty imposed under this division, any refund issued on the claim, and interest on any refund from the date of the refund, may be assessed under section 718.90 of the Revised Code without regard to any time limitation for the assessment imposed by division (A) of that section.
(B) For purposes of this section, the tax required to be shown on a tax return shall be reduced by the amount of any part of the tax paid on or before the date, including any extensions of the date, prescribed for filing the return.

(C) Each penalty imposed under this section shall be in addition to any other penalty imposed under this section. All or part of any penalty imposed under this section may be abated by the tax commissioner. The commissioner may adopt rules governing the imposition and abatement of such penalties.

(D) All amounts collected under this section shall be considered as taxes collected under sections 718.80 to 718.95 of the Revised Code and shall be credited and distributed to municipal corporations in the same proportion as the underlying tax liability is required to be distributed to such municipal corporations under section 718.83 of the Revised Code.

Sec. 727.01. Each municipal corporation shall have special power to levy and collect special assessments. The legislative authority of a municipal corporation may assess upon the abutting, adjacent, and contiguous, or other specially benefited, lots or lands in the municipal corporation, any part of the cost connected with the improvement of any street, alley, dock, wharf, pier, public road, place, boulevard, parkway, or park entrance or an easement of the municipal corporation available for the purpose of the improvement to be made in it by grading, draining, curbing, paving, repaving, repairing, treating the surface with substances designed to lay the dust on it or preserve it, constructing sidewalks, piers, wharves, docks, retaining walls, sewers, sewage disposal works and treatment plants, sewage pumping stations, water treatment plants, water pumping stations, reservoirs, and water storage tanks or standpipes, together with the facilities and appurtenances necessary and proper therefor, drains,
storm-water retention basins, watercourses, water mains, or laying of water pipe, or the lighting, sprinkling, sweeping, or cleaning thereof, or removing snow therefrom, any part of the cost and expense of planting, maintaining, and removing shade trees thereupon; any part of the cost of a voluntary action, as defined in section 3746.01 of the Revised Code, undertaken pursuant to Chapter 3746. of the Revised Code by a special improvement district created under Chapter 1710. of the Revised Code, including the cost of acquiring property with respect to which the voluntary action is undertaken; any part of the cost and expense of constructing, maintaining, repairing, cleaning, and enclosing ditches; any part of the cost and expense of operating, maintaining, and replacing heating and cooling facilities for enclosed pedestrian canopies and malls; any part of the cost and expense of acquiring and improving parking facilities and structures for off-street parking of motor vehicles or of acquiring land and improving it by clearing, grading, draining, paving, lighting, erecting, constructing, and equipping it for parking facilities and structures for off-street parking of motor vehicles, to the extent authorized by section 717.05 of the Revised Code, but only if no special assessment made for the purpose of developing off-street parking facilities and structures is levied against any land being used solely for off-street parking or against any land used solely for single or two-family dwellings; any part of the cost and expense of operating and maintaining the off-street parking facilities and structures; and any part of the cost connected with changing the channel of, or narrowing, widening, dredging, deepening, or improving, any stream or watercourse, and for constructing or improving any levees or boulevards on any stream or watercourse, or along or about any stream or watercourse, together with any retaining wall, riprap protection, bulkhead, culverts, approaches, flood gates,
waterways, or drains incidental to any stream or watercourse, or for making any other improvement of any river or lake front, whether it is privately or publicly owned, which the legislative authority declares conducive to the public health, convenience, or welfare. If a program grant is awarded for an eligible project under sections 122.40 to 122.4077 of the Revised Code, a municipal corporation may levy, against dwellings that are subject to the project, a special assessment for the purpose of providing a contribution from the municipal corporation towards the funding gap for the project. The assessment shall be at a rate that will produce a total assessment that is not more than the municipal corporation's contribution towards the funding gap for the eligible project as described in the application under section 122.4020 of the Revised Code. In addition, a municipal corporation may levy a special assessment for public improvement or public services plans of a district formed under Chapter 1710. of the Revised Code, as provided in that chapter. In addition, a municipal corporation may levy a special assessment for an air quality facility pursuant to an agreement entered into under section 3706.051 of the Revised Code, provided that the owner of the property to be assessed files a written statement with the legislative authority of the municipal corporation requesting that the assessment be levied. Except as otherwise provided in Chapter 1710. of the Revised Code, special assessments may be levied by any of the following methods:

(A) By a percentage of the tax value of the property assessed;

(B) In proportion to the benefits that may result from the improvement;

(C) By the front foot of the property bounding and abutting upon the improvement.
Sec. 731.141. In those villages that have established the position of village administrator, as provided by section 735.271 of the Revised Code, the village administrator shall make contracts, purchase supplies and materials, and provide labor for any work under the administrator's supervision involving not more than fifty thousand dollars the amount specified in section 9.17 of the Revised Code. When an expenditure, other than the compensation of persons employed by the village, exceeds fifty thousand dollars the amount specified in section 9.17 of the Revised Code, the expenditure shall first be authorized and directed by ordinance of the legislative authority of the village. When so authorized and directed, except where the contract is for equipment, services, materials, or supplies to be purchased under division (D) of section 713.23 or section 125.04 or 5513.01 of the Revised Code, available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code, or required to be purchased from a qualified nonprofit agency under sections 125.60 to 125.6012 of the Revised Code, the village administrator shall make a written contract with the lowest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the village or as provided in section 7.16 of the Revised Code. The bids shall be opened and shall be publicly read by the village administrator or a person designated by the village administrator at the time, date, and place as specified in the advertisement to bidders or specifications. The time, date, and place of bid openings may be extended to a later date by the village administrator, provided that written or oral notice of the change shall be given to all persons who have received or requested specifications no later than ninety-six hours prior to the original time and date fixed for the opening. All contracts shall be executed in the name of the village and signed on its behalf by

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the village administrator and the clerk. No expenditure subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section.

The legislative authority of a village may provide, by ordinance, for central purchasing for all offices, departments, divisions, boards, and commissions of the village, under the direction of the village administrator, who shall make contracts, purchase supplies or materials, and provide labor for any work of the village in the manner provided by this section.

Sec. 735.05. The director of public service may make any contract, purchase supplies or material, or provide labor for any work under the supervision of the department of public service involving not more than fifty thousand dollars the amount specified in section 9.17 of the Revised Code. When an expenditure within the department, other than the compensation of persons employed in the department, exceeds fifty thousand dollars the amount specified in section 9.17 of the Revised Code, the expenditure shall first be authorized and directed by ordinance of the city legislative authority. When so authorized and directed, except where the contract is for equipment, services, materials, or supplies to be purchased under division (D) of section 713.23 or section 125.04 or 5513.01 of the Revised Code or available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code, the director shall make a written contract with the lowest and best bidder after advertisement for not less than two nor more than four consecutive weeks in a newspaper of general circulation within the city or as provided in section 7.16 of the Revised Code. No expenditure subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section.
Sec. 737.03. The director of public safety shall manage and
make all contracts with reference to police stations, fire houses, reform schools, infirmaries, hospitals other than municipal hospitals operated pursuant to Chapter 749. of the Revised Code, workhouses, farms, pesthouses, and all other charitable and reformatory institutions. In the control and supervision of those institutions, the director shall be governed by the provisions of Title VII of the Revised Code relating to those institutions.

The director may make all contracts and expenditures of money for acquiring lands for the erection or repairing of station houses, police stations, fire department buildings, fire cisterns, and plugs, that are required, for the purchase of engines, apparatus, and all other supplies necessary for the police and fire departments, and for other undertakings and departments under the director's supervision, but no obligation involving an expenditure of more than fifty thousand dollars the amount specified in section 9.17 of the Revised Code shall be created unless first authorized and directed by ordinance. In making, altering, or modifying those contracts, the director shall be governed by sections 735.05 to 735.09 of the Revised Code, except that all bids shall be filed with and opened by the director. The director shall make no sale or disposition of any property belonging to the city without first being authorized by resolution or ordinance of the city legislative authority.

Sec. 737.22. (A) Each village establishing a fire department shall have a fire chief as the department's head, appointed by the mayor with the advice and consent of the legislative authority of the village, who shall continue in office until removed from office as provided by sections 733.35 to 733.39 of the Revised Code. Neither this section nor any other section of the Revised Code requires, or shall be construed to require, that the fire
chief be a resident of the village.

In each village not having a fire department, the mayor shall, with the advice and consent of the legislative authority of the village, appoint a fire prevention officer who shall exercise all of the duties of a fire chief except those involving the maintenance and operation of fire apparatus.

The legislative authority of the village may fix the compensation it considers best. The appointee shall continue in office until removed from office as provided by sections 733.35 to 733.39 of the Revised Code. Section 737.23 of the Revised Code shall extend to the officer.

(B) The legislative authority of the village may provide for the appointment of permanent full-time paid firefighters as it considers best and fix their compensation, or for the services of volunteer firefighters, who shall be appointed by the mayor with the advice and consent of the legislative authority, and shall continue in office until removed from office.

(1) No person shall be appointed as a permanent full-time paid firefighter of a village fire department, unless either of the following applies:

(a) The person has received a certificate issued under former section 3303.07 of the Revised Code or section 4765.55 of the Revised Code evidencing satisfactory completion of a firefighter training program.

(b) The person began serving as a permanent full-time paid firefighter with the fire department of a city or other village prior to July 2, 1970, and receives a fire training certificate issued under section 4765.55 of the Revised Code.

(2) No person who is appointed as a volunteer firefighter of a village fire department shall remain in that position, unless
either of the following applies:

(a) Within one year of the appointment, the person has received a certificate issued under former section 3303.07 or section 4765.55 of the Revised Code evidencing satisfactory completion of a firefighter training program.

(b) The person has served as a permanent full-time paid firefighter with the fire department of a city or other village prior to July 2, 1970, or as a volunteer firefighter with the fire department of a city, township, fire district, or other village prior to July 2, 1979, and receives a certificate issued under division (C)(3) of section 4765.55 of the Revised Code.

(3) No person shall receive an appointment under this section unless the person has, not more than sixty days prior to receiving the appointment, passed a physical examination, given by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife, showing that the person meets the physical requirements necessary to perform the duties of the position to which the person is to be appointed as established by the legislative authority of the village. The appointing authority shall, prior to making an appointment, file with the Ohio police and fire pension fund or the local volunteer fire fighters' dependents fund board a copy of the report or findings of that licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife. The professional fee for the physical examination shall be paid for by the legislative authority of the village.

Sec. 907.27. As used in sections 907.27 to 907.35, inclusive, of the Revised Code:

(A) "Person" includes any individual, firm, partnership, corporation, company, society, or association.
(B) "Distribute" means to offer for sale, hold for sale, sell, barter, or otherwise supply legume inoculants or pre-inoculated seed.

(C) "Legume inoculant" means a pure or mixed culture of bacteria of the genus rhizobium capable of effectively inoculating a specific kind or specific kinds of legume plants.

(D) "Brand" means a term, word, number, symbol, design, trademark, or any combination thereof used on the package, tag, or in advertising to identify the legume inoculants of a manufacturer or distributor and to distinguish them from those of others and from each other if on different media or substrata.

(E) "Advertisement" means all representations other than those on the label, disseminated in any manner or by any means relating to legume inoculants and pre-inoculated seed.

(F) "Label" means any written or printed matter on the package of legume inoculant or pre-inoculated seeds, or tag attached thereto, or to the pertinent invoice.

(G) "Registrant" means a person who has currently registered a brand of inoculant.

(H) "Pre-inoculated seeds" means legume seeds which have received prior to sale an application of a legume inoculant purported to be effective until the expiration date shown on the label.

(I) "Custom inoculated seeds" means legume seeds to which application of a legume inoculant is made either at the time of the sale of the seed, or later, or to seed belonging to another person either as a service or as a part of the sales contract involving the sale or distribution either of the legume inoculant or seed not previously inoculated. It also includes subsequent application of legume inoculant to pre-inoculated seed when applied by a custom inoculator.
"Legume inoculator" means a person who applies legume inoculant to legume seeds either to produce pre-inoculated seed, or custom inoculated seeds but other than for his own use for seeding.

"Sell" includes transfer of ownership or custody, or the receiving of, accepting, or holding on consignment for sale.

Sec. 907.32. The director of agriculture may:

(A) Refuse to register a brand of legume inoculant or he the director may cancel a registration that previously has been approved when, in his the director's opinion, the brand of legume inoculant is distributed under false or misleading claims;

(B) Refuse to license a legume inoculator or revoke a license previously issued for any violation of sections 907.27 to 907.35 of the Revised Code, or rules adopted thereunder;

(C) Issue a stop sale order on any legume inoculant or pre-inoculated seed that is not registered, that is improperly or insufficiently labeled, that is offered for sale after the expiration date printed thereon, or that has been subjected to devitalizing conditions.

Sec. 917.01. As used in this chapter:

(A) "Person" means any individual, government agency, political subdivision, partnership, corporation, association, co-operative association, or other business unit.

(B) "Co-operative association" or "agricultural cooperative association" means any agricultural cooperative organized under Chapter 1729. of the Revised Code and qualified to do business in this state if the director of agriculture finds the association has, in good faith, its entire activities under the control of its members and has been and is exercising full authority in the sale
of milk or cream for its members.

(C) "Market area" means any area that the director finds is a natural marketing area and designates as such.

(D) "Dealer" or "milk dealer" means a person who purchases or receives milk from a producer for the purpose of bottling, packaging, selling, processing, jobbing, brokering, or distributing the milk except where the milk is disposed of in the same container in which it is received, without removal from the container and without processing in any way except by necessary refrigeration. Any person who buys and distributes milk in containers under the person's own label is a dealer.

(E) "Imitation" means imitation as described in 21 C.F.R. 101.3, as amended.

(F) "Milk" means the lacteal secretion, substantially free from colostrum, obtained by the complete milking of one or more healthy cows, goats, sheep, or other animals and intended for either of the following purposes:

(1) To be sold for human consumption or for use in dairy products;

(2) To be used for human consumption or for use in dairy products on the premises of a governmental agency or institution. "Milk" does not include a blend of the lacteal secretions of different species.

(G) "Grade A milk" means milk produced by a person holding a valid producer license of the grade A milk category issued pursuant to section 917.09 of the Revised Code.

(H) "Manufacture milk" means milk produced by a person holding a valid producer license of the manufacture milk category issued pursuant to section 917.09 of the Revised Code.

(I) "Producer" or "milk producer" means a grade A milk
producer or a manufacture milk producer.

(J) "Grade A milk producer" means a person located in this state who sells or offers for sale grade A milk obtained from a cow, goat, sheep, or other animal that the person owns or controls.

(K) "Manufacture milk producer" means a person located in this state who sells or offers for sale manufacture milk obtained from a cow, goat, sheep, or other animal that the person owns or controls.

(L) "Grade A milk products" means products derived from grade A milk and having the standard of identity, quality, strength, purity, grade, and, if added, permitted optional ingredients found in the standards of identity established for the products in rules adopted by the director under section 917.02 or 3715.02 of the Revised Code, and includes:

(1) Cottage cheese;

(2) Raw, pasteurized, or aseptically processed products derived from milk and described in either of the following:

   (a) The most recent published recommendations of the food and drug administration, public health service, United States department of health and human services;

   (b) Rules adopted by the director.

(M) "Manufactured milk products" means all products, other than raw milk for sale to the ultimate consumer and grade A milk products, that are derived from milk and are for human consumption, including:

(1) Butter;

(2) Natural or processed cheese;

(3) Evaporated, condensed, and dry products;
(4) Frozen desserts;

(5) Such other products derived from milk as the director may specify by rule that have the standard of identity, quality, strength, purity, grade, and, if added, permitted optional ingredients found in the standards of identity established for the product in rules adopted by the director under section 917.02 or 3715.02 of the Revised Code.

(N) "Dairy products" means milk, raw milk for sale to the ultimate consumer, grade A milk products, and manufactured milk products.

(O) "Frozen desserts" means frozen desserts, including the mixes, described in 21 C.F.R. 135, as amended, unless otherwise specified by the director by rule.

(P) "Milk plant" means a grade A milk plant or manufacture milk plant.

(Q) "Grade A milk plant" means a place, including a governmental operation, where grade A milk or a grade A milk product is collected, handled, controlled, processed, stored, pasteurized, ultra-pasteurized, repasteurized, aseptically processed, bottled, or prepared for distribution, but does not include a place where a grade A milk product is purchased in packaged form and is stored and handled for the sole purpose of sale to the ultimate consumer.

(R) "Manufacture milk plant" means a place, including a governmental operation, where manufacture milk or a manufactured milk product is collected, handled, controlled, manufactured, processed, stored, pasteurized, ultra-pasteurized, repasteurized, commercially sterilized, aseptically processed, bottled, or prepared for distribution, but does not include a place where a manufactured milk product is purchased in packaged form and is stored and handled for the sole purpose of sale to the ultimate consumer.
(S) "Raw milk for sale to the ultimate consumer" means the raw milk sold or offered for sale by a raw milk retailer.

(T) "Raw milk retailer" means a person who, prior to October 31, 1965, was engaged continuously in the business of selling or offering sells or offers for sale raw milk directly to ultimate consumers.

(U) "Processor" or "milk processor" means a grade A milk processor or a manufacture milk processor.

(V) "Grade A milk processor" means a person who operates or controls a milk plant, transfer station, receiving station, or milk transport cleaning facility that is located in this state or from which grade A milk or grade A milk products are sold or offered for sale for human consumption, as applicable.

(W) "Manufacture milk processor" means any person who operates or controls a manufacture milk plant, transfer station, receiving station, or milk transport cleaning facility that is located in this state or from which manufacture milk or manufactured milk products are sold or offered for sale for human consumption, as applicable.

(X) "Weigher, sampler, or tester" means a person who, in order to determine volume, weight, or composition for the purpose of determining price, weighs, tests, or samples either of the following:

1. Milk at a dairy farm;

2. Milk or cream purchased by a dealer from a milk producer or co-operative association.

(Y) "Hauler" or "milk hauler" means a person who owns or leases a vehicle or conveyance used to transport raw milk, but does not include a producer transporting raw milk that the
producer has produced.

(Z) "License" means a license issued under section 917.09 of the Revised Code and includes a registration issued under division (J) of that section.

Sec. 917.04. No raw milk retailer shall sell, offer for sale, or expose for sale raw milk to the ultimate consumer except a raw milk retailer who, prior to October 31, 1965, was engaged continuously in the business of selling or offering for sale raw milk directly to ultimate consumers, holds a valid raw milk retailer license issued under section 917.09 of the Revised Code, and is subject to the rules regulating the sale of raw milk adopted under this chapter.

No person shall fail to label, in accordance with rules adopted by the director of agriculture under section 917.02 of the Revised Code, all final delivery containers used for the sale of raw milk to ultimate consumers with the words "this product has not been pasteurized and may contain disease producing organisms.

Sec. 917.09. (A)(1) The director of agriculture may issue the following types of licenses:

1. Producer;
2. Processor;
3. Milk dealer;
4. Raw milk retailer;
5. Weigher, sampler, or tester;
6. Milk hauler.

(2) The director shall issue a raw milk retailer license to a person if both of the following apply:

(a) The person submits an application in accordance with this
section;

(b) The person intends to sell, to offer for sale, or to expose for sale raw milk to the ultimate consumer only at the the raw milk retailer's farm or at a farmer's market.

(B) The director may adopt rules establishing categories for each type of license that are based on the grade or type of dairy product with which the licensee is involved.

(C) Except as provided in section 917.091 of the Revised Code and division (J) of this section, no person shall act as or hold the person's self out as a producer; processor; milk dealer; raw milk retailer; weigher, sampler, or tester; or milk hauler unless the person holds a valid license issued by the director under this section.

(D) Each person desiring a license shall submit to the director a license application on a form prescribed by the director, accompanied by a license fee in an amount specified in rules adopted under section 917.02 of the Revised Code. The applicant shall specify on the application the type of license and category requested and shall include any other information required by rules adopted under section 917.02 of the Revised Code.

(E) Each applicant for a weigher, sampler, or tester license or registration, prior to issuance of the license or registration, shall pass an examination that is given in accordance with section 917.08 of the Revised Code and rules adopted under section 917.02 of the Revised Code.

Each applicant for any other type of license issued under this section, prior to issuance of the license, shall pass an inspection that is made in accordance with rules adopted under section 917.02 of the Revised Code.

(F) The director shall not issue a license to an applicant...
unless the director determines, through an inspection or otherwise, that the applicant is in compliance with the requirements set forth in this chapter and the rules adopted under it.

(G) Examinations that must be passed prior to issuance of a weigher, sampler, or tester license, inspections that must be passed prior to issuance of any other type of license issued under this section, procedures for issuing and renewing licenses, and license terms and renewal periods shall comply with rules adopted under section 917.02 of the Revised Code.

(H) Suspension and revocation of licenses shall comply with section 917.22 of the Revised Code and rules adopted under section 917.02 of the Revised Code.

(I) Each licensed weigher, sampler, and tester annually shall meet the continuing education requirements established in rules adopted under division (B) of section 917.02 of the Revised Code.

(J) A person whose religion prohibits the person from obtaining a license under this section, in place of a license, shall register with the director as a producer; processor; milk dealer; raw milk retailer; weigher, sampler, or tester; or milk hauler.

The person claiming the exemption from licensure shall register on a form prescribed by the director and shall meet any other registration requirements contained in rules adopted under section 917.02 of the Revised Code. Upon receiving the person's registration form and determining that the person has satisfied all requirements for registration, the director shall notify the person that the person is registered to lawfully operate as a producer; processor; milk dealer; raw milk retailer; weigher, sampler, or tester; or milk hauler.

A registrant is subject to all provisions governing
licensees, such as provisions concerning testing, sampling, and inspection of dairy products. A registrant is subject to provisions governing issuance of a temporary weigher, sampler, or tester license under section 917.091 of the Revised Code. A registration shall be renewed, suspended, and revoked under the same terms as a license.

Sec. 926.18. (A) When a depositor has made a demand for settlement of an obligation concerning an agricultural commodity on which a fee was required to be remitted under section 926.16 of the Revised Code and the licensed handler is experiencing failure, as "failure" is defined in section 926.021 of the Revised Code, and has failed to honor the demand, the depositor, after providing the director of agriculture or the director's authorized representative with evidence of the depositor's demand and the dishonoring of that demand, may file a claim with the director not later than six months after dishonor of the demand for indemnification of the depositor's damages, from the agricultural commodity depositors fund, to be measured as follows:

(1) The commodity advisory commission created in section 926.32 of the Revised Code shall establish the dollar value of the loss incurred by a depositor holding a receipt or a ticket for agricultural commodities on which a fee was required and that the depositor delivered to the handler under a delayed price agreement, bailment agreement, or feed agreement, or that the depositor delivered to the handler before delivery was due under a contract or other agreement between the depositor and handler. The value shall be based on the fair market price being paid to producers by handlers for the commodities on the date on which the director received notice that the receipt or ticket was dishonored by the handler. All depositors filing claims under this division shall be bound by the value determined by the commission.
(2) The dollar value of the loss incurred by a depositor who has sold or delivered for sale, exchange, or solicitation or negotiation for sale agricultural commodities on which a fee was required and who is a creditor of the handler for all or a part of the value of the commodities shall be based on the amount stated on the obligation on the date of the sale.

(B) The agricultural commodity depositors fund shall be liable to a depositor for any moneys that are owed to the depositor for commodities deposited with a licensed handler pursuant to a transaction for which the handler must remit a fee under division (B) of section 926.16 of the Revised Code and that are not recovered through other legal and equitable remedies as follows:

(1)(a) The liability of the fund shall equal one hundred percent of the depositor's loss as determined under division (A)(1) of this section if any of the following applies:

(i) The commodities were stored with the handler under a bailment agreement.

(ii) Payment for the commodities was tendered by the handler and subsequently dishonored, such as payment by a check for which there were insufficient funds or by a check that was written on an account that was frozen by the financial institution.

(iii) The commodities were priced not more than thirty, forty-five days prior to the director's suspension of the handler's license under division (E), (G), or (H) of section 926.10 of the Revised Code, and the handler failed to pay for the commodities on or before the date on which the suspension occurred.

(iv) The commodities were priced not more than ninety, three hundred sixty-five days prior to the director's suspension of the handler's license under division (E), (G), or (H) of section
926.10 of the Revised Code, the commodities were subject to a signed, written agreement for deferred payment by the handler not later than ninety three hundred sixty-five days following the date of delivery, and the handler failed to pay for the commodities on or before the payment date established in the written agreement.

(v) The commodities were delivered and marketed under a delayed price agreement not more than two years prior to the director's suspension of the handler's license under division (E), (G), or (H) of section 926.10 of the Revised Code. The delivery date as marked on the tickets shall be used to determine the two-year period.

(b) If the commodities were delivered and marketed under a delayed price agreement more than two years prior to the director's suspension of the handler's license under division (E), (G), or (H) of section 926.10 of the Revised Code, the fund has no liability.

(c) If the deposit of commodities that were the subject of the depositor's loss involves circumstances other than those described in division (B)(1)(a) or (b) of this section, the liability of the fund shall equal one hundred seventy-five per cent of the first ten thousand dollars of the loss and eighty per cent of the remaining dollar value of that loss as determined under divisions (A)(1) and (2) of this section.

(2) The aggregate amount recovered by a depositor under all remedies shall not exceed one hundred per cent of the value of the depositor's loss. If the moneys recovered by a depositor under all remedies exceed one hundred per cent of the value of the depositor's loss, the depositor shall reimburse the fund in the amount that exceeds the value of that loss.

(C) The director, with the recommendation of the commodity...
advisory commission, shall determine the validity of all claims presented against the fund. A claim filed under this section for losses on agricultural commodities other than commodities stored under a bailment agreement shall not be valid unless the depositor has made a demand for settlement of the obligation within twelve months after the commodities are priced. Any depositor whose claim has been refused by the director and the commission may appeal the refusal either to the court of common pleas of Franklin county or the court of common pleas of the county in which the depositor resides.

The director shall provide for payment from the fund to any depositor whose claim has been found to be valid.

(D) If at any time the fund does not contain sufficient assets to pay valid claims, the director shall hold those claims for payment until the fund again contains sufficient assets. Claims against the fund shall be paid in the order in which they are presented and found to be valid.

(E) If a depositor files an action for legal or equitable remedies in a state or federal court having jurisdiction in those matters that includes a claim against agricultural commodities upon which the depositor may file a claim against the fund at a later date, the depositor also shall file with the director a copy of the action filed with the court.

In the event of payment of a loss under this section, the director shall be subrogated to the extent of the amount of any payments to all rights, powers, privileges, and remedies of the depositor against any person regarding the loss.

The depositor shall render all necessary assistance to aid the director in securing the rights granted in this section. No action or claim initiated by the depositor and pending at the time of payment from the fund may be compromised or settled without the
(F) If, prior to June 20, 1994, a lawsuit, adversary proceeding, or other legal proceeding is brought against a depositor to recover money or payments from funds to which a depositor has a right of indemnification under this section, and the depositor retains legal counsel resulting in a cost or expense to the depositor, upon the rendering of a judgment or other resolution of the lawsuit, adversary proceeding, or other legal proceeding, the director, in the director's discretion and with the approval of the commodity advisory commission, may authorize indemnification from the fund for attorney's fees paid by the depositor. Any claim made by a depositor for the payment of attorney's fees under this division shall be made in the same manner as a claim under division (A) of this section.

Attorney's fees payable under this division shall be limited to the actual hourly fee charged or one hundred dollars per hour, whichever is less, and to a total maximum amount of three hundred dollars.

**Sec. 955.011.** (A) When an application is made for registration of an assistance dog and the owner can show proof by certificate or other means that the dog is an assistance dog, the owner of the dog shall be exempt from any fee for the registration. Registration for an assistance dog shall be permanent and not subject to annual renewal so long as the dog is an assistance dog. Certificates and tags stamped "Ohio Assistance Dog-Permanent Registration," with registration number, shall be issued upon registration of such a dog. Any certificate and tag stamped "Ohio Service Dog-Permanent Registration," with registration number, that was issued for a dog in accordance with this section as it existed on and after November 26, 2004, but prior to June 30, 2006, shall remain in effect as valid proof of
the registration of the dog on and after November 26, 2004.

Duplicate certificates and tags for a dog registered in accordance with this section, upon proper proof of loss, shall be issued and no fee required. Each duplicate certificate and tag that is issued shall be stamped "Ohio Assistance Dog-Permanent Registration."

(B) As used in this section and in sections 955.16 and 955.43 of the Revised Code:

(1) "Person with a mobility impairment" means any person, regardless of age, who is subject to a physiological impairment regardless of its cause, nature, or extent that renders the person unable to move about without the aid of crutches, a wheelchair, or any other form of support, or that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function. "Person with a mobility impairment" includes a person with a neurological or psychological disability that limits the person's functional ability to ambulate, climb, descend, sit, rise, or perform any related function. "Person with a mobility impairment" also includes a person with a seizure disorder and a person who is diagnosed with autism.

(2) "Blind" means either of the following:

(a) Vision twenty/two hundred or less in the better eye with proper correction;

(b) Field defect in the better eye with proper correction that contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than twenty degrees.

(3) "Assistance dog" means a dog that has been trained by a nonprofit or for-profit special agency and that is one of the following:

(a) A guide dog

(b) A hearing dog
(c) A service dog that has been trained by a nonprofit special agency.

(4) "Guide dog" means a dog that has been trained or is in training to assist a blind person.

(5) "Hearing dog" means a dog that has been trained or is in training to assist a deaf or hearing-impaired person.

(6) "Service dog" means a dog that has been trained or is in training to assist a person with a mobility impairment.

Sec. 993.04. (A)(1) No person shall operate an amusement ride within the state without a permit issued by the director of agriculture under division (A)(2) of this section. The owner of an amusement ride, whether the ride is a temporary amusement ride or a permanent amusement ride, who desires to operate the amusement ride within the state shall, prior to the operation of the amusement ride and annually thereafter, submit to the department of agriculture an application for a permit, together with the appropriate permit and inspection fee, on a form to be furnished by the department. Prior to issuing any permit the department shall, within thirty days after the date on which it receives the application, inspect each amusement ride described in the application. The owner of an amusement ride shall have the amusement ride ready for inspection not later than two hours after the time that is requested by the person for the inspection.

(2) For each amusement ride found to comply with the rules adopted by the director under division (B) of this section and division (B) of section 993.08 of the Revised Code, the director shall issue an annual permit, provided that evidence of liability insurance coverage for the amusement ride as required by section 993.06 of the Revised Code is on file with the department.

(3) The director shall issue with each permit a decal...
indicating that the amusement ride has been issued the permit. The owner of the amusement ride shall affix the decal on the ride at a location where the decal is easily visible to the patrons of the ride. A copy of the permit shall be kept on file at the same address as the location of the amusement ride identified on the permit, and shall be made available for inspection, upon reasonable demand, by any person. An owner may operate an amusement ride prior to obtaining a permit, provided that the operation is for the purpose of testing the amusement ride or training amusement ride operators and other employees of the owner and the amusement ride is not open to the public.

(B)(1) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules providing for both of the following:

(a) A schedule of fines, with no fine exceeding five thousand dollars, for violations of this chapter or any rules adopted under this division;

(b) The classification of amusement rides and rules for the safe operation and inspection of all amusement rides as are necessary for amusement ride safety and for the protection of the general public. The classification of amusement rides must identify those rides that need more comprehensive inspection and testing in addition to regular state inspections, taking into account hidden components integral to the safety of the ride.

(2)(a) Rules adopted by the director for the safe operation and inspection of amusement rides shall be reasonable and shall be based upon generally accepted engineering standards and practices. The rules shall establish a minimum number of inspections to be conducted on each ride depending on the size, complexity, nature of the ride, and the number of days the ride is in operation during the year for which the applicable permit is valid. The rules also shall require the minimum number of inspectors assigned
to inspect a ride or rides to be reasonable and adequate given the number, size, complexity, and nature of the ride or rides.

(b) In adopting rules under this section, the director may adopt by reference, in whole or in part, the national fire code or the national electrical code (NEC) prepared by the national fire protection association or the American national standards institute (ANSI), or any other principles, tests, or standards of nationally recognized technical or scientific authorities.

(c) In adopting rules under this section, the director shall adopt, by reference, the following chapters of the American society for testing and materials (ASTM) international regarding amusement ride safety standards and any other equivalent national standard:

(i) ASTM F1193-18;
(ii) ASTM F770-18;
(iii) ASTM F2291-18.

(d) Insofar as is practicable and consistent with this chapter, rules adopted under this division shall be consistent with the rules of other states.

(3) The department shall cause this chapter and the rules adopted in accordance with this division and division (B) of section 993.08 of the Revised Code to be published in pamphlet form and a copy to be furnished without charge to each owner of an amusement ride who holds a current permit or is an applicant therefor.

(C) With respect to an application for a permit for an amusement ride, an owner may apply to the director for a waiver or modification of any rule adopted under division (B) of this section if there are practical difficulties or unnecessary hardships for the amusement ride to comply with the rules. Any
application shall set forth the reasons for the request. The director, with the approval of the advisory council on amusement ride safety, may waive or modify the application of a rule to any amusement ride if the public safety is secure. Any authorization by the director under this division shall be in writing and shall set forth the conditions under which the waiver or modification is authorized, and the department shall retain separate records of all proceedings under this division.

(D)(1) The director shall employ and provide for training of a chief inspector and additional inspectors and employees as may be necessary to administer and enforce this chapter. The director may appoint or contract with other persons to perform inspections of amusement rides, provided that the persons meet the qualifications for inspectors established by rules adopted under division (B) of this section and are not owners, or employees of owners, of any amusement ride subject to inspection under this chapter. When employing a new chief inspector or an additional inspector after November 6, 2019, the director shall give preference to the following:

(a) An individual holding a level one or higher inspector certification from either the national association of amusement ride safety officials (NAARSO), the amusement industry manufacturers and suppliers (AIMS) international, or another substantially equivalent organization as determined by the director; and

(b) An individual who intends, within one year of being hired as an inspector, to complete the requirements for issuance of a level one or higher inspector certification from NAARSO, AIMS International, or another substantially equivalent organization as determined by the director.

(2) No person shall inspect an amusement ride who, within six months prior to the date of inspection, was an employee of the
owner of the ride.

(3) Before the director contracts with other persons to inspect amusement rides, the director shall seek the advice of the advisory council on amusement ride safety on whether to contract with those persons. The advice shall not be binding upon the director. After having received the advice of the council, the director may proceed to contract with inspectors in accordance with the procedures specified in division (E)(2) of section 1711.11 of the Revised Code.

(4) With the advice and consent of the advisory council on amusement ride safety, the director may employ a special consultant to conduct an independent investigation of an amusement ride accident. This consultant need not be in the civil service of the state, but shall have qualifications to conduct the investigation acceptable to the council.

(E)(1) Except as otherwise provided in division (E)(1) of this section, the department shall charge the following amusement ride fees:

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Permit</td>
<td>$225</td>
</tr>
<tr>
<td>B Annual inspection and reinspection per ride</td>
<td>$100</td>
</tr>
<tr>
<td>C Kiddie rides</td>
<td>$100</td>
</tr>
<tr>
<td>D Roller coaster</td>
<td>$1,200</td>
</tr>
<tr>
<td>E Aerial lifts or bungee jumping facilities</td>
<td>$450</td>
</tr>
<tr>
<td>F Go karts, per kart</td>
<td>$5</td>
</tr>
<tr>
<td>G Other rides</td>
<td>$160</td>
</tr>
<tr>
<td>H Midseason operational inspection per ride</td>
<td>$25</td>
</tr>
<tr>
<td>I Expedited inspection per ride</td>
<td>$100</td>
</tr>
<tr>
<td>J Failure to cancel scheduled</td>
<td>$100</td>
</tr>
</tbody>
</table>
inspections per ride

Failure to have amusement ride ready for inspection per ride $100

The go kart inspection fee is in addition to the inspection fee for the go kart track.

The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing an annual fee that is less than one hundred five dollars for an inspection and reinspection of an inflatable ride. In adopting the rules, the director shall ensure that the fee reasonably reflects the costs of inspection and reinspection of an inflatable ride. If the director issues a permit for an inflatable ride for a time period of less than one year, the director shall charge a prorated fee for the permit equal to one-twelfth of the annual permit fee multiplied by the number of full months for which the permit is issued.

The fees for an expedited inspection, failure to cancel a scheduled inspection, and failure to have an amusement ride ready for inspection do not apply to go karts.

As used in division (E)(1) of this section, "expedited inspection" means an inspection of an amusement ride by the department not later than ten days after the owner of the amusement ride files an application for a permit under this section.

(2) All fees and fines collected by the department under this chapter shall be deposited in the state treasury to the credit of the amusement ride inspection fund, which is hereby created, and shall be used only for the purpose of administering and enforcing section 1711.11 of the Revised Code and this chapter.

(3) The owner of an amusement ride shall be required to pay a reinspection fee only if the reinspection is required by division (B)(2) of this section or rules adopted under that division, if
the reinspection was conducted at the owner's request under division (F) of this section, if the reinspection is required by division (F) of this section because of an accident, or if the reinspection is required by division (F) of section 993.07 of the Revised Code. If a reinspection is conducted at the request of the chief officer of a fair, festival, or event where the ride is operating, the reinspection fee shall be charged to the fair, festival, or event.

(4) The rules adopted under division (B) of this section shall define "roller coaster," "aerial lifts," "go karts," and "other rides" for purposes of determining the fees under division (E) of this section. The rules shall define "other rides" to include go kart tracks.

(F) A reinspection of an amusement ride shall take place if an accident occurs, if the owner of the ride or the chief officer of the fair, festival, or event where the ride is operating requests a reinspection, if the chief inspector determines reinspection is necessary in accordance with section 993.042 of the Revised Code, or if the reinspection is required by division (F) of section 993.07 of the Revised Code.

(G) As a supplement to its annual inspection of a temporary amusement ride, the department may inspect the ride during each scheduled event, as listed in the schedule of events provided to the department by the owner pursuant to division (C) of section 993.07 of the Revised Code, at which the ride is operated in this state. These supplemental inspections are in addition to any other inspection or reinspection of the ride as may be required under this chapter or rules adopted under it, and the owner of the temporary amusement ride is not required to pay an inspection or reinspection fee for this supplemental inspection unless the supplemental inspection is being conducted pursuant to division (B)(2) of this section or rules adopted under that division.
Nothing in this division shall be construed to prohibit the owner of a temporary amusement ride having a valid permit to operate in this state from operating the ride at a scheduled event before the department conducts a supplemental inspection.

(H) The department may annually conduct a midseason operational inspection of every amusement ride upon which it conducts an annual inspection pursuant to division (A) of this section. The midseason operational inspection is in addition to any other inspection or reinspection of the amusement ride as may be required pursuant to this chapter. The owner of an amusement ride shall submit to the department, at the time determined by the department, the midseason operational inspection fee specified in division (E) of this section. The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules specifying the time period during which the department will conduct midseason operational inspections.

Sec. 1121.23. (A) As used in this section:

(1) "Control" means either of the following:

(a) The power to vote, directly or indirectly, at least twenty-five per cent of outstanding voting shares or voting interests of a licensee or person in control of a licensee;

(b) The power to elect or appoint a majority of executive officers or directors.

(2) "Director" means an individual elected to serve as the director of a for-profit corporation pursuant to section 1701.55 of the Revised Code or an individual elected to serve as the director of a nonprofit corporation pursuant to section 1702.26 of the Revised Code.

(3) "Executive officer" means president, treasurer, secretary, any individual at or above the senior vice-president
level or its functional equivalent, any individual at the vice-president level or its functional equivalent if the organization does not have senior vice-presidents, and "manager" as that term is defined in section 1706.01 of the Revised Code.

(4) "Incorporator" has the same meaning as in section 1701.01 of the Revised Code.

(5) "Organizer" has the same meaning as in section 1706.01 of the Revised Code.

(B)(1) A person is presumed to exercise control when the person holds the power to vote, directly or indirectly, at least ten per cent of outstanding voting shares or voting interests of a licensee or person in control of a licensee.

(2) A person presumed to exercise control under division (B)(1) of this section can rebut the presumption by establishing, by a preponderance of the evidence, that the person is a passive investor.

(C) For purposes of determining the percentage of a person controlled by any person, the person's interest shall be aggregated with the interest of any other immediate family member, including the person's spouse, parents, children, siblings, mothers- and fathers-in law, sons- and daughters-in law, brothers- and sisters-in law, and any other person who shares such person's home.

(D) Whenever the approval of the superintendent of financial institutions is required under Chapters 1101. to 1127. of the Revised Code, or under an order or supervisory action issued or taken under those chapters, for a person to serve as an organizer, incorporator, director, executive officer, or person who exercises control, directly or indirectly controls a bank, or to otherwise have a substantial interest in or participate in the management of a bank, the superintendent shall request the superintendent of the
bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the person's fingerprints in accordance with section 109.572 of the Revised Code. The superintendent of financial institutions shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the person who is the subject of the request.

(E) Nothing in this section prohibits the superintendent of financial institutions from conditionally approving a person to serve as an organizer, incorporator, director, executive officer, or person who exercises control, directly or indirectly, controls a bank, or to otherwise have a substantial interest in or participate in the management of a bank, subject to receiving satisfactory results of the criminal records check. If the superintendent does not receive the results within ninety days after the criminal records check was requested, the superintendent may extend the conditional approval for not more than ninety days.

Sec. 1321.37. (A) Application for an original or renewal license to make short-term loans shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions, and shall contain the name and address of the applicant, the location where the business of making loans is to be conducted, and any further information as the superintendent requires. At the time of making an application for an original license, the applicant shall pay to the superintendent a nonrefundable investigation fee of two hundred dollars. No investigation fee or any portion thereof shall be refunded after an original license has been issued. The application for an original or renewal license shall be accompanied by an original or renewal license fee, for each business location of one thousand
dollars, except that applications for original licenses issued on or after the first day of July for any year shall be accompanied by an original license fee of five hundred dollars, and except that an application for an original or renewal license, for a nonprofit corporation that is incorporated under Chapter 1702. of the Revised Code, shall be accompanied by an original or renewal license fee, for each business location, that is one-half of the fee otherwise required. All fees paid to the superintendent pursuant to this division shall be deposited into the state treasury to the credit of the consumer finance fund.

(B) Upon the filing of an application for an original license and, with respect to an application filed for a renewal license, on a schedule determined by the superintendent by rule adopted pursuant to section 1321.43 of the Revised Code, and the payment of fees in accordance with division (A) of this section, the superintendent shall investigate the facts concerning the applicant and the requirements provided by this division. The superintendent shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints in accordance with section 109.572 of the Revised Code. Notwithstanding division (K) (L) of section 121.08 of the Revised Code, the superintendent of financial institutions shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. The superintendent of financial institutions shall conduct a civil records check. The superintendent shall approve an application and issue an original or renewal license to the applicant if the superintendent finds all of the following:

(1) The financial responsibility, experience, and general fitness of the applicant are such as to warrant the belief that the business of making loans will be operated lawfully, honestly,
and fairly under sections 1321.35 to 1321.48 of the Revised Code and within the purposes of those sections; that the applicant has fully complied with those sections and any rule or order adopted or issued pursuant to section 1321.43 of the Revised Code; and that the applicant is qualified to engage in the business of making loans under sections 1321.35 to 1321.48 of the Revised Code.

(2) The applicant is financially sound and has a net worth of not less than one hundred thousand dollars, or in the case of a nonprofit corporation that is incorporated under Chapter 1702. of the Revised Code, a net worth of not less than fifty thousand dollars. The applicant's net worth shall be computed according to generally accepted accounting principles.

(3) The applicant has never had revoked a license to make loans under sections 1321.35 to 1321.48 of the Revised Code, under former sections 1315.35 to 1315.44 of the Revised Code, or to do business under sections 1315.21 to 1315.30 of the Revised Code.

(4) Neither the applicant nor any senior officer, or partner of the applicant, has pleaded guilty to or been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.

(5) Neither the applicant nor any senior officer, or partner of the applicant, has been subject to any adverse judgment for conversion, embezzlement, misappropriation of funds, fraud, misfeasance or malfeasance, or breach of fiduciary duty, or if the applicant or any of those other persons has been subject to such a judgment, the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's or other person's activities and employment record since the judgment show that the applicant or other person is honest and truthful and there is no basis in fact for believing that the applicant or other person will be subject to such a judgment again.
(C) If the superintendent finds that the applicant does not meet the requirements of division (B) of this section, or the superintendent finds that the applicant knowingly or repeatedly contracts with or employs persons to directly engage in lending activities who have been convicted of a felony crime listed in division (B)(5) of this section, the superintendent shall issue an order denying the application for an original or renewal license and giving the applicant an opportunity for a hearing on the denial in accordance with Chapter 119. of the Revised Code. The superintendent shall notify the applicant of the denial, the grounds for the denial, and the applicant's opportunity for a hearing. If the application is denied, the superintendent shall return the annual license fee but shall retain the investigation fee.

(D) No person licensed under sections 1321.35 to 1321.48 of the Revised Code shall conduct business in this state unless the licensee has obtained and maintains in effect at all times a corporate surety bond issued by a bonding company or insurance company authorized to do business in this state. The bond shall be in favor of the superintendent and in the penal sum of at least one hundred thousand dollars, or in the case of a nonprofit corporation that is incorporated under Chapter 1702. of the Revised Code, in the amount of fifty thousand dollars. The term of the bond shall coincide with the term of the license. The licensee shall file a copy of the bond with the superintendent. The bond shall be for the exclusive benefit of any borrower injured by a violation by a licensee or any employee of a licensee, of any provision of sections 1321.35 to 1321.48 of the Revised Code.

Sec. 1321.53. (A)(1) An application for a certificate of registration under sections 1321.51 to 1321.60 of the Revised Code shall contain an undertaking by the applicant to abide by those sections. The application shall be in writing, under oath, and in...
the form prescribed by the division of financial institutions, and shall contain any information that the division may require. Applicants that are foreign corporations shall obtain and maintain a license pursuant to Chapter 1703. of the Revised Code before a certificate is issued or renewed.

(2) Upon the filing of the application and the payment by the applicant of a nonrefundable two-hundred-dollar investigation fee and a nonrefundable three-hundred-dollar annual registration fee, the division shall investigate the relevant facts. If the application involves investigation outside this state, the applicant may be required by the division to advance sufficient funds to pay any of the actual expenses of such investigation, when it appears that these expenses will exceed two hundred dollars. An itemized statement of any of these expenses which the applicant is required to pay shall be furnished to the applicant by the division. No certificate shall be issued unless all the required fees have been submitted to the division.

(3) The investigation undertaken upon application shall include both a civil and criminal records check of the applicant including any individual whose identity is required to be disclosed in the application. Where the applicant is a business entity the superintendent shall have the authority to require a civil and criminal background check of those persons that in the determination of the superintendent have the authority to direct and control the operations of the applicant.

(4)(a) Notwithstanding division (K)-(L) of section 121.08 of the Revised Code, the superintendent of financial institutions shall obtain a criminal history records check and, as part of that records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall request the superintendent...
of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints or, if the fingerprints are unreadable, based on the applicant's social security number, in accordance with section 109.572 of the Revised Code.

(b) Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the applicant.

(5) If an application for a certificate of registration does not contain all of the information required under division (A) of this section, and if such information is not submitted to the division within ninety days after the superintendent requests the information in writing, including by electronic transmission or facsimile, the superintendent may consider the application withdrawn.

(6) If the division finds that the financial responsibility, experience, and general fitness of the applicant command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of sections 1321.51 to 1321.60 of the Revised Code and the rules adopted thereunder, and that the applicant has the applicable net worth and assets required by division (B) of this section, the division shall thereupon issue a certificate of registration to the applicant. The superintendent shall not use a credit score as the sole basis for a registration denial.

(a)(i) Certificates of registration issued on or after July 1, 2010, shall annually expire on the thirty-first day of December, unless renewed by the filing of a renewal application and payment of a three-hundred-dollar nonrefundable annual registration fee and any assessment as determined by the superintendent pursuant to division (A)(6)(a)(ii) of this section on or before the last day of December of each year. No other fee or assessment shall be required of a registrant by the state or
any political subdivision of this state.

(ii) If the renewal fees billed by the superintendent pursuant to division (A)(6)(a)(i) of this section are less than the estimated expenditures of the consumer finance section of the division of financial institutions, as determined by the superintendent, for the following fiscal year, the superintendent may assess each registrant at a rate sufficient to equal in the aggregate the difference between the renewal fees billed and the estimated expenditures. Each registrant shall pay the assessed amount to the superintendent prior to the last day of June. In no case shall the assessment exceed ten cents per each one hundred dollars of interest (excluding charge-off recoveries), points, loan origination charges, and credit line charges collected by that registrant during the previous calendar year. If such an assessment is imposed, it shall not be less than two hundred fifty dollars per registrant and shall not exceed thirty thousand dollars less the total renewal fees paid pursuant to division (A)(6)(a)(i) of this section by each registrant.

(b) Registrants shall timely file renewal applications on forms prescribed by the division and provide any further information that the division may require. If a renewal application does not contain all of the information required under this section, and if that information is not submitted to the division within ninety days after the superintendent requests the information in writing, including by electronic transmission or facsimile, the superintendent may consider the application withdrawn.

(c) Renewal shall not be granted if the applicant's certificate of registration is subject to an order of suspension, revocation, or an unpaid and past due fine imposed by the superintendent.

(d) If the division finds the applicant does not meet the
conditions set forth in this section, it shall issue a notice of intent to deny the application, and forthwith notify the applicant of the denial, the grounds for the denial, and the applicant's reasonable opportunity to be heard on the action in accordance with Chapter 119. of the Revised Code.

(7) If there is a change of five per cent or more in the ownership of a registrant, the division may make any investigation necessary to determine whether any fact or condition exists that, if it had existed at the time of the original application for a certificate of registration, the fact or condition would have warranted the division to deny the application under division (A)(6) of this section. If such a fact or condition is found, the division may, in accordance with Chapter 119. of the Revised Code, revoke the registrant's certificate.

(B) Each registrant that engages in lending under sections 1321.51 to 1321.60 of the Revised Code shall maintain both of the following:

(1) A net worth of at least fifty thousand dollars;

(2) For each certificate of registration, assets of at least fifty thousand dollars either in use or readily available for use in the conduct of the business.

(C) Not more than one place of business shall be maintained under the same certificate, but the division may issue additional certificates to the same registrant upon compliance with sections 1321.51 to 1321.60 of the Revised Code, governing the issuance of a single certificate. No change in the place of business of a registrant to a location outside the original municipal corporation shall be permitted under the same certificate without the approval of a new application, the payment of the registration fee and, if required by the superintendent, the payment of an investigation fee of two hundred dollars. When a registrant wishes to
to change its place of business within the same municipal
corporation, it shall give written notice of the change in advance
to the division, which shall provide a certificate for the new
address without cost. If a registrant changes its name, prior to
making loans under the new name it shall give written notice of
the change to the division, which shall provide a certificate in
the new name without cost. Sections 1321.51 to 1321.60 of the
Revised Code do not limit the loans of any registrant to residents
of the community in which the registrant's place of business is
situated. Each certificate shall be kept conspicuously posted in
the place of business of the registrant and is not transferable or
assignable.

(D) Sections 1321.51 to 1321.60 of the Revised Code do not
apply to any of the following:

(1) Entities chartered and lawfully doing business under the
authority of any law of this state, another state, or the United
States as a bank, savings bank, trust company, savings and loan
association, or credit union, or a subsidiary of any such entity,
which subsidiary is regulated by a federal banking agency and is
owned and controlled by such a depository institution;

(2) Life, property, or casualty insurance companies licensed
to do business in this state;

(3) Any person that is a lender making a loan pursuant to
sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of the
Revised Code or a business loan as described in division (B)(6) of
section 1343.01 of the Revised Code;

(4) Any political subdivision, or any governmental or other
public entity, corporation, instrumentality, or agency, in or of
the United States or any state of the United States, or any entity
described in division (B)(3) of section 1343.01 of the Revised
Code;
(5) A college or university, or controlled entity of a college or university, as those terms are defined in section 1713.05 of the Revised Code.

(E) No person engaged in the business of selling tangible goods or services related to tangible goods may receive or retain a certificate under sections 1321.51 to 1321.60 of the Revised Code for such place of business.

**Sec. 1321.64.** (A) An application for a license shall contain an undertaking by the applicant to abide by those sections. The application shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions, and shall contain any information that the superintendent may require. Applicants that are foreign corporations shall obtain and maintain a license pursuant to Chapter 1703. of the Revised Code before a license is issued or renewed.

(B) Upon the filing of the application and the payment by the applicant of a nonrefundable investigation fee of two hundred dollars, a nonrefundable annual registration fee of three hundred dollars, and any additional fee required by the NMLSR, the division of financial institutions shall investigate the relevant facts. If the application involves investigation outside this state, the applicant may be required by the division to advance sufficient funds to pay any of the actual expenses of the investigation when it appears that these expenses will exceed two hundred dollars. An itemized statement of any of these expenses which the applicant is required to pay shall be furnished to the applicant by the division. A license shall not be issued unless all the required fees have been submitted to the division.

(C)(1) The investigation undertaken upon receipt of an application shall include both a civil and criminal records check of any control person.
(2)(a) Notwithstanding division (K)(L) of section 121.08 of the Revised Code, the superintendent shall obtain a criminal records check on each control person and, as part of that records check, request that criminal records information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall do either of the following:

(i) Request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the control person's fingerprints or, if the fingerprints are unreadable, based on the control person's social security number, in accordance with section 109.572 of the Revised Code;

(ii) Authorize the NMLSR to request a criminal records check of the control person.

(b) Any fee required under division (C)(3) of section 109.572 of the Revised Code or by the NMLSR shall be paid by the applicant.

(D) If an application for a license does not contain all of the information required under division (A) of this section, and if such information is not submitted to the division or to the NMLSR within ninety days after the superintendent or the NMLSR requests the information in writing, including by electronic transmission or facsimile, the superintendent may consider the application withdrawn.

(E) If the superintendent of financial institutions finds that the financial responsibility, experience, and general fitness of the applicant command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of sections 1321.62 to 1321.702 of the Revised Code and the rules adopted thereunder, and that the applicant has the requisite net worth and assets required under...
section 1321.65 of the Revised Code, the superintendent shall issue a license to the applicant. The license shall be valid until the thirty-first day of December of the year in which it is issued. A person may be licensed under both sections 1321.51 to 1321.60 and sections 1321.62 to 1321.702 of the Revised Code.

(F) If the superintendent finds that the applicant does not meet the conditions set forth in this section, the superintendent shall issue a notice of intent to deny the application, and promptly notify the applicant of the denial, the grounds for the denial, and the applicant's reasonable opportunity to be heard on the action in accordance with Chapter 119. of the Revised Code.

Sec. 1346.03. Any information provided to the attorney general by the department of taxation in accordance with division (C)(5) of section 5703.21 of the Revised Code shall not be disclosed publicly by the attorney general except when it is necessary to facilitate compliance with and enforcement of section 1346.01 or 1346.02 of the Revised Code.

Sec. 1501.16. There is hereby created in the state treasury the performance bond refunds fund. The fund shall consist of money received by the department of natural resources from other entities as performance security. Upon the completion of work or satisfaction of terms for which the performance bond was required, the money shall be refunded to the pledging entity. In the event that the performance bond is forfeited, the money shall be transferred to the appropriate fund within the state treasury.

Sec. 1506.01. As used in this chapter:

(A) "Coastal area" means the waters of Lake Erie, the islands in the lake, and the lands under and adjacent to the lake, including transitional areas, wetlands, and beaches. The coastal area extends in Lake Erie to the international boundary line.
between the United States and Canada and landward only to the extent necessary to include shorelands, the uses of which have a direct and significant impact on coastal waters as determined by the director of natural resources.

(B) "Coastal management program" means the comprehensive action of the state and its political subdivisions cooperatively to preserve, protect, develop, restore, or enhance the resources of the coastal area and to ensure wise use of the land and water resources of the coastal area, giving attention to natural, cultural, historic, and aesthetic values; agricultural, recreational, energy, and economic needs; and the national interest. "Coastal management program" includes the establishment of objectives, policies, standards, and criteria concerning, without limitation, protection of air, water, wildlife, rare and endangered species, wetlands and natural areas, and other natural resources in the coastal area; management of coastal development and redevelopment; preservation and restoration of historic, cultural, and aesthetic coastal features; and public access to the coastal area for recreation purposes.

(C) "Coastal management program document" means a comprehensive statement consisting of, without limitation, text, maps, and illustrations that is adopted by the director in accordance with this chapter, describes the objectives, policies, standards, and criteria of the coastal management program for guiding public and private uses of lands and waters in the coastal area, lists the governmental agencies, including, without limitation, state agencies, involved in implementing the coastal management program, describes their applicable policies and programs, and cites the statutes and rules under which they may adopt and implement those policies and programs.

(D) "Person" means any agency of this state, any political subdivision of this state or of the United States, and any legal
entity defined as a person under section 1.59 of the Revised Code.

(E) "Director" means the director of natural resources or the director's designee.

(F) "Permanent structure" means any residential, commercial, industrial, institutional, or agricultural building, any mobile home as defined in division (O) of section 4501.01 of the Revised Code, any manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code, and any septic system that receives sewage from a single-family, two-family, or three-family dwelling, but does not include any recreational vehicle as defined in section 4501.01 of the Revised Code.

(G) "State agency" or "agency of the state" has the same meaning as "agency" as defined in section 111.15 of the Revised Code, except that "state agency" or "agency of the state" includes a state college or university, a community college district, a technical college district, or state community college.

(H) "Coastal flood hazard area" means any territory within the coastal area that has been identified as a flood hazard area under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 42 U.S.C.A. 4002, as amended.

(I) "Coastal erosion area" means any territory included in Lake Erie coastal erosion areas identified by the director under section 1506.06 of the Revised Code.

(J) "Conservancy district" means a conservancy district that is established under Chapter 6101. of the Revised Code.

(K) "Park board" means the board of park commissioners of a park district that is created under Chapter 1545. of the Revised Code.

(L) "Erosion control structure" means a structure that is designed solely and specifically to reduce or control erosion of
the shore along or near Lake Erie, including, without limitation, revetments, seawalls, bulkheads, certain breakwaters, and similar structures.

(M) "Shore structure" includes, but is not limited to, beaches; groins; revetments; bulkheads; seawalls; breakwaters; certain dikes designated by the chief of the division of water resources; piers; docks; jetties; wharves; marinas; boat ramps; any associated fill or debris used as part of the construction of shore structures that may affect shore erosion, wave action, or inundation; and fill or debris that is placed along or near the shore, including bluffs, banks, or beach ridges, for the purpose of stabilizing slopes.

Sec. 1509.01. As used in this chapter:

(A) "Well" means any borehole, whether drilled or bored, within the state for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters. "Well" includes a stratigraphic well.

(B) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

(C) "Gas" means all natural gas and all other fluid hydrocarbons that are not oil, including condensate.

(D) "Condensate" means liquid hydrocarbons separated at or near the well pad or along the gas production or gathering system prior to gas processing.

(E) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas
storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.

(F) "Field" means the general area underlaid by one or more pools.

(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir and does not apply to a straitigraphic well.

(H) "Waste" includes all of the following:

(1) Physical waste, as that term generally is understood in the oil and gas industry;

(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;

(3) Inefficient storing of oil or gas;

(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;

(5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.

(I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under the person's tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense.

(J) "Tract" means a single, individual parcel of land or a portion of a single, individual parcel of land.
(K) "Owner," unless referring to a mine, means the person who has the right to drill on a tract or drilling unit, to drill into and produce from a pool, and to appropriate the oil or gas produced therefrom either for the person or for others, except that a person ceases to be an owner with respect to a well when the well has been plugged in accordance with applicable rules adopted and orders issued under this chapter. "Owner" does not include a person who obtains a lease of the mineral rights for oil and gas on a parcel of land if the person does not attempt to produce or produce oil or gas from a well or obtain a permit under this chapter for a well or if the entire interest of a well is transferred to the person in accordance with division (B) of section 1509.31 of the Revised Code.

(L) "Royalty interest" means the fee holder's share in the production from a well, except a stratigraphic well.

(M) "Discovery well" means the first well, except a stratigraphic well capable of producing oil or gas in commercial quantities from a pool.

(N) "Prepared clay" means a clay that is plastic and is thoroughly saturated with fresh water to a weight and consistency great enough to settle through saltwater in the well in which it is to be used, except as otherwise approved by the chief of the division of oil and gas resources management.

(O) "Rock sediment" means the combined cutting and residue from drilling sedimentary rocks and formation.

(P) "Excavations and workings," "mine," and "pillar" have the same meanings as in section 1561.01 of the Revised Code.

(Q) "Coal bearing township" means a township designated as such by the chief of the division of mineral resources management under section 1561.06 of the Revised Code.

(R) "Gas storage reservoir" means a continuous area of a
subterranean porous sand or rock stratum or strata into which gas  
is or may be injected for the purpose of storing it therein and  
removing it therefrom and includes a gas storage reservoir as  
defined in section 1571.01 of the Revised Code.

(S) "Safe Drinking Water Act" means the "Safe Drinking Water  
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water  
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and  
regulations adopted under those acts.

(T) "Person" includes any political subdivision, department,  
agency, or instrumentality of this state; the United States and  
any department, agency, or instrumentality thereof; any legal  
entity defined as a person under section 1.59 of the Revised Code;  
and any other form of business organization or entity recognized  
by the laws of this state.

(U) "Brine" means all saline geological formation water  
resulting from, obtained from, or produced in connection with  
exploration, drilling, well stimulation, production of oil or gas,  
or plugging of a well.

(V) "Waters of the state" means all streams, lakes, ponds,  
marshes, watercourses, waterways, springs, irrigation systems,  
drainage systems, and other bodies of water, surface or  
underground, natural or artificial, that are situated wholly or  
partially within this state or within its jurisdiction, except  
those private waters that do not combine or effect a junction with  
natural surface or underground waters.

(W) "Exempt Mississippian well" means a well that meets all  
of the following criteria:

(1) Was drilled and completed before January 1, 1980;
(2) Is located in an unglaciated part of the state; 20618

(3) Was completed in a reservoir no deeper than the 20619
Mississippian Big Injun sandstone in areas underlain by 20620
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 20621
sandstone in areas directly underlain by Permian stratigraphy; 20622

(4) Is used primarily to provide oil or gas for domestic use. 20623

(X) "Exempt domestic well" means a well that meets all of the 20624
following criteria:

(1) Is owned by the owner of the surface estate of the tract 20625
on which the well is located;

(2) Is used primarily to provide gas for the owner's domestic 20626
use;

(3) Is located more than two hundred feet horizontal distance 20627
from any inhabited private dwelling house other than an inhabited 20628
private dwelling house located on the tract on which the well is 20629
located;

(4) Is located more than two hundred feet horizontal distance 20630
from any public building that may be used as a place of resort, 20631
assembly, education, entertainment, lodging, trade, manufacture, 20632
repair, storage, traffic, or occupancy by the public.

(Y) "Urbanized area" means an area where a well or production 20633
facilities of a well are located within a municipal corporation or 20634
within a township that has an unincorporated population of more 20635
than five thousand in the most recent federal decennial census 20636
prior to the issuance of the permit for the well or production 20637
facilities.

(Z) "Well stimulation" or "stimulation of a well" means the 20638
process of enhancing well productivity, including hydraulic 20639
fracturing operations.

(AA) "Production operation" means all operations and 20640
activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road construction, well drilling, well completion, well stimulation, well site activities, reclamation, and plugging. "Production operation" also includes all of the following:

(1) The piping, equipment, and facilities used for the production and preparation of hydrocarbon gas or liquids for transportation or delivery;

(2) The processes of extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, waste disposal, and measurement of hydrocarbon gas and liquids, including related equipment and facilities;

(3) The processes and related equipment and facilities associated with production compression, gas lift, gas injection, fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, and well completion activities;

(4) Equipment and facilities at a wellpad or other location that are used for the transportation, handling, recycling, temporary storage, management, processing, or treatment of any equipment, material, and by-products or other substances from an operation at a wellpad that may be used or reused at the same or another operation at a wellpad or that will be disposed of in accordance with applicable laws and rules adopted under them.

(BB) "Annular overpressurization" means the accumulation of fluids within an annulus with sufficient pressure to allow
migration of annular fluids into underground sources of drinking water.

(CC) "Orphaned well" means a well that has not been properly plugged or its land surface restored in accordance with this chapter and the rules adopted under it to which either of the following apply:

(1) The owner of the well is unknown, deceased, or cannot be located and the well is abandoned.

(2) The owner of the well has abandoned the well and there is no money available to plug the well in accordance with this chapter and the rules adopted under it.

(DD) "Temporarily inactive well" means a well that has been granted temporary inactive status under section 1509.062 of the Revised Code.

(EE) "Material and substantial violation" means any of the following:

(1) Failure to obtain a permit to drill, reopen, convert, plugback, or plug a well under this chapter;

(2) Failure to obtain, maintain, update, or submit proof of insurance coverage that is required under this chapter;

(3) Failure to obtain, maintain, update, or submit proof of a surety bond that is required under this chapter;

(4) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;

(5) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code;

(6) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;
(7) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.

(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.

(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated. "Horizontal well" does not include a stratigraphic well.

(HH) "Well pad" means the area that is cleared or prepared for the drilling of one or more horizontal wells.

(II) "Stratigraphic well" means a borehole that is drilled within the state on a tract solely to conduct research of the subsurface geology. "Stratigraphic well" does not include a hole drilled for seismic shot.

Sec. 1509.03. (A) The chief of the division of oil and gas resources management shall adopt, rescind, and amend, in accordance with Chapter 119. of the Revised Code, rules for the administration, implementation, and enforcement of this chapter. The rules shall include an identification of the subjects that the chief shall address when attaching terms and conditions to a permit with respect to a well and production facilities of a well that are located within an urbanized area or with respect to a horizontal well and production facilities associated with a horizontal well. The subjects shall include all of the following:

(1) Safety concerning the drilling or operation of a well;

(2) Protection of the public and private water supply, including the amount of water used and the source or sources of the water;

(3) Fencing and screening of surface facilities of a well;
(4) Containment and disposal of drilling and production wastes;

(5) Construction of access roads for purposes of the drilling and operation of a well;

(6) Noise mitigation for purposes of the drilling of a well and the operation of a well, excluding safety and maintenance operations.

No person shall violate any rule of the chief adopted under this chapter.

(B)(1) Any order issuing, denying, or modifying a permit or notices required to be made by the chief pursuant to this chapter shall be made in compliance with Chapter 119. of the Revised Code, except that personal service may be used in lieu of service by mail. Every order issuing, denying, or modifying a permit under this chapter and described as such shall be considered an adjudication order for purposes of Chapter 119. of the Revised Code. Division (B)(1) of this section does not apply to a permit issued under section 1509.06 of the Revised Code.

(2) Where notice to the owner any person is required by this chapter, the notice shall be given as prescribed by a rule adopted by the chief to govern the giving of notices. The rule shall provide for notice by publication except in those cases where other types of notice are necessary in order to meet the requirements of the law.

(C) The chief or the chief's authorized representative may at any time enter upon lands, public or private, for the purpose of administration or enforcement of this chapter, the rules adopted or orders made thereunder, or terms or conditions of permits or registration certificates issued thereunder and may examine and copy records pertaining to the drilling, conversion, or operation of a well for injection of fluids and logs required by division 20767.
(C) of section 1509.223 of the Revised Code. No person shall prevent or hinder the chief or the chief's authorized representative in the performance of official duties. If entry is prevented or hindered, the chief or the chief's authorized representative may apply for, and the court of common pleas may issue, an appropriate inspection warrant necessary to achieve the purposes of this chapter within the court's territorial jurisdiction.

(D) The chief may issue orders to enforce this chapter, rules adopted thereunder, and terms or conditions of permits issued thereunder. Any such order shall be considered an adjudication order for the purposes of Chapter 119. of the Revised Code. No person shall violate any order of the chief issued under this chapter. No person shall violate a term or condition of a permit or registration certificate issued under this chapter.

(E) Orders of the chief denying, suspending, or revoking a registration certificate; approving or denying approval of an application for revision of a registered transporter's plan for disposal; or to implement, administer, or enforce division (A) of section 1509.224 and sections 1509.22, 1509.222, 1509.223, 1509.225, and 1509.226 of the Revised Code pertaining to the transportation of brine by vehicle and the disposal of brine so transported are not adjudication orders for purposes of Chapter 119. of the Revised Code. The chief shall issue such orders under division (A) or (B) of section 1509.224 of the Revised Code, as appropriate.

Sec. 1509.04. (A) The chief of the division of oil and gas resources management, or the chief's authorized representatives, shall enforce this chapter and the rules, terms and conditions of permits and registration certificates, and orders adopted or issued pursuant thereto, except that any peace officer, as defined
in section 2935.01 of the Revised Code, may arrest for violations of this chapter involving transportation of brine by vehicle. The enforcement authority of the chief includes the authority to issue compliance notices and to enter into compliance agreements.

(B)(1) The chief or the chief's authorized representative may issue an administrative order to an owner or a person for a violation of this chapter or rules adopted under it, terms and conditions of a permit issued under it, a registration certificate that is required under this chapter, or orders issued under this chapter.

(2)(a) If an owner or other a person who is required to submit a report, test result, fee, or document by this chapter or rules adopted under it submits a request for an extension of time to submit the report, test result, fee, or document to the chief prior to the date on which the report, test result, fee, or document is due, the chief may grant an extension of not more than sixty additional days from the original date on which the report, test result, fee, or document is due.

(b) If an owner or other a person who is required to submit a report, test result, fee, or document by this chapter or rules adopted under it fails to submit the report, test result, fee, or document before or on the date on which it is due and the chief has not granted an extension of time under division (B)(2)(a) of this section, the chief shall make reasonable attempts to notify the owner or other person of the failure to submit the report, test result, fee, or document. If an owner or other a person who receives such a notification fails to submit the report, test result, fee, or document on or before thirty days after the date on which the chief so notified the owner or other person, the chief may issue an order under division (B)(2)(c) of this section.

(c) The chief may issue an order finding that an owner or a person has committed a material and substantial violation.
(C) The chief, by order, immediately may suspend drilling, operating, or plugging activities that are related to a material and substantial violation and suspend and revoke an unused permit after finding either of the following:

(1) An owner A person has failed to comply with an order issued under division (B)(2)(c) of this section that is final and nonappealable.

(2) An owner A person is causing, engaging in, or maintaining a condition or activity that the chief determines presents an imminent danger to the health or safety of the public or that results in or is likely to result in immediate substantial damage to the natural resources of this state.

(D)(1) The chief may issue an order under division (C) of this section without prior notification if reasonable attempts to notify the owner person have failed or if the owner person is currently in material breach of a prior order, but in such an event notification shall be given as soon thereafter as practical.

(2) Not later than five days after the issuance of an order under division (C) of this section, the chief shall provide the owner person an opportunity to be heard and to present evidence that one of the following applies:

(a) The condition or activity does not present an imminent danger to the public health or safety or is not likely to result in immediate substantial damage to natural resources.

(b) Required records, reports, or logs have been submitted.

(3) If the chief, after considering evidence presented by the owner person under division (D)(2)(a) of this section, determines that the activities do not present such a threat or that the required records, reports, or logs have been submitted under division (D)(2)(b) of this section, the chief shall revoke the order. The owner person may appeal an order to the court of common
pleas of the county in which the activity that is the subject of the order is located.

(E) The chief may issue a bond forfeiture order pursuant to section 1509.071 of the Revised Code for failure to comply with a final nonappealable order issued or compliance agreement entered into under this section.

(F) The chief may notify drilling contractors, transporters, service companies, or other similar entities of the compliance status of an owner a person.

If the owner person fails to comply with a prior enforcement action of the chief, the chief may issue a suspension order without prior notification, but in such an event the chief shall give notice as soon thereafter as practical. Not later than five calendar days after the issuance of an order, the chief shall provide the owner person an opportunity to be heard and to present evidence that required records, reports, or logs have been submitted. If the chief, after considering the evidence presented by the owner person, determines that the requirements have been satisfied, the chief shall revoke the suspension order. The owner person may appeal a suspension order to the court of common pleas of the county in which the activity that is the subject of the suspension order is located.

(G) The prosecuting attorney of the county or the attorney general, upon the request of the chief, may apply to the court of common pleas in the county in which any of the provisions of this chapter or any rules, terms or conditions of a permit or registration certificate, or orders adopted or issued pursuant to this chapter are being violated for a temporary restraining order, preliminary injunction, or permanent injunction restraining any person from such violation.

Sec. 1509.051. (A) Except as otherwise provided in division
(B) of this section, Chapter 1509. of the Revised Code and rules adopted under it apply to a stratigraphic well regardless if a section refers to a well for oil and gas production or to an owner.

(B)(1) Notwithstanding section 1509.06 of the Revised Code, an application for a permit to drill a stratigraphic well shall be on a form prescribed by the chief of the division of oil and gas resources management and shall contain the information required under section 1509.06 of the Revised Code that is applicable.

(2) A person shall not submit more than three applications per year for a permit to drill a stratigraphic well unless otherwise approved by the chief.

(3) All of the following do not apply to a stratigraphic well:

(a) Section 1509.062 of the Revised Code;

(b) Section 1509.11 of the Revised Code;

(c) Section 1509.24 of the Revised Code and the rules adopted under it relative to minimum acreage requirements for a drilling unit;

(d) Ohio Administrative Code 1501:9-2;

(e) Ohio Administrative Code 1501:9-3;

(f) Ohio Administrative Code 1501:9-4;

(g) Ohio Administrative Code 1501:9-5;


(4) A stratigraphic well shall not be transferred to another person.

(5) The surface location of a stratigraphic well shall not be within one hundred fifty feet from the property line of the tract.
on which the well is drilled.

(6) A stratigraphic well shall be plugged one year after the well is spudded.

Sec. 1509.11. (A)(1) The owner of any well, except a horizontal well, that is producing or capable of producing oil or gas shall file with the chief of the division of oil and gas resources management, on or before the thirty-first day of March, a statement of production of oil, gas, and brine for the last preceding calendar year in such form as the chief may prescribe. An owner that has more than one hundred such wells in this state shall submit electronically the statement of production in a format that is approved by the chief.

(2) The owner of any horizontal well that is producing or capable of producing oil or gas shall file with the chief, on the forty-fifth day following the close of each calendar quarter, a statement of production of oil, gas, and brine for the preceding calendar quarter in a form that the chief prescribes. An owner that has more than one hundred horizontal wells in this state shall submit electronically the statement of production in a format that is approved by the chief.

(B) The chief shall not disclose information received from the department of taxation under division (C)(12) of section 5703.21 of the Revised Code until the related statement of production required by division (A) of this section and related to that information is filed with the chief.

Sec. 1509.22. (A) Except when acting in accordance with section 1509.226 of the Revised Code, no person shall place or cause to be placed in ground water or in or on the land or discharge or cause to be discharged in surface water brine, crude oil, natural gas, or other fluids associated with the exploration,
development, well stimulation, production operations, or plugging of oil and gas resources that causes or could reasonably be anticipated to cause damage or injury to public health or safety or the environment.

(B)(1) No person shall store or dispose of brine in violation of a plan approved under division (A) of section 1509.222 or section 1509.226 of the Revised Code, in violation of a resolution submitted under section 1509.226 of the Revised Code, or in violation of rules or orders applicable to those plans or resolutions.

(2)(a) On and after January 1, 2014, no person shall store, recycle, treat, process, or dispose of in this state brine or other waste substances associated with the exploration, development, well stimulation, production operations, or plugging of oil and gas resources without an order or a permit issued under this section or section 1509.06 or 1509.21 of the Revised Code or rules adopted under any of those sections. For purposes of division (B)(2)(a) of this section, a permit or other form of authorization issued by another agency of the state or a political subdivision of the state shall not be considered a permit or order issued by the chief of the division of oil and gas resources management under this chapter.

(b) Division (B)(2)(a) of this section does not apply to a person that disposes of such waste substances other than brine in accordance with Chapter 3734. of the Revised Code and rules adopted under it.

(C) The chief shall adopt rules regarding storage, recycling, treatment, processing, and disposal of brine and other waste substances. The rules shall establish procedures and requirements in accordance with which a person shall apply for a permit or order for the storage, recycling, treatment, processing, or disposal of brine and other waste substances that are not subject
to a permit issued under section 1509.06 or 1509.21 of the Revised
Code and in accordance with which the chief may issue such a
permit or order. An application for such a permit shall be
accompanied by a nonrefundable fee of two thousand five hundred
dollars.

The storage, recycling, treatment, processing, and disposal
of brine and other waste substances and the chief's rules relating
to storage, recycling, treatment, processing, and disposal are
subject to all of the following standards:

(1) Brine from any well except an exempt Mississippian well
shall be disposed of only as follows:

(a) By injection into an underground formation, including
annular disposal if approved by rule of the chief, which injection
shall be subject to division (D) of this section;

(b) By surface application in accordance with section
1509.226 of the Revised Code;

(c) In association with a method of enhanced recovery as
provided in section 1509.21 of the Revised Code;

(d) In any other manner not specified in divisions (C)(1)(a)
to (c) of this section that is approved by a permit or order
issued by the chief.

(2) Brine from exempt Mississippian wells shall not be
discharged directly into the waters of the state.

(3) Muds, cuttings, and other waste substances shall not be
disposed of in violation of this chapter or any rule adopted under
it.

(4) Pits or steel tanks shall be used as authorized by the
chief for containing brine and other waste substances resulting
from, obtained from, or produced in connection with drilling, well
stimulation, reworking, reconditioning, plugging back, or plugging
operations. The pits and steel tanks shall be constructed and
maintained to prevent the escape of brine and other waste
substances.

(5) A dike or pit may be used for spill prevention and
control. A dike or pit so used shall be constructed and maintained
to prevent the escape of brine and crude oil, and the reservoir
within such a dike or pit shall be kept reasonably free of brine,
crude oil, and other waste substances.

(6) Impoundments constructed utilizing a synthetic liner
pursuant to the division's specifications may be used for the
temporary storage of waste substances used in the construction,
stimulation, or plugging of a well.

(7) No pit or dike shall be used for the temporary storage of
brine or other waste substances except in accordance with
divisions (C)(4) and (5) of this section.

(8) No pit or dike shall be used for the ultimate disposal of
brine or other liquid waste substances.

(D)(1) No person, without first having obtained a permit from
the chief, shall inject brine or other waste substances resulting
from, obtained from, or produced in connection with oil or gas
drilling, exploration, or production into an underground formation
unless a rule of the chief expressly authorizes the injection
without a permit. The permit shall be in addition to any permit
required by section 1509.05 of the Revised Code, and the permit
application shall be accompanied by a permit fee of one thousand
dollars. The chief shall adopt rules in accordance with Chapter
119. of the Revised Code regarding the injection into wells of
brine and other waste substances resulting from, obtained from, or
produced in connection with oil or gas drilling, exploration, or
production. The rules shall include provisions regarding all of
the following:
(a) Applications for and issuance of the permits required by this division;

(b) Entry to conduct inspections and to examine and copy records to ascertain compliance with this division and rules, orders, and terms and conditions of permits adopted or issued under it;

(c) The provision and maintenance of information through monitoring, recordkeeping, and reporting. In addition, the rules shall require the owner of an injection well who has been issued a permit under division (D) of this section to quarterly submit electronically to the chief information concerning each shipment of brine or other waste substances received by the owner for injection into the well.

(d) The provision and electronic reporting quarterly of information concerning brine and other waste substances from a transporter that is registered under section 1509.222 of the Revised Code prior to the injection of the transported brine or other waste substances;

(e) Any other provisions in furtherance of the goals of this section and the Safe Drinking Water Act.

(2) The chief may adopt rules in accordance with Chapter 119. of the Revised Code authorizing tests to evaluate whether fluids or carbon dioxide may be injected in a reservoir and to determine the maximum allowable injection pressure, which shall be conducted in accordance with methods prescribed in the rules or in accordance with conditions of the permit. In addition, the chief may adopt rules that do both of the following:

(a) Establish the total depth of a well for which a permit has been applied for or issued under this division;

(b) Establish requirements and procedures to protect public health and safety.
(3) To implement the goals of the Safe Drinking Water Act, the chief shall not issue a permit for the injection of brine or other waste substances resulting from, obtained from, or produced in connection with oil or gas drilling, exploration, or production unless the chief concludes that the applicant has demonstrated that the injection will not result in the presence of any contaminant in ground water that supplies or can reasonably be expected to supply any public water system, such that the presence of the contaminant may result in the system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons.

(4) The chief may issue an order to the owner of a well in existence on September 10, 2012, to make changes in the operation of the well in order to correct problems or to address safety concerns.

(5) This division and rules, orders, and terms and conditions of permits adopted or issued under it shall be construed to be no more stringent than required for compliance with the Safe Drinking Water Act unless essential to ensure that underground sources of drinking water will not be endangered.

(E) The owner holding a permit, or an assignee or transferee who has assumed the obligations and liabilities imposed by this chapter and any rules adopted or orders issued under it pursuant to section 1509.31 of the Revised Code, and the operator of a well shall be liable for a violation of this section or any rules adopted or orders or terms or conditions of a permit issued under it.

(F) An owner shall replace the water supply of the holder of an interest in real property who obtains all or part of the holder's supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where the supply has been substantially disrupted by
contamination, diminution, or interruption proximately resulting from the owner's oil or gas operation, or the owner may elect to compensate the holder of the interest in real property for the difference between the fair market value of the interest before the damage occurred to the water supply and the fair market value after the damage occurred if the cost of replacing the water supply exceeds this difference in fair market values. However, during the pendency of any order issued under this division, the owner shall obtain for the holder or shall reimburse the holder for the reasonable cost of obtaining a water supply from the time of the contamination, diminution, or interruption by the operation until the owner has complied with an order of the chief for compliance with this division or such an order has been revoked or otherwise becomes not effective. If the owner elects to pay the difference in fair market values, but the owner and the holder have not agreed on the difference within thirty days after the chief issues an order for compliance with this division, within ten days after the expiration of that thirty-day period, the owner and the chief each shall appoint an appraiser to determine the difference in fair market values, except that the holder of the interest in real property may elect to appoint and compensate the holder's own appraiser, in which case the chief shall not appoint an appraiser. The two appraisers appointed shall appoint a third appraiser, and within thirty days after the appointment of the third appraiser, the three appraisers shall hold a hearing to determine the difference in fair market values. Within ten days after the hearing, the appraisers shall make their determination by majority vote and issue their final determination of the difference in fair market values. The chief shall accept a determination of the difference in fair market values made by agreement of the owner and holder or by appraisers under this division and shall make and dissolve orders accordingly. This division does not affect in any way the right of any person to
enforce or protect, under applicable law, the person's interest in water resources affected by an oil or gas operation.

(G) In any action brought by the state for a violation of division (A) of this section involving any well at which annular disposal is used, there shall be a rebuttable presumption available to the state that the annular disposal caused the violation if the well is located within a one-quarter-mile radius of the site of the violation.

(H)(1) There is levied on the owner of an injection well who has been issued a permit under division (D) of this section the following fees:

(a)(1) Five cents per barrel of each substance that is delivered to a well to be injected in the well when the substance is produced within the division of oil and gas resources management regulatory district in which the well is located or within an adjoining oil and gas resources management regulatory district;

(b)(2) Twenty cents per barrel of each substance that is delivered to a well to be injected in the well when the substance is not produced within the division of oil and gas resources management regulatory district in which the well is located or within an adjoining oil and gas resources management regulatory district.

(2) The maximum number of barrels of substance per injection well in a calendar year on which a fee may be levied under division (H) of this section is five hundred thousand. If in a calendar year the owner of an injection well receives more than five hundred thousand barrels of substance to be injected in the owner's well and if the owner receives at least one substance that is produced within the division's regulatory district in which the well is located or within an adjoining regulatory district and at
least one substance that is not produced within the division's regulatory district in which the well is located or within an adjoining regulatory district, the fee shall be calculated first on all of the barrels of substance that are not produced within the division's regulatory district in which the well is located or within an adjoining district at the rate established in division (H)(2) of this section. The fee then shall be calculated on the barrels of substance that are produced within the division's regulatory district in which the well is located or within an adjoining district at the rate established in division (H)(1) of this section until the maximum number of barrels established in division (H)(2) of this section has been attained.

(3) After retaining up to three per cent of the fee under division (K) of this section, the owner of an injection well who is issued a permit under division (D) of this section shall collect the applicable fee levied by division (H) of this section on behalf of the division of oil and gas resources management and forward the fee as follows:

(1) For any fee collected on the first five hundred thousand barrels of substance to be injected in the owner's well in a calendar year, to the division of oil and gas resources management:

(2) For any fee collected after the first five hundred thousand barrels in a calendar year:

(a) Fifty per cent of the fee to the division;

(b) Fifty per cent of the fee to the county where the injection of the substance occurred if the well is located in an incorporated area of the county or, if the injection well is located in an unincorporated area of the county, fifty per cent of the fee to the township where the injection of the substance occurred.
(J)(1) The chief shall transmit all money received under division (I) of this section to the treasurer of state who shall deposit the money in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code.

(2) The county or township shall transmit all money received under division (I) of this section to the county or township's general fund, as applicable.

(K) The owner of an injection well who collects the fee levied by pursuant to division (I) of this division section may retain up to three per cent of the amount that is collected.

(L) The chief shall adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements and procedures for collection of the fee levied by pursuant to division (I) of this section.

Sec. 1521.01. As used in this chapter:

(A) "Consumptive use" means a use of water resources, other than a diversion, that results in a loss of that water to the basin from which it is withdrawn and includes, but is not limited to, evaporation, evapotranspiration, and incorporation of water into a product or agricultural crop.

(B) "Diversion" means a withdrawal of water resources from either the Lake Erie or Ohio river drainage basin and transfer to another basin without return. "Diversion" does not include evaporative loss within the basin of withdrawal.

(C) "Other great lakes states and provinces" means states other than this state that are parties to the great lakes basin compact under Chapter 6161. of the Revised Code and the Canadian provinces of Ontario and Quebec.

(D) "Water resources" means any waters of the state that are...
available or may be made available to agricultural, industrial, commercial, and domestic users.

(E) "Waters of the state" includes all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within or bordering upon this state or are within its jurisdiction.

(F) "Well" means any excavation, regardless of design or method of construction, created for any of the following purposes:

(1) Removing ground water from or recharging water into an aquifer, excluding subsurface drainage systems installed to enhance agricultural crop production or urban or suburban landscape management or to control seepage in dams and levees;

(2) Determining the quantity, quality, level, or movement of ground water in or the stratigraphy of an aquifer, excluding borings for instrumentation in dams, levees, or highway embankments;

(3) Removing or exchanging heat from ground water, excluding horizontal trenches that are installed for water source heat pump systems.

(G) "Aquifer" means a consolidated or unconsolidated geologic formation or series of formations that are hydraulically interconnected and that have the ability to receive, store, or transmit water.

(H) "Ground water" means all water occurring in an aquifer.

(I) "Ground water stress area" means a definable geographic area in which ground water quantity is being affected by human activity or natural forces to the extent that continuous
availability of supply is jeopardized by withdrawals. (J) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes the United States, the state, any political subdivision of the state, and any department, division, board, commission, agency, or instrumentality of the United States, the state, or a political subdivision of the state.

(K) "State agency" or "agency of the state" has the same meaning as "agency" in section 111.15 of the Revised Code, except that "state agency" or "agency of the state" includes a state college or university, a community college district, a technical college district, or a state community college.

(L) "Cone of depression" means a depression or low point in the water table or potentiometric surface of a body of ground water that develops around a location from which ground water is being withdrawn.

(M) "Facility" has the same meaning as in section 1522.10 of the Revised Code.

(N) "Hydrologic study area" means the area within a four-mile radius from the boundary of the withdrawal area.

(O) "Well field" means a contiguous land area containing two or more wells that provide water to a facility.

(P) "Withdrawal area" means the proposed well or well field location or locations.

(Q) "Development" means any artificial change to improved or unimproved real estate, including the construction of buildings and other structures, any substantial improvement of a structure, mining, dredging, filling, grading, paving, excavating, and drilling operations, and storage of equipment or materials.

(R) "Floodplain" means the area adjoining any river, stream, watercourse, or lake that has been or may be covered by flood
water.

(S) "Floodplain management" means the implementation of an overall program of corrective and preventive measures for reducing flood damage, including the collection and dissemination of flood information, construction of flood control works, nonstructural flood damage reduction techniques, and adoption of rules, ordinances, or resolutions governing development in floodplains.

(T) "One-hundred-year flood" means a flood having a one percent chance of being equaled or exceeded in any given year.

(U) "One-hundred-year floodplain" means that portion of a floodplain inundated by a one-hundred-year flood.

(V) "Structure" means a walled and roofed building, including, without limitation, gas or liquid storage tanks and manufactured homes.

(W) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty per cent of the market value of the structure before the start of construction of the improvement. "Substantial improvement" includes repairs to structures that have incurred substantial damage regardless of the actual repair work performed. "Substantial improvement" does not include either of the following:

(1) Any project for the improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the state or local code enforcement official having jurisdiction and that are the minimum necessary to ensure safe living conditions;

(2) Any alteration of an historic structure designated or listed pursuant to federal or state law, provided that the alteration will not preclude the structure's continued listing or designation as an historic structure.
(X) "Substantial damage" means damage of any origin that is sustained by a structure if the cost of restoring the structure to its condition prior to the damage would equal or exceed fifty percent of the market value of the structure before the damage occurred.


(Z) "Conservancy district" means a conservancy district established under Chapter 6101. of the Revised Code.

Sec. 1531.01. As used in this chapter and Chapter 1533. of the Revised Code:

(A) "Person" means a person as defined in section 1.59 of the Revised Code or a company; an employee, agent, or officer of such a person or company; a combination of individuals; the state; a political subdivision of the state; an interstate body created by a compact; or the federal government or a department, agency, or instrumentality of it.

(B) "Resident" means any either of the following:

(1) An individual who has resided in this state for not less than six months preceding the date of making application for a license or permit;

(2) An individual who is a full-time student enrolled in an accredited Ohio public or private college or university and who resides in this state at the time the individual makes application for a license or permit and who attests to the individual's full-time student status in a manner determined by the chief of the division of wildlife.

(C) "Nonresident" means any individual who does not qualify
as a resident.

(D) "Division rule" or "rule" means any rule adopted by the chief of the division of wildlife under section 1531.10 of the Revised Code unless the context indicates otherwise.

(E) "Closed season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is prohibited.

(F) "Open season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is permitted.

(G) "Take or taking" includes pursuing, shooting, hunting, killing, trapping, angling, fishing with a trotline, or netting any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, wild bird, or wild quadruped, and any lesser act, such as wounding, or placing, setting, drawing, or using any other device for killing or capturing any wild animal, whether it results in killing or capturing the animal or not. "Take or taking" includes every attempt to kill or capture and every act of assistance to any other person in killing or capturing or attempting to kill or capture a wild animal.

(H) "Possession" means both actual and constructive possession and any control of things referred to.

(I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.

(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.

(K) "Sell and sale" means barter, exchange, or offer or expose for sale.

(L) "Whole to include part" means that every provision
relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part of the wild animal with the same effect as it applies to the whole.

(M) "Angling" means fishing with not more than two hand lines, not more than two units of rod and line, or a combination of not more than one hand line and one rod and line, either in hand or under control at any time while fishing. The hand line or rod and line shall have attached to it not more than three baited hooks, not more than three artificial fly rod lures, or one artificial bait casting lure equipped with not more than three sets of three hooks each.

(N) "Trotline" means a device for catching fish that consists of a line having suspended from it, at frequent intervals, vertical lines with hooks attached.

(O) "Fish" means a cold-blooded vertebrate having fins.

(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.

(Q) "Wild birds" includes game birds and nongame birds.

(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.

(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.

(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.

(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, elk, and black bears.

(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.

(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.

(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds whether or not the acts result in killing or wounding. "Hunting" includes every attempt to kill or wound and every act of assistance to any other person in killing or wounding or attempting to kill or wound wild birds or wild quadrupeds.

(Z) "Trapping" means securing or attempting to secure possession of a wild bird or wild quadruped by means of setting, placing, drawing, or using any device that is designed to close upon, hold fast, confine, or otherwise capture a wild bird or wild quadruped whether or not the means results in capture. "Trapping" includes every act of assistance to any other person in capturing wild birds or wild quadrupeds by means of the device whether or not the means results in capture.

(AA) "Muskrat spear" means any device used in spearing muskrats.

(BB) "Channels and passages" means those narrow bodies of water lying between islands or between an island and the mainland in Lake Erie.
(CC) "Island" means a rock or land elevation above the waters of Lake Erie having an area of five or more acres above water.

(DD) "Reef" means an elevation of rock, either broken or in place, or gravel shown by the latest United States chart to be above the common level of the surrounding bottom of the lake, other than the rock bottom, or in place forming the base or foundation rock of an island or mainland and sloping from the shore of it. "Reef" also means all elevations shown by that chart to be above the common level of the sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way and whether formed by rock, broken or in place, or from gravel.

(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.

(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.

(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.

(HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division rule and are alewife (Alosa pseudoharengus), American eel (Anguilla rostrata), bowfin (Amia calva), burbot (Lota lota), carp (Cyprinus carpio), smallmouth buffalo (Ictiobus bubalus), bigmouth buffalo (Ictiobus cyrinellus), black bullhead (Ictalurus melas), yellow bullhead (Ictalurus natalis), brown bullhead (Ictalurus nebulosus), channel catfish (Ictalurus punctatus), flathead catfish (Pylodictis olivaris), whitefish (Coregonus sp.), cisco (Coregonus sp.),
freshwater drum or sheepshead (Aplodinotus grunniens), gar (Lepisosteus sp.), gizzard shad (Dorosoma cepedianum), goldfish (Carassius auratus), lake trout (Salvelinus namaycush), mooneye (Hiodon tergisus), quillback (Carpiodes cyprinus), smelt (Allosmerus elongatus, Hypomesus sp., Osmerus sp., Spirinchus sp.), sturgeon (Acipenser sp., Scaphirhynchus sp.), sucker other than buffalo and quillback (Carpiodes sp., Catostomus sp., Hypentelium sp., Minytrema sp., Moxostoma sp.), white bass (Morone chrysops), white perch (Roccus americanus), and yellow perch (Perca flavescens). When the common name of a fish is used in this chapter or Chapter 1533. of the Revised Code, it refers to the fish designated by the scientific name in this definition.

(II) "Fishing" means taking or attempting to take fish by any method, and all other acts such as placing, setting, drawing, or using any device commonly used to take fish whether resulting in a taking or not.

(JJ) "Fillet" means the pieces of flesh taken or cut from both sides of a fish, joined to form one piece of flesh.

(KK) "Part fillet" means a piece of flesh taken or cut from one side of a fish.

(LL) "Round" when used in describing fish means with head and tail intact.

(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.

(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.

(OO) "Fishing guide" means any person who, for consideration
or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing.

(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.

(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.

(RR) "Native wildlife" means any species of the animal kingdom indigenous to this state.

(SS) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom, which is designed to entangle fish in the net openings as they swim into it.

(TT) "Tag fishing tournament" means a contest in which a participant pays a fee, or gives other valuable consideration, for a chance to win a prize by virtue of catching a tagged or otherwise specifically marked fish within a limited period of time.

(UU) "Tenant" means an individual who resides on land for which the individual pays rent and whose annual income is primarily derived from agricultural production conducted on that land, as "agricultural production" is defined in section 929.01 of the Revised Code.

(VV) "Nonnative wildlife" means any wild animal not indigenous to this state, but does not include domestic deer.
"Reptiles" includes common musk turtle (Sternotherus odoratus), common snapping turtle (Chelydra serpentina), spotted turtle (Clemmys guttata), eastern box turtle (Terrapene carolina carolina), Blanding's turtle (Emydoidea blandingii), common map turtle (Graptemys geographica), ouachita map turtle (Graptemys pseudogeographica ouachitensis), midland painted turtle (Chrysemys picta marginata), red-eared slider (Trachemys scripta elegans), eastern spiny softshell turtle (Apalone spinifera spinifera), midland smooth softshell turtle (Apalone mutica mutica), northern fence lizard (Sceloporus undulatus hyacinthinus), ground skink (Scincella lateralis), five-lined skink (Eumeces fasciatus), broadhead skink (Eumeces laticeps), northern coal skink (Eumeces anthracinus anthracinus), European wall lizard (Podarcis muralis), queen snake (Regina septemvittata), Kirtland's snake (Clonophis kirtlandii), northern water snake (Nerodia sipedon sipedon), Lake Erie watersnake (Nerodia sipedon insularum), copperbelly water snake (Nerodia erythrogaster neglecta), northern brown snake (Storeria dekayi dekayi), midland brown snake (Storeria dekayi wrightorum), northern redbelly snake (Storeria occipitomaculata occipitomaculata), eastern garter snake (Thamnophis sirtalis sirtalis), eastern plains garter snake (Thamnophis radix radix), Butler's garter snake (Thamnophis butleri), shorthead garter snake (Thamnophis brachystoma), eastern ribbon snake (Thamnophis sauritus sauritus), northern ribbon snake (Thamnophis sauritus septentrionalis), eastern hognose snake (Heterodon platirhinos), eastern smooth earth snake (Virginia valeriae valeriae), northern ringneck snake (Diadophis punctatus edwardsii), midwest worm snake (Carphophis amoenus heleneae), eastern worm snake (Carphophis amoenus amoenus), black racer (Coluber constrictor constrictor), blue racer (Coluber constrictor foxii), rough green snake (Opheodrys aestivus), smooth green snake (Opheodrys vernalis vernalis), black rat snake (Elaphe obsoleta obsoleta), eastern fox
snake (Elaphe vulpina gloydi), black kingsnake (Lampropeltis getula nigra), eastern milk snake (Lampropeltis triangulum triangulum), northern copperhead (Agkistrodon contortrix mokasen), eastern massasauga (Sistrurus catenatus catenatus), and timber rattlesnake (Crotalus horridus horridus).

(XX) "Amphibians" includes eastern hellbender (Cryptobranchus alleganiensis alleganiensis), mudpuppy (Necturus maculosus maculosus), red-spotted newt (Notophthalmus viridescens viridescens), Jefferson salamander (Ambystoma jeffersonianum), spotted salamander (Ambystoma maculatum), blue-spotted salamander (Ambystoma laterale), smallmouth salamander (Ambystoma texanum), streamside salamander (Ambystoma barbouri), marbled salamander (Ambystoma opacum), eastern tiger salamander (Ambystoma tigrinum tigrinum), northern dusky salamander (Desmognathus fuscus fuscus), mountain dusky salamander (Desmognathus ochrophaeus), redback salamander (Plethodon cinereus), ravine salamander (Plethodon richmondi), northern slimy salamander (Plethodon glutinosus), Wehrle's salamander (Plethodon wehrlei), four-toed salamander (Hemidactylium scutatum), Kentucky spring salamander (Gyrinophilus porphyriticus duryi), northern spring salamander (Gyrinophilus porphyriticus porphyriticus), mud salamander (Pseudotriton montanus), northern red salamander (Pseudotriton ruber ruber), green salamander (Aneides aeneus), northern two-lined salamander (Eurycea bislineata), longtail salamander (Eurycea longicauda longicauda), cave salamander (Eurycea lucifuga), southern two-lined salamander (Eurycea cirrigera), Fowler's toad (Bufo woodhousii fowleri), American toad (Bufo americanus), eastern spadefoot (Scaphiopus holbrookii), Blanchard's cricket frog (Acris crepitans blanchardi), northern spring peeper (Pseudacris crucifer crucifer), gray treefrog (Hyla versicolor), Cope's gray treefrog (Hyla chrysoscelis), western chorus frog (Pseudacris triseriata triseriata), mountain chorus frog (Pseudacris brachyphona), bullfrog (Rana catesbeiana), green frog (Rana clamitans melanota),
northern leopard frog (Rana pipiens), pickerel frog (Rana palustris), southern leopard frog (Rana utricularia), and wood frog (Rana sylvatica).

(YY) "Deer" means white-tailed deer (Odocoileus virginianus).

(ZZ) "Domestic deer" means nonnative deer that have been legally acquired or their offspring and that are held in private ownership for primarily agricultural purposes.

(ANA) "Migratory game bird" includes waterfowl (Anatidae); doves (Columbidae); cranes (Gruidae); cormorants (Phalacrocoracidae); rails, coots, and gallinules (Rallidae); and woodcock and snipe (Scolopacidae).

(BBB) "Accompany" means to go along with another person while staying within a distance from the person that enables uninterrupted, unaided visual and auditory communication.

(CCC) "All-purpose vehicle" means any vehicle that is designed primarily for cross-country travel on land, water, or land and water and that is steered by wheels, caterpillar treads, or a combination of wheels and caterpillar treads and includes vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all-season vehicles, mini-bikes, and trail bikes.

(DDD) "Wholly enclosed preserve" means an area of land that is surrounded by a fence that is at least six feet in height, unless otherwise specified in division rule, and is constructed of a woven wire mesh, or another enclosure that the division of wildlife may approve, where game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals are raised and may be sold under the authority of a commercial propagating license or captive white-tailed deer propagation license obtained under section 1533.71 of the Revised Code.
"Commercial bird shooting preserve" means an area of land where game birds are released and hunted by shooting as authorized by a commercial bird shooting preserve license obtained under section 1533.72 of the Revised Code.

"Wild animal hunting preserve" means an area of land where game, captive white-tailed deer, and nonnative wildlife, other than game birds, are released and hunted as authorized by a wild animal hunting preserve license obtained under section 1533.721 of the Revised Code.

"Captive white-tailed deer" means legally acquired deer that are held in private ownership at a facility licensed under section 943.03 or 943.031 of the Revised Code and under section 1533.71 or 1533.721 of the Revised Code.

Sec. 1531.08. In conformity with Section 36 of Article II, Ohio Constitution, providing for the passage of laws for the conservation of the natural resources of the state, including streams, lakes, submerged lands, and swamplands, and in conformity with this chapter and Chapter 1533. of the Revised Code, the chief of the division of wildlife has authority and control in all matters pertaining to the protection, preservation, propagation, possession, and management of wild animals and may adopt rules under section 1531.10 of the Revised Code for the management of wild animals. Notwithstanding division (B) of section 119.03 of the Revised Code, such rules in proposed form shall be filed under this section. Each year there shall be a public fish hearing and public game hearing. The results of the investigation and public hearing shall be filed in the office of the chief and shall be kept open for public inspection during all regular office hours. Modifying or rescinding such rules does not require a public hearing.

The chief may adopt, amend, rescind, and enforce rules
throughout the state or in any part or waters thereof as provided by sections 1531.08 to 1531.12 and other sections of the Revised Code. The rules shall be filed in proposed form and available at the central wildlife office and at each of the wildlife district offices, including the Lake Erie unit located at Sandusky, at least thirty days prior to the date of the hearing required by division (D) of section 119.03 of the Revised Code. The rules shall be based upon a public hearing and investigation of the best available biological information derived from professionally accepted practices in wildlife and fisheries management.

Each rule adopted under this section shall clearly and distinctly describe and set forth the waters or area or part thereof affected by the rule and whether the rule is applicable to all wild animals or only to certain kinds of species designated therein.

The chief may regulate any of the following:

(A) Taking and possessing wild animals, at any time and place or in any number, quantity, or length, and in any manner, and with such devices as the chief prescribes;

(B) Transportation of such animals or any part thereof;

(C) Buying, selling, offering for sale, or exposing for sale any such animal or part thereof;

(D) Taking, possessing, transporting, buying, selling, offering for sale, and exposing for sale commercial fish or any part thereof, including species taken, length, weight, method of taking, mesh sizes, specifications of nets and other fishing devices, seasons, and time and place of taking.

When the chief increases the size of a fish named in section 1533.63 of the Revised Code, any fish that were legally taken, caught, or possessed prior to the increase may be possessed after the increase if the possession of the fish has been reported to...
the chief prior to the increase, but on or after the date of the
increase the fish may not be sold to a buyer in this state.

If the chief regulates the taking of deer by means of a gun
in accordance with this section, the chief shall ensure that the
deer gun season is open beginning the Friday after Thanksgiving
through the second Sunday following Thanksgiving in addition to
any other time the chief may so designate.

Sec. 1531.13. (A) The law enforcement officers of the
division of wildlife shall be known as "wildlife officers." The

(B) The chief of the division of wildlife, wildlife officers,
and such other employees of the division as the chief of the
division of wildlife designates, and other officers who are given
like authority, shall enforce all of the following:

(1) Enforce all laws pertaining to the taking, possession,
protection, preservation, management, and propagation of wild
animals and all division rules. They shall enforce;

(2) Enforce all laws against hunting without permission of
the owner or authorized agent of the land on which the hunting is
done. They

(C) The chief, wildlife officers, and such other employees of
the division as the chief of the division of wildlife designates,
and other officers who are given like authority may arrest on view
and without issuance of do any of the following:

(1) Make arrests only after obtaining a warrant. They may
inspect;

(2) Inspect any container or package at any time except when
within a building and the owner or person in charge of the
building objects after obtaining a warrant. The inspection shall
be only for bag limits of wild animals taken in open season or for
wild animals taken during the closed season, or for any kind or
species of those wild animals.

(D) The chief may visit all parts of the state and direct and assist wildlife officers and other employees in the discharge of their duties. The

(E) The owners or tenants of private lands or waters are not liable to wildlife officers for injuries suffered while carrying out their duties while on the lands or waters of the owners or tenants unless the injuries are caused by the willful or wanton misconduct of the owners or tenants. Any

(F) Any regularly employed salaried wildlife officer may enter any private lands or waters if the both of the following apply:

(1) The wildlife officer has good cause to believe and does believe that a law is being violated;

(2) The wildlife officer has obtained a warrant to search such private lands or waters.

No arrest shall be made without first obtaining a warrant.

(G) A wildlife officer, sheriff, deputy sheriff, constable, or officer having a similar authority may search any place which the officer has good reason to believe contains a wild animal or any part of a wild animal taken or had in possession contrary to law or division rule, or a boat, gun, net, seine, trap, ferret, or device used in the violation, and seize any the officer finds so taken or possessed. If the owner or person in charge of the place to be searched refuses to permit the search, upon filing an affidavit in accordance with law with a court having jurisdiction of the offense and upon receiving a search warrant issued, the officer forcibly may search the place described, and if in the search the officer finds any wild animal or part of a wild animal, or any boat, gun, net, seine, trap, ferret, or device in the possession of the owner or person in charge, contrary to this
chapter or Chapter 1533. of the Revised Code or division rule, the officer shall seize it and arrest the person in whose custody or possession it was found. The wild animal or parts of a wild animal or boat, gun, net, seine, trap, ferret, or device so found shall escheat to the state.

(H) Each wildlife officer shall post a bond in a sum not less than one thousand dollars executed by a surety company authorized to transact business in this state for the faithful performance of the duties of the wildlife officer's office.

(I) The chief and wildlife officers have the authority specified under division (A)(2)(b) of section 2935.03 of the Revised Code for peace officers of the department of natural resources for the purpose of enforcing the criminal laws of the state on any property owned, controlled, maintained, or administered by the department of natural resources and may, subject to that division, enforce sections 2923.12, 2923.15, and 2923.16 of the Revised Code throughout the state and may arrest without warrant any person who, in the presence of the chief or any wildlife officer, is engaged in the violation of any of those laws.

(J) A wildlife officer may render assistance to a state or local law enforcement officer at the request of that officer or may render assistance to a state or local law enforcement officer in the event of an emergency. Wildlife officers serving outside the division of wildlife under this section shall be considered as performing services within their regular employment for the purposes of compensation, pension or indemnity fund rights, workers' compensation, and other rights or benefits to which they may be entitled as incidents of their regular employment.

(K) Wildlife officers serving outside the division of wildlife under this section retain personal immunity from civil liability as specified in section 9.86 of the Revised Code and
shall not be considered an employee of a political subdivision for purposes of Chapter 2744. of the Revised Code. A political subdivision that uses wildlife officers under this section is not subject to civil liability under Chapter 2744. of the Revised Code as the result of any action or omission of any wildlife officer acting under this section.

Sec. 1531.131. A wildlife officer shall enforce section 3767.32 of the Revised Code and any other laws prohibiting the dumping of refuse into or along waters, the rules of the department of natural resources adopted under section 1517.02 of the Revised Code, and the rules of the director of natural resources adopted under Chapter 1519. of the Revised Code and. A wildlife officer shall make arrests for violation of those laws and rules after obtaining a warrant to do so. The jurisdiction of a wildlife officer is concurrent with that of the peace officers of the county, township, or municipal corporation in which the violation occurs.

Sec. 1531.14. (A) Any person regularly employed by the division of wildlife for the purpose of conducting, while in the normal, lawful, and peaceful pursuit of any of the activities described in division (B) of this section, may enter upon, cross over, be upon, and remain upon privately owned lands for such activities and is not subject to arrest for trespass while so engaged or for that cause thereafter if either of the following apply:

(1) The person has permission to enter upon, cross over, be upon, or remain upon the land by the owner or occupant of the land;

(2) The person has obtained a warrant to enter upon, cross over, be upon, or remain upon the land.
(B) Division (A) of this section applies to a person regularly employed by the division of wildlife who is engaged in any of the following activities:

(1) Conducting research and investigation of game or fish or their habitat conditions or engaged in restocking game or fish or in any type of work involved in or incident to game or fish restoration projects or in the enforcement of

(2) Enforcing laws or division rules relating to game or fish, or in the enforcement of;

(3) Enforcing section 1531.29 or 3767.32 of the Revised Code, other laws prohibiting the dumping of refuse in or along streams, or watercraft laws, while in the normal, lawful, and peaceful pursuit of such investigation, work, or enforcement may enter upon, cross over, be upon, and remain upon privately owned lands for such purposes, and shall not be subject to arrest for trespass while so engaged or for such cause thereafter.

(C) Any such person, upon demand, shall identify himself provide identification to the owner, tenant, or manager of such privately owned lands by means of a badge or card bearing his the person's name and certifying his the person's employment by the division.

Sec. 1545.21. The board of park commissioners, by resolution, may submit to the electors of the park district the question of levying taxes for the use of the district. The resolution shall declare the necessity of levying such taxes, shall specify the purpose for which such taxes shall be used, the annual rate proposed, and the number of consecutive years the rate shall be levied. Such resolution shall be forthwith certified to the board of elections in each county in which any part of such district is located, not later than the ninetieth day before the day of the election, and the question of the levy of taxes as provided in
such resolution shall be submitted to the electors of the district at a special election to be held on whichever of the following occurs first:

(A) The day of the next general election;

(B) The first Tuesday after the first Monday in May in any calendar year, except that if a presidential primary election is held in that calendar year, then the day of that election.

The ballot shall set forth the purpose for which the taxes shall be levied, the levy's estimated annual collections, the annual rate of levy, expressed in mills for each dollar of taxable value and in dollars for each one hundred thousand dollars of the county auditor's appraised value, and the number of years of such levy. If the tax is to be placed on the current tax list, the form of the ballot shall state that the tax will be levied in the current tax year and shall indicate the first calendar year the tax will be due.

If the resolution of the board of park commissioners provides that an existing levy will be canceled upon the passage of the new levy, the board shall request that the county auditor, in addition to the information the auditor is required to certify under section 5705.03 of the Revised Code, certify the estimated effective rate of the existing levy. In such an instance, the ballot must include a statement that: "an existing levy of ___ mills (stating the original levy millage) for each $1 of taxable value, which amounts to $___ (estimated effective rate) for each $100,000 of the county auditor's appraised value, having ___ years remaining, will be canceled and replaced upon the passage of this levy." In such case, the ballot may refer to the new levy as a "replacement levy" if the new millage does not exceed the original millage of the levy being canceled or as a "replacement and additional levy" if the new millage exceeds the original millage.
of the levy being canceled. **No such replacement levy shall be submitted to electors at an election held on or after January 1, 2025. If a majority of the electors voting upon the question of such levy vote in favor thereof, such taxes shall be levied and shall be in addition to the taxes authorized by section 1545.20 of the Revised Code, and all other taxes authorized by law. The rate submitted to the electors at any one time shall not exceed two mills annually upon each dollar of taxable value unless the purpose of the levy includes providing operating revenues for one of Ohio's major metropolitan zoos, as defined in section 4503.74 of the Revised Code, in which case the rate shall not exceed three mills annually upon each dollar of taxable value.** When a tax levy has been authorized as provided in this section or in section 1545.041 of the Revised Code, the board of park commissioners may issue bonds pursuant to section 133.24 of the Revised Code in anticipation of the collection of such levy, provided that such bonds shall be issued only for the purpose of acquiring and improving lands. Such levy, when collected, shall be applied in payment of the bonds so issued and the interest thereon. The amount of bonds so issued and outstanding at any time shall not exceed one per cent of the total taxable value in such district. Such bonds shall bear interest at a rate not to exceed the rate determined as provided in section 9.95 of the Revised Code.

As used in this section, "the county auditor's appraised value" and "estimated effective rate" have the same meanings as in section 5705.01 of the Revised Code.

**Sec. 1546.24.** There is hereby created in the state treasury the parks and watercraft federal grants fund. The fund shall consist of federal funds received by the department of natural resources for purposes of this section and any other money credited to the fund. The chief of the division of parks and watercraft shall use money in the fund for parks and watercraft...
projects approved by the director of natural resources.

Sec. 1547.25. (A) No person shall operate or permit to be operated any vessel, other than a vessel exempted by rules, on the waters in this state:

(1) That is sixteen feet or greater in length without carrying aboard one wearable personal flotation device for each person aboard and one throwable personal flotation device;

(2) That is less than sixteen feet in length, including paddlecraft of any length, without carrying aboard one wearable personal flotation device for each person aboard.

(B) No person shall operate or permit to be operated any commercial vessel on the waters in this state:

(1) That is less than forty feet in length and is not carrying persons for hire without carrying aboard at least one wearable personal flotation device for each person aboard;

(2) That is carrying persons for hire or is forty feet in length or longer and is not carrying persons for hire without carrying aboard at least one wearable personal flotation device for each person aboard that complies with all of the following:

(a) It is designed to support the person wearing the wearable personal flotation device in the water in an upright or slightly backward position and provides support to the head so that the face of an unconscious or exhausted person is held above the water.

(b) It is capable of turning the person wearing the wearable personal flotation device, upon entering the water, to a safe flotation position.

(c) It is capable of being worn inside out.

(d) It is capable of supporting a minimum of twenty-two
pounds in fresh water for forty-eight hours.

(e) It is a highly visible color.

(3) That is twenty-six feet in length or longer without carrying aboard at least one throwable personal flotation device in addition to the applicable requirements of divisions (B)(1) and (2) of this section.

(C) Each personal flotation device carried aboard a vessel, including a commercial vessel, pursuant to this section shall be coast guard approved and in good and serviceable condition, of appropriate size for the wearer, readily accessible to each person aboard the vessel at all times, and used in accordance with any requirements on its approval label or in accordance with requirements in its owner's manual if the approval label refers to such a manual.

(D) A personal flotation device shall not be used in a manner that is inconsistent with any limitations or restrictions related to federal approval under 46 C.F.R. 160 or special instructions for use provided by the manufacturer. Appropriate use shall be indicated on the label of an approved personal flotation device with one or more of the following designations:

(1) Conditional approval;
(2) Performance type;
(3) Type one personal flotation device;
(4) Type two personal flotation device;
(5) Type three personal flotation device;
(6) Type four personal flotation device;
(7) Type five personal flotation device;
(8) Throwable personal flotation device;
(9) Wearable personal flotation device.
(E) As used in this section, "commercial vessel" means any vessel used in the carriage of any person or property for a valuable consideration whether flowing directly or indirectly from the owner, partner, or agent or any other person interested in the vessel. "Commercial vessel" does not include any vessel that is manufactured or used primarily for noncommercial use or that is leased, rented, or chartered to another for noncommercial use.

Sec. 1547.27. (A) Except those powercraft propelled by an electric motor and those less than twenty-six feet in length designed for use with an outboard motor, of open construction that is not capable of entrapping explosive or flammable gases or vapors, and not carrying passengers for hire, all powercraft shall carry fire extinguishers as prescribed in this section. The fire extinguishers shall be capable of extinguishing a burning gasoline fire, shall be so placed as to be readily accessible and in such condition as to be ready for immediate and effective use, and shall comply with minimum or higher standards for such extinguishers then prevailing as prescribed by the United States coast guard.

(B) Class except for vessels subject to exemptions listed in 33 C.F.R. 175.380 or 175.390, any vessel not equipped with fixed fire extinguishing systems in machinery spaces shall carry the following:

(1) Class A and class 1 powercraft shall carry at least one B-1 5-B portable fire extinguisher.

(2) Class 2 powercraft shall carry at least two B-1 5-B portable fire extinguishers or at least one B-2 20-B portable fire extinguisher.

(3) Class 3 powercraft shall carry at least three B-1 5-B portable fire extinguishers, or at least one B-1 5-B portable and one B-2 20-B portable fire extinguishers.
(4) Class 4 powercraft shall carry the number and type of 20-B portable fire extinguishers specified by gross tonnage as prescribed by 33 C.F.R. 175, subpart E.

A B-1 fire extinguisher is one containing a minimum of one and one-fourth gallons foam, four pounds carbon dioxide, two pounds dry chemical, two and one-half pounds halon, or another extinguishing material approved by the United States coast guard, in a quantity approved by the United States coast guard, for such use. A B-2 fire extinguisher is one containing a minimum of two and one-half gallons foam, fifteen pounds carbon dioxide, ten pounds dry chemical, ten pounds halon, or another extinguishing material approved by the United States coast guard, in a quantity approved by the United States coast guard, for such use.

(C) All portable and semi-portable fire extinguishers for use on a vessel shall:

(1) Be on board the vessel and be readily accessible;

(2) Be of an approved type;

(3) Not be expired or appear to have been previously used;

(4) Be maintained in good and serviceable working condition.

As used in division (C)(4) of this section, "good and serviceable working condition" means all of the following:

(a) If the fire extinguisher has a pressure gauge or indicator, the reading or indicator is in the operable range or position;

(b) The fire extinguisher's lock pin is firmly in place;

(c) The fire extinguisher's discharge nozzle is clean and free of obstruction;

(d) The fire extinguisher does not show visible signs of significant corrosion or damage.

(D) No person shall operate or permit to be operated on the
waters in this state any powercraft that does not comply with this section.

Sec. 1548.03. No person, except as provided in section 1548.05 of the Revised Code, shall sell or otherwise dispose of a watercraft or outboard motor without delivering to the purchaser or transforee a physical certificate of title with an assignment on it as is necessary to show title in the purchaser or transferee; nor shall any person purchase or otherwise acquire a watercraft or outboard motor without obtaining a certificate of title for it in the person's name in accordance with this chapter; however, a purchaser may take possession of and operate a watercraft or outboard motor on the waters in this state without a certificate of title for a period not exceeding sixty days if the purchaser has been issued and has in the purchaser's possession a dealer's dated bill of sale or, in the case of a casual sale, a notarized bill of sale.

Sec. 1707.01. As used in this chapter:

(A) Whenever the context requires it, "division" or "division of securities" may be read as "director of commerce" or as "commissioner of securities."

(B) "Security" means any certificate or instrument, or any oral, written, or electronic agreement, understanding, or opportunity, that represents title to or interest in, or is secured by any lien or charge upon, the capital, assets, profits, property, or credit of any person or of any public or governmental body, subdivision, or agency. It includes shares of stock, certificates for shares of stock, an uncertificated security, membership interests in limited liability companies, voting-trust certificates, warrants and options to purchase securities, subscription rights, interim receipts, interim certificates,
promissory notes, all forms of commercial paper, evidences of 
indebtedness, bonds, debentures, land trust certificates, fee 
certificates, leasehold certificates, syndicate certificates, 
endowment certificates, interests in or under profit-sharing or 
participation agreements, interests in or under oil, gas, or 
mining leases, preorganization or reorganization subscriptions, 
preorganization certificates, reorganization certificates, 
interests in any trust or pretended trust, any investment 
contract, any life settlement interest, any instrument evidencing 
a promise or an agreement to pay money, warehouse receipts for 
intoxicating liquor, and the currency of any government other than 
those of the United States and Canada, but sections 1707.01 to 
1707.50 of the Revised Code do not apply to the sale of real 
estate.

(C)(1) "Sale" has the full meaning of "sale" as applied by or 
accepted in courts of law or equity, and includes every 
disposition, or attempt to dispose, of a security or of an 
interest in a security. "Sale" also includes a contract to sell, 
an exchange, an attempt to sell, an option of sale, a solicitation 
of a sale, a solicitation of an offer to buy, a subscription, or 
an offer to sell, directly or indirectly, by agent, circular, 
pamphlet, advertisement, or otherwise.

(2) "Sell" means any act by which a sale is made.

(3) The use of advertisements, circulars, or pamphlets in 
connection with the sale of securities in this state exclusively 
to the purchasers specified in division (D) of section 1707.03 of 
the Revised Code is not a sale when the advertisements, circulars, 
and pamphlets describing and offering those securities bear a 
readily legible legend in substance as follows: "This offer is 
made on behalf of dealers licensed under sections 1707.01 to 
1707.50 of the Revised Code, and is confined in this state 
exclusively to institutional investors and licensed dealers."
(4) The offering of securities by any person in conjunction with a licensed dealer by use of advertisement, circular, or pamphlet is not a sale if that person does not otherwise attempt to sell securities in this state.

(5) Any security given with, or as a bonus on account of, any purchase of securities is conclusively presumed to constitute a part of the subject of that purchase and has been "sold."

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person acting in a representative capacity, includes sale on behalf of such party by an agent, including a licensed dealer or salesperson.

(D) "Person," except as otherwise provided in this chapter, means a natural person, firm, partnership, limited partnership, partnership association, syndicate, joint-stock company, unincorporated association, trust or trustee except where the trust was created or the trustee designated by law or judicial authority or by a will, and a corporation or limited liability company organized under the laws of any state, any foreign government, or any political subdivision of a state or foreign government.

(E)(1) "Dealer," except as otherwise provided in this chapter, means every person, other than a salesperson, who engages or professes to engage, in this state, for either all or part of the person's time, directly or indirectly, either in the business of the sale of securities for the person's own account, or in the business of the purchase or sale of securities for the account of others in the reasonable expectation of receiving a commission, fee, or other remuneration as a result of engaging in the purchase and sale of securities. "Dealer" does not mean any of the following:

(a) Any issuer, including any officer, director, employee, or
trustee of, or member or manager of, or partner in, or any general partner of, any issuer, that sells, offers for sale, or does any act in furtherance of the sale of a security that represents an economic interest in that issuer, provided no commission, fee, or other similar remuneration is paid to or received by the issuer for the sale;

(b) Any licensed attorney, public accountant, or firm of such attorneys or accountants, whose activities are incidental to the practice of the attorney's, accountant's, or firm's profession;

(c) Any person that, for the account of others, engages in the purchase or sale of securities that are issued and outstanding before such purchase and sale, if a majority or more of the equity interest of an issuer is sold in that transaction, and if, in the case of a corporation, the securities sold in that transaction represent a majority or more of the voting power of the corporation in the election of directors;

(d) Any person that brings an issuer together with a potential investor and whose compensation is not directly or indirectly based on the sale of any securities by the issuer to the investor;

(e) Any bank;

(f) Any person that the division of securities by rule exempts from the definition of "dealer" under division (E)(1) of this section.

(2) "Licensed dealer" means a dealer licensed under this chapter.

(F)(1) "Salesman" or "salesperson" means every natural person, other than a dealer, who is employed, authorized, or appointed by a dealer to sell securities within this state.

(2) The general partners of a partnership, and the executive
officers of a corporation or unincorporated association, licensed as a dealer are not salespersons within the meaning of this definition, nor are clerical or other employees of an issuer or dealer that are employed for work to which the sale of securities is secondary and incidental; but the division of securities may require a license from any such partner, executive officer, or employee if it determines that protection of the public necessitates the licensing.

(3) "Licensed salesperson" means a salesperson licensed under this chapter.

(G) "Issuer" means every person who has issued, proposes to issue, or issues any security.

(H) "Director" means each director or trustee of a corporation, each trustee of a trust, each general partner of a partnership, except a partnership association, each manager of a partnership association, and any person vested with managerial or directory power over an issuer not having a board of directors or trustees.

(I) "Incorporator" means any incorporator of a corporation and any organizer of, or any person participating, other than in a representative or professional capacity, in the organization of an unincorporated issuer.

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent practices," or "fraudulent transactions" means anything recognized on or after July 22, 1929, as such in courts of law or equity; any device, scheme, or artifice to defraud or to obtain money or property by means of any false pretense, representation, or promise; any fictitious or pretended purchase or sale of securities; and any act, practice, transaction, or course of business relating to the purchase or sale of securities that is fraudulent or that has operated or would operate as a fraud upon
22186 the seller or purchaser.

22187 (K) Except as otherwise specifically provided, whenever any
22188 classification or computation is based upon "par value," as
22189 applied to securities without par value, the average of the
22190 aggregate consideration received or to be received by the issuer
22191 for each class of those securities shall be used as the basis for
22192 that classification or computation.

22193 (L)(1) "Intangible property" means patents, copyrights,
22194 secret processes, formulas, services, good will, promotion and
22195 organization fees and expenses, trademarks, trade brands, trade
22196 names, licenses, franchises, any other assets treated as
22197 intangible according to generally accepted accounting principles,
22198 and securities, accounts receivable, or contract rights having no
22199 readily determinable value.

22200 (2) "Tangible property" means all property other than
22201 intangible property and includes securities, accounts receivable,
22202 and contract rights, when the securities, accounts receivable, or
22203 contract rights have a readily determinable value.

22204 (M) "Public utilities" means those utilities defined in
22205 sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised
22206 Code; in the case of a foreign corporation, it means those
22207 utilities defined as public utilities by the laws of its domicile;
22208 and in the case of any other foreign issuer, it means those
22209 utilities defined as public utilities by the laws of the situs of
22210 its principal place of business. The term always includes
22211 railroads whether or not they are so defined as public utilities.

22212 (N) "State" means any state of the United States, any
22213 territory or possession of the United States, the District of
22214 Columbia, and any province of Canada.

22215 (O) "Bank" means any bank, trust company, savings and loan
22216 association, savings bank, or credit union that is incorporated or
organized under the laws of the United States, any state of the United States, Canada, or any province of Canada and that is subject to regulation or supervision by that country, state, or province.

(P) "Include," when used in a definition, does not exclude other things or persons otherwise within the meaning of the term defined.

(Q)(1) "Registration by description" means that the requirements of section 1707.08 of the Revised Code have been complied with.

(2) "Registration by qualification" means that the requirements of sections 1707.09 and 1707.11 of the Revised Code have been complied with.

(3) "Registration by coordination" means that there has been compliance with section 1707.091 of the Revised Code. Reference in this chapter to registration by qualification also includes registration by coordination unless the context otherwise indicates.

(4) Reference in this chapter to "registration by description" or "registration by qualification" does not include registration by coordination.

(R) "Intoxicating liquor" includes all liquids and compounds that contain more than three and two-tenths per cent of alcohol by weight and are fit for use for beverage purposes.

(S) "Institutional investor" means any of the following, whether acting for itself or for others in a fiduciary capacity:

(1) A bank or international banking institution;

(2) An insurance company;

(3) A separate account of an insurance company;

(4) An investment company as defined in the "Investment
Company Act of 1940," 15 U.S.C. 80a-3;


(6) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:


(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;

(c) An investment adviser registered under this chapter, a bank, or an insurance company.

(7) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:


(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;

(c) An investment adviser registered under this chapter, a
bank, or an insurance company.

(8) A trust, if it has total assets in excess of ten million dollars, its trustee is a bank, and its participants are exclusively plans of the types identified in division (S)(6) or (7) of this section, regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans;

(9) An organization described in section 501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, corporation, Massachusetts trust or similar business trust, limited liability company, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of ten million dollars;

(10) A small business investment company licensed by the small business administration under section 301(c) of the "Small Business Investment Act of 1958," 15 U.S.C. 681(c), with total assets in excess of ten million dollars;

(11) A private business development company as defined in section 202(a)(22) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(22), with total assets in excess of ten million dollars;

(12) A federal covered investment adviser acting for its own account;

(13) A "qualified institutional buyer" as defined in 17 C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);

(14) A "major U.S. institutional investor" as defined in 17 C.F.R. 240.15a-6(b)(4)(i);

(15) Any other person, other than an individual, of institutional character with total assets in excess of ten million dollars not organized for the specific purpose of evading this
chapter;

(16) Any other person specified by rule adopted or order
issued under this chapter.

(T) A reference to a statute of the United States or to a
rule, regulation, or form promulgated by the securities and
exchange commission or by another federal agency means the
statute, rule, regulation, or form as it exists at the time of the
act, omission, event, or transaction to which it is applied under
this chapter.

(U) "Securities and exchange commission" means the securities
and exchange commission established by the Securities Exchange Act
of 1934.

(V)(1) "Control bid" means the purchase of or offer to
purchase any equity security of a subject company from a resident
of this state if either of the following applies:

(a) After the purchase of that security, the offeror would be
directly or indirectly the beneficial owner of more than ten per
cent of any class of the issued and outstanding equity securities
of the issuer.

(b) The offeror is the subject company, there is a pending
control bid by a person other than the issuer, and the number of
the issued and outstanding shares of the subject company would be
reduced by more than ten per cent.

(2) For purposes of division (V)(1) of this section, "control
bid" does not include any of the following:

(a) A bid made by a dealer for the dealer's own account in
the ordinary course of business of buying and selling securities;

(b) An offer to acquire any equity security solely in
exchange for any other security, or the acquisition of any equity
security pursuant to an offer, for the sole account of the
offeror, in good faith and not for the purpose of avoiding the provisions of this chapter, and not involving any public offering of the other security within the meaning of Section 4 of Title I of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), as amended;

(c) Any other offer to acquire any equity security, or the acquisition of any equity security pursuant to an offer, for the sole account of the offeror, from not more than fifty persons, in good faith and not for the purpose of avoiding the provisions of this chapter.

(W) "Offeror" means a person who makes, or in any way participates or aids in making, a control bid and includes persons acting jointly or in concert, or who intend to exercise jointly or in concert any voting rights attached to the securities for which the control bid is made and also includes any subject company making a control bid for its own securities.

(X)(1) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of regular business, issues or promulgates analyses or reports concerning securities.

(2) "Investment adviser" does not mean any of the following:

(a) Any attorney, accountant, engineer, or teacher, whose performance of investment advisory services described in division (X)(1) of this section is solely incidental to the practice of the attorney's, accountant's, engineer's, or teacher's profession;

(b) A publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation;
(c) A person who acts solely as an investment adviser representative;

(d) A bank holding company, as defined in the "Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an investment company;

(e) A bank, or any receiver, conservator, or other liquidating agent of a bank;

(f) Any licensed dealer or licensed salesperson whose performance of investment advisory services described in division (X)(1) of this section is solely incidental to the conduct of the dealer's or salesperson's business as a licensed dealer or licensed salesperson and who receives no special compensation for the services;

(g) Any person, the advice, analyses, or reports of which do not relate to securities other than securities that are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest, and that have been designated by the secretary of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c;

(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.

(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief
investment officer;

(j) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and consistent with the purposes fairly intended by the policy and provisions of this chapter.

(Y)(1) "Subject company" means an issuer that satisfies both of the following:

(a) Its principal place of business or its principal executive office is located in this state, or it owns or controls assets located within this state that have a fair market value of at least one million dollars.

(b) More than ten per cent of its beneficial or record equity security holders are resident in this state, more than ten per cent of its equity securities are owned beneficially or of record by residents in this state, or more than one thousand of its beneficial or record equity security holders are resident in this state.

(2) The division of securities may adopt rules to establish more specific application of the provisions set forth in division (Y)(1) of this section. Notwithstanding the provisions set forth in division (Y)(1) of this section and any rules adopted under this division, the division, by rule or in an adjudicatory proceeding, may make a determination that an issuer does not constitute a "subject company" under division (Y)(1) of this section if appropriate review of control bids involving the issuer is to be made by any regulatory authority of another jurisdiction.

(Z) "Beneficial owner" includes any person who directly or indirectly through any contract, arrangement, understanding, or relationship has or shares, or otherwise has or shares, the power to vote or direct the voting of a security or the power to dispose...
of, or direct the disposition of, the security. "Beneficial ownership" includes the right, exercisable within sixty days, to acquire any security through the exercise of any option, warrant, or right, the conversion of any convertible security, or otherwise. Any security subject to any such option, warrant, right, or conversion privilege held by any person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by that person, but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person. A person shall be deemed the beneficial owner of any security beneficially owned by any relative or spouse or relative of the spouse residing in the home of that person, any trust or estate in which that person owns ten per cent or more of the total beneficial interest or serves as trustee or executor, any corporation or entity in which that person owns ten per cent or more of the equity, and any affiliate or associate of that person.

(AA) "Offeree" means the beneficial or record owner of any security that an offeror acquires or offers to acquire in connection with a control bid.

(BB) "Equity security" means any share or similar security, or any security convertible into any such security, or carrying any warrant or right to subscribe to or purchase any such security, or any such warrant or right, or any other security that, for the protection of security holders, is treated as an equity security pursuant to rules of the division of securities.

(CC)(1) "Investment adviser representative" means a supervised person of an investment adviser, provided that the supervised person has more than five clients who are natural persons other than excepted persons defined in division (EE) of this section, and that more than ten per cent of the supervised person's clients are natural persons other than excepted persons.
defined in division (EE) of this section. "Investment adviser representative" does not mean any of the following:

(a) A supervised person that does not on a regular basis solicit, meet with, or otherwise communicate with clients of the investment adviser;

(b) A supervised person that provides only investment advisory services described in division (X)(1) of this section by means of written materials or oral statements that do not purport to meet the objectives or needs of specific individuals or accounts;

(c) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and is consistent with the provisions fairly intended by the policy and provisions of this chapter.

(2) For the purpose of the calculation of clients in division (CC)(1) of this section, a natural person and the following persons are deemed a single client: Any minor child of the natural person; any relative, spouse, or relative of the spouse of the natural person who has the same principal residence as the natural person; all accounts of which the natural person or the persons referred to in division (CC)(2) of this section are the only primary beneficiaries; and all trusts of which the natural person or persons referred to in division (CC)(2) of this section are the only primary beneficiaries. Persons who are not residents of the United States need not be included in the calculation of clients under division (CC)(1) of this section.

(3) If subsequent to March 18, 1999, amendments are enacted or adopted defining "investment adviser representative" for purposes of the Investment Advisers Act of 1940 or additional rules or regulations are promulgated by the securities and
exchange commission regarding the definition of "investment
adviser representative" for purposes of the Investment Advisers
Act of 1940, the division of securities shall, by rule, adopt the
substance of the amendments, rules, or regulations, unless the
division finds that the amendments, rules, or regulations are not
necessary for the protection of investors or in the public
interest.

(DD) "Supervised person" means a natural person who is any of
the following:

(1) A partner, officer, or director of an investment adviser,
or other person occupying a similar status or performing similar
functions with respect to an investment adviser;

(2) An employee of an investment adviser;

(3) A person who provides investment advisory services
described in division (X)(1) of this section on behalf of the
investment adviser and is subject to the supervision and control
of the investment adviser.

(EE) "Excepted person" means a natural person to whom any of
the following applies:

(1) Immediately after entering into the investment advisory
contract with the investment adviser, the person has at least
seven hundred fifty thousand dollars under the management of the
investment adviser.

(2) The investment adviser reasonably believes either of the
following at the time the investment advisory contract is entered
into with the person:

(a) The person has a net worth, together with assets held
jointly with a spouse, of more than one million five hundred
thousand dollars.

(b) The person is a qualified purchaser as defined in
division (FF) of this section.

(3) Immediately prior to entering into an investment advisory contract with the investment adviser, the person is either of the following:

(a) An executive officer, director, trustee, general partner, or person serving in a similar capacity, of the investment adviser;

(b) An employee of the investment adviser, other than an employee performing solely clerical, secretarial, or administrative functions or duties for the investment adviser, which employee, in connection with the employee's regular functions or duties, participates in the investment activities of the investment adviser, provided that, for at least twelve months, the employee has been performing such nonclerical, nonsecretarial, or nonadministrative functions or duties for or on behalf of the investment adviser or performing substantially similar functions or duties for or on behalf of another company.

If subsequent to March 18, 1999, amendments are enacted or adopted defining "excepted person" for purposes of the Investment Advisers Act of 1940 or additional rules or regulations are promulgated by the securities and exchange commission regarding the definition of "excepted person" for purposes of the Investment Advisers Act of 1940, the division of securities shall, by rule, adopt the substance of the amendments, rules, or regulations, unless the division finds that the amendments, rules, or regulations are not necessary for the protection of investors or in the public interest.

(FF)(1) "Qualified purchaser" means either of the following:

(a) A natural person who owns not less than five million dollars in investments as defined by rule by the division of securities;
(b) A natural person, acting for the person's own account or accounts of other qualified purchasers, who in the aggregate owns and invests on a discretionary basis, not less than twenty-five million dollars in investments as defined by rule by the division of securities.

(2) If subsequent to March 18, 1999, amendments are enacted or adopted defining "qualified purchaser" for purposes of the Investment Advisers Act of 1940 or additional rules or regulations are promulgated by the securities and exchange commission regarding the definition of "qualified purchaser" for purposes of the Investment Advisers Act of 1940, the division of securities shall, by rule, adopt the amendments, rules, or regulations, unless the division finds that the amendments, rules, or regulations are not necessary for the protection of investors or in the public interest.

(GG)(1) "Purchase" has the full meaning of "purchase" as applied by or accepted in courts of law or equity and includes every acquisition of, or attempt to acquire, a security or an interest in a security. "Purchase" also includes a contract to purchase, an exchange, an attempt to purchase, an option to purchase, a solicitation of a purchase, a solicitation of an offer to sell, a subscription, or an offer to purchase, directly or indirectly, by agent, circular, pamphlet, advertisement, or otherwise.

(2) "Purchase" means any act by which a purchase is made.

(3) Any security given with, or as a bonus on account of, any purchase of securities is conclusively presumed to constitute a part of the subject of that purchase.

(HH) "Life settlement interest" means the entire interest or any fractional interest in an insurance policy or certificate of insurance, or in an insurance benefit under such a policy or
certificate, that is the subject of a life settlement contract.

For purposes of this division, "life settlement contract" means an agreement for the purchase, sale, assignment, transfer, devise, or bequest of any portion of the death benefit or ownership of any life insurance policy or contract, in return for consideration or any other thing of value that is less than the expected death benefit of the life insurance policy or contract. "Life settlement contract" includes a viatical settlement contract as defined in section 3916.01 of the Revised Code, but does not include any of the following:

(1) A loan by an insurer under the terms of a life insurance policy, including, but not limited to, a loan secured by the cash value of the policy;

(2) An agreement with a bank that takes an assignment of a life insurance policy as collateral for a loan;

(3) The provision of accelerated benefits as defined in section 3915.21 of the Revised Code;

(4) Any agreement between an insurer and a reinsurer;

(5) An agreement by an individual to purchase an existing life insurance policy or contract from the original owner of the policy or contract, if the individual does not enter into more than one life settlement contract per calendar year;

(6) The initial purchase of an insurance policy or certificate of insurance from its owner by a viatical settlement provider, as defined in section 3916.01 of the Revised Code, that is licensed under Chapter 3916. of the Revised Code.

(II) "State retirement system" means the public employees retirement system, Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, and state highway patrol retirement system.
(JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets.

(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a position that is substantially equivalent to a chief investment officer.

Sec. 1707.09. (A)(1) All securities, except those enumerated in section 1707.02 of the Revised Code and those that are the subject matter of a transaction permitted by section 1707.03, 1707.04, or 1707.06 of the Revised Code, and those that are subject to registration by coordination under section 1707.091 of the Revised Code, shall be qualified in the manner provided by this section before being sold in this state. No security subject to registration by coordination under section 1707.091 of the Revised Code shall be subject to any provision of this section.

(2) Applications for qualification, on forms prescribed by the division of securities, shall be made in writing either by the issuer of the securities or by any licensed dealer desiring to sell them within this state and shall be signed by the applicant, sworn to by any individual having knowledge of the facts stated in the application, and filed in the office of the division.

(3) The individual who executes the application for qualification of securities on behalf of the applicant shall state the individual's relationship to the applicant and certify that: the individual has executed the application on behalf of the applicant; the individual is fully authorized to execute and file
the application on behalf of the applicant; the individual is familiar with the applicant's application; and to the best of the individual's knowledge, information, and belief, the statements made in the application are true, and the documents submitted with the application are true copies of the original documents.

(B) The division shall require the applicant for qualification of securities to submit to it the following information:

(1) The names and addresses of the directors or trustees and of the officers of the issuer, if the issuer is a corporation or an unincorporated association; of all the members of the issuer, if the issuer is a limited liability company in which management is reserved to its members; of all the managers of the issuer, if the issuer is a limited liability company in which management is not reserved to its members; of all partners, if the issuer is a general or limited partnership or a partnership association; and the name and address of the issuer, if the issuer is an individual;

(2) The address of the issuer's principal place of business and principal office in this state, if any;

(3) The purposes and general character of the business actually being transacted, or to be transacted, by the issuer, and the purpose of issuing the securities named in the application;

(4) A statement of the capitalization of the issuer; a balance sheet made up as of the most recent practicable date, showing the amount and general character of its assets and liabilities; a description of the security for the qualification of which application is being made; and copies of all circulars, prospectuses, advertisements, or other descriptions of the securities, that are then prepared by or for the issuer, or by or for the applicant if the applicant is not the issuer, or by or for
both, to be used for distribution or publication in this state;

(5) A statement of the amount of the issuer's income, expenses, and fixed charges during the last fiscal year or, if the issuer has been in actual business less than one year, for the time that the issuer has been in actual business;

(6) A statement showing the price at which the security is to be offered for sale;

(7) A statement showing the considerations received or to be received by the issuer of the securities purchased or to be purchased from the issuer and an itemized statement of all expenses of financing to be paid from those considerations so as to show the aggregate net amount actually received or to be received by the issuer;

(8) All other information, including an opinion of counsel as to the validity of the securities that are the subject matter of the application, that the division considers necessary to enable it to ascertain whether the securities are entitled to qualification;

(9) If the issuer is a corporation, there shall be filed with the application a certified copy of its articles of incorporation with all amendments to the articles, if the articles or amendments are not already on file in the office of the secretary of state; if the issuer is a limited liability company, there shall be filed with the application a certified copy of its articles of organization with all amendments to the articles, if the articles or amendments are not already on file in the office of the secretary of state; if the issuer is a trust or trustee, there shall be filed with the application a copy of all instruments by which the trust was created; and if the issuer is a partnership or an unincorporated association, or any other form of organization, there shall be filed with the application a copy of its articles
of partnership or association and of all other papers pertaining to its organization, if the articles or other papers are not already on file in the office of the secretary of state;

(10) If the application is made with respect to securities to be sold or distributed by or on behalf of the issuer, or by or on behalf of an underwriter, as defined in division (N) of section 1707.03 of the Revised Code, a statement showing that the issuer has received, or will receive at or prior to the delivery of those securities, not less than eighty-five per cent of the aggregate price at which all those securities are sold by or on behalf of the issuer, without deduction for any additional commission, directly or indirectly, and without liability to pay any additional sum as commission;

(11) If the division so permits with respect to a security, an applicant may file with the division, in lieu of the division's prescribed forms, a copy of the registration statement relating to the security, with all amendments to that statement, previously filed with the securities and exchange commission of the United States under the "Securities Act of 1933," as amended, together with all additional data, information, and documents that the division requires.

(C) If the division finds that it is not necessary in the public interest and for the protection of investors to require all the information specified in divisions (B)(1) to (10) of this section, it may permit the filing of applications for qualification that contain the information that it considers necessary and appropriate in the public interest and for the protection of investors, but this provision applies only in the case of applications for qualification of securities previously issued and outstanding that may not be made the subject matter of transactions exempt under division (M) of section 1707.03 of the Revised Code by reason of the fact that those securities within
one year were purchased outside this state or within one year were transported into this state.

(D) All the statements, exhibits, and documents required by the division under this section, except properly certified public documents, shall be verified by the oath of the applicant for qualification, of the issuer, or of any individual having knowledge of the facts, and in the manner and form that may be required by the division. Failure or refusal to comply with the requests of the division shall be sufficient reason for a refusal by the division to register securities.

(E) If it appears to the division that substantially the only consideration to be paid for any of the securities to be qualified is to be intangible property of doubtful value, the division may require that the securities be delivered in escrow to a bank in this state under the terms that the division may reasonably prescribe or require to prevent a deceitful misrepresentation or sale of the securities; that the securities be subordinated in favor of those sold for sound value until they have a value bearing a reasonable relation to the value of those sold for sound value; or that a legend of warning specifying the considerations paid or to be paid for the securities be stamped or printed on all advertisements, circulars, pamphlets, or subscription blanks used in connection with the sale of any securities of the same issuer; or it may impose a combination of any two or more of these requirements.

(F) At the time of filing the information prescribed in this section, the applicant shall pay to the division a filing fee of one hundred dollars.

(G)(1) The division, at any time, as a prerequisite to qualification, may make an examination of the issuer of securities sought to be qualified. The applicant for qualification of any securities may be required by the division to advance sufficient
funds to pay all or any part of the actual expenses of that
examination, an itemized statement of which shall be furnished the
applicant.

(2) If the division finds that the business of the issuer is
not fraudulently conducted, that the proposed offer or disposal of
securities is not on grossly unfair terms, that the plan of
issuance and sale of the securities referred to in the proposed
offer or disposal would not defraud or deceive, or tend to defraud
or deceive, purchasers, and that division (B)(10) of this section
applies and has been complied with, the division shall notify the
applicant of its findings, and, upon payment of a registration fee
of one-tenth of one per cent of the aggregate price at which the
securities are to be sold to the public in this state, which fee,
however, shall in no case be less than one hundred or more than
one thousand dollars, the division shall register the
qualification of the securities.

(H) An application for qualification of securities may be
amended by the person filing it at any time prior to the
division's action on it either in registering the securities for
qualification or in refusing to do so. Subsequent to any such
action by the division, the person who filed the application may
file with the consent of the division one or more amendments to it
that shall become effective upon the making by the division of the
findings enumerated in division (G) of this section; the giving of
notice of those findings to the applicant by the division; and the
payment by the applicant of the additional fee that would have
been payable had the application, as it previously became
effective, contained the amendment.

(I) When any securities have been qualified and the fees for
the qualification have been paid as provided in this section, any
licensed dealer subsequently may sell the securities under the
qualification, so long as the qualification remains in full force,
and any dealer of that nature that desires may file with the division a written notice of intention to sell the securities or any designated portion of them. For that filing, no fee need be paid.

**Sec. 1707.091.** (A) Any security for which a registration statement has been filed pursuant to Section 6 of the Securities Act of 1933 or for which a notification form and offering circular has been filed pursuant to regulation A of the general rules and regulations of the securities and exchange commission, 17 C.F.R. sections 230.251 to 230.256 and 230.258 to 230.263, as amended before or after the effective date of this section, in connection with the same offering may shall be registered by coordination rather than by qualification under section 1707.09 of the Revised Code or any other method of registration.

(B) A registration statement filed by or on behalf of the issuer under this section with the division of securities shall contain the following information and be accompanied by the following items in addition to the consent to service of process required by section 1707.11 of the Revised Code:

1. One copy of the latest form of prospectus or offering circular and notification filed with the securities and exchange commission;

2. If the division of securities by rule or otherwise requires, a copy of the articles of incorporation and code of regulations or bylaws, or their substantial equivalents, as currently in effect, a copy of any agreements with or among underwriters, a copy of any indenture or other instrument governing the issuance of the security to be registered, and a specimen or copy of the security;

3. If the division of securities requests, any other information, or copies of any other documents, filed with the
(4) An undertaking by the issuer to forward to the division, promptly and in any event not later than the first business day after the day they are forwarded to or thereafter are filed with the securities and exchange commission, whichever occurs first, all amendments to the federal prospectus, offering circular, notification form, or other documents filed with the securities and exchange commission, other than an amendment that merely delays the effective date;

(5) A filing fee of one hundred dollars.

(C) A registration statement filed under this section becomes effective, without delay or waiver of any condition by the division or issuer, either at the moment the federal registration statement becomes effective or at the time the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, if all of the following conditions are satisfied:

(1) No stop order is in effect, no proceeding is pending under section 1707.13 of the Revised Code, and no cease and desist order has been issued pursuant to section 1707.23 of the Revised Code;

(2) The registration statement has been on file with the division for at least fifteen days or for such shorter period as the division by rule or otherwise permits; provided, that if the registration statement is not filed with the division within five days of the initial filing with the securities and exchange commission, the registration statement must be on file with the division for thirty days or for such shorter period as the division by rule or otherwise permits.

(3) A statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has
been on file with the division for two full business days or for such shorter period as the division by rule or otherwise permits and the offering is made within those limitations;

(4) The division has received a registration fee of one-tenth of one per cent of the aggregate price at which the securities are to be sold to the public in this state, which fee, however, shall in no case be less than one hundred or more than one thousand dollars.

(D) The issuer shall promptly notify the division by telephone or telegram of the date and time when the federal registration statement became effective, or when the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, and of the contents of the price amendment, if any, and shall promptly file the price amendment.

"Price amendment" for the purpose of this division, means the final federal registration statement amendment that includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices, and other matters dependent upon the offering price.

If the division fails to receive the required notice and required copies of the price amendment, the division may enter a provisional stop order retroactively denying effectiveness to the registration statement or suspending its effectiveness until there is compliance with this division, provided the division promptly notifies the issuer or its representative by telephone or telegram, and promptly confirms by letter or telegram when it notifies by telephone, of the entry of the order. If the issuer or its representative proves compliance with the requirements of this division as to notice and price amendment filing, the stop order is void as of the time of its entry. The division may by rule or otherwise waive either or both of the conditions specified in
divisions (C)(2) and (3) of this section. If the federal registration statement becomes effective, or if the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, before all of the conditions specified in divisions (C) and (D) of this section are satisfied and they are not waived by the division the registration statement becomes effective as soon as all of the conditions are satisfied.

If the issuer advises the division of the date when the federal registration statement is expected to become effective, or when the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, the division shall promptly advise the issuer or its representative by telephone or telegram, at the issuer's expense, whether all of the conditions have been satisfied or whether the division then contemplates the institution of a proceeding under section 1707.13 or 1707.23 of the Revised Code, but such advice does not preclude the institution of such a proceeding at any time.

Sec. 1707.092. (A) For the purposes of selling securities in this state, except securities that are the subject matter of transactions enumerated in section 1707.03 of the Revised Code, an investment company, as defined by the Investment Company Act of 1940, that is registered or has filed a registration statement with the securities and exchange commission under the Investment Company Act of 1940, and a business development company that has elected to be subject to 15 U.S.C. 80a-54 to 80a-64, shall file the following with the division of securities:

(1) A notice filing consisting of either of the following:

(a) A copy of the investment company's or business development company's federal registration statement as filed with
the securities and exchange commission;

(b) A form U-1 or form NF of the North American securities administrators association.

(2) Appropriate filing fees consisting of both of the following:

(a) A flat fee of one hundred dollars;

(b) A fee calculated at one-tenth of one per cent of the aggregate price at which the securities are to be sold to the public in this state, which calculated fee, however, shall in no case be less than one hundred or more than one thousand dollars.

(B)(1) Upon payment of the maximum filing fees as provided in division (A)(2) of this section, an investment company or business development company may sell an indefinite amount of securities in this state.

(2) An investment company or business development company making a notice filing as provided in this section shall comply with section 1707.11 of the Revised Code. An investment company or business development company that previously filed with the division a valid consent to service of process pursuant to section 1707.11 of the Revised Code may incorporate that consent by reference.

(C)(1) For offerings involving covered securities, as defined in section 18 of the "Securities Act of 1933," 15 U.S.C. 77r, that are not subject to section 1707.02, 1707.03, 1707.04, 1707.06, 1707.08, 1707.09, or 1707.091 of the Revised Code, or division (A) of this section, a notice filing shall be submitted to the division together with a consent to service of process pursuant to section 1707.11 of the Revised Code and a filing fee as provided in division (A)(2) of this section.

(2) The notice filing described in division (C)(1) of this
section shall consist of any document filed with the securities 22959
and exchange commission pursuant to the Securities Act of 1933, 22960
together with annual or periodic reports of the value of the 22961
securities sold or offered to be sold to persons located in this 22962
state.

(D) A notice filing submitted under this section shall be 22963
effective for thirteen months.

Sec. 1707.28. (A) No prosecution or action by the division of 22966
securities or the director of commerce for a violation of any 22967
provision of sections 1707.01 to 1707.50 of the Revised Code shall 22968
bar any prosecution or action by the division of securities or the 22969
director of commerce, or be barred by any prosecution or other 22970
action, for the violation of any other provision of any of those 22971
sections or of any other statute; but prosecutions and actions by 22972
the division of securities or the director of commerce for a 22973
violation of any provision of sections 1707.01 to 1707.50 of the 22974
Revised Code must be commenced within five six years after the 22975
commission of the alleged violation.

(B) If the period of limitation provided in division (A) of 22977
this section has expired, prosecution shall be commenced for an 22978
offense of which an element is fraud or breach of a fiduciary 22979
duty, within one year after discovery of the offense either by an 22980
aggrieved person, or by the aggrieved person's legal 22981
representative who is not a party to the offense.

(C) An offense is committed when every element of the offense 22982
occurs. In the case of an offense of which an element is a 22983
continuing course of conduct, the period of limitation does not 22984
begin to run until such a course of conduct or the accused's 22985
accountability for it terminates, whichever occurs first.

(D) The period of limitation does not run during any time 22986
when the corpus delicti remains undiscovered.
Sec. 1710.02. (A)(1) A special improvement district may be created within the boundaries of any one municipal corporation, any one township, or any combination of municipal corporations and townships within a single county, or counties that adjoin one another, for the purpose of developing and implementing plans for public improvements and public services that benefit the district. A district may be created by petition of the owners of real property within the proposed district, or by an existing qualified nonprofit corporation.

(2) If the district is created by an existing qualified nonprofit corporation, the purposes for which the district is created may be supplemental to the other purposes for which the corporation is organized. The corporation is considered a special improvement district only when it acts with respect to a purpose for which the district is created, and not when it acts with respect to any other purpose for which it is organized.

(3) All territory in a special improvement district shall be contiguous; except that the territory in a special improvement district may be noncontiguous if at least one special energy improvement project or shoreline improvement project is designated for each parcel of real property included within the special improvement district. Additional territory may be added to a special improvement district created under this chapter for the purpose of developing and implementing plans for special energy improvement projects or shoreline improvement projects if at least one special energy improvement project or shoreline improvement project, respectively, is designated for each parcel of real property included within such additional territory and the addition of territory is authorized by the initial plan proposed under division (F) of this section or a plan adopted by the board of directors of the special improvement district under section 1710.06 of the Revised Code.
(4) The district shall be governed by the board of trustees of a nonprofit corporation. This board shall be known as the board of directors of the special improvement district.

(5) No special improvement district shall include any church property, or property of the federal or state government or a county, township, or municipal corporation, unless the church or the county, township, or municipal corporation specifically requests in writing that the property be included within the district, or unless the church is a member of the existing qualified nonprofit corporation creating the district at the time the district is created.

(6) A shoreline improvement project may extend into the territory of Lake Erie as described in sections 1506.10 and 1506.11 of the Revised Code. However, the state shall remain exempt from any special assessment that may be levied against that territory under section 1710.06 and Chapter 727. of the Revised Code.

(7) More than one district may be created within a participating political subdivision, but no real property may be included within more than one district unless the owner of the property files a written consent with the clerk of the legislative authority, the township fiscal officer, or the village clerk, as appropriate.

(8) The area of each district shall be contiguous; except that the area of a special improvement district may be noncontiguous if all parcels of real property included within such area contain at least one special energy improvement or shoreline improvement thereon.

(B) Subject to division (A)(2) of this section, all of the following apply:

(1) A district created under this chapter is not a political
subdivision, except for purposes of section 4905.34 of the Revised Code.

(2) A district created under this chapter shall be considered a public agency under section 102.01 and a public authority under section 4115.03 of the Revised Code.

(3) Districts created under this chapter are not subject to sections 121.81 to 121.83 of the Revised Code. Districts created under this chapter are subject to sections 121.22 and 121.23 of the Revised Code.

(4) All records of the district are public records under section 149.43 of the Revised Code, except that records of organizations contracting with a district are not public records under section 149.43 or section 149.431 of the Revised Code solely by reason of any contract with a district.

(C)(1) Subject to division (C)(2) of this section, both of the following apply:

(a) Membership on the board of directors of the district shall not be considered as holding a public office. However, each member of the board of directors of a district, each member's designee or proxy, and each officer or employee of a district is a public official or employee under section 102.01 and a public official under section 2921.42 of the Revised Code. District officers and district members and directors and their designees or proxies are not required to file a statement with the Ohio ethics commission under section 102.02 of the Revised Code.

(b) Directors and their designees shall be entitled to the immunities provided by Chapter 1702. and to the same immunity as an employee under division (A)(6) of section 2744.03 of the Revised Code, except that directors and their designees shall not be entitled to the indemnification provided in section 2744.07 of the Revised Code unless the director or designee is an employee or...
(2) District officers and district members and directors of a district created by an existing qualified nonprofit corporation, and their designees or proxies, are public officials or employees under section 102.01 and public officials under section 2921.42 of the Revised Code by virtue of their positions with the corporation only when they act with respect to a purpose for which the district is created, and not when they act with respect to any other purpose for which the corporation is organized.

(D) Except as otherwise provided in this section, the nonprofit corporation that governs a district shall be organized in the manner described in Chapter 1702. of the Revised Code. Except in the case of a district created by an existing qualified nonprofit corporation, the corporation's articles of incorporation are required to be approved, as provided in division (E) of this section, by resolution of the legislative authority of each participating political subdivision of the district. A copy of that resolution shall be filed along with the articles of incorporation in the secretary of state's office.

In addition to meeting the requirements for articles of incorporation set forth in Chapter 1702. of the Revised Code, the articles of incorporation for the nonprofit corporation governing a district formed under this chapter shall provide all the following:

(1) The name for the district, which shall include the name of each participating political subdivision of the district;

(2) A description of the territory within the district, which may be all or part of each participating political subdivision. The description shall be specific enough to enable real property
owners to determine if their property is located within the 
district.

(3) A description of the procedure by which the articles of 
incorporation may be amended. The procedure shall include 
receiving approval of the amendment, by resolution, from the 
legislative authority of each participating political subdivision 
and filing the approved amendment and resolution with the 
secretary of state.

(4) The reasons for creating the district, plus an 
explanation of how the district will be conducive to the public 
health, safety, peace, convenience, and welfare of the district.

(E) The articles of incorporation for a nonprofit corporation 
governing a district created under this chapter and amendments to 
them shall be submitted to the municipal executive, if any, and 
the legislative authority of each municipal corporation or 
township in which the proposed district is to be located. Except 
in the case of a district created by an existing qualified 
nonprofit corporation, the articles or amendments shall be 
accompanied by a petition signed either by the owners of at least 
sixty per cent of the front footage of all real property located 
in the proposed district that abuts upon any street, alley, public 
road, place, boulevard, parkway, park entrance, easement, or other 
existing public improvement within the proposed district, 
excluding church property or property owned by the state, county, 
township, municipal, or federal government, unless a church, 
county, township, or municipal corporation has specifically 
requested in writing that the property be included in the 
district, or by the owners of at least seventy-five per cent of 
the area of all real property located within the proposed 
district, excluding church property or property owned by the 
state, county, township, municipal, or federal government, unless 
a church, county, township, or municipal corporation has
specifically requested in writing that the property be included in the district. Pursuant to Section 2o of Article VIII, Ohio Constitution, the petition required under this division may be for the purpose of developing and implementing plans for special energy improvement projects or shoreline improvement projects, and, in such case, is determined to be in furtherance of the purposes set forth in Section 2o of Article VIII, Ohio Constitution. Except as provided in division (H) of this section, if a special improvement district is being created under this chapter for the purpose of developing and implementing plans for special energy improvement projects or shoreline improvement projects, the petition required under this division shall be signed by one hundred per cent of the owners of the area of all real property located within the proposed special improvement district, at least one special energy improvement project or shoreline improvement project shall be designated for each parcel of real property within the special improvement district, and the special improvement district may include any number of parcels of real property as determined by the legislative authority of each participating political subdivision in which the proposed special improvement district is to be located. For purposes of determining compliance with these requirements, the area of the district, or the front footage and ownership of property, shall be as shown in the most current records available at the county recorder's office and the county engineer's office sixty days prior to the date on which the petition is filed.

Each municipal corporation or township with which the petition is filed has sixty days to approve or disapprove, by resolution, the petition, including the articles of incorporation. In the case of a district created by an existing qualified nonprofit corporation, each municipal corporation or township has sixty days to approve or disapprove the creation of the district after the corporation submits the articles of incorporation or
amendments thereto. This chapter does not prohibit or restrict the rights of municipal corporations under Article XVIII of the Ohio Constitution or the right of the municipal legislative authority to impose reasonable conditions in a resolution of approval. The acquisition, installation, equipping, and improvement of a special energy improvement project under this chapter shall not supersede any local zoning, environmental, or similar law or regulation. In addition, all activities associated with a shoreline improvement project that is implemented under this chapter shall comply with all applicable local zoning requirements, all local, state, and federal environmental laws and regulations, and all applicable requirements established in Chapter 1506. of the Revised Code and rules adopted under it.

(F) Persons proposing creation and operation of the district may propose an initial plan for public services or public improvements that benefit all or any part of the district. Any initial plan shall be submitted as part of the petition proposing creation of the district or, in the case of a district created by an existing qualified nonprofit corporation, shall be submitted with the articles of incorporation or amendments thereto.

An initial plan may include provisions for the following:

(1) Creation and operation of the district and of the nonprofit corporation to govern the district under this chapter;

(2) Hiring employees and professional services;

(3) Contracting for insurance;

(4) Purchasing or leasing office space and office equipment;

(5) Other actions necessary initially to form, operate, or organize the district and the nonprofit corporation to govern the district;

(6) A plan for public improvements or public services that
benefit all or part of the district, which plan shall comply with the requirements of division (A) of section 1710.06 of the Revised Code and may include, but is not limited to, any of the permissive provisions described in the fourth sentence of that division or listed in divisions (A)(1) to (7) of that section;

(7) If the special improvement district is being created under this chapter for the purpose of developing and implementing plans for special energy improvement projects or shoreline improvement projects, provision for the addition of territory to the special improvement district.

After the initial plan is approved by all municipal corporations and townships to which it is submitted for approval and the district is created, each participating subdivision shall levy a special assessment within its boundaries to pay for the costs of the initial plan. The levy shall be for no more than ten years from the date of the approval of the initial plan; except that if the proceeds of the levy are to be used to pay the costs of a special energy improvement project or shoreline improvement project, the levy of a special assessment shall be for no more than thirty years from the date of approval of the initial plan. In the event that additional territory is added to a special improvement district, the special assessment to be levied with respect to such additional territory shall commence not earlier than the date such territory is added and shall be for no more than thirty years from such date. For purposes of levying an assessment for this initial plan, the services or improvements included in the initial plan shall be deemed a special benefit to property owners within the district.

(G) Each nonprofit corporation governing a district under this chapter may do the following:

(1) Exercise all powers of nonprofit corporations granted under Chapter 1702. of the Revised Code that do not conflict with
(2) Develop, adopt, revise, implement, and repeal plans for public improvements and public services for all or any part of the district;

(3) Contract with any person, political subdivision as defined in section 2744.01 of the Revised Code, or state agency as defined in section 1.60 of the Revised Code to develop and implement plans for public improvements or public services within the district;

(4) Contract and pay for insurance for the district and for directors, officers, agents, contractors, employees, or members of the district for any consequences of the implementation of any plan adopted by the district or any actions of the district.

The board of directors of a special improvement district may, acting as agent and on behalf of a participating political subdivision, sell, transfer, lease, or convey any special energy improvement project owned by the participating political subdivision upon a determination by the legislative authority thereof that the project is not required to be owned exclusively by the participating political subdivision for its purposes, for uses determined by the legislative authority thereof as those that will promote the welfare of the people of such participating political subdivision; improve the quality of life and the general and economic well-being of the people of the participating political subdivision; better ensure the public health, safety, and welfare; protect water and other natural resources; provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; control, prevent, minimize, clean up, or mediate certain contamination of or pollution from lands in the state and water contamination or pollution; or provide for safe and natural areas and resources.
The legislative authority of each participating political subdivision shall specify the consideration for such sale, transfer, lease, or conveyance and any other terms thereof. Any determinations made by a legislative authority of a participating political subdivision under this division shall be conclusive.

Any sale, transfer, lease, or conveyance of a special energy improvement project by a participating political subdivision or the board of directors of the special improvement district may be made without advertising, receipt of bids, or other competitive bidding procedures applicable to the participating political subdivision or the special improvement district under Chapter 153 or 735. or section 1710.11 of the Revised Code or other representative provisions of the Revised Code.

(H) The owner of real property that is part of a planned community or a condominium development is deemed to have signed the petitions required under division (E) of this section and division (B) of section 1710.06 of the Revised Code with respect to a special improvement district that is being created for the purpose of developing and implementing plans for shoreline improvement projects if the district and the projects have been approved through an alternative process prescribed by the bylaws, declarations, covenants, and restrictions governing the planned community or condominium development. Such an alternative process may consist of a vote of the owners association or unit owners association, the approval of a specified percentage of property owners, or any other procedure authorized by the bylaws, declarations, covenants, and restrictions governing the planned community or condominium development.

As used in this division, "condominium development" and "unit owners association" have the same meanings as in section 5311.01 of the Revised Code, and "planned community," "owners association," "bylaws," and "declaration" have the same meanings.
as in section 5312.01 of the Revised Code.

Sec. 1710.06. (A) The board of directors of a special improvement district may develop and adopt one or more written plans for public improvements or public services that benefit all or any part of the district. Each plan shall set forth the specific public improvements or public services that are to be provided, identify the area in which they will be provided, and specify the method of assessment to be used. Each plan for public improvements or public services shall indicate the period of time the assessments are to be levied for the improvements and services and, if public services are included in the plan, the period of time the services are to remain in effect. Plans for public improvements may include the planning, design, construction, reconstruction, enlargement, or alteration of any public improvements and the acquisition of land for the improvements. Plans for public improvements or public services may also include, but are not limited to, provisions for the following:

(1) Creating and operating the district and the nonprofit corporation under this chapter, including hiring employees and professional services, contracting for insurance, and purchasing or leasing office space and office equipment and other requirements of the district;

(2) Planning, designing, and implementing a public improvements or public services plan, including hiring architectural, engineering, legal, appraisal, insurance, consulting, energy auditing, and planning services, and, for public services, managing, protecting, and maintaining public and private facilities, including public improvements;

(3) Conducting court proceedings to carry out this chapter;

(4) Paying damages resulting from the provision of public improvements or public services and implementing the plans;
(5) Paying the costs of issuing, paying interest on, and redeeming notes and bonds issued for funding public improvements and public services plans;

(6) Sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of any special energy improvement project by the special improvement district, between a participating political subdivision and the special improvement district, and between the special improvement district and any owner of real property in the special improvement district on which a special energy improvement project has been acquired, installed, equipped, or improved; and

(7) Aggregating the renewable energy credits generated by one or more special energy improvement projects within a special improvement district, upon the consent of the owners of the credits and for the purpose of negotiating and completing the sale of such credits.

(B) Once the board of directors of the special improvement district adopts a plan, it shall submit the plan to the legislative authority of each participating political subdivision and the municipal executive of each municipal corporation in which the district is located, if any. The legislative authorities and municipal executives shall review the plan and, within sixty days after receiving it, may submit their comments and recommendations about it to the district. After reviewing these comments and recommendations, the board of directors may amend the plan. It may then submit the plan, amended or otherwise, in the form of a petition to members of the district whose property may be assessed for the plan. Once the petition is signed by those members who own at least sixty per cent of the front footage of property that is to be assessed and that abuts upon a street, alley, public road,
place, boulevard, parkway, park entrance, easement, or other public improvement, or those members who own at least seventy-five per cent of the area to be assessed for the improvement or service, the petition may be submitted to each legislative authority for approval. Except as provided in division (H) of section 1710.02 of the Revised Code, if the special improvement district was created for the purpose of developing and implementing plans for special energy improvement projects or shoreline improvement projects, the petition required under this division shall be signed by one hundred per cent of the owners of the area of all real property located within the area to be assessed for the special energy improvement project or shoreline improvement project.

Each legislative authority shall, by resolution, approve or reject the petition within sixty days after receiving it. If the petition is approved by the legislative authority of each participating political subdivision, the plan contained in the petition shall be effective at the earliest date on which a nonemergency resolution of the legislative authority with the latest effective date may become effective. A plan may not be resubmitted to the legislative authorities and municipal executives more than three times in any twelve-month period.

(C) Each participating political subdivision shall levy, by special assessment upon specially benefited property located within the district, the costs of any public improvements or public services plan contained in a petition approved by the participating political subdivisions under this section or division (F) of section 1710.02 of the Revised Code. The levy shall be made in accordance with the procedures set forth in Chapter 727. of the Revised Code, except that:

(1) The assessment for each improvements or services plan may be levied by any one or any combination of the methods of
assessment listed in section 727.01 of the Revised Code, provided that the assessment is uniformly applied.

(2) For the purpose of levying an assessment, the board of directors may combine one or more improvements or services plans or parts of plans and levy a single assessment against specially benefited property.

(3) For purposes of special assessments levied by a township pursuant to this chapter, references in Chapter 727. of the Revised Code to the municipal corporation shall be deemed to refer to the township, and references to the legislative authority of the municipal corporation shall be deemed to refer to the board of township trustees.

(4) Revenue collected from the levy of a special assessment for the cost of a special energy improvement project may be assigned and remitted to the Ohio air quality development authority pursuant to an agreement entered into under section 3706.12 of the Revised Code.

Church property or property owned by a political subdivision, including any participating political subdivision in which a special improvement district is located, shall be included in and be subject to special assessments made pursuant to a plan adopted under this section or division (F) of section 1710.02 of the Revised Code, if the church or political subdivision has specifically requested in writing that its property be included within the special improvement district and the church or political subdivision is a member of the district or, in the case of a district created by an existing qualified nonprofit corporation, if the church is a member of the corporation.

For tax years 2020 to 2024, qualifying real property, as defined in section 727.031 of the Revised Code, is exempt from special assessments levied under division (C) of this section,
provided no delinquent special assessments and related interest and penalties are levied or assessed against any property owned by the owner and operator of the qualifying real property for that tax year.

(D) All rights and privileges of property owners who are assessed under Chapter 727. of the Revised Code shall be granted to property owners assessed under this chapter, including those rights and privileges specified in sections 727.15 to 727.17 and 727.18 to 727.22 of the Revised Code and the right to notice of the resolution of necessity and the filing of the estimated assessment under section 727.13 of the Revised Code. Property owners assessed for public services under this chapter shall have the same rights and privileges as property owners assessed for public improvements under this chapter.

Sec. 1739.10. The superintendent of insurance, or any person appointed by him the superintendent, may examine, as often as he the superintendent or the superintendent's appointee considers it necessary, the affairs of a multiple employer welfare arrangement and its members.

The arrangement shall pay to the superintendent the expenses incurred by the department of insurance in making an examination authorized under this section. To the extent that expenses are the result of the use of the personnel of the examination department of the department of insurance, the superintendent shall remit expenses paid to him the superintendent by the arrangement to the state treasury to the credit of the superintendent's examination department of insurance operating fund pursuant to section 3901.071 3901.021 of the Revised Code.

As used in this section, "expenses" has the same meaning as in section 3901.07 of the Revised Code.
Sec. 1751.34. (A) Each health insuring corporation and each applicant for a certificate of authority under this chapter shall be subject to examination by the superintendent of insurance in accordance with section 3901.07 of the Revised Code. Section 3901.07 of the Revised Code shall govern every aspect of the examination, including the circumstances under and frequency with which it is conducted, the authority of the superintendent and any examiner or other person appointed by the superintendent, the liability for the assessment of expenses incurred in conducting the examination, and the remittance of the assessment to the superintendent's examination department of insurance operating fund.

(B) The superintendent shall make an examination concerning the matters subject to the superintendent's consideration in section 1751.04 of the Revised Code as often as the superintendent considers it necessary for the protection of the interests of the people of this state. The expenses of such examinations shall be assessed against the health insuring corporation being examined in the manner in which expenses of examinations are assessed against an insurance company under section 3901.07 of the Revised Code. Nothing in this division requires the superintendent to make an examination of any of the following:

1. A health insuring corporation that covers solely medicaid recipients;

2. A health insuring corporation that covers solely medicare beneficiaries;

3. A health insuring corporation that covers solely medicaid recipients and medicare beneficiaries.

(C) An examination, pursuant to section 3901.07 of the Revised Code, of an insurance company holding a certificate of authority under this chapter to organize and operate a health
insuring corporation shall include an examination of the health
inguring corporation pursuant to this section and the examination
shall satisfy the requirements of divisions (A) and (B) of this
section.

(D) The superintendent may conduct market conduct
examinations pursuant to section 3901.011 of the Revised Code of
any health insuring corporation as often as the superintendent
considers it necessary for the protection of the interests of
subscribers and enrollees. The expenses of such market conduct
examinations shall be assessed against the health insuring
corporation being examined. All costs, assessments, or fines
collected under this division shall be paid into the state
treasury to the credit of the department of insurance operating
fund.

Sec. 1761.16. (A) A credit union share guaranty corporation
shall file with the superintendent of credit unions an annual
report containing audited financial statements, prepared in
accordance with generally accepted accounting principles or such
other accounting requirements determined by the superintendent of
credit unions, covering the fiscal year within one hundred days
after the close of such fiscal year in accordance with division
(E) of this section and in the form and with such other relevant
information as the superintendent of credit unions may require by
rules adopted under division (C) of section 1761.04 of the Revised
Code. The audited financial statements shall include at least a
balance sheet and a statement of income for the year ended on the
balance sheet date. The report and audited financial statements
shall be accompanied by a report, certificate, or opinion of an
independent certified public accountant or independent public
accountant. Every such report shall be certified by the oath of
the president and secretary of the corporation, and such
verification shall state that the report is true and correct in
all respects to the best of the knowledge and belief of the persons verifying it.

(B) If the report, certificate, or opinion of the certified public accountant or independent accountant referred to in division (A) of this section is qualified pursuant to generally accepted auditing standards, the superintendent of credit unions shall require the corporation to take such action as the superintendent considers appropriate to permit an independent accountant to remove such qualification from the report, certificate, or opinion. The superintendent may reject any financial statement, report, certificate, or opinion filed pursuant to division (A) of this section by notifying the corporation of its rejection and the cause thereof. Within thirty days after receipt of such notice, the corporation shall correct such qualification, and the failure to do so is deemed a violation of this division. The superintendent shall retain a copy of all filings so rejected.

(C) The superintendent of credit unions shall conduct or cause to be conducted, not more often than annually and not less than every three years, an audit examination of the credit union share guaranty corporation. The audit examination shall include an actuarial study of the capital adequacy of the corporation. The corporation shall be assessed the costs of such audit examination, which assessment shall not exceed one per cent of the capital contributions and surplus of the corporation.

(D) The superintendent of credit unions may require a special examination of the corporation in the event the superintendent determines that there is or will be an impairment of the guarantee fund as defined in division (C)(1) of section 1761.10 of the Revised Code. The corporation shall be assessed the cost of such special examination.

(E) The accounting of the corporation shall be on a calendar
year basis or as otherwise prescribed by the corporation with the prior written approval of the superintendent of credit unions. The books of the corporation shall be maintained in accordance with generally accepted accounting principles.

(F) The corporation shall make any other special report to the superintendent of credit unions as he the superintendent may from time to time require. Such a report shall be in the form and filed at such date as prescribed by the superintendent, and shall, if required by the superintendent, be verified in such manner as prescribed.

(G) Each credit union share guaranty corporation shall be subject to examination by the superintendent of insurance in accordance with section 3901.07 of the Revised Code. Section 3901.07 of the Revised Code shall govern every aspect of the examination, including the circumstances under and frequency with which it is conducted, the authority of the superintendent and any examiner or other person appointed by the superintendent, the liability for the assessment of expenses incurred in conducting the examination, and the remittance of the assessment to the superintendent's examination department of insurance operating fund.

(H) All of the provisions of this section are in addition to those chapters of Title XXXIX of the Revised Code specified in division (A) of section 1761.04 of the Revised Code.

**Sec. 1901.261.** (A)(1) A municipal court may determine that for the efficient operation of the court additional funds are required to computerize the court, to make available computerized legal research services, or to do both. Upon making a determination that additional funds are required for either or both of those purposes, the court shall include in its schedule of fees and costs under section 1901.26 of the Revised Code one
additional fee not to exceed three dollars on the filing of each cause of action or appeal equivalent to one described in division (A), (Q), or (U) of section 2303.20 of the Revised Code and shall direct the clerk of the court to charge the fee.

(2) All fees collected under this section shall be paid on or before the twentieth day of the month following the month in which they are collected to the county treasurer if the court is a county-operated municipal court or to the city treasurer if the court is not a county-operated municipal court. The treasurer shall place the funds from the fees in a separate fund to be disbursed upon an order of the court, subject to an appropriation by the board of county commissioners if the court is a county-operated municipal court or by the legislative authority of the municipal corporation if the court is not a county-operated municipal court, or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, in an amount not greater than the actual cost to the court of computerizing the court, procuring and maintaining computerized legal research services, or both.

(3) If the court determines that the funds in the fund described in division (A)(2) of this section are more than sufficient to satisfy the purpose for which the additional fee described in division (A)(1) of this section was imposed, the court may declare a surplus in the fund and, subject to an appropriation by the board of county commissioners if the court is a county-operated municipal court or by the legislative authority of the municipal corporation if the court is not a county-operated municipal court, expend those surplus funds, or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, expend those surplus funds, for other appropriate technological expenses of the court.
(B)(1) A municipal court may determine that, for the efficient operation of the court, additional funds are required to computerize the office of the clerk of the court and, upon that determination, may include in its schedule of fees and costs under section 1901.26 of the Revised Code an additional fee not to exceed ten twenty dollars on the filing of each cause of action or appeal, on the filing, docketing, and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment that is equivalent to one described in division (A), (P), (Q), (T), or (U) of section 2303.20 of the Revised Code. Subject to division (B)(2) of this section, all moneys collected under division (B)(1) of this section shall be paid on or before the twentieth day of the month following the month in which they are collected to the county treasurer if the court is a county-operated municipal court or to the city treasurer if the court is not a county-operated municipal court. The treasurer shall place the funds from the fees in a separate fund to be disbursed, upon an order of the municipal court and subject to an appropriation by the board of county commissioners if the court is a county-operated municipal court or by the legislative authority of the municipal corporation if the court is not a county-operated municipal court, in an amount no greater than the actual cost to the court of procuring and maintaining computer systems for the office of the clerk of the municipal court.

(2) If a municipal court makes the determination described in division (B)(1) of this section, the board of county commissioners of the county if the court is a county-operated municipal court or the legislative authority of the municipal corporation if the court is not a county-operated municipal court, may issue one or more general obligation bonds for the purpose of procuring and maintaining the computer systems for the office of the clerk of the municipal court. In addition to the purposes stated in
division (B)(1) of this section for which the moneys collected
under that division may be expended, the moneys additionally may
be expended to pay debt charges and financing costs related to any
general obligation bonds issued pursuant to division (B)(2) of
this section as they become due. General obligation bonds issued
pursuant to division (B)(2) of this section are Chapter 133.

Sec. 1901.313. (A) Pleadings or documents may be filed with
the clerk of court either in paper format or in electronic format.
(B)(1) The clerk shall determine whether the filing of
pleadings or documents in electronic format may be accomplished
either by electronic mail or through the use of an online
platform.

(2) The fee for filing pleadings or documents in electronic
format may be paid after the filing. The clerk shall not require
that any fee for the filing of pleadings or documents in
electronic format be paid before the filing, unless the clerk has
provided for an electronic payment system for such filing.

(3) The clerk shall not require a fee for the filing of
pleadings or documents in electronic format that is greater than
the applicable fee for the filing of pleadings or documents in
paper format.

(C) Pleadings and documents filed in paper format may be
converted to an electronic format. Documents created by the clerk
of court in the exercise of the clerk's duties may be created in
an electronic format.

(D) When pleadings or documents are received or created in,
or converted to, an electronic format as provided in this section,
the pleadings or documents in that format shall be considered the
official version of the record.
Sec. 1907.202. (A) Pleadings or documents may be filed with the clerk of the county court either in paper format or in electronic format.

(B)(1) The clerk shall determine whether the filing of pleadings or documents in electronic format may be accomplished either by electronic mail or through the use of an online platform.

(2) The fee for filing pleadings or documents in electronic format may be paid after the filing. The clerk shall not require that any fee for the filing of pleadings or documents in electronic format be paid before the filing, unless the clerk has provided for an electronic payment system for such filing.

(3) The clerk shall not require a fee for the filing of pleadings or documents in electronic format that is greater than the applicable fee for the filing of pleadings or documents in paper format.

(C) Pleadings and documents filed in paper format may be converted to an electronic format. Documents created by the clerk of the county court in the exercise of the clerk's duties may be created in an electronic format.

(D) When pleadings or documents are received or created in, or converted to, an electronic format as provided in this section, the pleadings or documents in that format shall be considered the official version of the record.

Sec. 1907.261. (A)(1) A county court may determine that for the efficient operation of the court additional funds are required to computerize the court, to make available computerized legal research services, or to do both. Upon making a determination that additional funds are required for either or both of those purposes, the court shall include in its schedule of fees and
costs under section 1907.24 of the Revised Code one additional fee not to exceed three dollars on the filing of each cause of action or appeal equivalent to one described in division (A), (Q), or (U) of section 2303.20 of the Revised Code and shall direct the clerk of the court to charge the fee.

(2) All fees collected under this section shall be paid on or before the twentieth day of the month following the month in which they are collected to the county treasurer. The treasurer shall place the funds from the fees in a separate fund to be disbursed either upon an order of the court, subject to an appropriation by the board of county commissioners, or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, in an amount not greater than the actual cost to the court of computerizing the court, procuring and maintaining computerized legal research services, or both.

(3) If the court determines that the funds in the fund described in division (A)(2) of this section are more than sufficient to satisfy the purpose for which the additional fee described in division (A)(1) of this section was imposed, the court may declare a surplus in the fund and, subject to an appropriation by the board of county commissioners, expend those surplus funds, or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, expend those surplus funds, for other appropriate technological expenses of the court.

(B)(1) A county court may determine that, for the efficient operation of the court, additional funds are required to computerize the office of the clerk of the court and, upon that determination, may include in its schedule of fees and costs under section 1907.24 of the Revised Code an additional fee not to exceed ten twenty dollars on the filing of each cause of action or
appeal, on the filing, docketing, and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment that is equivalent to one described in division (A), (P), (Q), (T), or (U) of section 2303.20 of the Revised Code. Subject to division (B)(2) of this section, all moneys collected under division (B)(1) of this section shall be paid on or before the twentieth day of the month following the month in which they are collected to the county treasurer. The treasurer shall place the funds from the fees in a separate fund to be disbursed, upon an order of the county court and subject to an appropriation by the board of county commissioners, in an amount no greater than the actual cost to the court of procuring and maintaining computer systems for the office of the clerk of the county court.

(2) If a county court makes the determination described in division (B)(1) of this section, the board of county commissioners of that county may issue one or more general obligation bonds for the purpose of procuring and maintaining the computer systems for the office of the clerk of the county court. In addition to the purposes stated in division (B)(1) of this section for which the moneys collected under that division may be expended, the moneys additionally may be expended to pay debt charges and financing costs related to any general obligation bonds issued pursuant to division (B)(2) of this section as they become due. General obligation bonds issued pursuant to division (B)(2) of this section are Chapter 133. securities.

Sec. 2101.16. (A) Except as provided in section 2101.164 of the Revised Code, the fees enumerated in this division shall be charged and collected, if possible, by the probate judge and shall be in full for all services rendered in the respective proceedings:
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Account, in addition to advertising charges</td>
<td>$12.00</td>
</tr>
<tr>
<td></td>
<td>Waivers and proof of notice of hearing on account, per page, minimum one dollar</td>
<td>$1.00</td>
</tr>
<tr>
<td>2</td>
<td>Account of distribution, in addition to advertising charges</td>
<td>$7.00</td>
</tr>
<tr>
<td>3</td>
<td>Adoption of child, petition for</td>
<td>$20.00</td>
</tr>
<tr>
<td>4</td>
<td>Alter or cancel contract for sale or purchase of real property, complaint to</td>
<td>$20.00</td>
</tr>
<tr>
<td>5</td>
<td>Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section</td>
<td>$5.00</td>
</tr>
<tr>
<td>6</td>
<td>Appropriation suit, per day, hearing in</td>
<td>$20.00</td>
</tr>
<tr>
<td>7</td>
<td>Birth, application for registration of</td>
<td>$7.00</td>
</tr>
<tr>
<td>8</td>
<td>Birth record, application to correct</td>
<td>$5.00</td>
</tr>
<tr>
<td>9</td>
<td>Bond, application for new or additional</td>
<td>$5.00</td>
</tr>
<tr>
<td>10</td>
<td>Bond, application for release of surety or reduction of</td>
<td>$5.00</td>
</tr>
<tr>
<td>11</td>
<td>Bond, receipt for securities deposited in lieu of</td>
<td>$5.00</td>
</tr>
<tr>
<td>12</td>
<td>Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar</td>
<td>$1.00</td>
</tr>
</tbody>
</table>
(13) Citation and issuing citation, application for ...................................................... $ 5.00
(14) Change of name, petition for ...................................................... $ 20.00
(15) Claim, application of administrator or executor for allowance of administrator's or executor's own ...................................................... $ 10.00
(16) Claim, application to compromise or settle ...................................................... $ 10.00
(17) Claim, authority to present ...................................................... $ 10.00
(18) Commissioner, appointment of ...................................................... $ 5.00
(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for ...................................................... $ 5.00
(20) Competency, application to procure adjudication of ...................................................... $ 20.00
(21) Complete contract, application to ...................................................... $ 10.00
(22) Concealment of assets, citation for ...................................................... $ 10.00
(23) Construction of will, complaint for ...................................................... $ 20.00
(24) Continue decedent's business, application to ...................................................... $ 10.00
Monthly reports of operation ...................................................... $ 5.00
(25) Declaratory judgment, complaint for ...................................................... $ 20.00
(26) Deposit of will ...................................................... $ 5.00
(27) Designation of heir
<table>
<thead>
<tr>
<th>Transaction Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>(28) Distribution in kind, application, assent, and order for</td>
<td>$5.00</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(29) Distribution under section 2109.36 of the Revised Code, application for an order</td>
<td>$7.00</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(30) Docketing and indexing proceedings, including the filing and noting of all necessary</td>
<td></td>
</tr>
<tr>
<td>documents, maximum fee, fifteen dollars</td>
<td>$15.00</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(31) Exceptions to any proceeding named in this section, contest of appointment or</td>
<td>$10.00</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(32) Election of surviving partner to purchase assets of partnership, proceedings</td>
<td>$10.00</td>
</tr>
<tr>
<td>relating to</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(33) Election of surviving spouse under will</td>
<td>$5.00</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian</td>
<td>$35.00</td>
</tr>
<tr>
<td>or conservator accountable to the probate court, appointment of</td>
<td></td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(35) Foreign will, application to record</td>
<td>$10.00</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Record of foreign will, additional, per page</td>
<td>$1.00</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(36) Forms when supplied by the probate court, not to exceed</td>
<td>$10.00</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(37) Heirship, complaint to determine</td>
<td>$20.00</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(38) Injunction proceedings</td>
<td></td>
</tr>
</tbody>
</table>
(39) Improve real property, petition to

(40) Inventory with appraisement

(41) Inventory without appraisement

(42) Investment or expenditure of funds, application for

(43) Invest in real property, application to

(44) Lease for oil, gas, coal, or other mineral, petition to

(45) Lease or lease and improve real property, petition to

(46) Marriage license

(47) Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of

(48) Mortgage or mortgage and repair or improve real property, complaint to

(49) Newly discovered assets, report of

(50) Nonresident executor or administrator to bar creditors' claims, proceedings by

(51) Power of attorney or revocation of power, bonding company
(52) Presumption of death, petition to establish
                      ...................................................... $ 10.00 23885
(53) Probating will
                      ...................................................... $ 20.00 23886
(54) Purchase personal property, application of surviving
        spouse to
                      ...................................................... $ 10.00 23887
(55) Purchase real property at appraised value, petition
        of surviving spouse to
                      ...................................................... $ 20.00 23888
(56) Receipts in addition to advertising charges, application
        and order to record
                      ...................................................... $ 5.00 23889
(57) Record in excess of fifteen hundred words in any
        proceeding in the probate court, per page
                      ...................................................... $ 1.00 23890
(58) Release of estate by mortgagee or other lienholder
                      ...................................................... $ 5.00 23891
(59) Relieving an estate from administration under section
        2113.03 of the Revised Code or granting an order for
        a summary release from administration under section
        2113.031 of the Revised Code
                      ...................................................... $ 60.00 23892
(60) Removal of fiduciary, application for
                      ...................................................... $ 10.00 23893
(61) Requalification of executor or administrator
                      ...................................................... $ 10.00 23894
(62) Resignation of fiduciary
                      ...................................................... $ 10.00 23895
<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>(63) Sale bill, public sale of personal property</td>
<td>$5.00</td>
</tr>
<tr>
<td>(64) Sale of personal property and report, application for</td>
<td>$10.00</td>
</tr>
<tr>
<td>(65) Sale of real property, petition for</td>
<td>$25.00</td>
</tr>
<tr>
<td>(66) Terminate guardianship, petition to</td>
<td>$10.00</td>
</tr>
<tr>
<td>(67) Transfer of real property, application, entry, and</td>
<td>$7.00</td>
</tr>
<tr>
<td>certificate for</td>
<td></td>
</tr>
<tr>
<td>(68) Unclaimed money, application to invest</td>
<td>$7.00</td>
</tr>
<tr>
<td>(69) Vacate approval of account or order of distribution, motion to</td>
<td>$10.00</td>
</tr>
<tr>
<td>(70) Writ of execution</td>
<td>$5.00</td>
</tr>
<tr>
<td>(71) Writ of possession</td>
<td>$5.00</td>
</tr>
<tr>
<td>(72) Wrongful death, application and settlement of claim for</td>
<td>$20.00</td>
</tr>
<tr>
<td>(73) Year's allowance, petition to review</td>
<td>$7.00</td>
</tr>
<tr>
<td>(74) Guardian's report, filing and review of</td>
<td>$5.00</td>
</tr>
<tr>
<td>(75) Person with a mental illness subject to court order, filing of affidavit and proceedings for</td>
<td>$25.00</td>
</tr>
<tr>
<td>(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section</td>
<td></td>
</tr>
</tbody>
</table>
2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.

(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.

(3) In relation to the filing of an affidavit of mental illness for a person with a mental illness subject to court order, the court may waive the fee under division (A)(75) of this section if the court finds that the affiant is indigent or for good cause shown.

(C) Thirty dollars of the thirty-five-dollar fee collected pursuant to division (A)(34) of this section and twenty dollars of the sixty-dollar fee collected pursuant to division (A)(59) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to section 2111.51 of the Revised Code.

(D) The fees of witnesses, jurors, sheriffs, coroners, and constables for services rendered in the probate court or by order
of the probate judge shall be the same as provided for similar services in the court of common pleas.

(E) The probate court, by rule, may require an advance deposit for costs, not to exceed one hundred twenty-five dollars, at the time application is made for an appointment as executor or administrator or at the time a will is presented for probate.

(F)(1) The "putative father registry fund" is hereby created in the state treasury. The department of job and family services shall use the money in the fund to fund the department's costs of performing its duties related to the putative father registry established under section 3107.062 of the Revised Code.

(2) If the department determines that money in the putative father registry fund is more than is needed for its duties related to the putative father registry, the department may use the surplus moneys in the fund as permitted in division (C) of section 2151.3527, division (B) of section 2151.3535, or section 5103.155 of the Revised Code.

Sec. 2108.35. (A) There is hereby created within the department of health the second chance trust fund advisory committee, consisting of thirteen members. The members shall include the following:

(1) The chairs of the standing committees of the house of representatives and senate with primary responsibilities for health legislation;

(2) One representative of each of the following appointed by the director of health:

(a) An Ohio organ procurement organization that is a member of the Organ Procurement and Transplantation Network;

(b) An Ohio tissue bank that is an accredited member of the American association of tissue banks;
(c) An Ohio eye bank that is certified by the eye bank association of America;

(d) The Ohio solid organ transplantation consortium;

(e) A hospital to which both of the following apply:
   (i) It is a member of the Ohio hospital association.
   (ii) It has a transplant program or a facility that has been verified as a level I or level II trauma center by the American college of surgeons.

(f) The department of health.

(3) Three members of the public appointed by the director who are not affiliated with procurement organizations;

(4) Two members appointed by the director who are either affiliated with procurement organizations or members of the public.

(B) Of the members first appointed under division (A)(2) of this section, the representatives of the organ procurement organization, tissue procurement organization, and eye bank shall serve terms of three years; the representatives of the department of health and Ohio solid organ transplantation consortium shall serve terms of two years; and the member representing the Ohio hospital association shall serve a term of one year. Thereafter, all members shall serve terms of three years.

(C) Members appointed under division (A)(2), (3), or (4) of this section shall be geographically and demographically representative of the state. No more than a total of three members appointed under divisions (A)(2), (3), and (4) of this section shall be affiliated with the same procurement organization or group of procurement organizations. Procurement organizations that recover only one type of organ, tissue, or part, as well as procurement organizations that recover more than one type of
organ, tissue, or part, shall be represented.  

No individual appointed under division (A)(2), (3), or (4) of this section shall serve more than two consecutive terms, regardless of whether the terms were full or partial terms. Each member shall serve from the date of appointment until the member's successor is appointed. All vacancies on the committee shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(D) The committee shall annually elect a chairperson from among its members and shall establish procedures for the governance of its operations. The committee shall meet at least semiannually. It shall submit an annual report of its activities and recommendations to the director of health.

(E) Committee members shall serve without compensation, but shall be reimbursed from the second chance trust fund for all actual and necessary expenses incurred in the performance of official duties.

(F) The committee shall do all of the following:

(1) Make recommendations to the director of health for projects for funding from the second chance trust fund;

(2) Consult with the registrar of motor vehicles in formulating proposed rules under division (C)(1) of section 2108.23 of the Revised Code;

(3) As requested, consult with the registrar or director on other matters related to organ donation;

(4) Approve brochures, written materials, and electronic media regarding anatomical gifts and anatomical gift procedures for use in driver training schools pursuant to section 4508.021 of the Revised Code.

(G) The committee is not subject to section 101.84 of the
Sec. 2109.21. (A) An administrator, special administrator, administrator de bonis non, or administrator with the will annexed shall be a resident of this state and shall be removed on proof that the administrator is no longer a resident of this state.

(B)(1)(a) To qualify for appointment as executor or trustee, an executor or a trustee named in a will or nominated in accordance with any power of nomination conferred in a will, may be a resident of this state or, as provided in this division, a nonresident of this state. To qualify for appointment, a nonresident executor or trustee named in, or nominated pursuant to, a will shall be one of the following:

(i) An individual who is related to the testator by consanguinity or affinity;

(ii) A private trust company or family trust company organized under the laws of any state;

(iii) A person who resides in a state that has statutes or rules that authorize the appointment of a nonresident person who is not related to the testator by consanguinity or affinity, as an executor or trustee when named in, or nominated pursuant to, a will. No such

(b) No executor or trustee under division (B)(1)(a) of this section shall be refused appointment or removed solely because the executor or trustee is not a resident of this state.

(c) The court may require that a nonresident executor or trustee named in, or nominated pursuant to, a will assure that all of the assets of the decedent that are in the county at the time of the death of the decedent will remain in the county until distribution or until the court determines that the assets may be removed from the county.
(d) The court may require a nonresident private trust company or family trust company appointed under division (B)(1)(a)(ii) of this section to appoint a resident agent to accept service of process, notices, and other documents.

(2)(a) In accordance with this division and section 2129.08 of the Revised Code, the court shall appoint as an ancillary administrator a person who is named in the will of a nonresident decedent, or who is nominated in accordance with any power of nomination conferred in the will of a nonresident decedent, as a general executor of the decedent's estate or as executor of the portion of the decedent's estate located in this state, whether or not the person so named or nominated is a resident of this state.

To qualify for appointment as an ancillary administrator, a person who is not a resident of this state and who is named or nominated as described in this division, shall be an one of the following:

(i) An individual who is related to the testator by consanguinity or affinity;

(ii) A private trust company or family trust company organized under the laws of any state;

(iii) A person who resides in a state that has statutes or rules that authorize the appointment of a nonresident of that state who is not related to the testator by consanguinity or affinity, as an ancillary administrator when the nonresident is named in a will or nominated in accordance with any power of nomination conferred in a will.

(b) If a person who is not a resident of this state and who is named or nominated as described in this division (B)(2)(a) of this section so qualifies for appointment as an ancillary administrator and if the provisions of section 2129.08 of the
Revised Code are satisfied, the court shall not refuse to appoint the person, and shall not remove the person, as ancillary administrator solely because the person is not a resident of this state.

(c) The court may require that an ancillary administrator who is not a resident of this state and who is named or nominated as described in division (B)(2)(a) of this section, assure that all of the assets of the decedent that are in the county at the time of the death of the decedent will remain in the county until distribution or until the court determines that the assets may be removed from the county.

(d) The court may require a nonresident private trust company or family trust company appointed under division (B)(2)(a)(ii) of this section to appoint a resident agent to accept service of process, notices, and other documents.

(C)(1) A guardian of the estate shall be a resident of this state, except that the court may appoint a nonresident of this state as a guardian of the estate if any of the following applies:

(a) The nonresident is named in a will by a parent of a minor.

(b) The nonresident is selected by a minor over the age of fourteen years as provided by section 2111.12 of the Revised Code.

(c) The nonresident is nominated in or pursuant to a durable power of attorney under section 1337.24 of the Revised Code or a writing as described in division (A) of section 2111.121 of the Revised Code.

(2) A guardian of the estate, other than a guardian named in a will by a parent of a minor, selected by a minor over the age of fourteen years, or nominated in or pursuant to a durable power of attorney or writing described in division (C)(1)(c) of this section, may be removed on proof that the guardian of the estate
is no longer a resident of this state.

(3) The court may appoint a resident or nonresident of this state as a guardian of the person.

(D) Any fiduciary, whose residence qualifications are not defined in this section, shall be a resident of this state, and shall be removed on proof that the fiduciary is no longer a resident of this state.

(E) Any fiduciary, in order to assist in the carrying out of the fiduciary's fiduciary duties, may employ agents who are not residents of the county or of this state.

(F) Every fiduciary shall sign and file with the court a statement of permanent address and shall notify the court of any change of address. A court may remove a fiduciary if the fiduciary fails to comply with this division.

Sec. 2151.031. As used in this chapter, an "abused child" includes any child who:

(A) Is the victim of "sexual activity" as defined under Chapter 2907. of the Revised Code, where such activity would constitute an offense under that chapter, except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child;

(B) Is the victim of disseminating, obtaining, or displaying "materials" or "performances" that are "harmful to juveniles" as defined under Chapter 2907. of the Revised Code, where such activity would constitute an offense under that chapter, except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child;

(C) Is endangered as defined in section 2919.22 of the Revised Code, except that the court need not find that any person has been convicted under that section in order to find that the
child is an abused child;

(D) Exhibits evidence of any physical or mental injury or death, inflicted other than by accidental means, or an injury or death which is at variance with the history given of it. Except as provided in division (E) of this section, a child exhibiting evidence of corporal punishment or other physical disciplinary measure by a parent, guardian, custodian, caretaker, person having custody or control, or person in loco parentis of a child is not an abused child under this division if the measure is not prohibited under section 2919.22 of the Revised Code.

(E) Because of the acts of his parents, guardian, or custodian, or caretaker, suffers physical or mental injury that harms or threatens to harm the child's health or welfare.

(F) Is subjected to out-of-home care child abuse.

Sec. 2151.231. (A) The parent, guardian, or custodian caretaker of a child, the person with whom a child resides, or the child support enforcement agency of the county in which the child, parent, guardian, or custodian caretaker of the child resides may bring an action in a juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code under this section requesting the court to issue an order requiring a parent of the child to pay an amount for the support of the child without regard to the marital status of the child's parents. No action may be brought under this section against a person presumed to be the parent of a child based on an acknowledgment of paternity that has not yet become final under former section 3111.211 or 5101.314 or section 2151.232, 3111.25, or 3111.821 of the Revised Code.

The parties to an action under this section may raise the issue of the existence or nonexistence of a parent-child
relationship, unless a final and enforceable determination of the issue has been made with respect to the parties pursuant to Chapter 3111. of the Revised Code or an acknowledgment of paternity signed by the child's parents has become final pursuant to former section 3111.211 or 5101.314 or section 2151.232, 3111.25, or 3111.821 of the Revised Code. If a complaint is filed under this section and an issue concerning the existence or nonexistence of a parent-child relationship is raised, the court shall treat the action as an action pursuant to sections 3111.01 to 3111.18 of the Revised Code. An order issued in an action under this section does not preclude a party to the action from bringing a subsequent action pursuant to sections 3111.01 to 3111.18 of the Revised Code if the issue concerning the existence or nonexistence of the parent-child relationship was not determined with respect to the party pursuant to a proceeding under this section, a proceeding under Chapter 3111. of the Revised Code, or an acknowledgment of paternity that has become final under former section 3111.211 or 5101.314 or section 2151.232, 3111.25, or 3111.821 of the Revised Code. An order issued pursuant to this section shall remain effective until an order is issued pursuant to sections 3111.01 to 3111.18 of the Revised Code that a parent-child relationship does not exist between the alleged father of the child and the child or until the occurrence of an event described in section 3119.88 of the Revised Code that would require the order to terminate.

The court, in accordance with sections 3119.29 to 3119.56 of the Revised Code, shall include in each support order made under this section the requirement that one or both of the parents provide for the health care needs of the child to the satisfaction of the court.

(B) As used in this section, "caretaker" has the same meaning as in section 3119.01 of the Revised Code.
Sec. 2151.315. (A) As used in this section:

(1) "age-appropriate" means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity. Age appropriateness is based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for an age or age group.

(2) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(B) A child who is placed with a resource caregiver or who is subject to out-of-home care for alleged or adjudicated abused, neglected, or dependent children is entitled to participate in age-appropriate extracurricular, enrichment, and social activities.

(C) A resource caregiver or a person or facility that is providing out-of-home care for an alleged or adjudicated abused, neglected, or dependent child shall consider all of the following when determining whether to give permission for that child to participate in extracurricular, enrichment, or social activities:

(1) The child's age, maturity, and developmental level to maintain the overall health and safety of the child;

(2) The potential risk factors and the appropriateness of the extracurricular, enrichment, or social activity;

(3) The best interest of the child based on information known by the resource caregiver or a person or facility providing out-of-home care for an alleged or adjudicated abused, neglected, or dependent the child;

(4) The importance of encouraging the child's emotional and developmental growth;

(5) The importance of providing the child with the most family-like living experience possible;
(6) The behavioral history of the child and the child's ability to safely participate in the extracurricular, enrichment, or social activity.

(D) A resource caregiver or person or facility that provides out-of-home care to an alleged or adjudicated abused, neglected, or dependent child shall be immune from liability in a civil action to recover damages for injury, death, or loss to person or property caused to the child who participates in an extracurricular, enrichment, or social activity approved by the resource caregiver, person, or facility provided that the resource caregiver, person, or facility considered the factors described in division (C) of this section.

Sec. 2151.3515. As used in sections 2151.3515 to 2151.3533 of the Revised Code:

(A) "Emergency medical service organization," "emergency medical technician-basic," "emergency medical technician-intermediate," "first responder," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

(B) "Emergency medical service worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic.

(C) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(D) "Hospital employee" means any of the following persons:

(1) A physician who has been granted privileges to practice at the hospital;

(2) A nurse, physician assistant, or nursing assistant employed by the hospital;

(3) An authorized person employed by the hospital who is acting under the direction of a physician described in division 2151.3515 Sub. H. B. No. 33 Page 784 LSC 135 0001-3
(E) "Law enforcement agency" means an organization or entity made up of peace officers.

(F) "Nurse" means a person who is licensed under Chapter 4723. of the Revised Code to practice as a registered nurse or licensed practical nurse.

(G) "Nursing assistant" means a person designated by a hospital as a nurse aide or nursing assistant whose job is to aid nurses, physicians, and physician assistants in the performance of their duties.

(H) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

(I) "Peace officer support employee" means an authorized person employed by a law enforcement agency who is acting under the direction of a peace officer.

(J) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

(K) "Physician assistant" means an individual who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

Sec. 2151.3516. A parent may voluntarily deliver his or her child who is not older than thirty days, without intent to return for the child, to any of the following:

(A) An entity or person specified in section 2151.3517 of the Revised Code.
(B) A peace officer, peace officer support employee, hospital employee, or emergency medical service worker specified in section 2151.3517 of the Revised Code, by calling 9-1-1 and waiting with the child until the officer, support employee, employee, or worker arrives and takes possession of the child;

(C) A newborn safety incubator provided by an entity described specified in that section 2151.3517 of the Revised Code and that meets the requirements of section 2151.3532 of the Revised Code.

Sec. 2151.3517. The following entities or persons, while acting in an official capacity on behalf of any of the entities, shall take possession of a child delivered in accordance with section 2151.3516 of the Revised Code:

(A) A law enforcement agency or a peace officer employed by the agency, or a peace officer support employee;

(B) A hospital or a person granted the privilege to practice at, or employed by, the hospital;

(C) An emergency medical service organization or an emergency medical service worker employed by or providing services to the organization.

Sec. 2151.3518. (A) On taking possession of a child pursuant to section 2151.3517 of the Revised Code, a law enforcement agency, hospital, or emergency medical service organization shall do all the following:

(1) Perform any act necessary to protect the child's health or safety;

(2) Notify the public children services agency of the county in which the agency, hospital, or organization is located that the child has been taken into possession;
(3) If possible, make available to the parent who delivered the child forms developed under section 2151.3524 of the Revised Code that are designed to gather medical information concerning the child and the child's parents;

(4) If possible, make available to the parent who delivered the child written materials developed under section 2151.3527 of the Revised Code that describe services available to assist parents and newborns;

(5) If the child has suffered a physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, attempt to identify and pursue the person who delivered the child.

(B) An emergency medical service worker who takes possession of a child shall, in addition to any act performed under division (A)(1) of this section, perform any medical service the worker is authorized to perform that is necessary to protect the physical health or safety of the child.

Sec. 2151.3534. (A) The director of job and family services shall promulgate forms designed to gather pertinent medical information concerning a deserted child and the child's parents. The forms shall clearly and unambiguously state on each page that the information requested is to facilitate medical care for the child, that the forms may be fully or partially completed or left blank, that completing the forms or parts of the forms is completely voluntary, and that no adverse legal consequence will result from failure to complete any part of the forms.

(B) The director shall promulgate written materials to be made available to the parents of a child delivered pursuant to section 2151.3516 of the Revised Code. The materials shall describe services available to assist parents and newborns and shall include information directly relevant to situations that
might cause parents to desert a child and information on the
procedures for a person to follow in order to reunite with a child
the person delivered under section 2151.3516 of the Revised Code,
including notice that the person will be required to submit to a
DNA test, at that person's expense, to prove that the person is
the parent of the child.

(C) The director of job and family services shall distribute
the medical information forms and written materials promulgated
pursuant to this section to all of the following:

(1) Entities permitted to receive a deserted child as
specified in section 2151.3517 of the Revised Code;

(2) Public children services agencies;

(3) Other public or private agencies that, in the discretion
of the director, are best able to disseminate the forms and
materials to the persons who are most in need of the forms and
materials.

(D) If the department of job and family services determines
that money in the putative father registry fund created under
section 2101.16 of the Revised Code is more than is needed for its
duties related to the putative father registry, the department may
use surplus moneys in the fund for costs related to the
development, distribution, and publication of forms and materials
promulgated pursuant to divisions (A) and (B) of this section.

(E) The department of job and family services shall develop
an educational plan, in collaboration with the Ohio family and
children first cabinet council, for informing at-risk populations
who are most likely to voluntarily deliver a child under section
2151.3516 of the Revised Code concerning the provisions of
sections 2151.3515 to 2151.3533 of the Revised Code.

Sec. 2151.3528. All of the following apply to a parent who
voluntarily delivers a child under section 2151.3516 of the Revised Code may:

(A) The parent may complete all or any part of the medical information forms made available under division (A)(3) of section 2151.3518 of the Revised Code. The

(B) The parent may deliver the fully or partially completed forms at the same time as delivering the child or at a later time. The

(C) The parent is not required to complete all or any part of the forms.

(D) The parent may refuse to accept the materials made available under section 2151.3518 of the Revised Code.

Sec. 2151.3532. Not later than one hundred eighty days after the effective date of this section, the director of the department of health shall adopt rules in accordance with Chapter 119. of the Revised Code governing newborn safety incubators provided by entities described in section 2151.3517 of the Revised Code. The rules shall provide for all of the following:

(A) Sanitation standards;

(B) Procedures to provide emergency care for a child delivered to an incubator;

(C) Manufacturing and manufacturer standards;

(D)(1) Design and function requirements that include the following:

(a) Take into account installation at a facility operated by a law enforcement agency, a hospital, or an emergency medical service organization;

(b) Allow a child to be placed anonymously from outside
the facility;

(3)(c) Lock the incubator after a child is placed in it so that a person outside the facility is unable to access the child;

(4)(d) Provide a controlled environment for the care and protection of the child;

(5)(e) Provide notification to a centralized location in the facility within thirty seconds of a child being placed in the incubator;

(6)(f) Trigger a 9-1-1 call if a facility does not respond within a reasonable amount of time after a child is placed in the facility's incubator.

(E) Operating

(2) Manufacturing and manufacturer standards;

(3) Installation and installer standards, including:

(a) Qualifications for installers, including that installers must maintain appropriate certification and licensing credentials;

(b) Procedures and forms for registration of newborn safety incubator installers.

(4) Subject to section 2151.3533 of the Revised Code, operating policies, supervision, and maintenance requirements for an incubator, including requirements that only a peace officer, emergency medical service worker, or hospital employee supervise the incubator and take custody of a child placed in it;

(F) Qualifications for persons to install incubators;

(G) Procedures and forms for the registration of qualified incubator installers;

(H) (5) Procedures to provide emergency care for a child placed into an incubator;

(6) Sanitation standards;

(7) Costs for registering and regulating incubators and fees.
to cover those costs;

(8) Creating and posting signs to be placed near or on incubators to provide information about using them;

(9) Enforcement of and remedies for violations for failure to comply with the requirements governing incubators;

(K) Any other requirement the department considers necessary to ensure the safety and welfare of a child placed in an incubator.

(B) Notwithstanding division (A) of section 2151.3526 of the Revised Code, video surveillance is permitted at the facility where the incubator is located. The surveillance footage may be reviewed only when:

(1) A child has been surrendered under the circumstances described in division (B) of section 2151.3526 of the Revised Code;

(2) There is reason to believe a crime has been committed within view of the video surveillance system.

(C) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (A) of this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 2151.3533. (A) In adopting the rules described in division (A)(4) of section 2151.3532 of the Revised Code, the director of health shall specify that a newborn safety incubator is deemed to be supervised when either of the following is the case:

(1) A person authorized by section 2151.3517 of the Revised Code to take possession of a child is present at the facility where the incubator is located to take possession of a child placed in the incubator.
(2) An alternate peace officer, peace officer support employee, hospital employee, or emergency medical service worker is dispatched by a secondary alarm that triggers a 9-1-1 call, in accordance with division (A)(1)(f) of section 2151.3532 of the Revised Code, when either of the following is the case:

(a) No individual described in division (A) of this section who is present at the facility responds within a reasonable amount of time after a child is placed in the incubator.

(b) Every individual described in section 2151.3517 of the Revised Code who is scheduled to work at the facility when a parent places a child into the incubator has been dispatched on an emergency call.

(B) A person authorized by section 2151.3517 of the Revised Code to take possession of a child is not liable in damages in a civil action for injury, death, or loss to person or property resulting from the person's failure to respond within a reasonable amount of time after a child is placed in the incubator or after the person is dispatched by a secondary alarm, unless that failure constitutes willful or wanton misconduct.

Sec. 2151.421. (A)(1)(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as otherwise provided
in this division or section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. If the person making the report is a peace officer, the officer shall make it to the public children services agency in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; health care professional; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; peace officer; humane society agent; dog warden, deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township in accordance with state law, an ordinance, or a resolution; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities;
investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of an entity that provides homemaker services; employee of a qualified organization as defined in section 2151.90 of the Revised Code; a host family as defined in section 2151.90 of the Revised Code; foster caregiver; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(c) If two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professionals may designate one of the health care professionals to report the abuse or neglect. A single report made under this division shall meet the reporting requirements of division (A)(1) of this section.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code.
with respect to any communication the attorney or physician
receives from the client or patient in that attorney-client or
physician-patient relationship, and the attorney or physician
shall make a report pursuant to division (A)(1) of this section
with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication,
is a child under eighteen years of age or is a person under
twenty-one years of age with a developmental disability or
physical impairment.

(b) The attorney or physician knows, or has reasonable cause
to suspect based on facts that would cause a reasonable person in
similar position to suspect that the client or patient has
suffered or faces a threat of suffering any physical or mental
wound, injury, disability, or condition of a nature that
reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's
or patient's attempt to have an abortion without the notification
of her parents, guardian, or custodian in accordance with section
2151.85 of the Revised Code.

(4)(a) No cleric and no person, other than a volunteer,
designated by any church, religious society, or faith acting as a
leader, official, or delegate on behalf of the church, religious
society, or faith who is acting in an official or professional
capacity, who knows, or has reasonable cause to believe based on
facts that would cause a reasonable person in a similar position
to believe, that a child under eighteen years of age, or a person
under twenty-one years of age with a developmental disability or
physical impairment, has suffered or faces a threat of suffering
any physical or mental wound, injury, disability, or condition of
a nature that reasonably indicates abuse or neglect of the child,
and who knows, or has reasonable cause to believe based on facts
that would cause a reasonable person in a similar position to
believe, that another cleric or another person, other than a 24640
volunteer, designated by a church, religious society, or faith 24641
acting as a leader, official, or delegate on behalf of the church, 24642
religious society, or faith caused, or poses the threat of 24643
causing, the wound, injury, disability, or condition that 24644
reasonably indicates abuse or neglect shall fail to immediately 24645
report that knowledge or reasonable cause to believe to the entity 24646
or persons specified in this division. Except as provided in 24647
section 5120.173 of the Revised Code, the person making the report 24648
shall make it to the public children services agency or a peace 24649
officer in the county in which the child resides or in which the 24650
abuse or neglect is occurring or has occurred. In the 24651
circumstances described in section 5120.173 of the Revised Code, 24652
the person making the report shall make it to the entity specified 24653
in that section.

(b) Except as provided in division (A)(4)(c) of this section, 24654
a cleric is not required to make a report pursuant to division 24655
(A)(4)(a) of this section concerning any communication the cleric 24656
receives from a penitent in a cleric-penitent relationship, if, in 24657
accordance with division (C) of section 2317.02 of the Revised 24658
Code, the cleric could not testify with respect to that 24659
communication in a civil or criminal proceeding.

(c) The penitent in a cleric-penitent relationship described 24660
in division (A)(4)(b) of this section is deemed to have waived any 24661
testimonial privilege under division (C) of section 2317.02 of the 24662
Revised Code with respect to any communication the cleric receives 24663
from the penitent in that cleric-penitent relationship, and the 24664
cleric shall make a report pursuant to division (A)(4)(a) of this 24665
section with respect to that communication, if all of the 24666
following apply:

(i) The penitent, at the time of the communication, is a 24667
child under eighteen years of age or is a person under twenty-one 24668
years of age with a developmental disability or physical
impairment.

(ii) The cleric knows, or has reasonable cause to believe
based on facts that would cause a reasonable person in a similar
position to believe, as a result of the communication or any
observations made during that communication, the penitent has
suffered or faces a threat of suffering any physical or mental
wound, injury, disability, or condition of a nature that
reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the
penitent's attempt to have an abortion performed upon a child
under eighteen years of age or upon a person under twenty-one
years of age with a developmental disability or physical
impairment without the notification of her parents, guardian, or
custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply
in a cleric-penitent relationship when the disclosure of any
communication the cleric receives from the penitent is in
violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section
2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect
based on facts that would cause a reasonable person in similar
circumstances to suspect, that a child under eighteen years of
age, or a person under twenty-one years of age with a
developmental disability or physical impairment, has suffered or
faces a threat of suffering any physical or mental wound, injury,
disability, or other condition of a nature that reasonably
indicates abuse or neglect of the child may report or cause
reports to be made of that knowledge or reasonable cause to
suspect to the entity or persons specified in this division. 

Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or electronically and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;

(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information, including, but not limited to, results and reports of any medical examinations, tests, or procedures performed under division (D) of this section, that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.
(D)(1) Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically necessary for the purpose of diagnosing or treating injuries that are suspected to have occurred as a result of child abuse or child neglect, perform or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on, the child.

(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public children services agency, upon request.

(3) If a health care professional provides health care services in a hospital, children's advocacy center, or emergency medical facility to a child about whom a report has been made under division (A) of this section, the health care professional may take any steps that are reasonably necessary for the release or discharge of the child to an appropriate environment. Before the child's release or discharge, the health care professional may obtain information, or consider information obtained, from other entities or individuals that have knowledge about the child. Nothing in division (D)(3) of this section shall be construed to alter the responsibilities of any person under sections 2151.27 and 2151.31 of the Revised Code.

(4) A health care professional may conduct medical examinations, tests, or procedures on the siblings of a child about whom a report has been made under division (A) of this section and on other children who reside in the same home as the child, if the professional determines that the examinations,
tests, or procedures are medically necessary to diagnose or treat the siblings or other children in order to determine whether reports under division (A) of this section are warranted with respect to such siblings or other children. The results of the examinations, tests, or procedures on the siblings and other children may be included in a report made pursuant to division (A) of this section.

(5) Medical examinations, tests, or procedures conducted under divisions (D)(1) and (4) of this section and decisions regarding the release or discharge of a child under division (D)(3) of this section do not constitute a law enforcement investigation or activity.

(E)(1) When a peace officer receives a report made pursuant to division (A) or (B) of this section, upon receipt of the report, the peace officer who receives the report shall refer the report to the appropriate public children services agency, in accordance with requirements specified under division (B)(6) of section 2151.4211 of the Revised Code, unless an arrest is made at the time of the report that results in the appropriate public children services agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child.

(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do all of the following:

(a) Comply with section 2151.422 of the Revised Code;

(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being
within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center;

(c) Unless an arrest is made at the time of the report that results in the appropriate law enforcement agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, and in accordance with requirements specified under division (B)(6) of section 2151.4211 of the Revised Code, notify the appropriate law enforcement agency of the report, if the public children services agency received either of the following:

(i) A report of abuse of a child;

(ii) A report of neglect of a child that alleges a type of neglect identified by the department of job and family services in rules adopted under division (L)(2) of this section.

(F) No peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(G)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section...
2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under sections 2151.4210 to 2151.4224 of the Revised Code. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (L)(3) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.
(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(H)(1)(a) Except as provided in divisions (H)(1)(b) and (I)(3) of this section, any person, health care professional, hospital, institution, school, health department, or agency shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of any of the following:

(i) Participating in the making of reports pursuant to division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section;

(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;

(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;

(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.

(b) Immunity under division (H)(1)(a)(ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession.

(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.
(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(I)(1) Except as provided in divisions (I)(4) and (N) of this section and sections 2151.423 and 2151.4210 of the Revised Code, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (M) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2)(a) Except as provided in division (I)(2)(b) of this section, no person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.
(b) A health care professional that obtains the same
information contained in a report made under this section from a
source other than the report may disseminate the information, if
its dissemination is otherwise permitted by law.

(3) A person who knowingly makes or causes another person to
make a false report under division (B) of this section that
alleges that any person has committed an act or omission that
resulted in a child being an abused child or a neglected child is
guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of
this section and the child who is the subject of the report dies
for any reason at any time after the report is made, but before
the child attains eighteen years of age, the public children
services agency or peace officer to which the report was made or
referred, on the request of the child fatality review board, the
suicide fatality review committee, or the director of health
pursuant to guidelines established under section 3701.70 of the
Revised Code, shall submit a summary sheet of information
providing a summary of the report to the review board or review
committee of the county in which the deceased child resided at the
time of death or to the director. On the request of the review
board, review committee, or director, the agency or peace officer
may, at its discretion, make the report available to the review
board, review committee, or director. If the county served by the
public children services agency is also served by a children's
advocacy center and the report of alleged sexual abuse of a child
or another type of abuse of a child is specified in the memorandum
of understanding that creates the center as being within the
center's jurisdiction, the agency or center shall perform the
duties and functions specified in this division in accordance with
the interagency agreement entered into under section 2151.428 of
the Revised Code relative to that advocacy center.
(5) Not later than five business days after the determination of a disposition, a public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports. The written notice of disposition shall be made in a form designated by the department of job and family services and shall inform the person of the right to appeal the disposition in accordance with rules adopted under division (L)(3) of this section.

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code. If a child is determined to be a candidate for prevention services, the agency also shall make efforts to prevent neglect or abuse, to enhance a child's welfare, and to preserve the family unit intact by referring a report for assessment and provision of services to an agency providing prevention services.

(K)(1) Except as provided in division (K)(4) or (5) of this
section, a person who is required to make a report under division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2)(a) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

(b) When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's
name, address, and telephone number in the report.

(c) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after receipt of the report. The notice shall provide the status of the agency's investigation into the report made, who the person may contact at the agency for further information, and a description of the person's rights under division (K)(1) of this section.

(d) Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in division
(K)(1) of this section if the person requesting the information is associated with or acting on behalf of the health care professional who provided health care services to the child about whom the report was made.

(6) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after the agency closes the investigation into the case reported by the person. The notice shall notify the person that the agency has closed the investigation.

(L)(1) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(2) Not later than ninety days after the effective date of this amendment May 30, 2022, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to identify the types of neglect of a child that a public children services agency shall be required to notify law enforcement of pursuant to division (E)(2)(c)(ii) of this section.

(3) Not later than one hundred eighty days after the effective date of this amendment, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement a process for a person who is alleged to have inflicted abuse or neglect on a child who is the subject of a
report made pursuant to this section to appeal the disposition of such a report. The rules shall include all of the following:

(a) A requirement that the agency notify the person who is the alleged perpetrator of child abuse or neglect that:

(i) The person has been identified as an alleged perpetrator of abuse or neglect upon receipt of a good faith report that the agency screened in for investigation.

(ii) The agency has initiated an investigation of that report.

(iii) The person's name will be entered into the statewide automated child welfare information system.

(iv) The person will receive written notification of the investigation disposition and instructions on how to appeal the disposition, if the person chooses to do so.

(b) A requirement that the agency provide the person written notice of the investigation disposition and of the person's right to appeal the disposition, not later than five days after the issuance of the disposition;

(c) Procedures to ensure that notifications under divisions (L)(3)(a) and (L)(3)(b) of this section are successfully provided to the person;

(d) The method by which an appeal may be made;

(e) A time limit for the person to file an appeal with the agency;

(f) A time limit for the agency to respond to a request for an appeal and issue a decision;

(g) Sanctions that may be applied against an agency for failing to take action within the required time limits.

(4) Notwithstanding any provision of section 121.95 of the
Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (L)(3) of this section is not subject to sections 121.95 to 121.953 of the Revised Code.

(M) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(N)(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in
or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(O) As used in this section:

(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.
(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

Sec. 2151.423. A public children services agency shall disclose confidential information discovered during an investigation conducted pursuant to section 2151.421 or 2151.422 of the Revised Code to any federal, state, or local government entity, including any appropriate military authority or any agency providing prevention services to the child, that needs the information to carry out its responsibilities to protect children from abuse or neglect.

Information disclosed pursuant to this section is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code by the agency to whom the information was disclosed. The agency receiving the information shall maintain the confidentiality of information disclosed.
pursuant to this section.

Sec. 2151.86. (A)(1) The appointing or hiring officer of any entity that appoints or employs any person responsible for a child's care in out-of-home care shall request the superintendent of BCII to conduct a criminal records check with respect to any person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care. The request shall be made at the time of initial application for appointment or employment and every four years thereafter. If the out-of-home care entity is a public school, educational service center, or chartered nonpublic school, then section 3319.39 of the Revised Code applies instead. If the out-of-home care entity is a child day-care center, type A family day-care home, type B family day-care home, certified in-home aide, or child day camp, then section 5104.013 of the Revised Code applies instead. If the out-of-home care entity is an association or institution, including an agency that arranges adoptions, then sections 5103.25 to 5103.259 of the Revised Code apply instead.

(2) At the times specified in this division, the administrative director of an agency, or attorney, who arranges an adoption for a prospective adoptive parent shall request the superintendent of BCII to conduct a criminal records check with respect to that prospective adoptive parent and a criminal records check with respect to all persons eighteen years of age or older who reside with the prospective adoptive parent. The administrative director or attorney shall request a criminal records check pursuant to this division at the time of the initial home study, every four five years after the initial home study at the time of an update, and at the time that an adoptive home study is completed as a new home study.
(3) Before a recommending agency submits a recommendation to the department of job and family services on whether the department should issue a certificate to a foster home under section 5103.03 of the Revised Code, and every four years thereafter prior to a recertification under that section, the administrative director of the agency shall request that the superintendent of BCII conduct a criminal records check with respect to the prospective foster caregiver and a criminal records check with respect to all other persons eighteen years of age or older who reside with the foster caregiver.

(B)(1) When the appointing or hiring officer requests, at the time of initial application for appointment or employment, a criminal records check for a person subject to division (A)(1) of this section, the officer shall request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the appointing or hiring officer requests a criminal records check for a person pursuant to division (A)(1) of this section, the officer may request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check.

(2) When the administrative director of an agency, or attorney, who arranges an adoption for a prospective adoptive parent requests, at the time of the initial home study, a criminal records check for a person pursuant to division (A)(2) of this section, the administrative director or attorney shall request that the superintendent of BCII obtain information from the
federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrative director of an agency, or attorney, who arranges an adoption for a prospective adoptive parent requests a criminal records check for a person pursuant to division (A)(2) of this section, the administrative director or attorney may request that the superintendent of BCII include information from the federal bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671.

When the administrative director of a recommending agency requests, before submitting a recommendation to the department of job and family services on whether the department should issue a certificate to a foster home under section 5103.03 of the Revised Code, a criminal records check for a person pursuant to division (A)(3) of this section, the administrative director shall request that the superintendent of BCII obtain information from the federal bureau of investigation as part of a criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrative director of a recommending agency requests a criminal records check for a person pursuant to division (A)(3) of this section, the administrative director may request that the superintendent of BCII include information from the federal bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671.

(3) Prior to a hearing on a final decree of adoption or...
interlocutory order of adoption by a probate court, the administrative director of an agency, or an attorney, who arranges an adoption for a prospective parent shall provide to the clerk of the probate court either of the following:

(a) Any information received pursuant to a request made under this division from the superintendent of BCII or the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check;

(b) Written notification that the person subject to a criminal records check pursuant to this division failed upon request to provide the information necessary to complete the form or failed to provide impressions of the person's fingerprints as required under division (B)(2) of this section.

(2) (C)(1) An appointing or hiring officer, administrative director, or attorney required by division (A) of this section to request a criminal records check shall provide to each person subject to a criminal records check a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from the person, and forward the completed form and impression sheet to the superintendent of BCII at the time the criminal records check is requested.

(2) Any person subject to a criminal records check who receives pursuant to this division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the
form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If a person subject to a criminal records check, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the appointing or hiring officer shall not appoint or employ the person as a person responsible for a child's care in out-of-home care and a probate court may not issue a final decree of adoption or an interlocutory order of adoption making the person an adoptive parent, and the department of job and family services shall not issue a certificate authorizing the prospective foster caregiver to operate a foster home.

(C)(1)(D) No appointing or hiring officer shall appoint or employ a person as a person responsible for a child's care in out-of-home care, the department of job and family services shall not issue a certificate under section 5103.03 of the Revised Code authorizing a prospective foster caregiver to operate a foster home, and no probate court shall issue a final decree of adoption or an interlocutory order of adoption making a person an adoptive parent if the person or, in the case of a prospective foster caregiver or prospective adoptive parent, any person eighteen years of age or older who resides with the prospective foster caregiver or prospective adoptive parent, previously has been convicted of or pleaded guilty to any of the violations described in division (A)(4) of section 109.572 of the Revised Code, unless the person meets rehabilitation standards established in rules adopted under division (F) of this section.

(2) Prior to certification or recertification under section 5103.03 of the Revised Code, the prospective foster caregiver subject to a criminal records check under division (A)(3) of this section shall notify the recommending agency of the revocation of any foster home license, certificate, or other similar
authorization in another state occurring within the five years prior to the date of application to become a foster caregiver in this state. The failure of a prospective foster caregiver to notify the recommending agency of any revocation of that type in another state that occurred within that five-year period shall be grounds for denial of the person's foster home application or the revocation of the person's foster home certification, whichever is applicable. If a person has had a revocation in another state within the five years prior to the date of the application, the department of job and family services shall not issue a foster home certificate to the prospective foster caregiver.

(D) (E) The appointing or hiring officer, administrative director, or attorney shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request pursuant to division (A) of this section. The officer, director, or attorney may charge the person subject to the criminal records check a fee for the costs the officer, director, or attorney incurs in obtaining the criminal records check. A fee charged under this division shall not exceed the amount of fees the officer, director, or attorney pays for the criminal records check. If a fee is charged under this division, the officer, director, or attorney shall notify the person who is the applicant at the time of the person's initial application for appointment or employment, or an adoption to be arranged, or a certificate to operate a foster home of the amount of the fee and that, unless the fee is paid, the person who is the applicant will not be considered for appointment or employment or as an adoptive parent or foster caregiver.

(E) (F) The report of any criminal records check conducted by the bureau of criminal identification and investigation in
accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) The appointing or hiring officer, administrative director, or attorney requesting the criminal records check or the officer's, director's, or attorney's representative;

(3) The department of job and family services, a county department of job and family services, or a public children services agency;

(4) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment or a final decree of adoption or interlocutory order of adoption, or a foster home certificate.

(F) (G) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (A)(4) of section 109.572 of the Revised Code must meet for an appointing or hiring officer to appoint or employ the person as a person responsible for a child's care in out-of-home care, or a probate court to issue a final decree of adoption or interlocutory order of adoption making the person an adoptive parent, or the department to issue a certificate authorizing the prospective foster caregiver to operate a foster home or not revoke a foster home certificate for a violation specified in section 5103.0328 of the Revised Code.

(G) (H) An appointing or hiring officer, administrative
director, or attorney required by division (A) of this section to request a criminal records check shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment, or for an adoption to be arranged, or a foster home certificate, that the person subject to the criminal records check is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code.

(H)(1) As used in this section:

(1) "Association" or "institution" have the same meanings as in section 5103.02 of the Revised Code.

(2) "Children's hospital" means any of the following:

(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (H)(1)(a) of this section.

(2)(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.
"Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective or current employee of an association or institution, a child daycare center, type A family day-care home, licensed type B family day-care home, day camp, school district, community school, chartered nonpublic school, educational service center, the department of youth services, a prospective or current foster caregiver, a prospective or current adoptive parent working with an agency that arranges adoptions, or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

"Person subject to a criminal records check" means the following:

(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care;

(b) A prospective or current adoptive parent working with an attorney who arranges adoptions;

(c) A prospective or current foster caregiver;

(d) A person eighteen years old or older who resides with a prospective or current foster caregiver or a prospective or current adoptive parent who is working with an attorney who arranges adoptions.

"Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of job and family services has delegated a duty to inspect and approve foster homes.

"Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.
Sec. 2301.51. (A)(1) Any county that has a population of two hundred thousand or more is eligible to formulate a community-based correctional proposal pursuant to this section and Chapter 342. of the Revised Code, that, upon implementation, would provide a community-based correctional facility and program for the use of that county's court of common pleas in accordance with sections 2301.51 to 2301.58 of the Revised Code. Any county that has a population of two hundred thousand or more is eligible to formulate more than one community-based correctional proposal pursuant to this section upon approval of the director of rehabilitation and correction. In determining whether to grant approval to formulate more than one proposal, the director shall consider the rate at which the county commits felony offenders to the state correctional system. If a county formulates more than one proposal, each proposal shall be for a separate community-based correctional facility and program.

(2) Two or more adjoining or neighboring counties that have an aggregate population of two hundred thousand or more are eligible to formulate a district community-based correctional proposal pursuant to this section that, upon implementation, would provide a district community-based correctional facility and program for the use of those counties' courts of common pleas in accordance with sections 2301.51 to 2301.58 of the Revised Code. Two or more adjoining or neighboring counties that have an aggregate population of two hundred thousand or more are eligible to formulate more than one district community-based correctional proposal upon approval of the director of rehabilitation and correction. In determining whether to grant approval for more than one proposal, the director shall consider the rate at which the counties commit felony offenders to the state correctional system. If two or more adjoining or neighboring counties formulate more than one proposal, each proposal shall be for a separate district.
community-based correctional facility and program.

(3)(a) The formulation of a proposal for a community-based correctional facility or a district community-based correctional facility shall begin by the establishment of a judicial advisory board by judgment entry. The judicial advisory board shall consist of not less than three judges. Each general division judge of the court of common pleas in the county or counties wishing to formulate a proposal or to continue operation of an existing facility is eligible to become a member of the judicial advisory board but is not required to do so. In addition, a judicial advisory board may invite a non-general nongeneral division judge of a court of common pleas from within the county or counties proposing the creation of a community-based correctional facility or district community-based correctional facility or a general division judge of a court of common pleas from outside the county or counties proposing the creation of a community-based correctional facility or district community-based correctional facility who regularly sends offenders to its facility to become a member of that judicial advisory board.

(b) A judge shall not receive any additional compensation for service on a judicial advisory board, but a judge may be reimbursed for reasonable and necessary expenses incurred as a result of service on the board. Service of a judge on a judicial advisory board pursuant to this section is a judicial function.

(c) There shall be a facility governing board for each community-based correctional facility and program or district community-based correctional facility and program, whose members shall be appointed in accordance with division (E) of this section.

The judicial advisory board shall meet at least once a year to provide advice to the facility governing board regarding the public safety needs of the community, admission criteria for any
community-based correctional facility and program or district community-based correctional facility and program, and the general requirements of the community-based correctional facility and program or district community-based correctional facility and program. The judicial advisory board may meet as often as considered necessary by its members, may communicate directly with the division of parole and community services of the department of rehabilitation and correction, and may provide advice to the facility governing board specifically regarding the agreement entered into between the facility governing board and the division of parole and community services pursuant to section 5120.112 of the Revised Code.

(4) A facility governing board shall formulate the proposal for a community-based correctional facility and program or district community-based correctional facility and program and shall govern the facility.

(5) Chapter 2744. of the Revised Code applies to the county or counties served by a community-based correctional facility and program or district community-based correctional facility and program established and operated under sections 2301.51 to 2301.58 of the Revised Code, to the community-based correctional facility and program or district community-based correctional facility and program so established and operated, and to the facility governing board of the community-based correctional facility and program or district community-based correctional facility and program so established and operated.

(6) The members of the judicial advisory board and of the facility governing board of a community-based correctional facility and program or district community-based correctional facility and program established and operated under sections 2301.51 to 2301.58 of the Revised Code shall be considered to be public officials or employees for purposes of Chapter 102. of the Revised Code.
Revised Code and public officials or public servants for purposes of sections 2921.42 and 2921.43 of the Revised Code.

(7) Each member of a facility governing board of a community-based correctional facility and program or district community-based correctional facility and program established and operated under sections 2301.51 to 2301.58 of the Revised Code shall attend orientation training developed by the judicial advisory board of the community-based correctional facility and program or district community-based correctional facility and program, as well as annual ethics training developed by the judicial advisory board in consultation with the Ohio ethics commission or provided by the Ohio ethics commission.

(8) A community-based correctional facility and program or a district community-based correctional facility and program established by a judicial corrections board under a prior version of this section shall continue to exist under its existing contractual arrangements but, on and after the effective date of this amendment October 12, 2006, shall be governed by a facility governing board and advised by a judicial advisory board created according to this section. Appointments to the facility governing board shall be made in accordance with the appointment procedure set forth in division (E) of this section. The judicial advisory board and the board or boards of county commissioners of the member counties shall make their respective appointments within thirty days after the effective date of this amendment October 12, 2006.

(B)(1) Each proposal for the establishment of a community-based correctional facility and program or district community-based correctional facility and program that is formulated pursuant to division (A) of this section shall be submitted by the facility governing board to the division of parole and community services for its approval under section
5120.10 of the Revised Code.

(2) No person shall be sentenced to or placed in a community-based correctional facility and program or to a district community-based correctional facility and program by a court pursuant to section 2929.16 or 2929.17 of the Revised Code or by the parole board pursuant to section 2967.28 of the Revised Code, or otherwise committed or admitted to a facility and program of that type until after the proposal for the establishment of the facility and program has been approved by the division of parole and community services under section 5120.10 of the Revised Code. A person shall be sentenced to a facility and program of that type only pursuant to a sanction imposed by a court pursuant to section 2929.16 or 2929.17 of the Revised Code as the sentence or as any part of the sentence of the person or otherwise shall be committed or referred to a facility and program of that type only when authorized by law.

(C) Upon the approval by the division of parole and community services of a proposal for the establishment of a community-based correctional facility and program or district community-based correctional facility and program submitted to it under division (B) of this section, the facility governing board that submitted the proposal may establish and operate the facility and program addressed by the proposal in accordance with the approved proposal and division (B)(2) of this section. The facility governing board may submit a request for funding of some or all of its community-based correctional facilities and programs or district community-based correctional facilities and programs to the board of county commissioners of the county, if the facility governing board serves a community-based correctional facility and program, or to the boards of county commissioners of all of the member counties, if the facility governing board serves a district community-based correctional facility and program. The board or
boards may appropriate, but are not required to appropriate, a sum of money for funding all aspects of each facility and program as outlined in sections 2301.51 to 2301.58 of the Revised Code. The facility governing board has no recourse against a board or boards of county commissioners if the board or boards of county commissioners do not appropriate money for funding any facility and program or if they appropriate money for funding a facility and program in an amount less than the total amount of the submitted request for funding.

(D)(1) If a court of common pleas that is being served by a community-based correctional facility and program established pursuant to division (C) of this section determines that it no longer wants to be served by the facility and program, the facility governing board, upon the advice of the judicial advisory board, may dissolve the facility and program by notifying, in writing, the division of parole and community services of the determination to dissolve the facility and program. If the court is served by more than one community-based correctional facility and program, the facility governing board, upon the advice of the judicial advisory board, may dissolve some or all of the facilities and programs and, if it does not dissolve all of the facilities and programs, the facility governing board shall continue the operation of the remaining facilities and programs.

(2) If all of the courts of common pleas being served by any district community-based correctional facility and program established pursuant to division (C) of this section determine that they no longer want to be served by the facility and program, the facility governing board, upon the advice of the judicial advisory board, may dissolve the facility and program by notifying, in writing, the division of parole and community services of the determination to dissolve the facility and program. If the courts are served by more than one district
community-based correctional facility and program, the facility governing board, upon the advice of the judicial advisory board, may dissolve some or all of the facilities and programs, and, if it does not dissolve all of the facilities and programs, it shall continue the operation of the remaining facilities and programs.

(3) If at least one, but not all, of the courts of common pleas being served by one or more district community-based correctional facilities and programs established pursuant to division (C) of this section determines that it no longer wants to be served by the facilities and programs, the court may terminate its involvement with each of the facilities and programs by entering upon the journal of the court the fact of the determination to terminate its involvement with the facilities and programs and by the court notifying, in writing, the division of parole and community services of the determination to terminate its involvement with the facilities and programs.

If at least one, but not all, of the courts of common pleas being served by one or more district community-based correctional facilities and programs terminates its involvement with each of the facilities and programs in accordance with this division, the other courts of common pleas being served by the facilities and programs may continue to be served by each of the facilities and programs. A court may use a facility and program by remaining as a member county of the district community-based correctional facility and program or by making a written service agreement with the facility governing board without remaining as a member county.

(E) A facility governing board of a community-based correctional facility and program shall consist of at least six members, each member serving a three-year term. A facility governing board of a district community-based correctional facility and program shall consist of at least six members, each member serving a three-year term, except that not more than
one-half of the members shall be from any one county.

The judicial advisory board shall appoint two-thirds of the members, and the board or boards of county commissioners of the member counties shall appoint the remaining one-third, or portion thereof, of the members. Of the initial appointments, one-third of the members shall be appointed for a one-year term, one-third of the members shall be appointed for a two-year term, and the remaining one-third or portion thereof of the members shall be appointed for a three-year term. Thereafter, terms of persons appointed to the facility governing board shall be for a three-year term, with each term ending on the same day of the same month of the year as did the term it succeeds.

(F) Any member of a facility governing board may be reappointed to serve additional terms. Vacancies on the board shall be filled in the same manner as provided for original appointments. Any member of the board who is appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the predecessor's term. Members of the board shall not receive compensation for their services but may be reimbursed for reasonable and necessary expenses incurred as a result of service on the board.

(G) Nothing in this section, sections 2301.52 to 2301.58, or section 5120.10, 5120.111, or 5120.122 of the Revised Code modifies or affects or shall be interpreted as modifying or affecting sections 5149.30 to 5149.37 of the Revised Code.

Sec. 2303.081. (A) Pleadings or documents may be filed with the clerk of court either in paper format or in electronic format.

(B)(1) The clerk shall determine whether the filing of pleadings or documents in electronic format may be accomplished either by electronic mail or through the use of an online
(2) The fee for filing pleadings or documents in electronic format may be paid after the filing. The clerk shall not require that any fee for the filing of pleadings or documents in electronic format be paid before the filing, unless the clerk has provided for an electronic payment system for such filing.

(3) The clerk shall not require a fee for the filing of pleadings or documents in electronic format that is greater than the applicable fee for the filing of pleadings or documents in paper format.

(4) Divisions (B)(1), (2), and (3) of this section do not apply to the filing of pleadings or documents in a probate court or juvenile court.

(C) Pleadings and documents filed in paper format may be converted to an electronic format. Documents created by the clerk of court in the exercise of the clerk's duties may be created in an electronic format.

(D) When pleadings or documents are received or created in, or converted to, an electronic format as provided in division (A) of this section, the pleadings or documents in that format shall be considered the official version of the record.

Sec. 2307.22. (A) Subject to sections 2307.23 and 2307.24 and except as provided in division (B) of section 2307.70, division (B) divisions (C)(2) and (3) of section 4507.07, section 4399.02, or another section of the Revised Code that expressly establishes joint and several tort liability for specified persons, joint and several tort liability shall be determined as follows:

(1) In a tort action in which the trier of fact determines that two or more persons proximately caused the same injury or loss to person or property or the same wrongful death and in which
the trier of fact determines that more than fifty per cent of the
tortious conduct is attributable to one defendant, that defendant
shall be jointly and severally liable in tort for all compensatory
damages that represent economic loss.

(2) If division (A)(1) of this section is applicable, each
defendant who is determined by the trier of fact to be legally
responsible for the same injury or loss to person or property or
the same wrongful death and to whom fifty per cent or less of the
tortious conduct is attributable shall be liable to the plaintiff
only for that defendant's proportionate share of the compensatory
damages that represent economic loss. The proportionate share of a
defendant shall be calculated by multiplying the total amount of
the economic damages awarded to the plaintiff by the percentage of
tortious conduct as determined pursuant to section 2307.23 of the
Revised Code that is attributable to that defendant.

(3) In a tort action in which the trier of fact determines
that two or more persons proximately caused the same injury or
loss to person or property or the same wrongful death and in which
the trier of fact determines that fifty per cent or less of the
tortious conduct is attributable to any defendant against whom an
intentional tort claim has been alleged and established, that
defendant shall be jointly and severally liable in tort for all
compensatory damages that represent economic loss.

(4) If division (A)(3) of this section is applicable, each
defendant against whom an intentional tort claim has not been
alleged and established, who is determined by the trier of fact to
be legally responsible for the same injury or loss to person or
property or the same wrongful death, and to whom fifty per cent or
less of the tortious conduct is attributable shall be liable to
the plaintiff only for that defendant's proportionate share of the
compensatory damages that represent economic loss. The
proportionate share of a defendant shall be calculated by
multiplying the total amount of the economic damages awarded to
the plaintiff by the percentage of tortious conduct as determined
pursuant to section 2307.23 of the Revised Code that is
attributable to that defendant.

(B) Except as otherwise provided in divisions (A)(3) and (4) of
this section, in a tort action in which the trier of fact
determines that two or more persons proximately caused the same
injury or loss to person or property or the same wrongful death
and in which the trier of fact determines that fifty per cent or
less of the tortious conduct is attributable to each defendant,
each defendant shall be liable to the plaintiff only for that
defendant's proportionate share of the compensatory damages that
represent economic loss. The proportionate share of a defendant
shall be calculated by multiplying the total amount of the
economic damages awarded to the plaintiff by the percentage of
tortious conduct as determined pursuant to section 2307.23 of the
Revised Code that is attributable to that defendant.

(C) In a tort action in which the trier of fact determines
that two or more persons proximately caused the same injury or
loss to person or property or the same wrongful death, each
defendant who is determined by the trier of fact to be legally
responsible for the same injury or loss to person or property or
for the same wrongful death shall be liable to the plaintiff only
for that defendant's proportionate share of the compensatory
damages that represent noneconomic loss. The proportionate share
of a defendant shall be calculated by multiplying the total amount
of the noneconomic damages awarded to the plaintiff by the
percentage of tortious conduct as determined pursuant to section
2307.23 of the Revised Code that is attributable to that
defendant.

(D) Sections 2307.25 to 2307.29 of the Revised Code shall
apply to joint and several tort liability that is described in
division (A) of this section.

Sec. 2307.781. (A) As used in this section:

(1) "Liquefied petroleum gas" means a material with a vapor pressure not exceeding that of commercial propane composed predominately of the following hydrocarbons or mixtures:

(a) Propane;
(b) Propylene;
(c) Butane;
(d) Butylene.

(2) "Liquefied petroleum gas equipment" means a liquefied petroleum gas appliance, or any equipment, tank, pipe, regulator, control, valve, fitting, or other equipment or device intended to be used in connection with or to supply liquefied petroleum gas to one or more liquefied petroleum gas appliances.

(3) "Liquefied petroleum gas supplier" means either of the following:

(a) A person that, in the course of a business conducted for that purpose, sells, distributes leases, prepares, blends, packages, labels, or otherwise participates in the placing of liquefied petroleum gas in the stream of commerce at retail;

(b) A person that, in the course of a business conducted for that purpose, installs, repairs, or maintains any aspect of liquefied petroleum gas equipment that allegedly causes harm.

(4) "Use of liquefied petroleum gas" means the distribution, delivery, sale, or use of liquefied petroleum gas, as well as the distribution, sale, installation, modification, inspection, or repair of liquefied petroleum gas equipment.

(B) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary
damages based on a product liability claim that results from the installation, modification, repair, or servicing of liquefied petroleum gas equipment by a person other than the liquefied petroleum gas supplier, unless the liquefied petroleum gas supplier had received written notification or other actual knowledge of such installation, modification, repair, or servicing at least thirty days before the installation, modification, repair, or servicing occurred.

(C) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the use or operation of liquefied petroleum gas equipment in a manner or for a purpose other than that for which it was intended.

(D) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the installation, modification, repair, or servicing of liquefied petroleum gas equipment by a person, other than the liquefied petroleum gas supplier, who is not certified or licensed to install, modify, repair, or service that equipment.

(E) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the installation, modification, repair, or servicing of liquefied petroleum gas equipment by a person, other than the liquefied petroleum gas supplier, that did not conform to the warning or instruction of the manufacturer of the liquefied petroleum gas equipment.

(F) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the use of liquefied petroleum gas if the actions of the liquefied
petroleum gas supplier in connection with that use complied with requirements set forth in the Chapters 4101. and 3737. of the Revised Code and Chapters 901:4-3 and 901:6-2, and rules 1301:7-7-01, 1301:7-7-02, 1301:7-7-09, 1301:7-7-23, 1301:7-7-31, 1301:7-7-33, 1301:7-7-39, 1301:7-7-57, 1301:7-7-58, 1301:7-7-61, 1301:7-7-80, 4101:1-4-01, 4101:1-35-01, 4101:2-2-01, 4101-1:2-15-01, 4101:8-2-01, 4101:8-24-01, 4101:8-44-01, 4123:1-3-16, 4123:1-5-13, and 4501:52-03 of the Administrative Code.

(G) Divisions (B), (C), (D), (E), and (F) of this section do not apply if the product liability claim was caused in whole or in part by intentional misconduct by the liquefied petroleum gas supplier.

(H) A user of liquefied petroleum gas is presumed to be aware of the inherent dangerous characteristics of liquefied petroleum gas. A liquefied petroleum gas supplier is not required to provide a warning regarding liquefied petroleum gas except as specified in the Revised Code or Administrative Code.

(I) As a matter of public policy, the general assembly finds that liquefied petroleum gas, without modification, is not a defective product.

Sec. 2913.46. (A)(1) As used in this section:

(a) "Electronically transferred benefit" means the transfer of supplemental nutrition assistance program benefits or WIC program benefits through the use of an access device.

(b) "WIC program benefits" includes money, coupons, delivery verification receipts, other documents, food, or other property received directly or indirectly pursuant to section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended.
(c) "Access device" means any card, plate, code, account number, or other means of access that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods, or other things of value or that can be used to initiate a transfer of funds pursuant to section 5101.33 of the Revised Code and the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), or any supplemental food program administered by any department of this state or any county or local agency pursuant to section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. An "access device" may include any electronic debit card or other means authorized by section 5101.33 of the Revised Code.

(d) "Aggregate value of supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation" means the total face value of any supplemental nutrition assistance program benefits, plus the total face value of WIC program coupons or delivery verification receipts, plus the total value of other WIC program benefits, plus the total value of any electronically transferred benefit or other access device, involved in the violation.

(e) "Total value of any electronically transferred benefit or other access device" means the total value of the payments, allotments, benefits, money, goods, or other things of value that may be obtained, or the total value of funds that may be transferred, by use of any electronically transferred benefit or other access device at the time of violation.

(f) "Traffic" has the same meaning as "trafficking," as defined in 7 C.F.R. 271.2.

(2) If supplemental nutrition assistance program benefits, WIC program benefits, or electronically transferred benefits or other access devices of various values are used, transferred,
bought, acquired, altered, purchased, possessed, presented for
redemption, or transported in violation of this section over a
period of twelve months, the course of conduct may be charged as
one offense and the values of supplemental nutrition assistance
program benefits, WIC program benefits, or any electronically
transferred benefits or other access devices may be aggregated in
determining the degree of the offense.

(B)(1) No individual shall knowingly solicit, possess, buy, sell, use, alter, accept, or transfer supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefit in any manner not authorized by the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), including regulations adopted under that act, or section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended.

(2) No individual shall knowingly traffic supplemental nutrition assistance program benefits.

(C) No organization, as defined in division (D) of section 2901.23 of the Revised Code, shall do either of the following:

(1) Knowingly allow an employee or agent to solicit, sell, transfer, traffic, or trade items or services, the purchase of which is prohibited by the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, in exchange for supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefit in violation of division (B) of this section;

(2) Negligently allow an employee or agent to solicit, sell, transfer, traffic, or exchange supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefit for anything of value in violation of division
Whoever violates this section is guilty of illegal use of supplemental nutrition assistance program benefits or WIC program benefits. Except as otherwise provided in this division, illegal use of supplemental nutrition assistance program benefits or WIC program benefits is a felony of the fifth degree. If the aggregate value of the supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is one thousand dollars or more and is less than seven thousand five hundred dollars, illegal use of supplemental nutrition assistance program benefits or WIC program benefits is a felony of the fourth degree. If the aggregate value of the supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, illegal use of supplemental nutrition assistance program benefits or WIC program benefits is a felony of the third degree. If the aggregate value of the supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is one hundred fifty thousand dollars or more, illegal use of supplemental nutrition assistance program benefits or WIC program benefits is a felony of the second degree.

Sec. 2915.01. As used in this chapter:

(A) "Bookmaking" means the business of receiving or paying off bets.

(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.

(C) "Scheme of chance" means a slot machine unless authorized under Chapter 3772. of the Revised Code, lottery unless authorized
under Chapter 3770. of the Revised Code, numbers game, pool
conducted for profit, or other scheme in which a participant gives
a valuable consideration for a chance to win a prize, but does not
include bingo, a skill-based amusement machine, or a pool not
conducted for profit. "Scheme of chance" includes the use of an
electronic device to reveal the results of a game entry if
valuable consideration is paid, directly or indirectly, for a
chance to win a prize. Valuable consideration is deemed to be paid
for a chance to win a prize in the following instances:

(1) Less than fifty per cent of the goods or services sold by
a scheme of chance operator in exchange for game entries are used
or redeemed by participants at any one location;

(2) Less than fifty per cent of participants who purchase
goods or services at any one location do not accept, use, or
redeem the goods or services sold or purportedly sold;

(3) More than fifty per cent of prizes at any one location
are revealed to participants through an electronic device
simulating a game of chance or a "casino game" as defined in
section 3772.01 of the Revised Code;

(4) The good or service sold by a scheme of chance operator
in exchange for a game entry cannot be used or redeemed in the
manner advertised;

(5) A participant pays more than fair market value for goods
or services offered by a scheme of chance operator in order to
receive one or more game entries;

(6) A participant may use the electronic device to purchase
additional game entries;

(7) A participant may purchase additional game entries by
using points or credits won as prizes while using the electronic
device;
(8) A scheme of chance operator pays out in prize money more than twenty per cent of the gross revenue received at one location; or

(9) A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.

As used in this division, "electronic device" means a mechanical, video, digital, or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased, or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries, or contractors. "Electronic device" does not include an electronic instant bingo system.

(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.

(E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.

(F) "Gambling device" means any of the following:

(1) A book, totalizer, or other equipment for recording bets;

(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;

(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;

(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;

(5) Bingo supplies sold or otherwise provided, or used, in
violation of this chapter.

(G) "Gambling offense" means any of the following:

(1) A violation of this chapter;

(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any provision of this chapter or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;

(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.

(H) Except as otherwise provided in this chapter, "charitable organization" means either of the following:

(1) An organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(c)(4), (c)(7), (c)(8), (c)(10), or (c)(19) of the Internal Revenue Code.

To qualify as a "charitable organization," an organization shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code.
(I) "Religious organization" means any church, body of communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.

(J) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this division, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States congress or has a national dues-paying membership of at least five thousand persons.

(K) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in section 146.01 of the Revised Code, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.

(L) "Fraternal organization" means any society, order, state headquarters, or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge, or chapter of a national or state organization, that exists exclusively for the common business or sodality of its members.
(M) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization, as defined in section 4765.01 of the Revised Code.

(N) "Charitable bingo game" means any bingo game described in division (O)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to section 2915.08 of the Revised Code and the proceeds of which are used for a charitable purpose.

(O) "Bingo" means either of the following:

(1) A game with all of the following characteristics:

(a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.

(b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.

(c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.

(d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements.
of letters and numbers as described in division (O)(1)(c) of this section, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by the participant.

(2) Instant bingo, electronic instant bingo, and raffles.

(P) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.

(Q) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, selling or redeeming electronic instant bingo tickets, credits, or vouchers, accessing an electronic instant bingo system other than as a participant, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages. "Bingo game operator" does not include a person who is installing, maintaining, updating, or repairing an electronic instant bingo system.

(R) "Participant" means any person who plays bingo.

(S) "Bingo session" means a period that includes both of the following:

(1) Not to exceed five continuous hours for the conduct of one or more games described in division (O)(1) of this section, instant bingo, and electronic instant bingo;
(2) A period for the conduct of instant bingo and electronic
instant bingo for not more than two hours before and not more than
two hours after the period described in division (S)(1) of this
section.

(T) "Gross receipts" means all money or assets, including
admission fees, that a person receives from bingo without the
deduction of any amounts for prizes paid out or for the expenses
of conducting bingo. "Gross receipts" does not include any money
directly taken in from the sale of food or beverages by a
charitable organization conducting bingo, or by a bona fide
auxiliary unit or society of a charitable organization conducting
bingo, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a
bona fide auxiliary unit or society of the charitable organization
for at least two years prior to conducting bingo.

(2) The person who purchases the food or beverage receives
nothing of value except the food or beverage and items customarily
received with the purchase of that food or beverage.

(3) The food and beverages are sold at customary and
reasonable prices.

(U) "Security personnel" includes any person who either is a
sheriff, deputy sheriff, marshal, deputy marshal, township
constable, or member of an organized police department of a
municipal corporation or has successfully completed a peace
officer's training course pursuant to sections 109.71 to 109.79 of
the Revised Code and who is hired to provide security for the
premises on which bingo is conducted.

(V) "Charitable purpose" means that the net profit of bingo,
other than instant bingo or electronic instant bingo, is used by,
or is given, donated, or otherwise transferred to, any of the
following:
(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of section 5739.02 of the Revised Code, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of section 5739.02 of the Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;

(3) A fraternal organization that has been in continuous existence in this state for fifteen years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code;

(4) A volunteer firefighter's organization that uses the net
profit for the purposes set forth in division (K) of this section.

(W) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.

(X) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(Y) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:

1. It owns, operates, and maintains playing fields that satisfy both of the following:

   a. The playing fields are used for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

   b. The playing fields are not used for any profit-making activity at any time during the year.

2. It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (Y)(1) of this section.

(Z) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers;
electronic instant bingo systems; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.

(AA) "Instant bingo" means a form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may also include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or bingo blower. "Instant bingo" also includes a punch board game. In all "instant bingo" the prize amount and structure shall be predetermined. "Instant bingo" does not include electronic instant bingo or any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

(BB) "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.

(CC) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. "Raffle" does not include the drawing of a ticket stub or other detachable
section of a ticket purchased to attend a professional sporting event if both of the following apply:

(1) The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and

(2) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.

(DD) "Punch board" means a form of instant bingo that uses a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

(EE) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.

(FF) "Net profit" means gross profit minus expenses.

(GG) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:

(1) The purchase or lease of bingo supplies;

(2) The annual license fee required under section 2915.08 of the Revised Code;

(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;

(4) Audits and accounting services;

(5) Safes;
(6) Cash registers; 26360

(7) Hiring security personnel; 26361

(8) Advertising bingo; 26362

(9) Renting premises in which to conduct a bingo session; 26363

(10) Tables and chairs; 26364

(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen; 26365

(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted; 26366

(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (F)(1) of section 2915.08 of the Revised Code. 26367

(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized. 26368

(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction. 26369

(JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction. 26370

(KK) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following: 26371

(1) Sells, offers for sale, or otherwise provides or offers 26372
to provide the bingo supplies to another person for use in this state;

(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.

(LL) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.

(MM) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (O)(1) of this section plus the annual net profit derived from the conduct of bingo described in division (O)(2) of this section.

(NN) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:

(1) It is activated upon the insertion of United States currency.

(2) It performs no gaming functions.

(3) It does not contain a video display monitor or generate noise.

(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.

(5) It does not simulate or display rolling or spinning reels.

(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.
(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.

(8) It is not part of an electronic network and is not interactive.

(00)(1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:

(a) It provides a means for a participant to input numbers and letters announced by a bingo caller.

(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.

(c) It identifies a winning bingo pattern.

(2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.

(PP) "Deal" means a single game of instant bingo tickets, or a single game of electronic instant bingo tickets, all with the same serial number.

(QQ)(1) "Slot machine" means either of the following:

(a) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;

(b) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.

(2) "Slot machine" does not include a skill-based amusement
machine, an instant bingo ticket dispenser, or an electronic
instant bingo system.

(RR) "Net profit from the proceeds of the sale of instant
bingo or electronic instant bingo" means gross profit minus the
ordinary, necessary, and reasonable expense expended for the
purchase of bingo supplies for the purpose of conducting instant
bingo or electronic instant bingo, and, in the case of instant
bingo or electronic instant bingo conducted by a veteran's,
fraternal, or sporting organization, minus the payment by that
organization of real property taxes and assessments levied on a
premises on which instant bingo or electronic instant bingo is
conducted.

(SS) "Charitable instant bingo organization" means an
organization that is exempt from federal income taxation under
subsection 501(a) and described in subsection 501(c)(3) of the
Internal Revenue Code and is a charitable organization as defined
in this section. A "charitable instant bingo organization" does
not include a charitable organization that is exempt from federal
income taxation under subsection 501(a) and described in
subsection 501(c)(3) of the Internal Revenue Code and that is
created by a veteran's organization, a fraternal organization, or
a sporting organization in regards to bingo conducted or assisted
by a veteran's organization, a fraternal organization, or a
sporting organization pursuant to section 2915.13 of the Revised
Code.

(TT)(SS) "Game flare" means the board or placard, or
electronic representation of a board or placard, that accompanies
each deal of instant bingo or electronic instant bingo tickets and
that includes the following information for the game:

1. The name of the game;
2. The manufacturer's name or distinctive logo;
(3) The form number;

(4) The ticket count;

(5) The prize structure, including the number of winning tickets by denomination and the respective winning symbol or number combinations for the winning tickets;

(6) The cost per play;

(7) The serial number of the game.

"Skill-based amusement machine" means a mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:

(a) The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;

(b) Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;

(c) Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and

(d) Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

A card for the purchase of gasoline is a redeemable voucher for purposes of division of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally purchased.
distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

(2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

(a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.

(b) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;

(c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.

(d) The success of any player is or may be determined by a chance event that cannot be altered by player actions.

(e) The ability of any player to succeed at the game is determined by game features not visible or known to the player.

(f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.

(3) All of the following apply to any machine that is operated as described in division (UU)(TT)(1) of this section:

(a) As used in division (UU)(TT) of this section, "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.
(b) Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition, or tournament play.

(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.

(4) For purposes of division (UU)-(1)-(TT)-(1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.

"Merchandise prize" means any item of value, but shall not include any of the following:

(1) Cash, gift cards, or any equivalent thereof;
(2) Plays on games of chance, state lottery tickets, or bingo;
(3) Firearms, tobacco, or alcoholic beverages; or
(4) A redeemable voucher that is redeemable for any of the items listed in division (VV)-(1)-(UU)-(1), (2), or (3) of this section.

"Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.

"Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to
win a prize and the total amount of consideration wagered is distributed to a participant or participants.

(YY)(XX) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the league of Ohio sportsmen, and that has been in continuous existence in this state for a period of three years.

(ZZ)(YY) "Community action agency" has the same meaning as in section 122.66 of the Revised Code.

(AAA)(1)(ZZ)(1) "Sweepstakes terminal device" means a mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:

(a) The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.

(b) The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.

(c) The device selects prizes from a predetermined finite pool of entries.

(d) The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.

(e) The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry
results are revealed.

(f) The device utilizes software to create a game result.

(g) The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.

(h) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.

(2) As used in this division and in section 2915.02 of the Revised Code:

(a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.

(b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.

(c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

(d) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in division (G) of section 2915.02 of the Revised Code.

(EEE)(AAA) "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under this chapter, pari-mutuel wagering as authorized by Chapter 3769, or lottery conducted by the state lottery.
commission as authorized by Chapter 3770. of the Revised Code, and casino gaming as authorized by Chapter 3772. of the Revised Code.

(CCC)(1) (BBB)(1) "Electronic instant bingo" means a form of bingo that consists of an electronic or digital representation of instant bingo in which a participant wins a prize if the participant's electronic instant bingo ticket contains a combination of numbers or symbols that was designated in advance as a winning combination, and to which all of the following apply:

(a) Each deal has a predetermined, finite number of winning and losing tickets and a predetermined prize amount and deal structure, provided that there may be multiple winning combinations in each deal and multiple winning tickets.

(b) Each electronic instant bingo ticket within a deal has a unique serial number that is not regenerated.

(c) Each electronic instant bingo ticket within a deal is sold for the same price.

(d) After a participant purchases an electronic instant bingo ticket, the combination of numbers or symbols on the ticket is revealed to the participant.

(e) The reveal of numbers or symbols on the ticket may incorporate an entertainment or bonus theme, provided that the reveal does not include spinning reels that resemble a slot machine.

(f) The reveal theme, if any, does not require additional consideration or award any prize other than any predetermined prize associated with the electronic instant bingo ticket.

(2) "Electronic instant bingo" shall not include any of the following:

(a) Any game, entertainment, or bonus theme that replicates or simulates any of the following:
(i) The gambling games of keno, blackjack, roulette, poker, craps, other casino-style table games;

(ii) Horse racing;

(iii) Gambling games offered in this state on slot machines or video lottery terminals. As used in this division, "video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.

(b) Any device operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more rotating reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to a rest;

(c) Any device that includes a coin or token slot, tray, or hopper and the ability to dispense coins, cash, tokens, or anything of value other than a credit ticket voucher.

(DDD)(CCC) "Electronic instant bingo system" means both of the following:

(1) A mechanical, electronic, digital, or video device and associated software to which all of the following apply:

(a) It is used by not more than one player at a time to play electronic instant bingo on a single screen that is physically connected to the device;

(b) It is located on the premises of the principal place of business of a veteran's or fraternal organization that holds a type II or type III bingo license to conduct electronic instant bingo at that location issued under section 2915.08 of the Revised Code.

(2) Any associated equipment or software used to manage, monitor, or document any aspect of electronic instant bingo.
Sec. 2915.02. (A) No person shall do any of the following:

(1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;

(2) Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance;

(3) Knowingly procure, transmit, exchange, or engage in conduct that facilitates the procurement, transmission, or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any game of chance conducted for profit or any scheme of chance;

(4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood;

(5) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility and either:

(a) Give to another person any item described in division (VV)(1)-(UU)(1), (2), (3), or (4) of section 2915.01 of the Revised Code as a prize for playing or participating in a sweepstakes; or

(b) Give to another person any merchandise prize, or a redeemable voucher for a merchandise prize, the wholesale value of which is in excess of ten dollars and which is awarded as a single entry for playing or participating in a sweepstakes. Redeemable vouchers shall not be redeemable for a merchandise prize that has a wholesale value of more than ten dollars.

(6) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility without first obtaining a current annual "certificate of registration" from the attorney general as required by division (F) of this section;
(7) With purpose to violate division (A)(1), (2), (3), (4), (5), or (6) of this section, acquire, possess, control, or operate any gambling device.

(B) For purposes of division (A)(1) of this section, a person facilitates bookmaking if the person in any way knowingly aids an illegal bookmaking operation, including, without limitation, placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of division (A)(2) of this section, a person facilitates a game of chance conducted for profit or a scheme of chance if the person in any way knowingly aids in the conduct or operation of any such game or scheme, including, without limitation, playing any such game or scheme.

(C) This section does not prohibit conduct in connection with gambling expressly permitted by law.

(D) This section does not apply to any of the following:

1. Games of chance, if all of the following apply:

   a. The games of chance are not craps for money or roulette for money.

   b. The games of chance are conducted by a charitable organization that is, and has received from the internal revenue service a determination letter that is currently in effect, stating that the organization is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code.

   c. The games of chance are conducted at festivals of the charitable organization that are conducted not more than a total of five days a calendar year, and are conducted on premises owned by the charitable organization for a period of no less than one year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that
have been owned by the lessor veteran's or fraternal organization for a period of no less than one year immediately preceding the conducting of the games of chance.

A charitable organization shall not lease premises from a veteran's or fraternal organization to conduct a festival described in division (D)(1)(c) of this section if the veteran's or fraternal organization already has leased the premises twelve times during the preceding year to charitable organizations for that purpose. If a charitable organization leases premises from a veteran's or fraternal organization to conduct a festival described in division (D)(1)(c) of this section, the charitable organization shall not pay a rental rate for the premises per day of the festival that exceeds the rental rate per bingo session that a charitable organization may pay under division (B)(1) of section 2915.09 of the Revised Code when it leases premises from another charitable organization to conduct bingo games.

(d) All of the money or assets received from the games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, or given, donated, or otherwise transferred to, any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(e) The games of chance are not conducted during, or within ten hours of, a bingo game conducted for amusement purposes only pursuant to section 2915.12 of the Revised Code.

No person shall receive any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, for operating or assisting in the operation of any game of chance.
(2) Any tag fishing tournament operated under a permit issued under section 1533.92 of the Revised Code, as "tag fishing tournament" is defined in section 1531.01 of the Revised Code;

(3) Bingo conducted by a charitable organization that holds a license issued under section 2915.08 of the Revised Code.

(E) Division (D) of this section shall not be construed to authorize the sale, lease, or other temporary or permanent transfer of the right to conduct games of chance, as granted by that division, by any charitable organization that is granted that right.

(F) Any person desiring to conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility shall first register with the office of the attorney general and obtain an annual certificate of registration by providing a filing fee of two hundred dollars and all information as required by rule adopted under division (H) of this section. Not later than the tenth day of each month, each sweepstakes terminal device operator shall file a sweepstakes terminal device monthly report with the attorney general and provide a filing fee of fifty dollars and all information required by rule adopted under division (H) of this section. All information provided to the attorney general under this division shall be available to law enforcement upon request.

(G) A person may apply to the attorney general, on a form prescribed by the attorney general, for a certificate of compliance that the person is not operating a sweepstakes terminal device facility. The form shall require the person to include the address of the business location where sweepstakes terminal devices will be used and to make the following certifications:

(1) That the person will not use more than two sweepstakes terminal devices at the business location;
(2) That the retail value of sweepstakes prizes to be awarded at the business location using sweepstakes terminal devices during a reporting period will be less than three per cent of the gross revenue received at the business location during the reporting period;

(3) That no other form of gaming except lottery ticket sales as authorized under Chapter 3770. of the Revised Code will be conducted at the business location or in an adjoining area of the business location;

(4) That any sweepstakes terminal device at the business location will not allow any deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of similar payment to be used, directly or indirectly, to participate in a sweepstakes;

(5) That notification of any prize will not take place on the same day as a participant's sweepstakes entry; and

(6) That the person consents to provide any other information to the attorney general as required by rule adopted under division (H) of this section.

The filing fee for a certificate of compliance is two hundred fifty dollars. The attorney general may charge up to an additional two hundred fifty dollars for reasonable expenses resulting from any investigation related to an application for a certificate of compliance.

A certificate of compliance is effective for one year. The certificate holder may reapply for a certificate of compliance. A person issued a certificate of compliance shall file semiannual reports with the attorney general stating the number of sweepstakes terminal devices at the business location and that the retail value of prizes awarded at the business location using sweepstakes terminal devices is less than three per cent of the
(H) The attorney general shall adopt rules setting forth:

(1) The required information to be submitted by persons conducting a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility as described in division (F) of this section; and

(2) The requirements pertaining to a certificate of compliance under division (G) of this section, which shall provide for a person to file a consolidated application and a consolidated semiannual report if a person has more than one business location.

The attorney general shall issue a certificate of registration or a certificate of compliance to all persons who have successfully satisfied the applicable requirements of this section. The attorney general shall post online a registry of all properly registered and certified sweepstakes terminal device operators.

(I) The attorney general may refuse to issue an annual certificate of registration or certificate of compliance to any person or, if one has been issued, the attorney general may revoke a certificate of registration or a certificate of compliance if the applicant has provided any information to the attorney general as part of a registration, certification, monthly report, semiannual report, or any other information that is materially false or misleading, or if the applicant or any officer, partner, or owner of five per cent or more interest in the applicant has violated any provision of this chapter.

(J) The attorney general may take any necessary and reasonable action to determine a violation of this chapter, including requesting documents and information, performing inspections of premises, or requiring the attendance of any person at an examination under oath.
(K) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree. If the offender previously has been convicted of any gambling offense, gambling is a felony of the fifth degree. Notwithstanding this division, failing to file a sweepstakes terminal device monthly report as required by division (F) of this section or the semiannual report required by division (G) of this section is a misdemeanor of the first degree.

Sec. 2915.06. (A) No person shall give to another person any item described in division (VV)(1)(UU)(1), (2), (3), or (4) of section 2915.01 of the Revised Code in exchange for a noncash prize, toy, or novelty received as a reward for playing or operating a skill-based amusement machine or for a free or reduced-price game won on a skill-based amusement machine.

(B) Whoever violates division (A) of this section is guilty of skill-based amusement machine prohibited conduct. A violation of division (A) of this section is a misdemeanor of the first degree for each redemption of a prize that is involved in the violation. If the offender previously has been convicted of a violation of division (A) of this section, a violation of that division is a felony of the fifth degree for each redemption of a prize that is involved in the violation. The maximum fine authorized to be imposed for a felony of the fifth degree shall be imposed upon the offender.

Sec. 2915.08. (A)(1) Except as otherwise permitted under section 2915.092 of the Revised Code, annually before the first day of January, a charitable organization that desires to conduct bingo shall apply to the attorney general for one or more of the following types of licenses to conduct bingo, as appropriate:

(a) A type I license to conduct bingo as described in division (O)(1) of section 2915.01 of the Revised Code;
(b) A type II license to conduct instant bingo, electronic instant bingo, or both at a bingo session;

(c) A type III license to conduct instant bingo, electronic instant bingo, or both other than at a bingo session, in accordance with sections 2915.093 to 2915.095 or sections 2915.13 to 2915.15 of the Revised Code, as applicable.

(2) A veteran's organization or fraternal organization that is authorized under section 2915.14 of the Revised Code to conduct electronic instant bingo may be issued only one license to conduct electronic instant bingo at any one time. The organization may conduct electronic instant bingo under that license at only one location specified on the license, which shall be the organization's principal place of business.

(B) The application shall be accompanied by a license fee as follows:

(1) If the charitable organization was not licensed to conduct bingo under this chapter before July 1, 2003, a fee established by the attorney general by rule adopted pursuant to section 111.15 of the Revised Code.

(2) If the charitable organization was licensed to conduct bingo under this chapter before July 1, 2003, the following applicable fee:

(a) For a type I license for a charitable organization that wishes to conduct bingo during twenty-six or more weeks in any calendar year, a license fee of two hundred dollars;

(b) For a type II or type III license for a charitable organization that previously has not been licensed under this chapter to conduct instant bingo or electronic instant bingo and that wishes to conduct bingo during twenty-six or more weeks in any calendar year, a license fee of five hundred dollars;
(c) For a type II or type III license for a charitable
organization that previously has been licensed under this chapter
to conduct instant bingo or electronic instant bingo and that
desires to conduct bingo during twenty-six or more weeks in any
calendar year, a license fee that is based upon the gross profits
received by the charitable organization from the operation of
instant bingo or electronic instant bingo during the one-year
period ending on the thirty-first day of October of the year
immediately preceding the year for which the license is sought,
and that is one of the following:

(i) Five Seven hundred fifty dollars, if the total is one
hundred fifty thousand dollars or less;

(ii) One Two thousand two hundred fifty dollars plus
one-fourth per cent of the gross profit, if the total is more than
one hundred fifty thousand dollars but less than two or equal to
four hundred fifty thousand one dollars;

(iii) Two thousand two hundred fifty dollars plus one-half
per cent of the gross profit, if the total is more than two four
hundred fifty thousand dollars but less than five or equal to six
hundred thousand one dollars;

(iv) Three thousand five hundred dollars plus one per cent of
the gross profit, if the total is more than five six hundred
thousand dollars but less than or equal to one million one
dollars;

(v) Five thousand dollars plus one per cent of the gross
profit, if the total is more than one million one dollars or more.

(d) For a type I, type II, or type III license for a
charitable organization that desires to conduct bingo during fewer
than twenty-six weeks in any calendar year, a reduced license fee
established by the attorney general by rule adopted pursuant to
section 111.15 of the Revised Code.
(C) The application shall be in the form prescribed by the attorney general, shall be signed and sworn to by the applicant, and shall contain all of the following:

(1) The name and post-office address of the applicant;

(2) A statement that the applicant is a charitable organization and that it has been in continuous existence as a charitable organization in this state for two years immediately preceding the making of the application;

(3) The location at which the organization will conduct bingo, which location shall be within the county in which the principal place of business of the applicant is located, the days of the week and the times on each of those days when bingo will be conducted, whether the organization owns, leases, or subleases the premises, and a copy of the rental agreement if it leases or subleases the premises;

(4) A statement of the applicant's previous history, record, and association that is sufficient to establish that the applicant is a charitable organization, and a copy of a determination letter that is issued by the Internal Revenue Service and states that the organization is tax exempt under subsection 501(a) and described in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code;

(5) A statement as to whether the applicant has ever had any previous application refused, whether it previously has had a license revoked or suspended, and the reason stated by the attorney general for the refusal, revocation, or suspension;

(6) A statement of the charitable purposes for which the net profit derived from bingo described in division (O)(1) of section 2915.01 of the Revised Code will be used, or a statement of how the net profit derived from instant bingo or electronic instant bingo will be distributed in accordance with section 2915.101 of...
the Revised Code, as applicable;

(7) Other necessary and reasonable information that the attorney general may require by rule adopted pursuant to section 111.15 of the Revised Code;

(8) If the applicant is a charitable trust as defined in section 109.23 of the Revised Code, a statement as to whether it has registered with the attorney general pursuant to section 109.26 of the Revised Code or filed annual reports pursuant to section 109.31 of the Revised Code, and, if it is not required to do either, the exemption in section 109.26 or 109.31 of the Revised Code that applies to it;

(9) If the applicant is a charitable organization as defined in section 1716.01 of the Revised Code, a statement as to whether it has filed with the attorney general a registration statement pursuant to section 1716.02 of the Revised Code and a financial report pursuant to section 1716.04 of the Revised Code, and, if it is not required to do both, the exemption in section 1716.03 of the Revised Code that applies to it;

(10) In the case of an applicant seeking to qualify as a youth athletic park organization, a statement issued by a board or body vested with authority under Chapter 755. of the Revised Code for the supervision and maintenance of recreation facilities in the territory in which the organization is located, certifying that the playing fields owned by the organization were open for use to all residents of that territory, regardless of race, color, creed, religion, sex, or national origin, for athletic activities by youth athletic organizations that do not discriminate on the basis of race, color, creed, religion, sex, or national origin, and that the fields were not used for any profit-making activity at any time during the year. That type of board or body is authorized to issue the statement upon request and shall issue the statement if it finds that the applicant's playing fields were so
used.

(D) The attorney general, within thirty days after receiving a timely filed application from a charitable organization that has been issued a license under this section that has not expired and has not been revoked or suspended, shall send a temporary permit to the applicant specifying the date on which the application was filed with the attorney general and stating that, pursuant to section 119.06 of the Revised Code, the applicant may continue to conduct bingo until a new license is granted or, if the application is rejected, until fifteen days after notice of the rejection is mailed to the applicant. The temporary permit does not affect the validity of the applicant's application and does not grant any rights to the applicant except those rights specifically granted in section 119.06 of the Revised Code. The issuance of a temporary permit by the attorney general pursuant to this division does not prohibit the attorney general from rejecting the applicant's application because of acts that the applicant committed, or actions that the applicant failed to take, before or after the issuance of the temporary permit.

(E) Within thirty days after receiving an initial license application from a charitable organization to conduct bingo, the attorney general shall conduct a preliminary review of the application and notify the applicant regarding any deficiencies. Once an application is deemed complete, or beginning on the thirtieth day after the application is filed, if the attorney general failed to notify the applicant of any deficiencies, the attorney general shall have an additional sixty days to conduct an investigation and either grant, grant with limits, restrictions, or probationary conditions, or deny the application based on findings established and communicated in accordance with divisions (F) and (I) of this section. As an option to granting, granting with limits, restrictions, or probationary conditions, or denying
an initial license application, the attorney general may grant a temporary license and request additional time to conduct the investigation if the attorney general has cause to believe that additional time is necessary to complete the investigation and has notified the applicant in writing about the specific concerns raised during the investigation.

(F)(1) The attorney general shall adopt rules to enforce sections 2915.01, 2915.02, and 2915.07 to 2915.15 of the Revised Code to ensure that bingo is conducted in accordance with those sections and to maintain proper control over the conduct of bingo. Except as otherwise provided in this section, the rules shall be adopted pursuant to Chapter 119. of the Revised Code. The attorney general shall license charitable organizations to conduct bingo in conformance with this chapter and with the licensing provisions of Chapter 119. of the Revised Code.

(2) If any of the following applies to an organization, the attorney general may refuse to grant a license to the organization, may revoke or suspend the organization's license, or may place limits, restrictions, or probationary conditions on the organization's license for a limited or indefinite period, as determined by the attorney general:

(a) The organization fails or has failed at any time to meet any requirement of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 2915.15 of the Revised Code, or violates or has violated any provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised Code or any rule adopted by the attorney general pursuant to this chapter.

(b) The organization makes or has made an incorrect or false statement that is material to the granting of the license in an application filed under this section.

(c) The organization submits or has submitted any incorrect
or false information relating to an application if the information is material to the granting of the license.

(d) The organization maintains or has maintained any incorrect or false information that is material to the granting of the license in the records required to be kept pursuant to section 2915.10 of the Revised Code, if applicable.

(e) The attorney general has good cause to believe that the organization will not conduct bingo in accordance with sections 2915.07 to 2915.15 of the Revised Code or with any rule adopted by the attorney general pursuant to this chapter.

(3) If the attorney general has good cause to believe that any director or officer of the organization has breached the director's or officer's fiduciary duty to, or committed theft or any other type of misconduct related to, the organization or any other charitable organization that has been issued a bingo license under this chapter, the attorney general may refuse to grant a license to the organization, may impose limits, restrictions, or probationary conditions on the license, or may revoke or suspend the organization's license for a period not to exceed five years.

(4) The attorney general may impose a civil fine on an organization licensed or permitted under this chapter for failure to comply with any restrictions, limits, or probationary conditions on its license, and for failure to comply with this chapter or any rule adopted under this chapter, according to a schedule of fines that the attorney general shall adopt in accordance with Chapter 119. of the Revised Code.

(5) For the purposes of division (F) of this section, any action of an officer, trustee, agent, representative, or bingo game operator of an organization is an action of the organization.

(G) The attorney general may grant licenses to charitable organizations that are branches, lodges, or chapters of national...
charitable organizations.

(H) The attorney general shall send notice of any of the following actions in writing to the prosecuting attorney and sheriff of the county in which the charitable organization is located and to any other law enforcement agency in that county that so requests, of all of the following:

(1) The issuance of a license under this section;

(2) The issuance of an amended license under this section;

(3) The rejection of an application for and refusal to grant a license under this section;

(4) The revocation of any license previously issued under this section;

(5) The suspension of any license previously issued under this section;

(6) The placing of any limits, restrictions, or probationary conditions placed on a license issued under this section.

(I) A license issued by the attorney general under this section shall set forth the information contained on the application of the charitable organization that the attorney general determines is relevant, including, but not limited to, the location at which the organization will conduct bingo, whether the license is a type I, type II, or type III license, and the days of the week and the times on each of those days when bingo will be conducted. If the attorney general refuses to grant, places limits, restrictions, or probationary conditions on, or revokes or suspends a license, the attorney general shall notify the applicant in writing and specifically identify the reason for the refusal, revocation, limit, restriction, probationary condition, or suspension in narrative form and, if applicable, by identifying the section of the Revised Code violated. The failure of the
attorney general to give the written notice of the reasons for the refusal, revocation, limit, restriction, probationary condition, or suspension or a mistake in the written notice does not affect the validity of the attorney general's refusal to grant, or the revocation or suspension of, or limit, restriction, probationary condition on, a license. If the attorney general fails to give the written notice or if there is a mistake in the written notice, the applicant may bring an action to compel the attorney general to comply with this division or to correct the mistake, but the attorney general's order refusing to grant, or placing a limit, restriction, or probationary condition on, or revoking or suspending, a license shall not be enjoined during the pendency of the action.

(J)(1)(a) Except as otherwise provided in division (J)(2) of this section, a charitable organization that has been issued a license under this section but that cannot conduct bingo at the location, or on the day of the week or at the time, specified on the license due to circumstances that make it impractical to do so, or that desires to conduct instant bingo other than at a bingo session at additional locations not identified on the license, may apply in writing, together with an application fee of two hundred fifty dollars, to the attorney general, at least thirty days prior to a change in or addition of a location, day of the week, or time, and request an amended license.

(b) As applicable, the application shall describe the causes making it impractical for the organization to conduct bingo in conformity with its license and shall indicate the location, days of the week, and times on each of those days when it desires to conduct bingo and, as applicable, shall indicate the additional locations at which it desires to conduct instant bingo other than at a bingo session.

(c) Except as otherwise provided in division (J)(3) of this
section, the attorney general shall issue the amended license in accordance with division (I) of this section, and the organization shall surrender its original license to the attorney general.

(2) (a) A charitable organization that has been issued a license under this section to conduct electronic instant bingo but that cannot conduct electronic instant bingo at the location, or on the day of the week or at the time, specified on the license due to circumstances that make it impractical to do so, may apply in writing, together with an application fee of two hundred fifty dollars, to the attorney general, at least thirty days prior to a change in a location, day of the week, or time, and request an amended license. A charitable organization may not apply for an amended license to conduct electronic instant bingo at any additional location.

(b) The application shall describe the causes making it impractical for the organization to conduct electronic instant bingo in conformity with its license and shall indicate the location, days of the week, and times on each of those days when it desires to conduct electronic instant bingo.

(c) Except as otherwise provided in division (J)(3) of this section, the attorney general shall issue the amended license in accordance with division (I) of this section, and the organization shall surrender its original license to the attorney general.

(3) The attorney general may refuse to grant an amended license under division (J)(1) or (2) of this section according to the terms of division (F) of this section.

(K) The attorney general may enter into a written contract with any other state agency to delegate to that state agency the powers prescribed to the attorney general under Chapter 2915. of the Revised Code.

(L) The attorney general, by rule adopted pursuant to section
111.15 of the Revised Code, may adopt rules to determine the  
requirements for a charitable organization that is exempt from  
federal income taxation under subsection 501(a) and described in  
subsection 501(c)(3) of the Internal Revenue Code to be in good  
standing in the state.

Sec. 2915.101. (A) As used in this section:

(1) "Net profit from the proceeds of the sale of instant  
bingo" means gross profit minus the ordinary, necessary, and  
reasonable expense expended for the purchase of bingo supplies for  
the purpose of conducting instant bingo and, in the case of  
instant bingo conducted by a veteran's, fraternal, or sporting  
organization, minus the payment by that organization of real  
property taxes and assessments levied on a premises on which  
instant bingo is conducted.

(2) "Net profit from the proceeds of the sale of electronic  
instant bingo" means gross profit minus the ordinary, necessary,  
and reasonable expense expended for the purchase of bingo supplies  
for the purpose of conducting electronic instant bingo, and, in  
the case of electronic instant bingo conducted by a veteran's or  
fraternal organization, minus the payment by that organization of  
real property taxes and assessments levied on a premises on which  
electronic instant bingo is conducted.

(B) Except as otherwise provided by law, a charitable  
organization that conducts instant bingo or electronic instant  
bingo shall distribute the net profit from the proceeds of the  
sale of instant bingo or electronic instant bingo as follows:

(A)(1)(1) If a veteran's organization, a fraternal  
organization, or a sporting organization conducted the instant  
bingo or electronic instant bingo, the organization shall  
distribute the net profit from the proceeds of the sale of instant  
bingo or electronic instant bingo, as follows:
(a) For the first two three hundred fifty thirty thousand dollars, or a greater amount prescribed by the attorney general to adjust for changes in prices as measured by the consumer price index as defined in section 325.18 of the Revised Code and other factors affecting the organization's expenses, as defined in division (GG) of section 2915.01 of the Revised Code, or less of net profit from the proceeds of the sale of instant bingo or electronic instant bingo generated in a calendar year:

   (i) At least twenty-five per cent shall be distributed to an organization described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

   (ii) Not more than seventy-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses, as defined in division (GG) of section 2915.01 of the Revised Code, in conducting the instant bingo or electronic instant bingo game.

(b) For any net profit from the proceeds of the sale of instant bingo or electronic instant bingo of more than two three hundred fifty thirty thousand dollars or an adjusted amount generated in a calendar year:

   (i) A minimum of fifty per cent shall be distributed to an organization described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

   (ii) Five per cent may be distributed for the organization's own charitable purposes or to a community action agency.

   (iii) Forty-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses, as defined in division (GG) of section 2915.01 of the Revised Code, in conducting the instant bingo or electronic
For a veteran's organization or a fraternal organization that conducted the electronic instant bingo, the organization shall distribute the net profit from the proceeds of the sale of electronic instant bingo as follows:

(a) For the first three hundred thirty thousand dollars, or a greater amount prescribed by the attorney general to adjust for changes in prices as measured by the consumer price index as defined in section 325.18 of the Revised Code and other factors affecting the organization's expenses, as defined in section 2915.01 of the Revised Code, or less of net profit from the proceeds of the sale of electronic instant bingo generated in a calendar year:

(i) At least twenty-five per cent shall be distributed to an organization described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(ii) Not more than seventy-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses, as defined in section 2915.01 of the Revised Code, in conducting the electronic instant bingo game.

(b) For any net profit from the proceeds of the sale of electronic instant bingo of more than three hundred thirty thousand dollars or an adjusted amount generated in a calendar year:

(i) A minimum of fifty per cent shall be distributed to an organization described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(ii) Five per cent may be distributed for the organization's own charitable purposes or to a community action agency.
(iii) Forty-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses, as defined in section 2915.01 of the Revised Code, in conducting the electronic instant bingo game.

(3) If a veteran's organization, a fraternal organization, or a sporting organization does not distribute the full percentages specified in divisions (A)(1)(a), (B)(1)(a), and (b) or (B)(2)(a) and (b) of this section for the purposes specified in those divisions, the organization shall distribute the balance of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo not distributed or retained for those purposes to an organization described in division (V)(1) of section 2915.01 of the Revised Code.

(B)(C) If a charitable organization other than a veteran's organization, a fraternal organization, or a sporting organization conducted the instant bingo or electronic instant bingo, the organization shall distribute one hundred per cent of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo to an organization described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(C)(D) Nothing in this section prohibits a veteran's organization, a fraternal organization, or a sporting organization from distributing any net profit from the proceeds of the sale of instant bingo or electronic instant bingo to an organization that is described in subsection 501(c)(3) of the Internal Revenue Code when the organization that is described in subsection 501(c)(3) of the Internal Revenue Code is one that makes donations to other organizations and permits donors to advise or direct such donations so long as the donations comply with requirements established in or pursuant to subsection 501(c)(3) of the Internal Revenue Code.
Sec. 2915.13. (A) Subject to the requirements of sections 2915.14 and 2915.15 of the Revised Code concerning electronic instant bingo, a veteran's organization, a fraternal organization, or a sporting organization authorized to conduct a bingo session pursuant to this chapter may conduct instant bingo, electronic instant bingo, or both other than at a bingo session under a type III license issued under section 2915.08 of the Revised Code if all of the following apply:

(1) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo or electronic instant bingo to twelve sixteens hours during any day, provided that the sale does not begin earlier than ten eight a.m. and ends not later than two a.m.

(2) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo or electronic instant bingo to its own premises and to its own members and invited guests.

(3) The veteran's organization, fraternal organization, or sporting organization is raising money for an organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a one of the following:

(a) A governmental unit or an in this state;

(b) An organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state and executes a written contract with that organization as required in division (B) of this section;

(c) In the case of a veteran's organization, an entity that
is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is affiliated with the national veteran's association of which the veteran's organization is a post, state headquarters, or auxiliary unit;

(d) In the case of a fraternal organization, an entity that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is affiliated with the national organization of which the fraternal organization is a branch, lodge, or chapter.

(B) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to division (A) of this section is raising money for another organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state division (A)(3) of this section, the veteran's organization, fraternal organization, or sporting organization shall execute a written contract with that organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state in order to conduct instant bingo or electronic instant bingo. That contract shall include a statement of the percentage of the net proceeds that the veteran's, fraternal, or sporting organization will be distributing to the
that organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state.

(C)(1) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to division (A) of this section has been issued a liquor permit under Chapter 4303. of the Revised Code, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization, fraternal organization, or sporting organization violates a provision of this chapter.

(2) No veteran's organization, fraternal organization, or sporting organization that enters into a written contract pursuant to division (B) of this section shall violate any provision of this chapter or permit, aid, or abet any other person in violating any provision of this chapter.

(D) A veteran's organization, fraternal organization, or sporting organization shall give all required proceeds earned from the conduct of instant bingo or electronic instant bingo to the organization with which the veteran's organization, fraternal organization, or sporting organization has entered into a written contract.

(E) Whoever violates this section is guilty of illegal instant bingo or electronic instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo or electronic instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal instant bingo or electronic
instant bingo conduct is a felony of the fifth degree.

Sec. 2915.14. (A) No charitable organization shall conduct electronic instant bingo unless all of the following are true:

(1) The organization is a veteran's organization described in division (J) of section 2915.01 of the Revised Code, or is a fraternal organization described in division (L) of section 2915.01 of the Revised Code, and the either of the following:

(a) In the case of a veteran's organization or fraternal organization not affiliated with a national organization, the organization qualified as a veteran's organization or fraternal organization, as applicable, on or before June 30, 2021;

(b) In the case of a veteran's organization or fraternal organization affiliated with a national organization, the national organization existed on or before June 30, 2021.

(2) The organization is a veteran's organization described in subsection 501(c)(4) of the Internal Revenue Code or is, and has received from the internal revenue service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), and is described in subsection 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code.

(3) The organization has not conducted a raffle in violation of division (B) of section 2915.092 of the Revised Code using an electronic raffle machine, as described in Ohio Veterans and Fraternal Charitable Coalition v. DeWine, Case No. 13-CV-13610 (C.P. Franklin Co. February 23, 2018), at any time on or after January 1, 2022.

(B) No charitable organization that conducts electronic instant bingo shall do any of the following:

(1) Possess an electronic instant bingo system that was not
obtained in accordance with this chapter or with any rule adopted under this chapter;

(2) Conduct electronic instant bingo on any day, at any time, or on any premises not specified on the organization's type II or type III license issued under section 2915.08 of the Revised Code;

(3) Hold more than one valid license to conduct electronic instant bingo at any one time;

(4) Conduct electronic instant bingo on more than one premises or on any premises other than the charitable organization's principal place of business;

(5) Operate more than twenty electronic bingo systems at the premises on which the charitable organization conducts electronic instant bingo under its license;

(6) Fail to display both of the following conspicuously at the premises on which the charitable organization conducts electronic instant bingo:

(a) The charitable organization's bingo license;

(b) The serial number of each deal of electronic instant bingo tickets being sold.

(7) Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play electronic instant bingo;

(8) Sell or provide to any person an electronic instant bingo ticket for a price different from the price displayed on the game flare for that deal, except that the charitable organization may give a participant who wins an electronic instant bingo game an electronic instant bingo ticket as a prize in place of a cash prize;

(9) Fail, once an electronic instant bingo deal is begun, to continue to sell tickets in that deal until all prizes have been
awarded;

(10) Permit any person whom the organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of electronic instant bingo;

(11) Permit a bingo game operator to play electronic instant bingo;

(12)(a) Except as otherwise provided in division (B)(12)(b) of this section, pay compensation to a bingo game operator for conducting electronic instant bingo.

(b) Division (B)(12)(a) of this section does not prohibit an employee of a veteran's organization or fraternal organization from redeeming electronic instant bingo tickets or vouchers for the organization's members or invited guests, so long as no portion of the employee's compensation is paid from any bingo receipts.

(13) Pay consulting fees to any person in relation to electronic instant bingo.

(C) No person shall sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this state unless the electronic instant bingo system has been approved under section 2915.15 of the Revised Code.

(D) The attorney general shall adopt rules under Chapter 119. of the Revised Code to ensure the integrity of electronic instant bingo, including, but not limited to, rules governing all of the following:

(1) The requirements to receive a license or endorsement to conduct electronic instant bingo;

(2) The location and number of electronic instant bingo
systems in use, which shall not exceed ten at the single licensed location per organization;

(3) The times when electronic instant bingo may be offered;

(4) Signage requirements in facilities where electronic instant bingo is offered;

(5) Electronic instant bingo device and system specifications, including reveal features and game themes;

(6) Procedures and standards for the review, approval, inspection, and monitoring of electronic instant bingo systems, as described in section 2915.15 of the Revised Code;

(7) Procedures and standards for the review and approval of any changes to technology, systems, or games licensed or permitted under this chapter;

(8) The fees to be charged under section 2915.15 of the Revised Code for review, approval, inspection, and monitoring of electronic instant bingo systems;

(9) Procedures allowing the attorney general to seek a summary suspension of a license to conduct electronic instant bingo or a license to manufacture or distribute electronic instant bingo systems if the attorney general has good cause to believe that the person or organization licensed to conduct electronic instant bingo, or the person or organization licensed to manufacture or distribute electronic instant bingo systems, or any of the organization's employees, officers, directors, agents, representatives, or partners, has violated this chapter or a rule adopted under this chapter.

(E) Whoever knowingly violates division (A), (B), or (C) of this section or a rule adopted under division (D) of this section is guilty of illegal electronic instant bingo conduct. Illegal electronic instant bingo conduct is a misdemeanor of the first
degree, except that if the offender previously has been convicted of a violation of division (A) or (B) of this section or of a rule adopted under division (D) of this section, illegal instant bingo conduct is a felony of the fifth degree.

Sec. 2925.11. (A) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.

(B)(1) This section does not apply to any of the following:

(a) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code;

(b) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration;

(c) Any person who sells, offers for sale, prescribe, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act;

(d) Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs if the prescription was issued for a legitimate medical purpose and not altered, forged, or obtained through deception or commission of a theft offense.

As used in division (B)(1)(d) of this section, "deception" and "theft offense" have the same meanings as in section 2913.01.
of the Revised Code.

(2) (a) As used in division (B)(2) of this section:

(i) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(ii) "Community control sanction" and "drug treatment program" have the same meaning as in section 2929.01 of the Revised Code.

(iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code.

(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.

(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code.

(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code.

(viii) "Qualified individual" means a person who is acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B)(2)(b) of this section.

(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.

(b) Subject to division (B)(2)(e) of this section,
qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense or a violation of section 2925.12, division (C)(1) of section 2925.14, or section 2925.141 of the Revised Code if all of the following apply:

(i) The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog, drug abuse instruments, or drug paraphernalia that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.

(ii) Subject to division (B)(2)(f) of this section, within thirty days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.

(iii) Subject to division (B)(2)(f) of this section, the qualified individual who obtains a screening and receives a referral for treatment under division (B)(2)(b)(ii) of this section, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that division. The documentation shall be limited to the date and time of the screening obtained and referral received.

(c) If a person who is serving a community control sanction or is under a sanction on post-release control acts pursuant to division (B)(2)(b) of this section, then division (B) of section 2929.141, division (B)(2) of section 2929.15, division (D)(3) of section 2929.25, or division (F)(3) of section 2967.28 of the Revised Code applies to the person with respect to any violation of the sanction or post-release control sanction based on a minor
drug possession offense, as defined in section 2925.11 of the Revised Code, or a violation of section 2925.12, division (C)(1) of section 2925.14, or section 2925.141 of the Revised Code.

(d) Nothing in division (B)(2)(b) of this section shall be construed to do any of the following:

(i) Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of division (B)(2)(b) of this section or with regards to any crime other than a minor drug possession offense or a violation of section 2925.12, division (C)(1) of section 2925.14, or section 2925.141 of the Revised Code committed by a person who qualifies for protection pursuant to division (B)(2)(b) of this section;

(ii) Limit any seizure of evidence or contraband otherwise permitted by law;

(iii) Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;

(iv) Limit, modify, or remove any immunity from liability available pursuant to law in effect prior to September 13, 2016, to any public agency or to an employee of any public agency.

(e) Division (B)(2)(b) of this section does not apply to any person who twice previously has been granted an immunity under division (B)(2)(b) of this section. No person shall be granted an immunity under division (B)(2)(b) of this section more than two times.

(f) Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191,
regulations promulgated by the United States department of health 27679
and human services to implement the act or the requirements of 42 27680
C.F.R. Part 2. 27681

(C) Whoever violates division (A) of this section is guilty 27682
of one of the following: 27683

(1) If the drug involved in the violation is a compound, 27684
mixture, preparation, or substance included in schedule I or II, 27685
with the exception of marihuana, cocaine, L.S.D., heroin, any 27686
fentanyl-related compound, hashish, and any controlled substance 27687
analog, whoever violates division (A) of this section is guilty of 27688
aggravated possession of drugs. The penalty for the offense shall 27689
be determined as follows:

(a) Except as otherwise provided in division (C)(1)(b), (c), 27690
(d), or (e) of this section, aggravated possession of drugs is a 27691
felony of the fifth degree, and division (B) of section 2929.13 of 27692
the Revised Code applies in determining whether to impose a prison 27693
term on the offender.

(b) If the amount of the drug involved equals or exceeds the 27694
bulk amount but is less than five times the bulk amount, 27695
aggravated possession of drugs is a felony of the third degree, 27696
and there is a presumption for a prison term for the offense. 27697

(c) If the amount of the drug involved equals or exceeds five 27698
times the bulk amount but is less than fifty times the bulk 27699
amount, aggravated possession of drugs is a felony of the second 27700
degree, and the court shall impose as a mandatory prison term a 27701
second degree felony mandatory prison term.

(d) If the amount of the drug involved equals or exceeds 27702
fifty times the bulk amount but is less than one hundred times the 27703
bulk amount, aggravated possession of drugs is a felony of the 27704
first degree, and the court shall impose as a mandatory prison 27705
term a first degree felony mandatory prison term.

(e) If the amount of the drug involved equals or exceeds one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(2) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule III, IV, or V, whoever violates division (A) of this section is guilty of possession of drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(2)(b), (c), or (d) of this section, possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony of the fifth degree.

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, possession of drugs is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount, possession of drugs is a felony of the second degree, and the court shall impose upon the offender as a mandatory prison term a second degree felony mandatory prison term.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana
other than hashish, whoever violates division (A) of this section is guilty of possession of marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b), (c), (d), (e), (f), or (g) of this section, possession of marihuana is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds one hundred grams but is less than two hundred grams, possession of marihuana is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, possession of marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) If the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, possession of marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(e) If the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, possession of marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) If the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, possession of marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years.

(g) If the amount of the drug involved equals or exceeds forty thousand grams, possession of marihuana is a felony of the second degree, and the court shall impose as a mandatory prison
term a maximum second degree felony mandatory prison term.

(4) If the drug involved in the violation is cocaine or a compound, mixture, preparation, or substance containing cocaine, whoever violates division (A) of this section is guilty of possession of cocaine. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(4)(b), (c), (d), (e), or (f) of this section, possession of cocaine is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds five grams but is less than ten grams of cocaine, possession of cocaine is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, possession of cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If possession of cocaine is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree.

(d) If the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, possession of cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.
(e) If the amount of the drug involved equals or exceeds twenty-seven grams but is less than one hundred grams of cocaine, possession of cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds one hundred grams of cocaine, possession of cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(5) If the drug involved in the violation is L.S.D., whoever violates division (A) of this section is guilty of possession of L.S.D. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(5)(b), (c), (d), (e), or (f) of this section, possession of L.S.D. is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of L.S.D. involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of L.S.D. involved equals or exceeds fifty unit doses, but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a
felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of L.S.D. involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(e) If the amount of L.S.D. involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(f) If the amount of L.S.D. involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of possession of heroin. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(6)(b), (c), (d), (e), or (f) of this section, possession of heroin is a felony
of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, possession of heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, possession of heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, possession of heroin is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(e) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams, possession of heroin is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or exceeds one hundred grams, possession of heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory
prison term.

(7) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (A) of this section is guilty of possession of hashish. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(7)(b), (c), (d), (e), (f), or (g) of this section, possession of hashish is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) If the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(e) If the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish
in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) If the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years.

(g) If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a maximum second degree felony mandatory prison term.

(8) If the drug involved is a controlled substance analog or compound, mixture, preparation, or substance that contains a controlled substance analog, whoever violates division (A) of this section is guilty of possession of a controlled substance analog. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(8)(b), (c), (d), (e), or (f) of this section, possession of a controlled substance analog is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds ten...
grams but is less than twenty grams, possession of a controlled 27957
substance analog is a felony of the fourth degree, and there is a 27958
presumption for a prison term for the offense. 27959

(c) If the amount of the drug involved equals or exceeds 27960
twenty grams but is less than thirty grams, possession of a 27961
controlled substance analog is a felony of the third degree, and 27962
there is a presumption for a prison term for the offense. 27963

(d) If the amount of the drug involved equals or exceeds 27964
thirty grams but is less than forty grams, possession of a 27965
controlled substance analog is a felony of the second degree, and 27966
the court shall impose as a mandatory prison term a second degree 27967
felony mandatory prison term. 27968

(e) If the amount of the drug involved equals or exceeds 27969
forty grams but is less than fifty grams, possession of a 27970
controlled substance analog is a felony of the first degree, and 27971
the court shall impose as a mandatory prison term a first degree 27972
felony mandatory prison term. 27973

(f) If the amount of the drug involved equals or exceeds 27974
fifty grams, possession of a controlled substance analog is a 27975
felony of the first degree, the offender is a major drug offender, 27976
and the court shall impose as a mandatory prison term a maximum 27977
first degree felony mandatory prison term. 27978

(9) If the drug involved in the violation is a compound, 27979
mixture, preparation, or substance that is a combination of a 27980
fentanyl-related compound and marihuana, one of the following 27981
applies:

(a) Except as otherwise provided in division (C)(9)(b) of 27982
this section, the offender is guilty of possession of marihuana 27983
and shall be punished as provided in division (C)(3) of this 27984
section. Except as otherwise provided in division (C)(9)(b) of 27985
this section, the offender is not guilty of possession of a 27986
fentanyl-related compound under division (C)(11) of this section and shall not be charged with, convicted of, or punished under division (C)(11) of this section for possession of a fentanyl-related compound.

(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of possession of a fentanyl-related compound and shall be punished under division (C)(11) of this section.

(10) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any schedule III, schedule IV, or schedule V controlled substance that is not a fentanyl-related compound, one of the following applies:

(a) Except as otherwise provided in division (C)(10)(b) of this section, the offender is guilty of possession of drugs and shall be punished as provided in division (C)(2) of this section. Except as otherwise provided in division (C)(10)(b) of this section, the offender is not guilty of possession of a fentanyl-related compound under division (C)(11) of this section and shall not be charged with, convicted of, or punished under division (C)(11) of this section for possession of a fentanyl-related compound.

(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of possession of a fentanyl-related compound and shall be punished under division (C)(11) of this section.

(11) If the drug involved in the violation is a fentanyl-related compound and neither division (C)(9)(a) nor division (C)(10)(a) of this section applies to the drug involved,
or is a compound, mixture, preparation, or substance that contains
a fentanyl-related compound or is a combination of a
fentanyl-related compound and any other controlled substance and
neither division (C)(9)(a) nor division (C)(10)(a) of this section
applies to the drug involved, whoever violates division (A) of
this section is guilty of possession of a fentanyl-related
compound. The penalty for the offense shall be determined as
follows:

(a) Except as otherwise provided in division (C)(11)(b), (c),
(d), (e), (f), or (g) of this section, possession of a
fentanyl-related compound is a felony of the fifth degree, and
division (B) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds ten
unit doses but is less than fifty unit doses or equals or exceeds
one gram but is less than five grams, possession of a
fentanyl-related compound is a felony of the fourth degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds
fifty unit doses but is less than one hundred unit doses or equals
or exceeds five grams but is less than ten grams, possession of a
fentanyl-related compound is a felony of the third degree, and
there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds one
hundred unit doses but is less than two hundred unit doses or
equals or exceeds ten grams but is less than twenty grams,
possession of a fentanyl-related compound is a felony of the
second degree, and the court shall impose as a mandatory prison
term one of the prison terms prescribed for a felony of the second
degree.
(e) If the amount of the drug involved equals or exceeds two hundred unit doses but is less than five hundred unit doses or equals or exceeds twenty grams but is less than fifty grams, possession of a fentanyl-related compound is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams, possession of a fentanyl-related compound is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or exceeds one hundred grams, possession of a fentanyl-related compound is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(D) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of
division (A) of this section may suspend the offender's driver's
or commercial driver's license or permit for not more than five
years. However, if the offender pleaded guilty to or was convicted
of a violation of section 4511.19 of the Revised Code or a
substantially similar municipal ordinance or the law of another
state or the United States arising out of the same set of
circumstances as the violation, the court shall suspend the
offender's driver's or commercial driver's license or permit for
not more than five years. If applicable, the court also shall do
the following:

(1) (a) If the violation is a felony of the first, second, or
third degree, the court shall impose upon the offender the
mandatory fine specified for the offense under division (B)(1) of
section 2929.18 of the Revised Code unless, as specified in that
division, the court determines that the offender is indigent.

(b) Notwithstanding any contrary provision of section 3719.21
of the Revised Code, the clerk of the court shall pay a mandatory
fine or other fine imposed for a violation of this section
pursuant to division (A) of section 2929.18 of the Revised Code in
accordance with and subject to the requirements of division (F) of
section 2925.03 of the Revised Code. The agency that receives the
fine shall use the fine as specified in division (F) of section
2925.03 of the Revised Code.

(c) If a person is charged with a violation of this section
that is a felony of the first, second, or third degree, posts
bail, and forfeits the bail, the clerk shall pay the forfeited
bail pursuant to division (E)(1)(b) of this section as if it were
a mandatory fine imposed under division (E)(1)(a) of this section.

(2) If the offender is a professionally licensed person, in
addition to any other sanction imposed for a violation of this
section, the court immediately shall comply with section 2925.38
of the Revised Code.
(F) It is an affirmative defense, as provided in section 2901.05 of the Revised Code, to a charge of a fourth degree felony violation under this section that the controlled substance that gave rise to the charge is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled substances in a manner, or is possessed under any other circumstances, that indicate that the substance was possessed solely for personal use. Notwithstanding any contrary provision of this section, if, in accordance with section 2901.05 of the Revised Code, an accused who is charged with a fourth degree felony violation of division (C)(2), (4), (5), or (6) of this section sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the accused may be prosecuted for and may plead guilty to or be convicted of a misdemeanor violation of division (C)(2) of this section or a fifth degree felony violation of division (C)(4), (5), or (6) of this section respectively.

(G) When a person is charged with possessing a bulk amount or multiple of a bulk amount, division (E) of section 2925.03 of the Revised Code applies regarding the determination of the amount of the controlled substance involved at the time of the offense.

(H) It is an affirmative defense to a charge of possession of a controlled substance analog under division (C)(8) of this section that the person charged with violating that offense obtained, possessed, or used one of the following items that are excluded from the meaning of "controlled substance analog" under section 3719.01 of the Revised Code:

1. A controlled substance;
2. Any substance for which there is an approved new drug application;
(3) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption.

(I) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (I) of this section, the sentencing court, in its discretion, may terminate the suspension.

Sec. 2927.02. (A) As used in this section and sections 2927.021 and 2927.022 to 2927.024 of the Revised Code:

(1) "Age verification" means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is twenty-one years of age or older.

(2)(a) "Alternative nicotine product" means, subject to
division (A)(2)(b) of this section, an electronic smoking device, vapor product, or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.

(b) "Alternative nicotine product" does not include any of the following:

(i) Any cigarette or other tobacco product;

(ii) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);

(iii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);

(iv) Any product that is a "combination product" as described in 21 U.S.C. 353(g).

(3) "Cigarette" includes clove cigarettes and hand-rolled cigarettes.

(4) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.

(5) "Electronic smoking device" means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. "Electronic smoking device" includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device, whether or not the substance contains nicotine. "Electronic smoking device"
does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

(6) "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under sections 4507.50 to 4507.52 of the Revised Code that shows that a person is eighteen years of age or older.

(7) "Tobacco product" means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco product" also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain the component, accessory, or liquid contains nicotine. "Tobacco product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

(8) "Vapor product" means a product, other than a cigarette or other tobacco product as defined in Chapter 5743. of the Revised Code, that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. "Vapor product" includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. "Vapor product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).
defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" includes any product containing nicotine, regardless of concentration.

(9) "Vending machine" has the same meaning as "coin machine" in section 2913.01 of the Revised Code.

(B) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:

(1) Give, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any person under twenty-one years of age;

(2) Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a legibly printed sign in letters at least one-half inch high stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age is prohibited by law;

(3) Knowingly furnish any false information regarding the name, age, or other identification of any person under twenty-one years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that person;

(4) Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less...
than six-tenths of one ounce of tobacco;

(5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;

(6) Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification;

(7) Allow an employee under eighteen years of age to sell any tobacco product.

(C) No person shall sell or offer to sell cigarettes, other tobacco products, or alternative nicotine products by or from a vending machine, except in the following locations:

(1) An area within a factory, business, office, or other place not open to the general public;

(2) An area to which persons under twenty-one years of age are not generally permitted access;

(3) Any other place not identified in division (C)(1) or (2) of this section, upon all of the following conditions:

(a) The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the
place, or an employee of that person.

(b) The vending machine is inaccessible to the public when the place is closed.

(c) A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high:

"It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products."

(D) The following are affirmative defenses to a charge under division (B)(1) of this section:

(1) The person under twenty-one years of age was accompanied by a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.

(2) The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age under division (B)(1) of this section is a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.

(E)(1) It is not a violation of division (B)(1) or (2) of this section for a person to give or otherwise distribute to a person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the person under twenty-one years of age is participating in a research protocol if all of the following apply:

(a) The parent, guardian, or legal custodian of the person under twenty-one years of age has consented in writing to the person under twenty-one years of age participating in the research protocol.
An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.

The person under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol.

It is not a violation of division (B)(1) or (2) of this section for an employer to permit an employee eighteen, nineteen, or twenty years of age to sell a tobacco product.

Whoever violates division (B)(1), (2), (4), (5), or (6), or (7) or (C) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (B)(1), (2), (4), (5), or (6), or (7) or (C) of this section, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

Whoever violates division (B)(3) of this section is guilty of permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (B)(3) of this section, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.
(G) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a person under twenty-one years of age in violation of this section and that are used, possessed, purchased, or received by a person under twenty-one years of age in violation of section 2151.87 of the Revised Code are subject to seizure and forfeiture as contraband under Chapter 2981. of the Revised Code.

Sec. 2927.023. (A) As used in this section:

(1) "Authorized recipient of tobacco products" means:

(a) In the case of cigarettes, a person who is:

(i) Licensed as a cigarette wholesale dealer under section 5743.15 of the Revised Code;

(ii) Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;

(iii) An export warehouse proprietor as defined in section 5702 of the Internal Revenue Code;

(iv) An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555;

(v) An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;

(vi) A department, agency, instrumentality, or political subdivision of the federal government or of this state; or

(vii) A person having a consent for consumer shipment issued by the tax commissioner under section 5743.71 of the Revised Code.

(b) In the case of electronic smoking devices or vapor products, a person who is:
(i) Licensed as a distributor of tobacco or vapor products under section 5743.61 of the Revised Code;

(ii) A retail dealer of vapor products, as defined in division (C)(3) of section 5743.01 of the Revised Code, that is not licensed as a vapor distributor, as long as the tax levied by section 5743.51, 5743.62, or 5743.63 of the Revised Code, as applicable, has been paid;

(iii) An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555;

(iv) An officer, employee, or agent of the federal government or of this state acting in the person's official capacity; or

(v) A department, agency, instrumentality, or political subdivision of the federal government or of this state.

(2) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code.

The purpose of this section is to prevent the sale of cigarettes, electronic smoking devices, and vapor products to minors and to ensure compliance with the Master Settlement Agreement, as defined in section 1346.01 of the Revised Code.

(B)(1) No person shall cause to be shipped any cigarettes, electronic smoking devices, or vapor products to any person in this state other than an authorized recipient of tobacco products.

(2) No motor carrier, or other person shall knowingly transport cigarettes, electronic smoking devices, or vapor products to any person in this state that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes, electronic smoking devices, or vapor products are transported to a home or residence, it shall be presumed that the motor carrier, or other person knew that the person to whom the cigarettes, electronic smoking devices, or
vapor products were delivered was not an authorized recipient of tobacco products.

(C) No person engaged in the business of selling cigarettes, electronic smoking devices, or vapor products who ships or causes to be shipped cigarettes, electronic smoking devices, or vapor products to any person in this state in any container or wrapping other than the original container or wrapping of the cigarettes shall fail to plainly and visibly mark the exterior of the container or wrapping in which the cigarettes, electronic smoking devices, or vapor products are shipped with the words "cigarettes," "electronic smoking devices," or "vapor products," as applicable.

(D) A court shall impose a fine of up to one thousand dollars for each violation of division (B)(1), (B)(2), or (C) of this section.

Sec. 2927.12. (A) As used in this section, "disability" has the same meaning as in section 4112.01 of the Revised Code.

(B)(1) No person shall violate section 2903.21, 2903.22, 2909.06, or 2909.07, or division (A)(3), (4), or (5) of section 2917.21 of the Revised Code by reason of the race, color, religion, or national origin of another person or group of persons.

(B)(2) No person shall violate section 2903.21, 2903.22, 2909.06, or 2909.07, or division (A)(3), (4), or (5) of section 2917.21 of the Revised Code by reason of the disability of another person or group of persons if the other person is a person with a disability, the person knows or reasonably should know that the other person is a person with a disability, and it is the person's specific purpose to commit the offense against a person with a disability.
(C)(1) Whoever violates division (B)(1) of this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation.

(2) Whoever violates division (B)(2) of this section is guilty of disability intimidation. Disability intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of disability intimidation.

Sec. 2929.18. (A) Except as otherwise provided in this division and in addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a felony may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section or, in the circumstances specified in section 2929.32 of the Revised Code, may impose upon the offender a fine in accordance with that section, and shall sentence the offender to make restitution pursuant to this section and section 2929.281 of the Revised Code. The victim has a right not to seek restitution. Financial sanctions that either are required to be or may be imposed pursuant to this section include, but are not limited to, the following:

(1) Restitution by the offender to the victim of the offender's criminal offense or the victim's estate, in an amount based on the victim's economic loss. In open court, the court shall order that full restitution be made to the victim, to the adult probation department that serves the county on behalf of the victim, to the clerk of courts, or to another agency designated by the court. At sentencing, the court shall determine the amount of restitution to be made by the offender. The victim, victim's representative, victim's attorney, if applicable, the prosecutor or the prosecutor's designee, and the offender may provide
information relevant to the determination of the amount of restitution. The amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court imposes restitution for the cost of accounting or auditing done to determine the extent of economic loss, the court may order restitution for any amount of the victim's costs of accounting or auditing provided that the amount of restitution is reasonable and does not exceed the value of property or services stolen or damaged as a result of the offense. The court shall hold a hearing on restitution if the offender, victim, victim's representative, or victim's estate disputes the amount. The court shall determine the amount of full restitution by a preponderance of the evidence. All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or the victim's estate against the offender.

The court may order that the offender pay a surcharge of not more than five per cent of the amount of the restitution otherwise ordered to the entity responsible for collecting and processing restitution payments.

The victim, victim's estate, or victim's attorney, if applicable, may file a motion or request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate but shall not reduce the amount of restitution ordered, except as provided in division (A) of section 2929.281 of the Revised Code. The court shall not discharge restitution until it is fully paid by the offender.

(2) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision, or as described in division (B)(2) of this
section to one or more law enforcement agencies, with the amount of the fine based on a standard percentage of the offender's daily income over a period of time determined by the court and based upon the seriousness of the offense. A fine ordered under this division shall not exceed the maximum conventional fine amount authorized for the level of the offense under division (A)(3) of this section.

(3) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision when appropriate for a felony, or as described in division (B)(2) of this section to one or more law enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty thousand dollars;

(b) For a felony of the second degree, not more than fifteen thousand dollars;

(c) For a felony of the third degree, not more than ten thousand dollars;

(d) For a felony of the fourth degree, not more than five thousand dollars;

(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.

(4) A state fine or costs as defined in section 2949.111 of the Revised Code.

(5)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:

(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;

(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.

(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred by reason of the prisoner's confinement, and if the court does not impose a financial sanction under division (A)(5)(a)(ii) of this section, confinement costs may be assessed pursuant to section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.

(c) Reimbursement by the offender for costs pursuant to section 2929.71 of the Revised Code;

(d) Reimbursement by the offender for costs pursuant to section 2917.321 of the Revised Code.
(B)(1) For a first, second, or third degree felony violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code, the sentencing court shall impose upon the offender a mandatory fine of at least one-half of, but not more than, the maximum statutory fine amount authorized for the level of the offense pursuant to division (A)(3) of this section. If an offender alleges in an affidavit filed with the court prior to sentencing that the offender is indigent and unable to pay the mandatory fine and if the court determines the offender is an indigent person and is unable to pay the mandatory fine described in this division, the court shall not impose the mandatory fine upon the offender.

(2) Any mandatory fine imposed upon an offender under division (B)(1) of this section and any fine imposed upon an offender under division (A)(2) or (3) of this section for any fourth or fifth degree felony violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code shall be paid to law enforcement agencies pursuant to division (F) of section 2925.03 of the Revised Code.

(3) For a fourth degree felony OVI offense and for a third degree felony OVI offense, the sentencing court shall impose upon the offender a mandatory fine in the amount specified in division (G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever is applicable. The mandatory fine so imposed shall be disbursed as provided in the division pursuant to which it is imposed.

(4) Notwithstanding any fine otherwise authorized or required to be imposed under division (A)(2) or (3) or (B)(1) of this section or section 2929.31 of the Revised Code for a violation of section 2925.03 of the Revised Code, in addition to any penalty or sanction imposed for that offense under section 2925.03 or sections 2929.11 to 2929.18 of the Revised Code and in addition to the forfeiture of property in connection with the offense as
prescribed in Chapter 2981. of the Revised Code, the court that
sentences an offender for a violation of section 2925.03 of the
Revised Code may impose upon the offender a fine in addition to
any fine imposed under division (A)(2) or (3) of this section and
in addition to any mandatory fine imposed under division (B)(1) of
this section. The fine imposed under division (B)(4) of this
section shall be used as provided in division (H) of section
2925.03 of the Revised Code. A fine imposed under division (B)(4)
of this section shall not exceed whichever of the following is
applicable:

(a) The total value of any personal or real property in which
the offender has an interest and that was used in the course of,
intended for use in the course of, derived from, or realized
through conduct in violation of section 2925.03 of the Revised
Code, including any property that constitutes proceeds derived
from that offense;

(b) If the offender has no interest in any property of the
type described in division (B)(4)(a) of this section or if it is
not possible to ascertain whether the offender has an interest in
any property of that type in which the offender may have an
interest, the amount of the mandatory fine for the offense imposed
under division (B)(1) of this section or, if no mandatory fine is
imposed under division (B)(1) of this section, the amount of the
fine authorized for the level of the offense imposed under
division (A)(3) of this section.

(5) Prior to imposing a fine under division (B)(4) of this
section, the court shall determine whether the offender has an
interest in any property of the type described in division
(B)(4)(a) of this section. Except as provided in division (B)(6)
or (7) of this section, a fine that is authorized and imposed
under division (B)(4) of this section does not limit or affect the
imposition of the penalties and sanctions for a violation of
section 2925.03 of the Revised Code prescribed under those sections or sections 2929.11 to 2929.18 of the Revised Code and does not limit or affect a forfeiture of property in connection with the offense as prescribed in Chapter 2981. of the Revised Code.

(6) If the sum total of a mandatory fine amount imposed for a first, second, or third degree felony violation of section 2925.03 of the Revised Code under division (B)(1) of this section plus the amount of any fine imposed under division (B)(4) of this section does not exceed the maximum statutory fine amount authorized for the level of the offense under division (A)(3) of this section or section 2929.31 of the Revised Code, the court may impose a fine for the offense in addition to the mandatory fine and the fine imposed under division (B)(4) of this section. The sum total of the amounts of the mandatory fine, the fine imposed under division (B)(4) of this section, and the additional fine imposed under division (B)(6) of this section shall not exceed the maximum statutory fine amount authorized for the level of the offense under division (A)(3) of this section or section 2929.31 of the Revised Code. The clerk of the court shall pay any fine that is imposed under division (B)(6) of this section to the county, township, municipal corporation, park district as created pursuant to section 511.18 or 1545.04 of the Revised Code, or state law enforcement agencies in this state that primarily were responsible for or involved in making the arrest of, and in prosecuting, the offender pursuant to division (F) of section 2925.03 of the Revised Code.

(7) If the sum total of the amount of a mandatory fine imposed for a first, second, or third degree felony violation of section 2925.03 of the Revised Code plus the amount of any fine imposed under division (B)(4) of this section exceeds the maximum statutory fine amount authorized for the level of the offense
under division (A)(3) of this section or section 2929.31 of the Revised Code, the court shall not impose a fine under division (B)(6) of this section.

(8)(a) If an offender who is convicted of or pleads guilty to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323 involving a minor, or division (B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the sentencing court shall sentence the offender to a financial sanction of restitution by the offender to the victim or the victim's estate, with the restitution including the costs of housing, counseling, and medical and legal assistance incurred by the victim as a direct result of the offense and the greater of the following:

(i) The gross income or value to the offender of the victim's labor or services;


(b) If a court imposing sentence upon an offender for a felony is required to impose upon the offender a financial sanction of restitution under division (B)(8)(a) of this section, in addition to that financial sanction of restitution, the court may sentence the offender to any other financial sanction or combination of financial sanctions authorized under this section, including a restitution sanction under division (A)(1) of this section.
(9) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for a felony that is a sexually oriented offense or a child-victim oriented offense, as those terms are defined in section 2950.01 of the Revised Code, may impose a fine of not less than fifty nor more than five hundred dollars.

(10) For a felony violation of division (A) of section 2921.321 of the Revised Code that results in the death of the police dog or horse that is the subject of the violation, the sentencing court shall impose upon the offender a mandatory fine from the range of fines provided under division (A)(3) of this section for a felony of the third degree. A mandatory fine imposed upon an offender under division (B)(10) of this section shall be paid to the law enforcement agency that was served by the police dog or horse that was killed in the felony violation of division (A) of section 2921.321 of the Revised Code to be used as provided in division (E)(1)(b) of that section.

(11) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for any of the following offenses that is a felony may impose a fine of not less than seventy nor more than five hundred dollars, which, except as provided in division (B)(12) of this section, shall be transmitted to the treasurer of state to be credited to the address confidentiality program fund created by section 111.48 of the Revised Code:

(a) Domestic violence;

(b) Menacing by stalking;

(c) Rape;

(d) Sexual battery;

(e) Trafficking in persons;
(f) A violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323 involving a minor, or division (B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code, if the offender also is convicted of a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking.

(12)(a) A court that imposes a fine under division (B)(11) of this section may retain up to twenty-five per cent of amounts collected in satisfaction of the fine to cover administrative costs.

(b) A court that imposes a fine under division (B)(11) of this section may assign up to twenty-five per cent of amounts collected in satisfaction of the fine to reimburse the prosecuting attorney for costs associated with prosecution of the offense.

(C)(1) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A)(5)(a) of this section to pay the costs incurred by a county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the sanction cost reimbursement fund that each board of county commissioners shall create in its county treasury. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(2) Except as provided in section 2951.021 of the Revised Code...
Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A)(5)(a) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in a special fund that shall be established in the treasury of each municipal corporation. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(3) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed pursuant to division (A)(5)(a) of this section for the costs incurred by a private provider pursuant to a sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code to the provider.

(D) Except as otherwise provided in this division, a financial sanction imposed pursuant to division (A) or (B) of this section is a judgment in favor of the state or a political subdivision in which the court that imposed the financial sanction is located, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A)(5)(a)(ii) of this section upon an offender who is incarcerated in a state facility or a municipal jail is a judgment in favor of the state or the municipal corporation, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed upon an offender pursuant to this section for costs incurred by a
private provider of sanctions is a judgment in favor of the private provider, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of a mandatory fine imposed under division (B)(10) of this section that is required under that division to be paid to a law enforcement agency is a judgment in favor of the specified law enforcement agency, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of restitution imposed pursuant to division (A)(1) or (B)(8) of this section is an order in favor of the victim of the offender's criminal act that can be collected through a certificate of judgment as described in division (D)(1) of this section, through execution as described in division (D)(2) of this section, or through an order as described in division (D)(3) of this section, and the offender shall be considered for purposes of the collection as the judgment debtor. Imposition of a financial sanction and execution on the judgment does not preclude any other power of the court to impose or enforce sanctions on the offender. Once the financial sanction is imposed as a judgment or order under this division, the victim, private provider, state, or political subdivision may do any of the following:

(1) Obtain from the clerk of the court in which the judgment was entered, at no cost, a certificate of judgment that shall be in the same manner and form as a certificate of judgment issued in a civil action;

(2) Obtain execution of the judgment or order through any available procedure, including:

(a) An execution against the property of the judgment debtor under Chapter 2329. of the Revised Code;

(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;
(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:

(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;

(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;

(iii) A creditor's suit under section 2333.01 of the Revised Code.

(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;

(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.

(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.

(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.

(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code.
Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.

(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender satisfactorily has completed all other sanctions imposed upon the offender and that all restitution that has been ordered has been paid as ordered, the court may suspend any financial sanctions imposed pursuant to this section or section 2929.32 of the Revised Code that have not been paid.

(H) No financial sanction imposed under this section or section 2929.32 of the Revised Code shall preclude a victim from bringing a civil action against the offender.

(I) If the court imposes restitution, fines, fees, or incarceration costs on a business or corporation, it is the duty of the person authorized to make disbursements from the assets of the business or corporation to pay the restitution, fines, fees, or incarceration costs from those assets.

(J) If an offender is sentenced to pay restitution, a fine, fee, or incarceration costs, the clerk of the sentencing court, on request, shall make the offender's payment history available to the prosecutor, victim, victim's representative, victim's attorney, if applicable, the probation department, and the court without cost.

Sec. 2929.28. (A) In addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a misdemeanor, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section and, if the offender is being sentenced for a criminal offense as defined in section 2930.01 of the Revised Code, shall sentence the offender to make restitution pursuant to
this section and section 2929.281 of the Revised Code. If the court, in its discretion or as required by this section, imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

(1) Unless the misdemeanor offense could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or the victim's estate, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this division if the offense could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.

The court shall determine the amount of restitution to be paid by the offender. The victim, victim's representative, victim's attorney, if applicable, the prosecutor or the prosecutor's designee, and the offender may provide information relevant to the determination of the amount of restitution. The amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court imposes restitution for the cost of accounting or auditing done to determine the extent of economic loss, the court may order restitution for any amount of the victim's costs of accounting or auditing provided that the amount of restitution is reasonable and does not exceed the value of property or services stolen or damaged as a result of the offense. If the court decides to or is required to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim,
victim's representative, victim's attorney, if applicable, or victim's estate disputes the amount of restitution. The court shall determine the amount of full restitution by a preponderance of the evidence.

All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or the victim's estate against the offender. No person may introduce evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under section 3937.18 of the Revised Code.

The court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

The victim, victim's attorney, if applicable, or the attorney for the victim's estate may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate but shall not reduce the amount of restitution ordered, except as provided in division (A) of section 2929.281 of the Revised Code.

(2) A fine of the type described in divisions (A)(2)(a) and (b) of this section payable to the appropriate entity as required by law:

(a) A fine in the following amount:

(i) For a misdemeanor of the first degree, not more than one thousand dollars;

(ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;
(iii) For a misdemeanor of the third degree, not more than five hundred dollars;

(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;

(v) For a minor misdemeanor, not more than one hundred fifty dollars.

(b) A state fine or cost as defined in section 2949.111 of the Revised Code.

(3)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:

(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code and the costs of global positioning system device monitoring;

(ii) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined;

(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.

(b) The amount of reimbursement ordered under division (A)(3)(a) of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that division.
If the court does not order reimbursement under that division, 28978
confinement costs may be assessed pursuant to a repayment policy 28979
adopted under section 2929.37 of the Revised Code. In addition, 28980
the offender may be required to pay the fees specified in section 28981
2929.38 of the Revised Code in accordance with that section. 28982

(B) If the court determines a hearing is necessary, the court 28983
may hold a hearing to determine whether the offender is able to 28984
pay the financial sanction imposed pursuant to this section or 28985
court costs or is likely in the future to be able to pay the 28986
sanction or costs. 28987

If the court determines that the offender is indigent and 28988
unable to pay the financial sanction or court costs, the court 28989
shall consider imposing and may impose a term of community service 28990
under division (A) of section 2929.27 of the Revised Code in lieu 28991
of imposing a financial sanction or court costs. If the court does 28992
not determine that the offender is indigent, the court may impose 28993
a term of community service under division (A) of section 2929.27 28994
of the Revised Code in lieu of or in addition to imposing a 28995
financial sanction under this section and in addition to imposing 28996
court costs. The court may order community service for a minor 28997
misdemeanor pursuant to division (D) of section 2929.27 of the 28998
Revised Code in lieu of or in addition to imposing a financial 28999
sanction under this section and in addition to imposing court 29000
costs. If a person fails to pay a financial sanction or court 29001
costs, the court may order community service in lieu of the 29002
financial sanction or court costs. 29003

(C)(1) The offender shall pay reimbursements imposed upon the 29004
offender pursuant to division (A)(3) of this section to pay the 29005
costs incurred by a county pursuant to any sanction imposed under 29006
this section or section 2929.26 or 2929.27 of the Revised Code or 29007
in operating a facility used to confine offenders pursuant to a 29008
sanction imposed under section 2929.26 of the Revised Code to the 29009
county treasurer. The county treasurer shall deposit the reimbursements in the county's general fund. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code.

(2) The offender shall pay reimbursements imposed upon the offender pursuant to division (A)(3) of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in the municipal corporation's general fund. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code.

(3) The offender shall pay reimbursements imposed pursuant to division (A)(3) of this section for the costs incurred by a private provider pursuant to a sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code to the provider.

(D)(1) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for misdemeanor domestic violence or menacing by stalking may impose a fine of not less than seventy nor more than five hundred dollars, which shall, except as provided in divisions (D)(2) and (3) of this section, be transmitted to the treasurer of state to be credited to the address confidentiality program fund.
created by section 111.48 of the Revised Code.

(2) A court that imposes a fine under division (D)(1) of this section may retain up to twenty-five per cent of amounts collected in satisfaction of the fine to cover administrative costs.

(3) A court that imposes a fine under division (D)(1) of this section may assign up to twenty-five per cent of amounts collected in satisfaction of the fine to reimburse the prosecuting attorney for costs associated with prosecution of the offense.

(E) Except as otherwise provided in this division, a financial sanction imposed under division (A) of this section is a judgment in favor of the state or the political subdivision that operates the court that imposed the financial sanction, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A)(3)(a)(i) of this section upon an offender is a judgment in favor of the entity administering the community control sanction, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A)(3)(a)(ii) of this section upon an offender confined in a jail or other residential facility is a judgment in favor of the entity operating the jail or other residential facility, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of restitution imposed pursuant to division (A)(1) of this section is an order in favor of the victim of the offender's criminal act that can be collected through a certificate of judgment as described in division (E)(1) of this section, through execution as described in division (E)(2) of this section, or through an order as described in division (E)(3) of this section, and the offender shall be considered for purposes of the collection as the judgment debtor.

Once the financial sanction is imposed as a judgment or order under this division, the victim, private provider, state, or
political subdivision may do any of the following:

(1) Obtain from the clerk of the court in which the judgment was entered, at no charge, a certificate of judgment that shall be in the same manner and form as a certificate of judgment issued in a civil action;

(2) Obtain execution of the judgment or order through any available procedure, including any of the procedures identified in divisions (D)(1) and (2) of section 2929.18 of the Revised Code.

(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.

(F) The civil remedies authorized under division (E) of this section for the collection of the financial sanction supplement, but do not preclude, enforcement of the criminal sentence.

(G) Each court imposing a financial sanction upon an offender under this section may designate the clerk of the court or another person to collect the financial sanction. The clerk, or another person authorized by law or the court to collect the financial sanction may do the following:

(1) Enter into contracts with one or more public agencies or private vendors for the collection of amounts due under the sanction. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section, a court shall comply with sections 307.86 to 307.92 of the Revised Code.

(2) Permit payment of all or any portion of the sanction in installments, by financial transaction device if the court is a county court or a municipal court operated by a county, by credit or debit card or by another electronic transfer if the court is a municipal court not operated by a county, or by any other reasonable method, in any time, and on any terms that court considers just, except that the maximum time permitted for payment
shall not exceed five years. If the court is a county court or a municipal court operated by a county, the acceptance of payments by any financial transaction device shall be governed by the policy adopted by the board of county commissioners of the county pursuant to section 301.28 of the Revised Code. If the court is a municipal court not operated by a county, the clerk may pay any fee associated with processing an electronic transfer out of public money or may charge the fee to the offender.

(3) To defray administrative costs, charge a reasonable fee to an offender who elects a payment plan rather than a lump sum payment of any financial sanction.

(H) No financial sanction imposed under this section shall preclude a victim from bringing a civil action against the offender.

(I) If the court imposes restitution, fines, fees, or incarceration costs on a business or corporation, it is the duty of the person authorized to make disbursements from assets of the business or corporation to pay the restitution, fines, fees, or incarceration costs from those assets.

(J) If an offender is sentenced to pay restitution, a fine, fee, or incarceration costs, the clerk of the sentencing court, on request, shall make the offender's payment history available to the victim, victim's representative, victim's attorney, if applicable, the prosecutor, the probation department, and the court without cost.

Sec. 2929.34. (A) A person who is convicted of or pleads guilty to aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of life imprisonment or a prison term pursuant to that conviction shall serve that term in an institution under the control of the department of rehabilitation and correction.
(B)(1) A person who is convicted of or pleads guilty to a felony other than aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of imprisonment or a prison term pursuant to that conviction shall serve that term as follows:

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of this section, in an institution under the control of the department of rehabilitation and correction if the term is a prison term or as otherwise determined by the sentencing court pursuant to section 2929.16 of the Revised Code if the term is not a prison term;

(b) In a facility of a type described in division (G)(1) of section 2929.13 of the Revised Code, if the offender is sentenced pursuant to that division.

(2) If the term is a prison term, the person may be imprisoned in a jail that is not a minimum security jail pursuant to agreement under section 5120.161 of the Revised Code between the department of rehabilitation and correction and the local authority that operates the jail.

(3)(a) As used in divisions (B)(3)(a) to (d) of this section, "voluntary county" means any county in which the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county enter into an agreement of the type described in division (B)(3)(b) of this section and in which the agreement has not been terminated as described in that division.

(b)(i) In any voluntary county, the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county may agree to having the county participate in the procedures regarding local and state confinement established targeted community.
alternatives to prison (T-CAP) program for prisoners who serve a term in a facility under pursuant to division (B)(3)(c) of this section by submitting a memorandum of understanding, either as a single county or jointly with other counties, to the department of rehabilitation and correction for approval, pursuant to section 5149.38 of the Revised Code. A board of county commissioners and an administrative judge of a court of common pleas that enter into an agreement of the type described in this division may terminate the agreement, but a termination under this division shall take effect only at the end of the state fiscal biennium in which the termination decision is made.

(ii) The department of rehabilitation and correction shall establish deadlines for a voluntary county to indicate the voluntary county's participation in the targeted community alternatives to prison (T-CAP) program before each state fiscal biennium.

(iii) In reviewing a submitted memorandum of understanding for approval, the department of rehabilitation and correction shall prioritize a voluntary county that has previously been a voluntary county. The department of rehabilitation and correction may review a memorandum of understanding for a new voluntary county if the general assembly has appropriated sufficient funds for that purpose.

(c) Except as provided in division (B)(3)(d) of this section, in any voluntary county, either division (B)(3)(c)(i) or divisions (B)(3)(c)(i) and (ii) of this section shall apply:

(i) On and after July 1, 2018, no person sentenced by the court of common pleas of a voluntary county to a prison term for a felony of the fifth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C)
or (D) of this section.

(ii) On and after September 1, 2022, no person sentenced by the court of common pleas of a voluntary county to a prison term for a felony of the fourth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C) or (D) of this section.

Nothing in this division relieves the state of its obligation to pay for the cost of confinement of the person in a community-based correctional facility under division (D) of this section.

(d) Division (B)(3)(c) of this section does not apply to any person to whom any of the following apply:

(i) The felony of the fourth or fifth degree was an offense of violence, as defined in section 2901.01 of the Revised Code, a sex offense under Chapter 2907. of the Revised Code, a violation of section 2925.03 of the Revised Code, or any offense for which a mandatory prison term is required.

(ii) The person previously has been convicted of or pleaded guilty to any felony offense of violence, as defined in section 2901.01 of the Revised Code, unless the felony of the fifth degree for which the person is being sentenced is a violation of division (I)(1) of section 2903.43 of the Revised Code.

(iii) The person previously has been convicted of or pleaded guilty to any felony sex offense under Chapter 2907. of the Revised Code.

(iv) The person's sentence is required to be served concurrently to any other sentence imposed upon the person for a felony that is required to be served in an institution under the control of the department of rehabilitation and correction.
(C) A person who is convicted of or pleads guilty to one or more misdemeanors and who is sentenced to a jail term or term of imprisonment pursuant to the conviction or convictions shall serve that term in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse; in a community alternative sentencing center or district community alternative sentencing center when authorized by section 307.932 of the Revised Code; or, if the misdemeanor or misdemeanors are not offenses of violence, in a minimum security jail.

(D) Nothing in this section prohibits the commitment, referral, or sentencing of a person who is convicted of or pleads guilty to a felony to a community-based correctional facility.

Sec. 2930.16. (A) If a defendant is incarcerated, a victim or victim's representative who has requested to receive notice under this section shall be given notice of the incarceration of the defendant. If an alleged juvenile offender is committed to the temporary custody of a school, camp, institution, or other facility operated for the care of delinquent children or to the legal custody of the department of youth services, a victim or victim's representative who has requested to receive notice under this section shall be given notice of the commitment. Promptly after sentence is imposed upon the defendant or the commitment of the alleged juvenile offender is ordered, the court or the court's designee shall notify the prosecutor in the case and the prosecutor shall notify the victim and the victim's representative, if applicable, of the date on which the defendant will be released, or initially will be eligible for release, from confinement or the prosecutor's reasonable estimate of that date or the date on which the alleged juvenile offender will have served the minimum period of commitment or the prosecutor's reasonable estimate of that date. The prosecutor also shall notify the victim and the victim's representative of the name of the
custodial agency of the defendant or alleged juvenile offender and tell the victim and the victim's representative how to contact that custodial agency. If the custodial agency is the department of rehabilitation and correction, the prosecutor shall notify the victim and the victim's representative of the services offered by the office of victims' services pursuant to section 5120.60 of the Revised Code. If the custodial agency is the department of youth services, the prosecutor shall notify the victim and the victim's representative of the services provided by the office of victims' services within the release authority of the department pursuant to section 5139.55 of the Revised Code and the victim's right pursuant to section 5139.56 of the Revised Code to submit a written request to the release authority to be notified of actions the release authority takes with respect to the alleged juvenile offender. The victim and the victim's representative shall keep the custodial agency informed of the victim's or victim's representative's current contact information.

(B)(1) Upon the victim's or victim's representative's request or in accordance with division (D) of this section, the court or the court's designee shall notify the prosecutor in the case and the prosecutor promptly, but not later than seven days after the hearing is scheduled or the application is filed, shall notify the victim and the victim's representative, if applicable, of any application or hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code or of any hearing for judicial release or early release of the alleged juvenile offender pursuant to section 2151.38 of the Revised Code and of the victim's and victim's representative's right to make a statement under those sections. If the court does not hold a hearing or if the victim and victim's representative, if applicable, do not attend the hearing or make a statement, the court shall notify the victim and victim's representative of its
ruling in each of those hearings and on each of those applications.

(2) If an offender is sentenced to a prison term pursuant to division (A)(3) or (B) of section 2971.03 of the Revised Code, on the request of the victim or victim's representative or in accordance with division (D) of this section, the court or the court's designee shall notify the prosecutor in the case and the prosecutor promptly shall notify the victim and the victim's representative, if applicable, of any hearing to be conducted pursuant to section 2971.05 of the Revised Code to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility in accordance with division (C) of that section, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term in accordance with division (D) of that section. If the court does not hold a hearing or if the victim and victim's representative, if applicable, do not attend the hearing or make a statement, the court shall notify the victim and the victim's representative of any order issued at the conclusion of the hearing.

(C)(1) On first contact with a victim, the custodial agency of a defendant or delinquent child shall verify with the victim and victim's representative, if applicable, that all information and requests are current. If a victim's rights request form was not provided by the prosecutor, the custodial agency shall give the victim and victim's representative, if applicable, the victim's rights request form, or similar form that, at a minimum, contains the required information listed in this section and on the victim's rights request form. A person claiming direct and proximate harm as a result of a criminal offense or delinquent act must affirmatively identify the person's self and request the notifications provided in this section and section 2967.28 of the Revised Code.
Revised Code.

(2) Upon the victim's or victim's representative's request made at any time before the particular notice would be due or in accordance with division (D) of this section, the custodial agency of a defendant or alleged juvenile offender shall give the victim and the victim's representative, if applicable, any of the following notices that is applicable:

(a) At least sixty days before the adult parole authority recommends a pardon or commutation of sentence for the defendant or at least sixty days prior to a hearing before the adult parole authority regarding a grant of parole to the defendant, notice of the victim's and victim's representative's right to submit a statement regarding the impact of the defendant's release in accordance with section 2967.12 of the Revised Code and, if applicable, of the victim's and victim's representative's right to appear at a full board hearing of the parole board to give testimony as authorized by section 5149.101 of the Revised Code; and at least sixty days prior to a hearing before the department regarding a determination of whether the inmate must be released under division (C) or (D)(2) of section 2967.271 of the Revised Code if the inmate is serving a non-life felony indefinite prison term, notice of the fact that the inmate will be having a hearing regarding a possible grant of release, the date of any hearing regarding a possible grant of release, and the right of any person to submit a written statement regarding the pending action;

(b) At least sixty days before the defendant is transferred to transitional control under section 2967.26 of the Revised Code, notice of the pendency of the transfer and of the victim's and victim's representative's right under that section to submit a statement regarding the impact of the transfer;

(c) At least sixty days before the release authority of the department of youth services holds a release review, release
hearing, or discharge review for the alleged juvenile offender, notice of the pendency of the review or hearing, of the victim's and victim's representative's right to make an oral or written statement regarding the impact of the crime upon the victim or regarding the possible release or discharge, and, if the notice pertains to a hearing, of the victim's right to attend and make statements or comments at the hearing as authorized by section 5139.56 of the Revised Code;

(d) Prompt notice, but not more than three days after the escape, of the defendant's or alleged juvenile offender's escape from a facility of the custodial agency in which the defendant was incarcerated or in which the alleged juvenile offender was placed after commitment, of the defendant's or alleged juvenile offender's absence without leave from a mental health or developmental disabilities facility or from other custody, and of the capture of the defendant or alleged juvenile offender after an escape or absence;

(e) Notice of the defendant's or alleged juvenile offender's death while in confinement or custody within thirty days of the defendant's or alleged juvenile offender's death;

(f) Notice of the filing of a petition by the director of rehabilitation and correction pursuant to section 2929.20 of the Revised Code requesting the early release of the defendant pursuant to a judicial release under that section within thirty days of the filing of the petition;

(g) Notice of the defendant's or alleged juvenile offender's post-conviction release from confinement or custody, including jail or local custody, and the terms and conditions of the release as soon as the custodial agency becomes aware of the release.

(D)(1) If a defendant is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a
felony of the first, second, or third degree or is under a
sentence of life imprisonment or if an alleged juvenile offender
has been charged with the commission of an act that would be
aggravated murder, murder, or an offense of violence that is a
felony of the first, second, or third degree or be subject to a
sentence of life imprisonment if committed by an adult, except as
otherwise provided in this division, the notices described in
divisions (B) and (C) of this section shall be given regardless of
whether the victim or victim's representative has requested the
notification. The notices described in divisions (B) and (C) of
this section shall not be given under this division to a victim or
victim's representative if the victim or victim's representative
has requested pursuant to division (B)(2) of section 2930.03 of
the Revised Code that the victim or victim's representative not be
provided the notice. Regardless of whether the victim or victim's
representative has requested that the notices described in
division (C) of this section be provided or not be provided, the
custodial agency shall give notice similar to those notices to the
prosecutor in the case, to the sentencing court, to the law
enforcement agency that arrested the defendant or alleged juvenile
offender if any officer of that agency was a victim of the
offense, and to any member of the victim's immediate family who
requests notification. If the notice given under this division to
the victim and victim's representative is based on an offense
committed prior to March 22, 2013, and if the prosecutor or
custodial agency has not previously successfully provided any
notice to the victim and victim's representative under this
division or division (B) or (C) of this section with respect to
that offense and the offender who committed it, the notice also
shall inform the victim and victim's representative that the
victim or victim's representative may request that the victim or
victim's representative not be provided any further notices with
respect to that offense and the offender who committed it and
shall describe the procedure for making that request. If the notice given under this division to the victim and victim's representative pertains to a hearing regarding a grant of a parole to the defendant, the notice also shall inform the victim and victim's representative that the victim, a member of the victim's immediate family, or the victim's representative may request a victim conference, as described in division (E) of this section, and shall provide an explanation of a victim conference.

The prosecutor or custodial agency may give the notices to which this division applies by any reasonable means, including, but not limited to, regular mail, telephone, and electronic mail. If the prosecutor or custodial agency attempts to provide notice to a victim or victim's representative under this division but the attempt is unsuccessful because the prosecutor or custodial agency is unable to locate the victim or victim's representative, is unable to provide the notice by its chosen method because it cannot determine the mailing address, telephone number, or electronic mail address at which to provide the notice, or, if the notice is sent by mail, the notice is returned, the prosecutor or custodial agency shall make another attempt to provide the notice to the victim or victim's representative. If the second attempt is unsuccessful, the prosecutor or custodial agency shall make at least one more attempt to provide the notice. If the notice is based on an offense committed prior to March 22, 2013, in each attempt to provide the notice to the victim or victim's representative, the notice shall include the opt-out information described in the preceding paragraph. The prosecutor or custodial agency, in accordance with division (D)(2) of this section, shall keep a record of all attempts to provide the notice, and of all notices provided, under this division.

Division (D)(1) of this section, and the notice-related provisions of divisions (E)(2) and (K) of section 2929.20,
division (H) of section 2967.12, division (E)(1)(b) of section 2967.19 as it existed prior to the effective date of this amendment, division (A)(3)(b) of section 2967.26, division (D)(1) of section 2967.28, and division (A)(2) of section 5149.101 of the Revised Code enacted in the act in which division (D)(1) of this section was enacted, shall be known as "Roberta's Law."

(2) Each prosecutor and custodial agency that attempts to give any notice to which division (D)(1) of this section applies shall keep a record of all attempts to give the notice. The record shall indicate the person who was to be the recipient of the notice, the date on which the attempt was made, the manner in which the attempt was made, and the person who made the attempt. If the attempt is successful and the notice is given, the record shall indicate that fact. The record shall be kept in a manner that allows public inspection of attempts and notices given to persons other than victims or victims' representatives without revealing the names, addresses, or other identifying information relating to victims or victims' representatives. The record of attempts and notices given to victims or victims' representatives is not a public record, but the prosecutor or custodial agency shall provide upon request a copy of that record to a prosecuting attorney, judge, law enforcement agency, or member of the general assembly. The record of attempts and notices given to persons other than victims or victims' representatives is a public record. A record kept under this division may be indexed by offender name, or in any other manner determined by the prosecutor or the custodial agency. Each prosecutor or custodial agency that is required to keep a record under this division shall determine the procedures for keeping the record and the manner in which it is to be kept, subject to the requirements of this division.

(E) The adult parole authority shall adopt rules under Chapter 119. of the Revised Code providing for a victim
conference, upon request of the victim, a member of the victim's immediate family, or the victim's representative, prior to a parole hearing in the case of a prisoner who is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or is under a sentence of life imprisonment. The rules shall provide for, but not be limited to, all of the following:

(1) Subject to division (E)(3) of this section, attendance by the victim, members of the victim's immediate family, the victim's representative, and, if practicable, other individuals;

(2) Allotment of up to one hour for the conference;

(3) A specification of the number of persons specified in division (E)(1) of this section who may be present at any single victim conference, if limited by the department pursuant to division (F) of this section.

(F) The department may limit the number of persons specified in division (E)(1) of this section who may be present at any single victim conference, provided that the department shall not limit the number of persons who may be present at any single conference to fewer than three. If the department limits the number of persons who may be present at any single victim conference, the department shall permit and schedule, upon request of the victim, a member of the victim's immediate family, or the victim's representative, multiple victim conferences for the persons specified in division (E)(1) of this section.

(G) Communications during a victim conference held pursuant to division (E) of this section and the rules adopted by the adult parole authority under that division shall be confidential and are not public records under section 149.43 of the Revised Code.

(H) As used in this section, "victim's immediate family" has the same meaning as in section 2967.12 of the Revised Code.
Sec. 2933.82. (A) As used in this section:

(1)(a) "Biological evidence" means any of the following:

(i) The contents of a sexual assault examination kit;

(ii) Any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids, or any other identifiable biological material that was collected as part of a criminal investigation or delinquent child investigation and that reasonably may be used to incriminate or exculpate any person for an offense or delinquent act.

(b) The definition of "biological evidence" set forth in division (A)(1)(a) of this section applies whether the material in question is cataloged separately, such as on a slide or swab or in a test tube, or is present on other evidence, including, but not limited to, clothing, ligatures, bedding or other household material, drinking cups or containers, or cigarettes.

(2) "Biological material" has the same meaning as in section 2953.71 of the Revised Code.

(3) "DNA," "DNA analysis," "DNA database," "DNA record," and "DNA specimen" have the same meanings as in section 109.573 of the Revised Code.

(4) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(5) "Governmental evidence-retention entity" means all of the following:

(a) Any law enforcement agency, prosecutor's office, court, public hospital, crime laboratory, or other governmental or public entity or individual within this state that is charged with the collection, storage, or retrieval of biological evidence;

(b) Any official or employee of any entity or individual
described in division (A)(5)(a) of this section.

(B)(1) Each governmental evidence-retention entity that secures any sexual assault examination kit in relation to an investigation or prosecution of a criminal offense or delinquent act that is a violation of section 2905.32 of the Revised Code, or any biological evidence in relation to an investigation or prosecution of a criminal offense or delinquent act that is a violation of section 2903.01, 2903.02, or 2903.03, a violation of section 2903.04 or 2903.06 that is a felony of the first or second degree, a violation of section 2907.02 or 2907.03 or division (A)(4) or (B) of section 2907.05 of the Revised Code, or an attempt to commit a violation of section 2907.02 of the Revised Code shall secure the biological evidence for whichever of the following periods of time is applicable:

(a) For a violation of section 2903.01 or 2903.02 of the Revised Code, for the period of time that the offense or act remains unsolved;

(b) For a violation of section 2903.03 or 2905.32, a violation of section 2903.04 or 2903.06 that is a felony of the first or second degree, a violation of section 2907.02 or 2907.03 or of division (A)(4) or (B) of section 2907.05 of the Revised Code, or an attempt to commit a violation of section 2907.02 of the Revised Code, for a period of thirty years if the offense or act remains unsolved;

(c) If any person is convicted of or pleads guilty to the offense, or is adjudicated a delinquent child for committing the delinquent act, for the earlier of the following: (i) the expiration of the latest of the following periods of time that apply to the person: the period of time that the person is incarcerated, is in a department of youth services institution or other juvenile facility, is under a community control sanction for that offense, is under any order of disposition for that act, is
on probation or parole for that offense, is under judicial release or supervised release for that act, is under post-release control for that offense, is involved in civil litigation in connection with that offense or act, or is subject to registration and other duties imposed for that offense or act under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code or (ii) thirty years. If after the period of thirty years the person remains incarcerated, then the governmental evidence-retention entity shall secure the biological evidence until the person is released from incarceration or dies.

(2)(a) A law enforcement agency shall review all of its records and reports pertaining to its investigation of any offense specified in division (B)(1) of this section, except a violation of section 2905.32 of the Revised Code, as soon as possible after March 23, 2015. A law enforcement agency shall review all of its records and reports pertaining to its investigation of any violation of section 2905.32 of the Revised Code as soon as possible after the effective date of this amendment April 4, 2023. If the law enforcement agency's review determines that one or more persons may have committed or participated in an offense specified in division (B)(1) of this section or another offense committed during the course of an offense specified in division (B)(1) of this section and the agency is in possession of a sexual assault examination kit secured during the course of the agency's investigation, as soon as possible, but not later than one year after March 23, 2015, or, in the case of a violation of section 2905.32 of the Revised Code, not later than one year after the effective date of this amendment April 4, 2023, the agency shall forward the contents of the kit to the bureau of criminal identification and investigation or another crime laboratory for a DNA analysis of the contents of the kit if a DNA analysis has not previously been performed on the contents of the kit. The law enforcement agency shall consider the period of time remaining
under section 2901.13 of the Revised Code for commencing the
prosecution of a criminal offense related to the DNA specimens
from the kit as well as other relevant factors in prioritizing the
forwarding of the contents of sexual assault examination kits.

(b) If an investigation is initiated on or after March 23, 2015, or, in the case of a violation of section 2905.32 of the
Revised Code, on or after the effective date of this amendment
April 4, 2023, and if a law enforcement agency investigating an
offense specified in division (B)(1) of this section determines
that one or more persons may have committed or participated in an
offense specified in division (B)(1) of this section or another
offense committed during the course of an offense specified in
division (B)(1) of this section, the law enforcement agency shall
forward the contents of a sexual assault examination kit in the
agency's possession to the bureau or another crime laboratory
within thirty days for a DNA analysis of the contents of the kit.

(c) A law enforcement agency shall be considered in the
possession of a sexual assault examination kit that is not in the
law enforcement agency's possession for purposes of divisions
(B)(2)(a) and (b) of this section if the sexual assault
examination kit contains biological evidence related to the law
enforcement agency's investigation of an offense specified in
division (B)(1) of this section and is in the possession of
another government evidence-retention entity. The law enforcement
agency shall be responsible for retrieving the sexual assault
examination kit from the government evidence-retention entity and
forwarding the contents of the kit to the bureau or another crime
laboratory as required under divisions (B)(2)(a) and (b) of this
section.

(d)(i) The bureau or a laboratory under contract with the
bureau pursuant to division (B)(5) of section 109.573 of the
Revised Code shall perform a DNA analysis of the contents of any
sexual assault examination kit forwarded to the bureau pursuant to division (B)(2)(a) or (b) of this section as soon as possible after the bureau receives the contents of the kit. The bureau shall enter the resulting DNA record into a DNA database. If the DNA analysis is performed by a laboratory under contract with the bureau, the laboratory shall forward the biological evidence to the bureau immediately after the laboratory performs the DNA analysis. A crime laboratory shall perform a DNA analysis of the contents of any sexual assault examination kit forwarded to the crime laboratory pursuant to division (B)(2)(a) or (b) of this section as soon as possible after the crime laboratory receives the contents of the kit and shall enter the resulting DNA record into a DNA database subject to the applicable DNA index system standards.

(ii) Upon the completion of the DNA analysis by the bureau or a crime laboratory under contract with the bureau under this division, the bureau shall return the contents of the sexual assault examination kit to the law enforcement agency. The law enforcement agency shall secure the contents of the sexual assault examination kit in accordance with division (B)(1) of this section, as applicable.

(e) The failure of any law enforcement agency to comply with any time limit specified in this section shall not create, and shall not be construed as creating, any basis or right to appeal, claim for or right to postconviction relief, or claim for or right to a new trial or any other claim or right to relief by any person.

(f) All governmental evidence-retention entities shall submit reports regarding sexual assault examination kit inventory to the attorney general as required under section 2933.821 of the Revised Code.

(3) This section applies to sexual assault examination kits.
in the possession of any governmental evidence-retention entity during an investigation or prosecution of a criminal offense or delinquent act that is a violation of section 2905.32 of the Revised Code, and any evidence likely to contain biological material that was in the possession of any governmental evidence-retention entity during the investigation and prosecution of a criminal case or delinquent child case involving a violation of section 2903.01, 2903.02, or 2903.03, a violation of section 2903.04 or 2903.06 that is a felony of the first or second degree, a violation of section 2907.02 or 2907.03 or of division (A)(4) or (B) of section 2907.05 of the Revised Code, or an attempt to commit a violation of section 2907.02 of the Revised Code.

(4) A governmental evidence-retention entity that possesses biological evidence shall retain the biological evidence in the amount and manner sufficient to develop a DNA record from the biological material contained in or included on the evidence.

(5) Upon written request by the defendant in a criminal case or the alleged delinquent child in a delinquent child case involving a violation of section 2903.01, 2903.02, 2903.03, or 2905.32, a violation of section 2903.04 or 2903.06 that is a felony of the first or second degree, a violation of section 2907.02 or 2907.03 or of division (A)(4) or (B) of section 2907.05 of the Revised Code, or an attempt to commit a violation of section 2907.02 of the Revised Code, a governmental evidence-retention entity that possesses biological evidence shall prepare an inventory of the biological evidence that has been preserved in connection with the defendant's criminal case or the alleged delinquent child's delinquent child case.

(6) Except as otherwise provided in division (B)(8) of this section, a governmental evidence-retention entity that possesses biological evidence that includes biological material may destroy the evidence before the expiration of the applicable period of...
time specified in division (B)(1) of this section if all of the following apply:

(a) No other provision of federal or state law requires the state to preserve the evidence.

(b) The governmental evidence-retention entity, by certified mail, return receipt requested, provides notice of intent to destroy the evidence to all of the following:

(i) All persons who remain in custody, incarcerated, in a department of youth services institution or other juvenile facility, under a community control sanction, under any order of disposition, on probation or parole, under judicial release or supervised release, under post-release control, involved in civil litigation, or subject to registration and other duties imposed for that offense or act under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as a result of a criminal conviction, delinquency adjudication, or commitment related to the evidence in question;

(ii) The attorney of record for each person who is in custody in any circumstance described in division (B)(6)(b)(i) of this section if the attorney of record can be located;

(iii) The state public defender;

(iv) The office of the prosecutor of record in the case that resulted in the custody of the person in custody in any circumstance described in division (B)(6)(b)(i) of this section;

(v) The attorney general.

(c) No person who is notified under division (B)(6)(b) of this section does either of the following within one year after the date on which the person receives the notice:

(i) Files a motion for testing of evidence under sections 2953.71 to 2953.81 or section 2953.82 of the Revised Code;
(ii) Submits a written request for retention of evidence to the governmental evidence-retention entity that provided notice of its intent to destroy evidence under division (B)(6)(b) of this section.

(7) Except as otherwise provided in division (B)(8) of this section, if, after providing notice under division (B)(6)(b) of this section of its intent to destroy evidence, a governmental evidence-retention entity receives a written request for retention of the evidence from any person to whom the notice is provided, the governmental evidence-retention entity shall retain the evidence while the person referred to in division (B)(6)(b)(i) of this section remains in custody, incarcerated, in a department of youth services institution or other juvenile facility, under a community control sanction, under any order of disposition, on probation or parole, under judicial release or supervised release, under post-release control, involved in civil litigation, or subject to registration and other duties imposed for that offense or act under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as a result of a criminal conviction, delinquency adjudication, or commitment related to the evidence in question.

(8) A governmental evidence-retention entity that possesses biological evidence that includes biological material may destroy the evidence five years after a person pleads guilty or no contest to a violation of section 2903.01, 2903.02, 2903.03, or 2905.32, a violation of section 2903.04 or 2903.06 that is a felony of the first or second degree, a violation of section 2907.02, 2907.03, division (A)(4) or (B) of section 2907.05, or an attempt to commit a violation of section 2907.02 of the Revised Code and all appeals have been exhausted unless, upon either of the following applies:

(a) Upon a motion to the court by the person who pleaded guilty or no contest or the person's attorney and notice to those persons described in division (B)(6)(b) of this section requesting
that the evidence not be destroyed, the court finds good cause as
to why that evidence must be retained.

(b) A victim submits a request pursuant to section 109.68 of
the Revised Code for further preservation of a sexual assault
examination kit or its probative contents beyond the intended
destruction or disposal date.

(9) A governmental evidence-retention entity shall not be
required to preserve physical evidence pursuant to this section
that is of such a size, bulk, or physical character as to render
retention impracticable. When retention of physical evidence that
otherwise would be required to be retained pursuant to this
section is impracticable as described in this division, the
governmental evidence-retention entity that otherwise would be
required to retain the physical evidence shall remove and preserve
portions of the material evidence likely to contain biological
evidence related to the offense, in a quantity sufficient to
permit future DNA testing before returning or disposing of that
physical evidence.

(C) The office of the attorney general shall administer and
conduct training programs for law enforcement officers and other
relevant employees who are charged with preserving and cataloging
 biological evidence regarding the methods and procedures
referred to in this section.

Sec. 2933.821. (A) As used in this section, "governmental
evidence-retention entity" has the same meaning as in section
2933.82 of the Revised Code.

(B) Within one hundred eighty days after the effective date
of this section, and annually thereafter, all governmental
evidence-retention entities that receive, maintain, store, or
preserve sexual assault evidence kits shall submit a report
containing all of the following information to the attorney
The total number of all tested and untested sexual assault examination kits in possession of each governmental evidence-retention entity, and for each untested kit whether the sexual assault was reported to law enforcement or whether the victim chose not to file a report with law enforcement.

If the governmental evidence-retention entity is a medical facility, the date each untested sexual assault examination kit was reported to law enforcement, if applicable, and the date the kit was delivered to the medical facility.

If the governmental evidence-retention entity is a law enforcement agency, the date each untested sexual assault examination kit was received from a medical facility, the date the kit was submitted to a crime laboratory, or for any kit not submitted to a crime laboratory, the reason the kit was not submitted.

If an untested sexual assault examination kit belongs to another jurisdiction, the date that jurisdiction was notified and the date the kit was retrieved by that jurisdiction, if applicable.

If the governmental evidence-retention entity is a crime laboratory:

(a) The date each sexual assault examination kit was received from law enforcement and from which agency the kit was received;

(b) The date the kit was tested, if applicable;

(c) The date the kit test results were entered into the combined DNA index system maintained by the bureau of criminal identification and investigation or other relevant state or local DNA databases, if applicable, or if a DNA profile has not been created, the reason it was not created;
(d) For untested kits, the reason the kit has not been tested;

(e) The total number of kits in possession of the entity for more than thirty days;

(f) The total number of kits destroyed and the reason for the destruction.

(C) The attorney general shall compile the data from the reports in a summary report. The summary report shall include a list of all governmental evidence-retention entities that failed to participate in the preparation of the report. The annual summary report shall be made public on the attorney general's website, and shall be submitted to the governor, the speaker of the house of representatives, and the president of the senate.

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, deputy marshal, municipal police officer, township constable, police officer of a township or joint police district, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code, state university law enforcement officer appointed under section 3345.04 of the Revised Code, veterans' home police officer appointed under section 5907.02 of the Revised Code, special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code, or a special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States
of the Code of Federal Regulations, as amended, shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, college, university, veterans' home operated under Chapter 5907. of the Revised Code, port authority, or municipal airport or other municipal air navigation facility, in which the peace officer is appointed, employed, or elected, a law of this state, an ordinance of a municipal corporation, or a resolution of a township.

(2) A(2)(a) Subject to division (A)(2)(b) of this section, a peace officer of the department of natural resources, a state fire marshal law enforcement officer described in division (A)(23) of section 109.71 of the Revised Code, or an individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the peace officer's, state fire marshal law enforcement officer's, or individual's territorial jurisdiction, a law of this state.

(b) As specified in division (A)(2)(a) of this section, a wildlife officer has the authority to arrest a person found violating a law of this state within the limits of the wildlife officer's territorial jurisdiction. However, the wildlife officer shall make such an arrest only upon issuance of a properly executed warrant.

(3) The house sergeant at arms, if the house sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code, and an assistant house sergeant at
arms shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the sergeant at arms's or assistant sergeant at arms's territorial jurisdiction specified in division (D)(1)(a) of section 101.311 of the Revised Code or while providing security pursuant to division (D)(1)(f) of section 101.311 of the Revised Code, a law of this state, an ordinance of a municipal corporation, or a resolution of a township.

(4) The senate sergeant at arms and an assistant senate sergeant at arms shall arrest and detain, until a warrant can be obtained, a person found violating, within the limits of the sergeant at arms's or assistant sergeant at arms's territorial jurisdiction specified in division (B) of section 101.312 of the Revised Code, a law of this state, an ordinance of a municipal corporation, or a resolution of a township.

(B)(1) When there is reasonable ground to believe that an offense of violence, the offense of criminal child enticement as defined in section 2905.05 of the Revised Code, the offense of public indecency as defined in section 2907.09 of the Revised Code, the offense of domestic violence as defined in section 2919.25 of the Revised Code, the offense of violating a protection order as defined in section 2919.27 of the Revised Code, the offense of menacing by stalking as defined in section 2903.211 of the Revised Code, the offense of aggravated trespass as defined in section 2911.211 of the Revised Code, a theft offense as defined in section 2913.01 of the Revised Code, or a felony drug abuse offense as defined in section 2925.01 of the Revised Code, has been committed within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or those areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction,
college, university, veterans' home operated under Chapter 5907.
of the Revised Code, port authority, or municipal airport or other
municipal air navigation facility, in which the peace officer is
appointed, employed, or elected or within the limits of the
territorial jurisdiction of the peace officer, a peace officer
described in division (A) of this section may arrest and detain
until a warrant can be obtained any person who the peace officer
has reasonable cause to believe is guilty of the violation.

(2) For purposes of division (B)(1) of this section, the
execution of any of the following constitutes reasonable ground to
believe that the offense alleged in the statement was committed
and reasonable cause to believe that the person alleged in the
statement to have committed the offense is guilty of the
violation:

(a) A written statement by a person alleging that an alleged
offender has committed the offense of menacing by stalking or
aggravated trespass;

(b) A written statement by the administrator of the
interstate compact on mental health appointed under section
5119.71 of the Revised Code alleging that a person who had been
hospitalized, institutionalized, or confined in any facility under
an order made pursuant to or under authority of section 2945.37,
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the
Revised Code has escaped from the facility, from confinement in a
vehicle for transportation to or from the facility, or from
supervision by an employee of the facility that is incidental to
hospitalization, institutionalization, or confinement in the
facility and that occurs outside of the facility, in violation of
section 2921.34 of the Revised Code;

(c) A written statement by the administrator of any facility
in which a person has been hospitalized, institutionalized, or
confined under an order made pursuant to or under authority of
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code alleging that the person has escaped from the facility, from confinement in a vehicle for transportation to or from the facility, or from supervision by an employee of the facility that is incidental to hospitalization, institutionalization, or confinement in the facility and that occurs outside of the facility, in violation of section 2921.34 of the Revised Code.

(3)(a) For purposes of division (B)(1) of this section, a peace officer described in division (A) of this section has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense if any of the following occurs:

(i) A person executes a written statement alleging that the person in question has committed the offense of domestic violence or the offense of violating a protection order against the person who executes the statement or against a child of the person who executes the statement.

(ii) No written statement of the type described in division (B)(3)(a)(i) of this section is executed, but the peace officer, based upon the peace officer's own knowledge and observation of the facts and circumstances of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order or based upon any other information, including, but not limited to, any reasonably trustworthy information given to the peace officer by the alleged victim of the alleged incident of the offense or any witness of the alleged incident of the offense, concludes that there are reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and
reasonable cause to believe that the person in question is guilty of committing the offense.

(iii) No written statement of the type described in division (B)(3)(a)(i) of this section is executed, but the peace officer witnessed the person in question commit the offense of domestic violence or the offense of violating a protection order.

(b) If pursuant to division (B)(3)(a) of this section a peace officer has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense, it is the preferred course of action in this state that the officer arrest and detain that person pursuant to division (B)(1) of this section until a warrant can be obtained.

If pursuant to division (B)(3)(a) of this section a peace officer has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that family or household members have committed the offense against each other, it is the preferred course of action in this state that the officer, pursuant to division (B)(1) of this section, arrest and detain until a warrant can be obtained the family or household member who committed the offense and whom the officer has reasonable cause to believe is the primary physical aggressor.

There is no preferred course of action in this state regarding any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor, but, pursuant to division (B)(1) of this section, the peace officer may arrest and detain until a warrant can be obtained any other family or household member who committed the offense and whom the officer does not have reasonable cause to believe is the primary physical aggressor.
(c) If a peace officer described in division (A) of this section does not arrest and detain a person whom the officer has reasonable cause to believe committed the offense of domestic violence or the offense of violating a protection order when it is the preferred course of action in this state pursuant to division (B)(3)(b) of this section that the officer arrest that person, the officer shall articulate in the written report of the incident required by section 2935.032 of the Revised Code a clear statement of the officer's reasons for not arresting and detaining that person until a warrant can be obtained.

(d) In determining for purposes of division (B)(3)(b) of this section which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of domestic violence or the offense of violating a protection order against each other, a peace officer described in division (A) of this section, in addition to any other relevant circumstances, should consider all of the following:

(i) Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain;

(ii) If violence is alleged, whether the alleged violence was caused by a person acting in self-defense;

(iii) Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear;

(iv) The comparative severity of any injuries suffered by the persons involved in the alleged offense.

(e)(i) A peace officer described in division (A) of this section shall not require, as a prerequisite to arresting or
charging a person who has committed the offense of domestic violence or the offense of violating a protection order, that the victim of the offense specifically consent to the filing of charges against the person who has committed the offense or sign a complaint against the person who has committed the offense.

(ii) If a person is arrested for or charged with committing the offense of domestic violence or the offense of violating a protection order and if the victim of the offense does not cooperate with the involved law enforcement or prosecuting authorities in the prosecution of the offense or, subsequent to the arrest or the filing of the charges, informs the involved law enforcement or prosecuting authorities that the victim does not wish the prosecution of the offense to continue or wishes to drop charges against the alleged offender relative to the offense, the involved prosecuting authorities, in determining whether to continue with the prosecution of the offense or whether to dismiss charges against the alleged offender relative to the offense and notwithstanding the victim's failure to cooperate or the victim's wishes, shall consider all facts and circumstances that are relevant to the offense, including, but not limited to, the statements and observations of the peace officers who responded to the incident that resulted in the arrest or filing of the charges and of all witnesses to that incident.

(f) In determining pursuant to divisions (B)(3)(a) to (g) of this section whether to arrest a person pursuant to division (B)(1) of this section, a peace officer described in division (A) of this section shall not consider as a factor any possible shortage of cell space at the detention facility to which the person will be taken subsequent to the person's arrest or any possibility that the person's arrest might cause, contribute to, or exacerbate overcrowding at that detention facility or at any other detention facility.
(g) If a peace officer described in division (A) of this section intends pursuant to divisions (B)(3)(a) to (g) of this section to arrest a person pursuant to division (B)(1) of this section and if the officer is unable to do so because the person is not present, the officer promptly shall seek a warrant for the arrest of the person.

(h) If a peace officer described in division (A) of this section responds to a report of an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order and if the circumstances of the incident involved the use or threatened use of a deadly weapon or any person involved in the incident brandished a deadly weapon during or in relation to the incident, the deadly weapon that was used, threatened to be used, or brandished constitutes contraband, and, to the extent possible, the officer shall seize the deadly weapon as contraband pursuant to Chapter 2981. of the Revised Code. Upon the seizure of a deadly weapon pursuant to division (B)(3)(h) of this section, section 2981.12 of the Revised Code shall apply regarding the treatment and disposition of the deadly weapon. For purposes of that section, the "underlying criminal offense" that was the basis of the seizure of a deadly weapon under division (B)(3)(h) of this section and to which the deadly weapon had a relationship is any of the following that is applicable:

(i) The alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded;

(ii) Any offense that arose out of the same facts and circumstances as the report of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded.
(4) If, in the circumstances described in divisions (B)(3)(a) to (g) of this section, a peace officer described in division (A) of this section arrests and detains a person pursuant to division (B)(1) of this section, or if, pursuant to division (B)(3)(h) of this section, a peace officer described in division (A) of this section seizes a deadly weapon, the officer, to the extent described in and in accordance with section 9.86 or 2744.03 of the Revised Code, is immune in any civil action for damages for injury, death, or loss to person or property that arises from or is related to the arrest and detention or the seizure.

(C) When there is reasonable ground to believe that a violation of division (A)(1), (2), (3), (4), or (5) of section 4506.15 or a violation of section 4511.19 of the Revised Code has been committed by a person operating a motor vehicle subject to regulation by the public utilities commission of Ohio under Title XLIX of the Revised Code, a peace officer with authority to enforce that provision of law may stop or detain the person whom the officer has reasonable cause to believe was operating the motor vehicle in violation of the division or section and, after investigating the circumstances surrounding the operation of the vehicle, may arrest and detain the person.

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code, special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code, special police officer employed by a municipal corporation at a municipal airport or other municipal air navigation facility described in division (A) of this section, township constable, police officer of a township or joint police district, state
university law enforcement officer appointed under section 3345.04 of the Revised Code, peace officer of the department of natural resources, individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code, the house sergeant at arms if the house sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code, or an assistant house sergeant at arms is authorized by division (A) or (B) of this section to arrest and detain, within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or those areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, port authority, municipal airport or other municipal air navigation facility, college, or university in which the officer is appointed, employed, or elected or within the limits of the territorial jurisdiction of the peace officer, a person until a warrant can be obtained, the peace officer, outside the limits of that territory, may pursue, arrest, and detain that person until a warrant can be obtained if all of the following apply:

(1) The pursuit takes place without unreasonable delay after the offense is committed;

(2) The pursuit is initiated within the limits of the political subdivision, metropolitan housing authority housing project, regional transit authority facilities or those areas of a municipal corporation that have been agreed to by a regional transit authority and a municipal corporation located within its territorial jurisdiction, port authority, municipal airport or other municipal air navigation facility, college, or university in which the peace officer is appointed, employed, or elected or within the limits of the territorial jurisdiction of the peace officer;
(3) The offense involved is a felony, a misdemeanor of the first degree or a substantially equivalent municipal ordinance, a misdemeanor of the second degree or a substantially equivalent municipal ordinance, or any offense for which points are chargeable pursuant to section 4510.036 of the Revised Code.

(E) In addition to the authority granted under division (A) or (B) of this section:

(1) A sheriff or deputy sheriff may arrest and detain, until a warrant can be obtained, any person found violating section 4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 4549.62, or Chapter 4511. or 4513. of the Revised Code on the portion of any street or highway that is located immediately adjacent to the boundaries of the county in which the sheriff or deputy sheriff is elected or appointed.

(2) A member of the police force of a township police district created under section 505.48 of the Revised Code, a member of the police force of a joint police district created under section 505.482 of the Revised Code, or a township constable appointed in accordance with section 509.01 of the Revised Code, who has received a certificate from the Ohio peace officer training commission under section 109.75 of the Revised Code, may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the township police district or joint police district, in the case of a member of a township police district or joint police district police force, or the unincorporated territory of the township, in the case of a township constable. However, if the population of the township that created the township police district served by the member's police force, or the townships and municipal
corporations that created the joint police district served by the member's police force, or the township that is served by the township constable, is sixty thousand or less, the member of the township police district or joint police district police force or the township constable may not make an arrest under division (E)(2) of this section on a state highway that is included as part of the interstate system.

(3) A police officer or village marshal appointed, elected, or employed by a municipal corporation may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section on the portion of any street or highway that is located immediately adjacent to the boundaries of the municipal corporation in which the police officer or village marshal is appointed, elected, or employed.

(4) A peace officer of the department of natural resources, a state fire marshal law enforcement officer described in division (A)(23) of section 109.71 of the Revised Code, or an individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the lands and waters that constitute the territorial jurisdiction of the peace officer or state fire marshal law enforcement officer.

(F)(1) A department of mental health and addiction services special police officer or a department of developmental disabilities special police officer may arrest without a warrant and detain until a warrant can be obtained any person found...
committing on the premises of any institution under the
jurisdiction of the particular department a misdemeanor under a
law of the state.

A department of mental health and addiction services special
police officer or a department of developmental disabilities
special police officer may arrest without a warrant and detain
until a warrant can be obtained any person who has been
hospitalized, institutionalized, or confined in an institution
under the jurisdiction of the particular department pursuant to or
under authority of section 2945.37, 2945.371, 2945.38, 2945.39,
2945.40, 2945.401, or 2945.402 of the Revised Code and who is
found committing on the premises of any institution under the
jurisdiction of the particular department a violation of section
2921.34 of the Revised Code that involves an escape from the
premises of the institution.

(2)(a) If a department of mental health and addiction
services special police officer or a department of developmental
disabilities special police officer finds any person who has been
hospitalized, institutionalized, or confined in an institution
under the jurisdiction of the particular department pursuant to or
under authority of section 2945.37, 2945.371, 2945.38, 2945.39,
2945.40, 2945.401, or 2945.402 of the Revised Code committing a
violation of section 2921.34 of the Revised Code that involves an
escape from the premises of the institution, or if there is
reasonable ground to believe that a violation of section 2921.34
of the Revised Code has been committed that involves an escape
from the premises of an institution under the jurisdiction of the
department of mental health and addiction services or the
department of developmental disabilities and if a department of
mental health and addiction services special police officer or a
department of developmental disabilities special police officer
has reasonable cause to believe that a particular person who has
been hospitalized, institutionalized, or confined in the institution pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code is guilty of the violation, the special police officer, outside of the premises of the institution, may pursue, arrest, and detain that person for that violation of section 2921.34 of the Revised Code, until a warrant can be obtained, if both of the following apply:

(i) The pursuit takes place without unreasonable delay after the offense is committed;

(ii) The pursuit is initiated within the premises of the institution from which the violation of section 2921.34 of the Revised Code occurred.

(b) For purposes of division (F)(2)(a) of this section, the execution of a written statement by the administrator of the institution in which a person had been hospitalized, institutionalized, or confined pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code alleging that the person has escaped from the premises of the institution in violation of section 2921.34 of the Revised Code constitutes reasonable ground to believe that the violation was committed and reasonable cause to believe that the person alleged in the statement to have committed the offense is guilty of the violation.

(G) As used in this section:

(1) A "department of mental health and addiction services special police officer" means a special police officer of the department of mental health and addiction services designated under section 5119.08 of the Revised Code who is certified by the Ohio peace officer training commission under section 109.77 of the Revised Code as having successfully completed an approved peace
officer basic training program.

(2) A "department of developmental disabilities special police officer" means a special police officer of the department of developmental disabilities designated under section 5123.13 of the Revised Code who is certified by the Ohio peace officer training council under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program.

(3) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.

(4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.

(5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.

(6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code.

(7) "Peace officer of the department of natural resources" means an employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013 of the Revised Code, a forest-fire investigator appointed pursuant to section 1503.09 of the Revised Code, a natural resources officer appointed pursuant to section 1501.24 of the Revised Code, or a wildlife officer designated pursuant to section 1531.13 of the Revised Code.

(8) "Portion of any street or highway" means all lanes of the street or highway irrespective of direction of travel, including designated turn lanes, and any berm, median, or shoulder.

Sec. 2967.16. (A) Except as provided in division (D) of this section, when a paroled prisoner has faithfully performed the conditions and obligations of the paroled prisoner's parole and
has obeyed the rules and regulations adopted by the adult parole authority that apply to the paroled prisoner, the authority may grant a final release and thereupon shall issue to the paroled prisoner a certificate of final release that shall serve as the minutes of the authority, but the authority shall not grant a final release earlier than one year after the paroled prisoner is released from the institution on parole, and, in the case of a paroled prisoner whose sentence is life imprisonment, the authority shall not grant a final release earlier than five years after the paroled prisoner is released from the institution on parole.

(B)(1) When a prisoner who has been released under a period of post-release control pursuant to section 2967.28 of the Revised Code has faithfully performed the conditions and obligations of the released prisoner's post-release control sanctions and has obeyed the rules and regulations adopted by the adult parole authority that apply to the released prisoner or has the period of post-release control terminated by a court pursuant to section 2929.141 of the Revised Code, the authority may terminate the period of post-release control and issue to the released prisoner a certificate of termination, which shall serve as the minutes of the authority. In the case of a prisoner who has been released under a period of post-release control pursuant to division (B) of section 2967.28 of the Revised Code, the authority shall not terminate post-release control earlier than one year after the released prisoner is released from the institution under a period of post-release control. The authority shall may classify the termination of post-release control as favorable or unfavorable depending on if the offender's conduct and compliance with the conditions of supervision is unsatisfactory. If the authority does not classify the termination of post-release control as unfavorable, the offender's conduct and compliance with the
conditions of post-release control shall be not considered as an unfavorable termination under this division by a court when the court, at a future sentencing hearing, is considering the factors described in division (D)(1) of section 2929.12 of the Revised Code. In the case of a released prisoner whose sentence is life imprisonment, the authority shall not terminate post-release control earlier than five years after the released prisoner is released from the institution under a period of post-release control.

(2) The department of rehabilitation and correction, no later than six months after July 8, 2002, shall adopt a rule in accordance with Chapter 119. of the Revised Code that establishes the criteria for the classification of a post-release control termination as "favorable" or "unfavorable."

(C)(1) Except as provided in division (C)(2) of this section, the following prisoners or person shall be restored to the rights and privileges forfeited by a conviction:

(a) A prisoner who has served the entire prison term that comprises or is part of the prisoner's sentence and has not been placed under any post-release control sanctions;

(b) A prisoner who has been granted a final release or termination of post-release control by the adult parole authority pursuant to division (A) or (B) of this section;

(c) A person who has completed the period of a community control sanction or combination of community control sanctions, as defined in section 2929.01 of the Revised Code, that was imposed by the sentencing court.

(2)(a) As used in division (C)(2)(c) of this section:

(i) "Position of honor, trust, or profit" has the same meaning as in section 2929.192 of the Revised Code.
(ii) "Public office" means any elected federal, state, or local government office in this state.

(b) For purposes of division (C)(2)(c) of this section, a violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after May 13, 2008," if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after May 13, 2008.

(c) Division (C)(1) of this section does not restore a prisoner or person to the privilege of holding a position of honor, trust, or profit if the prisoner or person was convicted of or pleaded guilty to committing on or after May 13, 2008, any of the following offenses that is a felony:

(i) A violation of section 2921.02, 2921.03, 2921.05, 2921.41, 2921.42, or 2923.32 of the Revised Code;

(ii) A violation of section 2913.42, 2921.04, 2921.11, 2921.12, 2921.31, or 2921.32 of the Revised Code, when the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;

(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (C)(2)(c)(i) of this section;

(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (C)(2)(c)(ii) of this section, when the person committed the
violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;

(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (C)(2)(c)(i) or described in division (C)(2)(c)(iii) of this section;

(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (C)(2)(c)(ii) or described in division (C)(2)(c)(iv) of this section, if the person committed the violation while the person was serving in a public office and the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the offense in which the person was complicit was or would have been related to the duties of the person's public office or to the person's actions as a public official holding that public office.

(D) Division (A) of this section does not apply to a prisoner in the shock incarceration program established pursuant to section 5120.031 of the Revised Code.

(E) The final release certificate of a parolee and the certificate of termination of a prisoner shall serve as the official minutes of the adult parole authority, and the authority shall consider those certificates as its official minutes.

Sec. 2967.193. (A)(1) The provisions of this section shall apply, until the date that is one year after the effective date of this amendment, April 4, 2024, to persons confined in a state correctional institution or in the substance use disorder treatment program. On and after April 4, 2024, the provisions of section 2967.194 of the Revised Code apply to persons so confined, in the manner specified in division (G) of that section.
(2) Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A)(4) of this section, a person confined in a state correctional institution or placed in the substance use disorder treatment program may provisionally earn one day or five days of credit, based on the category set forth in division (D)(1), (2), (3), (4), or (5) of this section in which the person is included, toward satisfaction of the person's stated prison term, as described in division (F) of this section, for each completed month during which the person, if confined in a state correctional institution, productively participates in an education program, vocational training, employment in prison industries, treatment for substance abuse, or any other constructive program developed by the department of rehabilitation and correction with specific standards for performance by prisoners or during which the person, if placed in the substance use disorder treatment program, productively participates in the program. Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A)(4) of this section, a person so confined in a state correctional institution who successfully completes two programs or activities of that type may, in addition, provisionally earn up to five days of credit toward satisfaction of the person's stated prison term, as described in division (F) of this section, for the successful completion of the second program or activity. The person shall not be awarded any provisional days of credit for the successful completion of the first program or activity or for the successful completion of any program or activity that is completed after the second program or activity. At the end of each calendar month in which a person productively participates in a program or activity listed in this division or successfully completes a program or activity listed in this division, the department of rehabilitation and correction shall determine and record the total number of days credit that
the person provisionally earned in that calendar month. If the person in a state correctional institution violates prison rules or the person in the substance use disorder treatment program violates program or department rules, the department may deny the person a credit that otherwise could have been provisionally awarded to the person or may withdraw one or more credits previously provisionally earned by the person. Days of credit provisionally earned by a person shall be finalized and awarded by the department subject to administrative review by the department of the person's conduct.

(3) Unless a person is serving a mandatory prison term or a prison term for an offense of violence or a sexually oriented offense, and notwithstanding the maximum aggregate total specified in division (A)(4) of this section, a person who successfully completes any of the following shall earn ninety days of credit toward satisfaction of the person's stated prison term or a ten per cent reduction of the person's stated prison term, whichever is less:

(a) An Ohio high school diploma or Ohio certificate of high school equivalence certified by the Ohio central school system;

(b) A therapeutic drug community program;

(c) All three phases of the department of rehabilitation and correction's intensive outpatient drug treatment program;

(d) A career technical vocational school program;

(e) A college certification program;

(f) The criteria for a certificate of achievement and employability as specified in division (A)(1) of section 2961.22 of the Revised Code.

(4)(a) Except for persons described in division (A)(3) of this section and subject to division (A)(4)(b) of this section,
the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.

(b) If a person is confined in a state correctional institution or in the substance use disorder treatment program after the effective date of this amendment, and if the person as of that effective date has met the eight per cent limit specified in division (A)(4)(a) of this section or the person meets that eight per cent limit between that effective date and April 3, 2024, both of the following apply with respect to the person:

(i) On and after the effective date of this amendment, the eight per cent limit specified in division (A)(4)(a) of this section no longer applies to the person;

(ii) On and after the effective date of this amendment, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed fifteen per cent of the total number of days in the person's stated prison term.

(B) The department of rehabilitation and correction shall adopt rules that specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion, and the criteria for denying or withdrawing previously provisionally earned credit as a result of a violation of prison rules, or program or department rules,
whichever is applicable.

(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom any of the following applies shall be awarded any days of credit under division (A) of this section:

(1) The person is serving a prison term that section 2929.13 or section 2929.14 of the Revised Code specifies cannot be reduced pursuant to this section or this chapter or is serving a sentence for which section 2967.13 or division (B) of section 2929.143 of the Revised Code specifies that the person is not entitled to any earned credit under this section.

(2) The person is sentenced to death or is serving a prison term or a term of life imprisonment for aggravated murder, murder, or a conspiracy or attempt to commit, or complicity in committing, aggravated murder or murder.

(3) The person is serving a sentence of life imprisonment without parole imposed pursuant to section 2929.03 or 2929.06 of the Revised Code, a prison term or a term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code, or a sentence for a sexually oriented offense that was committed on or after September 30, 2011.

(D) This division does not apply to a determination of whether a person confined in a state correctional institution or placed in a substance use disorder treatment program may earn any days of credit under division (A) of this section for successful completion of a second program or activity. The determination of whether a person confined in a state correctional institution may earn one day of credit or five days of credit under division (A) of this section for each completed month during which the person productively participates in a program or activity specified under that division shall be made in accordance with the following:
The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the most serious offense for which the offender is confined is any of the following that is a felony of the first or second degree:

(a) A violation of division (A) of section 2903.04 or of section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 of the Revised Code;

(b) A conspiracy or attempt to commit, or complicity in committing, any other offense for which the maximum penalty is imprisonment for life or any offense listed in division (D)(1)(a) of this section.

The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a sexually oriented offense that the offender committed prior to September 30, 2011.

The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance.

Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the first or second degree and divisions (D)(1), (2), and (3) of this section do not apply to the offender, the offender
may earn one day of credit under division (A) of this section if
the offender committed that offense prior to September 30, 2011,
and the offender may earn five days of credit under division (A)
of this section if the offender committed that offense on or after
September 30, 2011.

(5) Except as provided in division (C) of this section, if
the most serious offense for which the offender is confined is a
felony of the third, fourth, or fifth degree or an unclassified
felony and neither division (D)(2) nor (3) of this section applies
to the offender, the offender may earn one day of credit under
division (A) of this section if the offender committed that
offense prior to September 30, 2011, and the offender may earn
five days of credit under division (A) of this section if the
offender committed that offense on or after September 30, 2011.

(E) The department annually shall seek and consider the
written feedback of the Ohio prosecuting attorneys association,
the Ohio judicial conference, the Ohio public defender, the Ohio
association of criminal defense lawyers, and other organizations
and associations that have an interest in the operation of the
corrections system and the earned credits program under this
section as part of its evaluation of the program and in
determining whether to modify the program.

(F) Days of credit awarded under this section shall be
applied toward satisfaction of a person's stated prison term as
follows:

(1) Toward the definite prison term of a prisoner serving a
definite prison term as a stated prison term;

(2) Toward the minimum and maximum terms of a prisoner
serving an indefinite prison term imposed under division (A)(1)(a)
or (2)(a) of section 2929.14 of the Revised Code for a felony of
the first or second degree committed on or after March 22, 2019.
(G) As used in this section:

(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(2) "Substance use disorder treatment program" means the substance use disorder treatment program established by the department of rehabilitation and correction under section 5120.035 of the Revised Code.

Sec. 2967.194. (A)(1) Beginning one year after the effective date of this section April 4, 2024, the provisions of this section shall apply, in the manner described in division (G) of this section, to persons confined on or after that date in a state correctional institution or in the substance use disorder treatment program.

(2) Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A)(4) of this section, a person confined in a state correctional institution or placed in the substance use disorder treatment program may provisionally earn one day or five days of credit, based on the category set forth in division (D)(1) or (2) of this section in which the person is included, toward satisfaction of the person's stated prison term, as described in division (F) of this section, for each completed month during which the person, if confined in a state correctional institution, productively participates in an education program, vocational training, employment in prison industries, treatment for substance abuse, or any other constructive program developed by the department of rehabilitation and correction with specific standards for performance by prisoners or during which the person, if placed in the substance use disorder treatment program, productively participates in the program. Except as provided in division (C) of this section and subject to the maximum aggregate total specified
in division (A)(4) of this section, a person so confined in a state correctional institution who successfully completes two programs or activities of that type may, in addition, provisionally earn up to five days of credit toward satisfaction of the person's stated prison term, as described in division (F) of this section, for the successful completion of the second program or activity. The person shall not be awarded any provisional days of credit for the successful completion of the first program or activity or for the successful completion of any program or activity that is completed after the second program or activity. At the end of each calendar month in which a person productively participates in a program or activity listed in this division or successfully completes a program or activity listed in this division, the department of rehabilitation and correction shall determine and record the total number of days credit that the person provisionally earned in that calendar month. If the person in a state correctional institution violates prison rules or the person in the substance use disorder treatment program violates program or department rules, the department may deny the person a credit that otherwise could have been provisionally awarded to the person or may withdraw one or more credits previously provisionally earned by the person. Days of credit provisionally earned by a person shall be finalized and awarded by the department subject to administrative review by the department of the person's conduct.

(3) Except as provided in division (C) of this section, unless a person is serving a mandatory prison term or a prison term for an offense of violence or a sexually oriented offense, and notwithstanding the maximum aggregate total specified in division (A)(4) of this section, a person who successfully completes any diploma, equivalence, program, or criteria identified in divisions (A)(3)(a) to (g) of this section shall earn ninety days of credit toward satisfaction of the person's
stated prison term or a ten per cent reduction of the person's stated prison term, whichever is less, for each such diploma, equivalence, program, or criteria successfully completed. The diplomas, equivalences, programs, and criteria for which credit shall be granted under this division, upon successful completion, are:

(a) An Ohio high school diploma or Ohio certificate of high school equivalence certified by the Ohio central school system;

(b) A therapeutic drug community program;

(c) All three phases of the department of rehabilitation and correction's intensive outpatient drug treatment program;

(d) A career technical vocational school program;

(e) A college certification program;

(f) The criteria for a certificate of achievement and employability as specified in division (A)(1) of section 2961.22 of the Revised Code;

(g) Any other constructive program developed by the department of rehabilitation and correction with specific standards for performance by prisoners.

(4) Except for persons described in division (A)(3) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed fifteen per cent of the total number of days in the person's stated prison term.

(B) The department of rehabilitation and correction shall adopt rules that specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the
programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion, and the criteria for denying or withdrawing previously provisionally earned credit as a result of a violation of prison rules, or program or department rules, whichever is applicable.

(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom any of the following applies shall be awarded any days of credit under division (A)(2) or (3) of this section:

(1) The person is serving a prison term that section 2929.13 or section 2929.14 of the Revised Code specifies cannot be reduced pursuant to this section or this chapter or is serving a sentence for which section 2967.13 or division (B) of section 2929.143 of the Revised Code specifies that the person is not entitled to any earned credit under this section.

(2) The person is sentenced to death or is serving a prison term or a term of life imprisonment for aggravated murder, murder, or a conspiracy or attempt to commit, or complicity in committing, aggravated murder or murder.

(3) The person is serving a sentence of life imprisonment without parole imposed pursuant to section 2929.03 or 2929.06 of the Revised Code, a prison term or a term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code, or a sentence for a sexually oriented offense that was committed on or after September 30, 2011.

(D) This division does not apply to a determination of whether a person confined in a state correctional institution or placed in a substance use disorder treatment program may earn any days of credit under division (A)(2) of this section for successful completion of a second program or activity. The
determination of whether a person confined in a state correctional institution may earn one day of credit or five days of credit under division (A)(2) of this section for each completed month during which the person productively participates in a program or activity specified under that division shall be made in accordance with the following:

(1) The offender may earn one day of credit under division (A)(2) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a sexually oriented offense that the offender committed prior to September 30, 2011.

(2) Except as provided in division (C) of this section, if division (D)(1) of this section does not apply to the offender, the offender may earn five days of credit under division (A)(2) of this section.

(E) The department annually shall seek and consider the written feedback of the Ohio prosecuting attorneys association, the Ohio judicial conference, the Ohio public defender, the Ohio association of criminal defense lawyers, and other organizations and associations that have an interest in the operation of the corrections system and the earned credits program under this section as part of its evaluation of the program and in determining whether to modify the program.

(F) Days of credit awarded under this section shall be applied toward satisfaction of a person's stated prison term as follows:

(1) Toward the definite prison term of a prisoner serving a definite prison term as a stated prison term;

(2) Toward the minimum and maximum terms of a prisoner serving an indefinite prison term imposed under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a felony of
the first or second degree committed on or after March 22, 2019.

(G) The provisions of this section apply to persons confined in a state correctional institution or in the substance use disorder treatment program on or after the date that is one year after the effective date of this section April 4, 2024, as follows:

(1) Subject to division (G)(2) of this section, the provisions apply to a person so confined regardless of whether the person committed the offense for which the person is confined in the institution or was placed in the program prior to, on, or after the date that is one year after the effective date of this section April 4, 2024, and regardless of whether the person was convicted of or pleaded guilty to that offense prior to, on, or after the date that is one year after the effective date of this section April 4, 2024.

(2) The provisions apply to a person so confined only with respect to the time that the person is so confined on and after the date that is one year after the effective date of this section April 4, 2024, and the provisions of section 2967.193 of the Revised Code that were in effect prior to the date that is one year after the effective date of this section April 4, 2024, and that applied to the person prior to that date, including the provisions of division (A)(4) of that section as amended by this act, apply to the person with respect to the time that the person was so confined prior to the date that is one year after that effective date April 4, 2024.

(H) As used in this section:

(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(2) "Substance use disorder treatment program" means the substance use disorder treatment program established by the
department of rehabilitation and correction under section 5120.035 of the Revised Code.

Sec. 3101.08. An ordained or licensed minister of any religious society or congregation within this state who is licensed to solemnize marriages, a judge of a county court in accordance with section 1907.18 of the Revised Code, a judge of a municipal court in accordance with section 1901.14 of the Revised Code, a probate judge in accordance with section 2101.27 of the Revised Code, the mayor of a municipal corporation anywhere within this state, the superintendent of the state school for the deaf Ohio deaf and blind education services, or any religious society in conformity with the rules of its church, may join together as husband and wife any persons who are not prohibited by law from being joined in marriage.

Sec. 3103.03. (A) Each married person must support the person's self and spouse out of the person's property or by the person's labor. If a married person is unable to do so, the spouse of the married person must assist in the support so far as the spouse is able. The biological or adoptive parent of a minor child must support the parent's minor children out of the parent's property or by the parent's labor.

(B) Notwithstanding section 3109.01 of the Revised Code and to the extent provided in section 3119.86 of the Revised Code, the parental duty of support to children shall continue beyond the age of majority as long as the child continuously attends on a full-time basis any recognized and accredited high school. That duty of support shall continue during seasonal vacation periods.

(C) If a married person neglects to support the person's spouse in accordance with this section, any other person, in good faith, may supply the spouse with necessaries for the support of
the spouse and recover the reasonable value of the necessaries
supplied from the married person who neglected to support the
spouse unless the spouse abandons that person without cause.

(D)(1) If a parent neglects to support the parent's minor
child in accordance with this section and if the minor child in
question is unemancipated, any other person, in good faith, may
supply the minor child with necessaries for the support of the
minor child and recover the reasonable value of the necessaries
supplied from the parent who neglected to support the minor child.

(2) A duty of support may be enforced by a child support
order, as defined under division (B) of section 3119.01 of the
Revised Code.

(E) If a decedent during the decedent's lifetime has
purchased an irrevocable preneed funeral contract pursuant to
section 4717.34 of the Revised Code, then the duty of support owed
to a spouse pursuant to this section does not include an
obligation to pay for the funeral expenses of the deceased spouse.
This division does not preclude a surviving spouse from assuming
by contract the obligation to pay for the funeral expenses of the
deceased spouse.

Sec. 3107.012. (A) A foster caregiver may use the application
prescribed under division (B) of this section to obtain the
services of an agency to arrange an adoption for the foster
caregiver if the foster caregiver seeks to adopt the foster
caregiver's foster child who has resided in the foster caregiver's
home for at least six months prior to the date the foster
caregiver submits the application to the agency.

(B) The department of job and family services shall prescribe
an application for a foster caregiver to use under division (A) of
this section. The application shall not require that the foster
caregiver provide any information the foster caregiver already
provided the department, or undergo an inspection the foster
caregiver already underwent, to obtain a foster home certificate
under section 5103.03 of the Revised Code.

(C) An agency that receives an application prescribed under
division (B) of this section from a foster caregiver authorized to
use the application shall not require, as a condition of the
agency accepting or approving the application, that the foster
caregiver undergo a criminal records check under section 2151.86
5103.251 of the Revised Code as a prospective adoptive parent. The
agency shall inform the foster caregiver, in accordance with
division (C) of section 2151.86 5103.251 of the Revised Code, that
the foster caregiver must undergo the criminal records check
before a court may issue a final decree of adoption or
interlocutory order of adoption under section 3107.14 of the
Revised Code.

Sec. 3107.033. Not later than June 1, 2009, the The director
of job and family services shall adopt rules in accordance with
Chapter 119. of the Revised Code specifying both of the following:

(A) The manner in which a home study is to be conducted and
the information and documents to be included in a home study
report, which shall include the following:

(1) For adoptions arranged by an attorney, pursuant to
section 3107.034 of the Revised Code, a summary report of a search
of the uniform statewide automated child welfare information
system established in section 5101.13 of the Revised Code and a
report of a check of a central registry of another state if a
request for a check of a central registry of another state is
required under division (A) of section 3107.034 of the Revised
Code. The director shall ensure that rules adopted under this
section align the home study content, time period, and process
with any foster care home study content, time period, and process
required by rules adopted under section 5103.03 of the Revised Code.

(2) For adoptions arranged by an agency, pursuant to section 5103.252 of the Revised Code, a summary report of a search of the uniform statewide automated child welfare information system established in section 5101.13 of the Revised Code and a report of a check of a central registry of another state if a request for a check of a central registry of another state is required under section 5103.254 of the Revised Code.

(3) The director shall ensure that rules adopted under divisions (A)(1) and (2) of this section align the home study content, time period, and process with any foster care home study content, time period, and process required by rules adopted under section 5103.03 of the Revised Code.

(B) A procedure under which a person whose application for adoption has been denied as a result of a search of the uniform statewide automated child welfare information system established in section 5101.13 of the Revised Code as part of the home study may appeal the denial to the agency that employed the assessor who filed the report.

Sec. 3107.034. (A) Whenever a prospective adoptive parent or a person eighteen years of age or older who resides with a prospective adoptive parent has resided in another state within the five-year period immediately prior to the date on which a criminal records check is requested for the person under division (A) of section 2151.86 of the Revised Code, the administrative director of an agency, or attorney, who arranges the adoption for the prospective adoptive parent shall request a check of the central registry of abuse and neglect of this state from the department of job and family services regarding the prospective adoptive parent or the person eighteen years of age or older who
resides with the prospective adoptive parent to enable the agency
or attorney to check any child abuse and neglect registry
maintained by that other state. The administrative director or
attorney shall make the request and shall review the results of
the check before a final decree of adoption or an interlocutory
order of adoption making the person an adoptive parent may be
made. Information received pursuant to the request shall be
considered for purposes of this chapter as if it were a summary
report required under section 3107.033 of the Revised Code. The
department of job and family services shall comply with any
request to check the central registry that is similar to the
request described in this division and that is received from any
other state.

(B) The summary report of a search of the uniform statewide
automated child welfare information system established in section
5101.13 of the Revised Code that is required under section
3107.033 of the Revised Code shall contain, if applicable, a
chronological list of abuse and neglect determinations or
allegations of which the person seeking to adopt is subject and in
regards to which a public children services agency has done one of
the following:

(1) Determined that abuse or neglect occurred;
(2) Initiated an investigation, and the investigation is
ongoing;
(3) Initiated an investigation and the agency was unable to
determine whether abuse or neglect occurred.

(C) The summary report required under section 3107.033 of the
Revised Code shall not contain any of the following:

(1) An abuse and neglect determination of which the person
seeking to adopt is subject and in regards to which a public
children services agency determined that abuse or neglect did not
occur;

(2) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(3) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.

(D)(1) An application for adoption may be denied based on a summary report containing the information described under division (B)(1) of this section, when considered within the totality of the circumstances. An application that is denied may be appealed using the procedure adopted pursuant to division (B) of section 3107.033 of the Revised Code.

(2) An application for adoption shall not be denied solely based on a summary report containing the information described under division (B)(2) or (3) of this section.

Sec. 3107.035. (A) At the time of the initial home study, and every two years thereafter, if the home study is updated, and until it becomes part of a final decree of adoption or an interlocutory order of adoption, the agency or attorney that arranges an adoption for the prospective adoptive parent shall conduct a search of the United States department of justice national sex offender public web site regarding the prospective adoptive parent and all persons eighteen years of age or older who reside with the prospective adoptive parent.

(B) A petition for adoption may be denied based solely on the results of the search of the national sex offender public web site.

(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for
the implementation and execution of this section.

Sec. 3107.14. (A) The petitioner and the person sought to be adopted shall appear at the hearing on the petition, unless the presence of either is excused by the court for good cause shown.

(B) The court may continue the hearing from time to time to permit further observation, investigation, or consideration of any facts or circumstances affecting the granting of the petition, and may examine the petitioners separate and apart from each other.

(C) If, at the conclusion of the hearing, the court finds that the required consents have been obtained or excused and that the adoption is in the best interest of the person sought to be adopted as supported by the evidence, it may issue, subject to division (C)(1)(D) of section 2151.86, section 3107.064, and division (E) of section 3107.09, and section 5103.256 of the Revised Code, and any other limitations specified in this chapter, a final decree of adoption or an interlocutory order of adoption, which by its own terms automatically becomes a final decree of adoption on a date specified in the order, which, except as provided in division (B) of section 3107.13 of the Revised Code, shall not be less than six months or more than one year from the date the person to be adopted is placed in the petitioner's home, unless sooner vacated by the court for good cause shown. In determining whether the adoption is in the best interest of the person sought to be adopted, the court shall not consider the age of the petitioner if the petitioner is old enough to adopt as provided by section 3107.03 of the Revised Code.

In an interlocutory order of adoption, the court shall provide for observation, investigation, and a further report on the adoptive home during the interlocutory period.

(D) If the requirements for a decree under division (C) of this section have not been satisfied or the court vacates an
interlocutory order of adoption, or if the court finds that a
person sought to be adopted was placed in the home of the
petitioner in violation of law, the court shall dismiss the
petition and may determine the agency or person to have temporary
or permanent custody of the person, which may include the agency
or person that had custody prior to the filing of the petition or
the petitioner, if the court finds it is in the best interest of
the person as supported by the evidence, or if the person is a
minor, the court may certify the case to the juvenile court of the
county where the minor is then residing for appropriate action and
disposition.

(E) The issuance of a final decree or interlocutory order of
adoption for an adult adoption under division (A)(4) of section
3107.02 of the Revised Code shall not disqualify that adult for
services under section 2151.82 or 2151.83 of the Revised Code.

Sec. 3109.15. There is hereby created within the department
of job and family services the children's trust fund board
consisting of fifteen members. The directors of mental health and
addiction services, health, and job and family services shall be
members of the board. Eight public members shall be appointed by
the governor. These members shall be persons with demonstrated
knowledge in programs for children, shall be representative of the
demographic composition of this state, and, to the extent
practicable, shall be representative of the following categories:
the educational community; the legal community; the social work
community; the medical community; the voluntary sector; and
professional providers of child abuse and child neglect services.
Two members of the board shall be members of the house of
representatives appointed by the speaker of the house of
representatives and shall be members of two different political
parties. Two members of the board shall be members of the senate
appointed by the president of the senate and shall be members of
two different political parties. All members of the board appointed by the speaker of the house of representatives or the president of the senate shall serve until the expiration of the sessions of the general assembly during which they were appointed. They may be reappointed to an unlimited number of successive terms of two years at the pleasure of the speaker of the house of representatives or president of the senate. Public members shall serve terms of three years. Each member shall serve until the member's successor is appointed, or until a period of sixty days has elapsed, whichever occurs first. No public member may serve more than two consecutive full terms. However, a member may serve two consecutive full terms following the remainder of a term for which the member was appointed to fill a vacancy.

All vacancies on the board shall be filled for the balance of the unexpired term in the same manner as the original appointment.

Any member of the board may be removed by the member's appointing authority for misconduct, incompetency, or neglect of duty after first being given the opportunity to be heard in the member's own behalf. Pursuant to section 3.17 of the Revised Code, a member, except a member of the general assembly or a judge of any court in the state, who fails to attend at least three-fifths of the regular and special meetings held by the board during any two-year period forfeits the member's position on the board.

Each member of the board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of official duties.

At the beginning of the first year of each even-numbered general assembly, the chairperson of the board shall be appointed by the speaker of the house of representatives from among members of the board who are members of the house of representatives.
the beginning of the first year of each odd-numbered general
assembly, the chairperson of the board shall be appointed by the
president of the senate from among the members of the board who
are senate members.

The board shall biennially select a vice-chair from among its
nonlegislative members.

Sec. 3109.16. (A) The children's trust fund board, upon the
recommendation of the director of job and family services, shall
approve the employment of an executive director who will
administer the programs of the board.

(B) The department of job and family services shall provide
budgetary, procurement, accounting, and other related management
functions for the board and may adopt rules in accordance with
Chapter 119. of the Revised Code for these purposes. An amount not
to exceed three per cent of the total amount of fees deposited in
the children's trust fund in each fiscal year may be used for
costs directly related to these administrative functions of the
department. Each fiscal year, the board shall approve a budget for
administrative expenditures for the next fiscal year.

(C) The board may request that the department adopt rules the
board considers necessary for the purpose of carrying out the
board's responsibilities under this section, and the department
may adopt those rules. The department may, after consultation with
the board and the executive director, adopt any other rules to
assist the board in carrying out its responsibilities under this
section. In either case, the rules shall be adopted under Chapter
119. of the Revised Code.

(D) The board shall meet at least quarterly at the call of
the chairperson to conduct its official business. All business
transactions of the board shall be conducted in public meetings.
Eight A majority of the members of appointed to the board
constitute a quorum. A majority of the quorum is required to make all decisions of the board.

(E) With respect to funding, all of the following apply:

(1) The board may apply for and accept federal and other funds for the purpose of funding child abuse and child neglect prevention programs.

(2) The board may solicit and accept gifts, money, and other donations from any public or private source, including individuals, philanthropic foundations or organizations, corporations, or corporation endowments.

(3) The board may develop private-public partnerships to support the mission of the children's trust fund.

(4) The acceptance and use of federal and other funds shall not entail any commitment or pledge of state funds, nor obligate the general assembly to continue the programs or activities for which the federal and other funds are made available.

(5) All funds received in the manner described in this section shall be transmitted to the treasurer of state, who shall credit them to the children's trust fund created in section 3109.14 of the Revised Code.

Sec. 3109.17. (A) The children's trust fund board shall establish a strategic plan for child abuse and child neglect prevention. The plan shall be transmitted to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives and shall be made available to the general public.

(B) In developing and carrying out the strategic plan, the children's trust fund board shall, in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code, do all of the following:
(1) Ensure that an opportunity exists for assistance through child abuse and child neglect prevention programs to persons throughout the state of various social and economic backgrounds;

(2) Allocate funds to entities for the purpose of funding child abuse and child neglect prevention programs that have statewide significance and that have been approved by the children's trust fund board;

(3) Provide for the monitoring of expenditures from the children's trust fund and of programs that receive money from the children's trust fund;

(4) Establish reporting requirements for both of the following:

   (a) Regional child abuse and child neglect prevention councils, including deadlines for the submission of the progress and annual reports required under section 3107.172 of the Revised Code;

   (b) Children's advocacy centers, including deadlines for the submission of reports required under section 3107.178 of the Revised Code.

(5) Collaborate with appropriate persons and government entities and facilitate the exchange of information among those persons and entities for the purpose of child abuse and child neglect prevention;

(6) Provide for the education of the public and professionals for the purpose of child abuse and child neglect prevention.

(C) The children's trust fund board shall prepare a report for each fiscal biennium that delineates the expenditure of money from the children's trust fund. On or before January 1, 2002, and on or before the first day of January of a year that follows the end of a fiscal biennium of this state, the board shall file a
copy of the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives.

(D) The children's trust fund board shall develop a list of all state and federal sources of funding that might be available for establishing, operating, or establishing and operating a children's advocacy center under sections 2151.425 to 2151.428 of the Revised Code. The board periodically shall update the list as necessary. The board shall maintain, or provide for the maintenance of, the list at an appropriate location. That location may be the offices of the department of job and family services. The board shall provide the list upon request to any children's advocacy center or to any person or entity identified in section 2151.426 of the Revised Code as a person or entity that may participate in the establishment of a children's advocacy center.

Sec. 3109.172. (A) As used in this section, "county prevention specialist" includes the following:

(1) Members of agencies responsible for the administration of children's services in the counties within a child abuse and child neglect prevention region established in section 3109.171 of the Revised Code;

(2) Providers of alcohol or drug addiction services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region;

(3) Providers of mental health services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region;

(4) Members of county boards of developmental disabilities that serve counties within a region;

(5) Members of the educational community appointed by the
superintendent of the school district with the largest enrollment in the counties within a region;

(6) Juvenile justice officials serving counties within a region;

(7) Pediatricians, health department nurses, and other members of the medical community in the counties within a region;

(8) Counselors and social workers serving counties within a region;

(9) Head start agencies serving counties within a region;

(10) Child care providers serving counties within a region;

(11) Parent advocates with relevant experience and knowledge of services in a region;

(12) Other persons with demonstrated knowledge in programs for children serving counties within a region.

(B) Each child abuse and child neglect prevention region shall have a child abuse and child neglect regional prevention council as appointed under divisions (C), (D), and (E) of this section. Each council shall operate in accordance with rules adopted by the department of job and family services pursuant to Chapter 119. of the Revised Code.

(C)(1) Each board of county commissioners within a region may appoint up to two county prevention specialists to the council representing the county, in accordance with rules adopted by the department of job and family services under Chapter 119. of the Revised Code.

(2) The children's trust fund board may appoint additional county prevention specialists to each region's council at the board's discretion.

(3) A representative of the council's regional prevention coordinator shall serve as a nonvoting member of the council.
(D) Each council member appointed under division (C)(1) of this section shall be appointed for a two-year term. Each council member appointed under division (C)(2) or (3) of this section shall be appointed for a three-year term. A member may be reappointed, but for two consecutive terms only.

(E) A member may be removed from the council by the member's appointing authority for misconduct, incompetence, or neglect of duty.

(F) Each appointed member of a council shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of official duties.

(G) The representative of the regional prevention coordinator shall serve as A chairperson of the council shall be selected by the council's regional prevention coordinator from among the county prevention specialists serving on the council.

1. The chairperson shall serve as a nonvoting member of the council.

2. The chairperson shall preside over council meetings or may call upon the vice-chairperson to preside over meetings.

(H) At the first regular meeting of the year, which shall be called by the chairperson, the members shall elect a vice-chairperson by a majority vote.

1. The vice-chairperson shall preside over council meetings in the absence of the chairperson or upon the request of the chairperson.

2. The vice-chairperson functions in the same capacity as the chairperson and becomes a nonvoting member when presiding over a council meeting.

(I) Each council shall meet at least quarterly.

(J) Council members shall do all of the following:
(1) Attend meetings of the council on which they serve;

(2) Assist the regional prevention coordinator in conducting a needs assessment to ascertain the child abuse and child neglect prevention programming and services that are needed in their region;

(3) Collaborate on assembling the council's regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code;

(4) Assist the council's regional prevention coordinator with all of the following:

   (a) Implementing the regional prevention plan, including monitoring fulfillment of child abuse and child neglect prevention deliverables and achievement of prevention outcomes;

   (b) Coordinating county data collection;

   (c) Ensuring timely and accurate reporting to the children's trust fund board.

(5) Any additional duties specified in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code.

(K) No council member shall participate in matters of the council pertaining to their own interests, including applications for funding by a council member or any entity, public or private, of which a council member serves as either a board member or employee.

(L) Each council shall file with the children's trust fund board, not later than the due dates specified by the board, a progress report and an annual report regarding the council's child abuse and child neglect prevention programs and activities undertaken in accordance with the council's regional prevention plan. The reports shall contain all information required by the
Sec. 3109.178. (A) Each child abuse and child neglect regional prevention council may request from the children's trust fund board up to five thousand dollars for each county within the council's region to be used as one-time, start-up costs for the establishment and operation of a children's advocacy center to serve each county in the region or a center to serve two or more contiguous counties within the region.

(B) On receipt of a request made under this section, the board shall review and approve or disapprove the request.

(C) If the board disapproves the request, the board shall send to the requesting council written notice of the disapproval that states the reasons for the disapproval.

(D) No funds allocated to a council under this section may be used as start-up costs for any children's advocacy center unless the center has as a component a primary prevention strategy.

(E) A council that receives funds under this section in any fiscal year shall not use the funds received in a different fiscal year or for a different center in any fiscal year without the approval of the board.

(F) A children's advocacy center established using funds awarded under this section shall comply with sections 2151.425 to 2151.428 of the Revised Code.

(G) Each children's advocacy center that receives funds under this section shall file with its respective council, by the date specified by the board, an annual report that includes the information required by the board. The council shall forward a copy of the annual report to the board.

Sec. 3109.53. To create a power of attorney under section
3109.52 of the Revised Code, a parent, guardian, or custodian shall use a form that is identical in form and content to the following:

POWER OF ATTORNEY

I, the undersigned, residing at .........., in the county of .........., state of .........., hereby appoint the child's grandparent, .........., residing at .........., in the county of .........., in the state of Ohio, with whom the child of whom I am the parent, guardian, or custodian is residing, my attorney in fact to exercise any and all of my rights and responsibilities regarding the care, physical custody, and control of the child, .........., born .........., having social security number (optional) .........., except my authority to consent to marriage or adoption of the child .........., and to perform all acts necessary in the execution of the rights and responsibilities hereby granted, as fully as I might do if personally present. The rights I am transferring under this power of attorney include the ability to enroll the child in school, to obtain from the school district educational and behavioral information about the child, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child. This transfer does not affect my rights in any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child. This transfer does not terminate my right to have regular contact with the child.

I hereby certify that I am transferring the rights and responsibilities designated in this power of attorney because one of the following circumstances exists:

(1) I am: (a) Seriously ill, incarcerated, or about to be
incarcerated, (b) Temporarily unable to provide financial support or parental guidance to the child, (c) Temporarily unable to provide adequate care and supervision of the child because of my physical or mental condition, (d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable, or (e) In or about to enter a residential treatment program for substance abuse;

(2) I am a parent of the child, the child's other parent is deceased, and I have authority to execute the power of attorney; or

(3) I have a well-founded belief that the power of attorney is in the child's best interest.

I hereby certify that I am not transferring my rights and responsibilities regarding the child for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district.

I understand that this document does not authorize a child support enforcement agency to redirect child support payments to the grandparent designated as attorney in fact. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.

If there is a court order naming me the residential parent and legal custodian of the child who is the subject of this power of attorney and I am the sole parent signing this document, I hereby certify that one of the following is the case:

(1) I have made reasonable efforts to locate and provide notice of the creation of this power of attorney to the other parent and have been unable to locate that parent;

(2) The other parent is prohibited from receiving a notice of
relocation; or

(3) The parental rights of the other parent have been terminated by order of a juvenile court.

This POWER OF ATTORNEY is valid until the occurrence of whichever of the following events occurs first: (1) I revoke this POWER OF ATTORNEY in writing and give notice of the revocation to the grandparent designated as attorney in fact and the juvenile court with which this POWER OF ATTORNEY was filed; (2) the child ceases to reside with the grandparent designated as attorney in fact; (3) this POWER OF ATTORNEY is terminated by court order; (4) the death of the child who is the subject of the power of attorney; or (5) the death of the grandparent designated as the attorney in fact.

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO $1,000, OR BOTH.

Witness my hand this ....... day of ........, .......

.....................................

Parent/Custodian/Guardian's signature

.....................................

Parent's signature

.....................................

Grandparent designated as attorney in fact

State of Ohio )

) ss:

County of .................)

Subscribed, sworn to, and acknowledged before me this ...... day
of ........, ...........


Notary Public

Notices:

1. A power of attorney may be executed only if one of the following circumstances exists: (1) The parent, guardian, or custodian of the child is: (a) Seriously ill, incarcerated, or about to be incarcerated; (b) Temporarily unable to provide financial support or parental guidance to the child; (c) Temporarily unable to provide adequate care and supervision of the child because of the parent's, guardian's, or custodian's physical or mental condition; (d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable; or (e) In or about to enter a residential treatment program for substance abuse; (2) One of the child's parents is deceased and the other parent, with authority to do so, seeks to execute a power of attorney; or (3) The parent, guardian, or custodian has a well-founded belief that the power of attorney is in the child's best interest.

2. The signatures of the parent, guardian, or custodian of the child and the grandparent designated as the attorney in fact must be notarized by an Ohio notary public.

3. A parent, guardian, or custodian who creates a power of attorney must notify the parent of the child who is not the residential parent and legal custodian of the child unless one of the following circumstances applies: (a) the parent is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code of the creation of the power of attorney; (b) the parent's parental rights have been terminated by order of a juvenile court pursuant to
Chapter 2151. of the Revised Code; (c) the parent cannot be located with reasonable efforts; (d) both parents are executing the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the person designated as the attorney in fact.

4. A parent, guardian, or custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. The power of attorney must be filed not later than five days after the date it is created and be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential parent and legal custodian by certified mail.

5. This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child.

6. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation.

7. This power of attorney terminates on the occurrence of whichever of the following occurs first: (1) the power of attorney is revoked in writing by the person who created it and that person gives written notice of the revocation to the grandparent who is the attorney in fact and the juvenile court with which the power of attorney was filed; (2) the child ceases to live with the grandparent who is the attorney in fact; (3) the power of attorney is terminated by court order; (4) the death of the child who is the subject of the power of attorney.
attorney; or (5) the death of the grandparent designated as the attorney in fact.

If this power of attorney terminates other than by the death of the attorney in fact, the grandparent who served as the attorney in fact shall notify, in writing, all of the following:

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent;

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination;

(c) The court in which the power of attorney was filed after its creation;

(d) The parent who is not the residential parent and legal custodian of the child who is required to be given notice of its creation. The grandparent shall make the notifications not later than one week after the date the power of attorney terminates.

8. If this power of attorney is terminated by written revocation of the person who created it, or the revocation is regarding a second or subsequent power of attorney, a copy of the revocation must be filed with the court with which that power of attorney was filed.

Additional information:

To the grandparent designated as attorney in fact:

1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this power of attorney. You are also required to notify, in
writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the power of attorney unless notified. The notification must be made not later than one week after the child stops living with you.

2. You must include with the power of attorney the following information:

   (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period;

   (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child;

   (c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state;

   (d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child;

   (e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child's being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act
that was the basis of the adjudication.

3. If you receive written notice of revocation of the power of attorney or the parent, custodian, or guardian removes the child from your home and if you believe that the revocation or removal is not in the best interest of the child, you may, within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise.

To school officials:

1. Except as provided in section 3313.649 of the Revised Code, this power of attorney, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent designated as attorney in fact resides and that grandparent is authorized to provide consent in all school-related matters and to obtain from the school district educational and behavioral information about the child. This power of attorney does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child.

2. The school district may require additional reasonable evidence that the grandparent lives in the school district.

3. A school district or school official that reasonably and in good faith relies on this power of attorney has no obligation to make any further inquiry or investigation.

To health care providers:

1. A person or entity that acts in good faith reliance on a power of attorney to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the power of attorney, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for
such reliance if the power of attorney is completed and the signatures of the parent, guardian, or custodian of the child and the grandparent designated as attorney in fact are notarized.

2. The decision of a grandparent designated as attorney in fact, based on a power of attorney, shall be honored by a health care facility or practitioner, school district, or school official.

Sec. 3109.66. The caretaker authorization affidavit that a grandparent described in section 3109.65 of the Revised Code may execute shall be identical in form and content to the following:

CARETAKER AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by sections 3109.65 to 3109.73 of the Ohio Revised Code.

Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical custody, and control of the child who is its subject, including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child.

The child named below lives in my home, I am 18 years of age or older, and I am the child's grandparent.

1. Name of child:
2. Child's date and year of birth:
3. Child's social security number (optional):
4. My name:
5. My home address:
6. My date and year of birth:
7. My Ohio driver's license number or identification card number:
8. Despite having made reasonable attempts, I am either:

(a) Unable to locate or contact the child's parents, or the child's guardian or custodian; or

(b) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because paternity has not been established; or

(c) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because there is a custody order regarding the child and one of the following is the case:

   (i) The parent has been prohibited from receiving notice of a relocation; or

   (ii) The parental rights of the parent have been terminated.

9. I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district.

   I understand that this document does not authorize a child support enforcement agency to redirect child support payments. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.

WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO $1,000, OR BOTH.

I declare that the foregoing is true and correct:

Signed:.......................... Date:......................

Grandparent
State of Ohio

) ss:

County of ................)

Subscribed, sworn to, and acknowledged before me this ...... day of ........, ..........

.....................................

Notary Public

Notices:
1. The grandparent's signature must be notarized by an Ohio notary public.

2. The grandparent who executed this affidavit must file it with the juvenile court of the county in which the grandparent resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding not later than five days after the date it is executed.

3. This affidavit does not affect the rights of the child's parents, guardian, or custodian regarding the care, physical custody, and control of the child, and does not give the grandparent legal custody of the child.

4. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation.

5. This affidavit terminates on the occurrence of whichever of the following occurs first: (1) the child ceases to live with the grandparent who signs this form; (2) the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit, and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian, or custodian or fails to file a complaint to seek custody within fourteen days; (3) the affidavit is
terminated by court order; (4) the death of the child who is
the subject of the affidavit; or (5) the death of the
grandparent who executed the affidavit.
A parent, guardian, or custodian may negate, reverse, or
disapprove a grandparent's action or decision only by
delivering written notice of negation, reversal, or
disapproval to the grandparent and the person acting on the
grandparent's action or decision in reliance on this
affidavit.
If this affidavit terminates other than by the death of the
grandparent, the grandparent who signed this affidavit shall
notify, in writing, all of the following:
   (a) Any schools, health care providers, or health insurance
coverage provider with which the child has been involved
through the grandparent;
   (b) Any other person or entity that has an ongoing
relationship with the child or grandparent such that the
person or entity would reasonably rely on the affidavit unless
notified of the termination;
   (c) The court in which the affidavit was filed after its
creation.
The grandparent shall make the notifications not later than
one week after the date the affidavit terminates.

6. The decision of a grandparent to consent to or to refuse
medical treatment or school enrollment for a child is
superseded by a contrary decision of a parent, custodian, or
guardian of the child, unless the decision of the parent,
guardian, or custodian would jeopardize the life, health, or
safety of the child.

Additional information:

To caretakers:

1. If the child stops living with you, you are required to
notify, in writing, any school, health care provider, or health care insurance provider to which you have given this affidavit. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the affidavit unless notified. The notifications must be made not later than one week after the child stops living with you.

2. If you do not have the information requested in item 7 (Ohio driver's license or identification card), provide another form of identification such as your social security number or medicaid number.

3. You must include with the caretaker authorization affidavit the following information:
   
   (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period;
   
   (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child;
   
   (c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state;
   
   (d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who
has custody or visitation rights with respect to the child;

(e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child's being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication.

4. If the child's parent, guardian, or custodian acts to terminate the caretaker authorization affidavit by delivering a written notice of negation, reversal, or disapproval of an action or decision of yours or removes the child from your home and if you believe that the termination or removal is not in the best interest of the child, you may, within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise.

To school officials:

1. This affidavit, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent who signed this affidavit resides and the grandparent is authorized to provide consent in all school-related matters and to discuss with the school district the child's educational progress. This affidavit does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child.

2. The school district may require additional reasonable evidence that the grandparent lives at the address provided in item 5 of the affidavit.

3. A school district or school official that reasonably and in good faith relies on this affidavit has no obligation to make any further inquiry or investigation.
4. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

To health care providers:

1. A person or entity that acts in good faith reliance on a CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the affidavit, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the applicable portions of the form are completed and the grandparent's signature is notarized.

2. The decision of a grandparent, based on a CARETAKER AUTHORIZATION AFFIDAVIT, shall be honored by a health care facility or practitioner, school district, or school official unless the health care facility or practitioner or educational facility or official has actual knowledge that a parent, guardian, or custodian of a child has made a contravening decision to consent to or to refuse medical treatment for the child.

3. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of
negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

Sec. 3111.01. (A)(1) As used in sections 3111.01 to 3111.85 of the Revised Code, "parent and child relationship" means the legal relationship that exists between a child and the child's natural or adoptive parents and upon which those sections and any other provision of the Revised Code confer or impose rights, privileges, duties, and obligations. The "parent and child relationship" includes the mother and child relationship and the father and child relationship.

(B)(2) The parent and child relationship extends equally to all children and all parents, regardless of the marital status of the parents.

(B) As used in this chapter, "caretaker" has the same meaning as in section 3119.01 of the Revised Code.

Sec. 3111.04. (A)(1) Except as provided in division (A)(2) of this section, an action to determine the existence or nonexistence of the father and child relationship may be brought by the child or the child's personal representative, the child's caretaker, the child's mother or her personal representative, a man alleged or alleging himself to be the child's father, the child support enforcement agency of the county in which the child resides if the child's mother, father, or alleged father is a recipient of public assistance or of services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the alleged father's personal representative.

(2) A man alleged or alleging himself to be the child's father is not eligible to file an action under division (A)(1) of this section if the man was convicted of or pleaded guilty to rape
or sexual battery, the victim of the rape or sexual battery was
the child's mother, and the child was conceived as a result of the
rape or sexual battery.

(B) An agreement does not bar an action under this section.

(C) If an action under this section is brought before the
birth of the child and if the action is contested, all
proceedings, except service of process and the taking of
depositions to perpetuate testimony, may be stayed until after the
birth.

(D) A recipient of public assistance or of services under
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42
U.S.C.A. 651, as amended, shall cooperate with the child support
enforcement agency of the county in which a child resides to
obtain an administrative determination pursuant to sections
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court
determination pursuant to sections 3111.01 to 3111.18 of the
Revised Code, of the existence or nonexistence of a parent and
child relationship between the father and the child. If the
recipient fails to cooperate, the agency may commence an action to
determine the existence or nonexistence of a parent and child
relationship between the father and the child pursuant to sections
3111.01 to 3111.18 of the Revised Code.

(E) As used in this section:

(1) "Public assistance" means both of the following:

(a) Medicaid;

(b) Ohio works first under Chapter 5107. of the Revised Code.

(2) "Rape" means a violation of section 2907.02 of the
Revised Code or similar law of another state.

(3) "Sexual battery" means a violation of section 2907.03 of
the Revised Code or similar law of another state.
Sec. 3111.041. A caretaker of a child may authorize genetic testing of the child pursuant to any action or proceeding under Chapter 3111. of the Revised Code.

Sec. 3111.06. (A) Except as otherwise provided in division (B), (C), or (D) of section 3111.381 of the Revised Code, an action authorized under sections 3111.01 to 3111.18 of the Revised Code may be brought in the juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code of the county in which the child, the child's mother, or the alleged father resides or is found or, if the alleged father is deceased, of the county in which proceedings for the probate of the alleged father's estate have been or can be commenced, or of the county in which the child is being provided support by the county department of job and family services of that county. An action pursuant to sections 3111.01 to 3111.18 of the Revised Code to object to an administrative order issued pursuant to former section 3111.21 or 3111.22 or sections 3111.38 to 3111.54 of the Revised Code determining the existence or nonexistence of a parent and child relationship that has not become final and enforceable, may be brought only in the juvenile court or other court with jurisdiction of the county in which the child support enforcement agency that issued the order is located. If an action for divorce, dissolution, or legal separation has been filed in a court of common pleas, that court of common pleas has original jurisdiction to determine if the parent and child relationship exists between one or both of the parties and any child alleged or presumed to be the child of one or both of the parties.

(B) A person who has sexual intercourse in this state submits to the jurisdiction of the courts of this state as to an action brought under sections 3111.01 to 3111.18 of the Revised Code with respect to a child who may have been conceived by that act of intercourse.
intercourse. In addition to any other method provided by the Rules
of Civil Procedure, personal jurisdiction may be acquired by
personal service of summons outside this state or by certified
mail with proof of actual receipt.

Sec. 3111.07. (A) The natural mother, each man presumed to be
the father under section 3111.03 of the Revised Code, and each man
alleged to be the natural father, and a caretaker of a child shall
be made parties to the action brought pursuant to sections 3111.01
to 3111.18 of the Revised Code or, if not subject to the
jurisdiction of the court, shall be given notice of the action
pursuant to the Rules of Civil Procedure and shall be given an
opportunity to be heard. The child support enforcement agency of
the county in which the action is brought also shall be given
notice of the action pursuant to the Rules of Civil Procedure and
shall be given an opportunity to be heard. The court may align the
parties. The child shall be made a party to the action unless a
party shows good cause for not doing so. Separate counsel shall be
appointed for the child if the court finds that the child's
interests conflict with those of the mother.

If the person bringing the action knows that a particular man
is not or, based upon the facts and circumstances present, could
not be the natural father of the child, the person bringing the
action shall not allege in the action that the man is the natural
father of the child and shall not make the man a party to the
action.

(B) If an action is brought pursuant to sections 3111.01 to
3111.18 of the Revised Code and the child to whom the action
pertains is or was being provided support by a caretaker, the
department of job and family services, a county department of job
and family services, or another public agency, the caretaker,
department, county department, or agency may intervene for
purposes of collecting or recovering the support.

**Sec. 3111.111.** If an action is brought pursuant to sections 3111.01 to 3111.18 of the Revised Code to object to a determination made pursuant to former section 3111.21 or 3111.22, or sections 3111.38 to 3111.54 of the Revised Code that the alleged father is the natural father of a child, the court, on its own motion or on the motion of either party, shall issue a temporary order for the support of the child pursuant to Chapters 3119., 3121., 3123., and 3125. of the Revised Code requiring the alleged father to pay support to the natural mother or the guardian or legal custodian of the child. The order shall remain in effect until the court issues a judgment in the action pursuant to section 3111.13 of the Revised Code that determines the existence or nonexistence of a father and child relationship. If the court, in its judgment, determines that the alleged father is not the natural father of the child, the court shall order the person to whom the temporary support was paid under the order to repay the alleged father all amounts paid for support under the temporary order.

**Sec. 3111.15.** (A) If the existence of the father and child relationship is declared or if paternity or a duty of support has been adjudicated under sections 3111.01 to 3111.18 of the Revised Code or under prior law, the obligation of the father may be enforced in the same or other proceedings by the mother, the child, the caretaker of the child, or the public authority that has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, support, or funeral, or by any other person, including a private agency, to the extent that any of them may furnish, has furnished, or is furnishing these expenses.

(B) The court may order support payments to be made to the mother, the clerk of the court, the caretaker, or a person or
agency designated to administer them for the benefit of the child under the supervision of the court.

(C) Willful failure to obey the judgment or order of the court is a civil contempt of the court.

**Sec. 3111.21.** If the natural mother and alleged father of a child sign an acknowledgment of paternity affidavit prepared pursuant to section 3111.31 of the Revised Code with respect to that child at a child support enforcement agency, the agency shall provide a notary public to notarize or witnesses to witness the acknowledgment.

**Sec. 3111.22.** A child support enforcement agency shall send a signed and notarized or witnessed acknowledgment of paternity to the office of child support in the department of job and family services pursuant to section 3111.23 of the Revised Code. The agency shall send the acknowledgment no later than ten days after it has been signed and notarized or witnessed. If the agency knows a man is presumed under section 3111.03 of the Revised Code to be the father of the child and the presumed father is not the man who signed an acknowledgment with respect to the child, the agency shall not notarize, witness, or send the acknowledgment with respect to the child pursuant to this section.

**Sec. 3111.23. (A)** The natural mother, the man acknowledging he is the natural father, or the other custodian or guardian of a child, a child support enforcement agency pursuant to section 3111.22 of the Revised Code, a local registrar of vital statistics pursuant to section 3705.091 of the Revised Code, or a hospital staff person pursuant to section 3727.17 of the Revised Code, in person or by mail, may file an acknowledgment of paternity with the office of child support in the department of job and family services, acknowledging that the child is the child of the man who
signed the acknowledgment. The natural mother, the man
acknowledging he is the natural father, and the other custodian or
guardian of a child, may file an acknowledgment in person or by
mail. A child support enforcement agency, a local registrar of
vital statistics, and a hospital staff person may file an
acknowledgment electronically, in person, or by mail.

(B) The acknowledgment of paternity shall be made:

(1) Made on the affidavit prepared pursuant to section
3111.31 of the Revised Code, shall be signed;

(2) Signed by the natural mother and the man acknowledging
that he is the natural father, and each signature shall be
notarized. The mother and man may sign and have the signature
notarized outside of each other's presence. An acknowledgment
shall be sent and notarized or witnessed in accordance with
division (C) of this section;

(3) Sent to the office no later than ten days after it
has been signed and notarized.

(C) Each signature in an acknowledgment of paternity shall be
notarized or witnessed by two adult witnesses. The mother and the
man acknowledging that he is the natural father may sign and have
the signature notarized or witnessed outside of each other's
presence. If a person knows a man is presumed under section
3111.03 of the Revised Code to be the natural father of the child
described in this section and that the presumed father is not the
man who signed an acknowledgment with respect to the child, the
person shall not notarize, witness, or file the acknowledgment
pursuant to this section.

Sec. 3111.24. (A) On the filing of an acknowledgment, the
office of child support shall examine the acknowledgment to
determine whether it is completed correctly. The office shall make
the examination no later than five days after the acknowledgment is filed. If the acknowledgment is completed correctly, the office shall comply with division (B) of this section. If the acknowledgment is not completed correctly, the office shall return it to the person or entity that filed it. The person or entity shall have ten days from the date the office sends the acknowledgment back to correct it and return it to the office. The office shall send, along with the acknowledgment, a notice stating what needs to be corrected and the amount of time the person or entity has to make the corrections and return the acknowledgment to the office.

If the person or entity returns the acknowledgment in a timely manner, the office shall examine the acknowledgment again to determine whether it has been correctly completed. If the acknowledgment has been correctly completed, the office shall comply with division (B) of this section. If the acknowledgment has not been correctly completed the second time or if the acknowledgment is not returned to the office in a timely manner, the acknowledgment is invalid and the office shall return it to the person or entity and shall not enter it into the birth registry. If the office returns an acknowledgment the second time, it shall send a notice to the person or entity stating the errors in the acknowledgment and that the acknowledgment is invalid.

(B) If the office determines an acknowledgment is correctly completed, the office shall enter the information on the acknowledgment into the birth registry pursuant to sections 3111.64 and 3111.65 of the Revised Code. After entering the information in the registry, the office shall send the acknowledgment to the department of health for storage pursuant to section 3705.091 of the Revised Code. The office may request that the department of health send back to the office any acknowledgment that is being stored by the department of health.
pursuant to that section.

(C)(1) Not later than one hundred eighty days after the effective date of this amendment, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code regarding the management of an acknowledgment of paternity that is completed incorrectly. The rules shall specify that the department provide a new acknowledgment of paternity form and a notice describing the errors to the parties who filed it.

(2) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (C)(1) of this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 3111.29. Once an acknowledgment of paternity becomes final under section 3111.25 of the Revised Code, the mother or other custodian or guardian caretaker of the child may do either of the following:

(A) File a complaint pursuant to section 2151.231 of the Revised Code in the juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code of the county in which the child or the guardian or legal custodian caretaker of the child resides requesting that the court order either the father or mother, or both, to pay an amount for the support of the child;

(B) Contact the child support enforcement agency for assistance in obtaining a child support order as defined in section 3119.01 of the Revised Code.

Sec. 3111.31. The department of job and family services shall prepare an acknowledgment of paternity affidavit that includes in boldface type at the top of the affidavit the rights and responsibilities of and the due process safeguards afforded to a
person who acknowledges that he is the natural father of a child, including that if an alleged father acknowledges a parent and child relationship he assumes the parental duty of support, that both signators waive any right to bring an action pursuant to sections 3111.01 to 3111.18 of the Revised Code or make a request pursuant to section 3111.38 of the Revised Code, other than for purposes of rescinding the acknowledgment pursuant to section 3111.27 of the Revised Code in order to ensure expediency in resolving the question of the existence of a parent and child relationship, that either parent may rescind the acknowledgment pursuant to section 3111.27 of the Revised Code, that an action may be brought pursuant to section 3111.28 of the Revised Code, or a motion may be filed pursuant to section 3119.961 of the Revised Code, to rescind the acknowledgment, and that the natural father has the right to petition a court pursuant to section 3109.12 of the Revised Code for an order granting him reasonable parenting time with respect to the child and to petition the court for custody of the child pursuant to section 2151.23 of the Revised Code. The affidavit shall include all of the following:

(A) Basic instructions for completing the form, including instructions that both the natural father and the mother of the child are required to sign the statement, that they may sign the statement without being in each other's presence, and that the signatures must be notarized or witnessed;

(B) Blank spaces to enter the full name, social security number, date of birth and address of each parent;

(C) Blank spaces to enter the full name, date of birth, and the residence of the child;

(D) A blank space to enter the name of the hospital or department of health code number assigned to the hospital, for use in situations in which the hospital fills out the form pursuant to
section 3727.17 of the Revised Code;

(E) An affirmation by the mother that the information she supplied is true to the best of her knowledge and belief and that she is the natural mother of the child named on the form and assumes the parental duty of support of the child;

(F) An affirmation by the father that the information he supplied is true to the best of his knowledge and belief, that he has received information regarding his legal rights and responsibilities, that he consents to the jurisdiction of the courts of this state, and that he is the natural father of the child named on the form and assumes the parental duty of support of the child;

(G) Signature lines for the mother of the child and the natural father;

(H) Signature lines for the notary public or witnesses;

(I) An instruction to include or attach any other evidence necessary to complete the new birth record that is required by the department by rule.

Sec. 3111.38. At the request of a person described in division (A) of section 3111.04 of the Revised Code, the child support enforcement agency of the county in which a child resides or in which the guardian or legal custodian caretaker of the child resides shall determine the existence or nonexistence of a parent and child relationship between an alleged father and the child if an application for services administered under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, or other IV-D referral has been completed and filed.

Sec. 3111.381. (A) Except as provided in divisions (B), (C), (D), and (E), and (F) of this section, no person may bring an action under sections 3111.01 to 3111.18 of the Revised Code
unless the person has requested an administrative determination under section 3111.38 of the Revised Code of the existence or nonexistence of a parent and child relationship.

(B) An action to determine the existence or nonexistence of a parent and child relationship may be brought by the child's mother in the appropriate division of the court of common pleas in the county in which the child resides, without requesting an administrative determination, if the child's mother brings the action in order to request an order to determine the allocation of parental rights and responsibilities, the payment of all or any part of the reasonable expenses of the mother's pregnancy and confinement, or support of the child. The clerk of the court shall forward a copy of the complaint to the child support enforcement agency of the county in which the complaint is filed.

(C) An action to determine the existence or nonexistence of a parent and child relationship may be brought by the putative father of the child in the appropriate division of the court of common pleas in the county in which the child resides, without requesting an administrative determination, if the putative father brings the action in order to request an order to determine the allocation of parental rights and responsibilities. The clerk of the court shall forward a copy of the complaint to the child support enforcement agency of the county in which the complaint is filed.

(D) An action to determine the existence or nonexistence of a parent and child relationship may be brought by the caretaker of the child in the appropriate division of the court of common pleas in the county in which the child resides, without requesting an administrative determination, if the caretaker brings the action in order to request support of the child. The clerk of the court shall forward a copy of the complaint to the child support enforcement agency of the county in which the complaint is filed.
(E) If services are requested by the court, under divisions (B) and (C) and (D) of this section, of the child support enforcement agency to determine the existence or nonexistence of a parent and child relationship, a Title IV-D application must be completed and delivered to the child support enforcement agency.

(F) If the alleged father of a child is deceased and proceedings for the probate of the estate of the alleged father have been or can be commenced, the court with jurisdiction over the probate proceedings shall retain jurisdiction to determine the existence or nonexistence of a parent and child relationship between the alleged father and any child without an administrative determination being requested from a child support enforcement agency.

If an action for divorce, dissolution of marriage, or legal separation, or an action under section 2151.231 or 2151.232 of the Revised Code requesting an order requiring the payment of child support and provision for the health care of a child, has been filed in a court of common pleas and a question as to the existence or nonexistence of a parent and child relationship arises, the court in which the original action was filed shall retain jurisdiction to determine the existence or nonexistence of the parent and child relationship without an administrative determination being requested from a child support enforcement agency.

If a juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code issues a support order under section 2151.231 or 2151.232 of the Revised Code relying on a presumption under section 3111.03 of the Revised Code, the juvenile court or other court with jurisdiction that issued the support order shall retain jurisdiction if a question as to the existence of a parent and child relationship arises.
Sec. 3111.44. After issuing a genetic testing order, the administrative officer may schedule a conference with the mother and the alleged father to provide information. If a conference is scheduled and no other man is presumed to be the father of the child under section 3111.03 of the Revised Code, the administrative officer shall provide the mother and alleged father the opportunity to sign an acknowledgment of paternity affidavit prepared pursuant to section 3111.31 of the Revised Code. If they sign an acknowledgment of paternity, the administrative officer shall cancel the genetic testing order the officer had issued. Regardless of whether a conference is held, if the mother and alleged father do not sign an acknowledgment of paternity affidavit or if an affidavit cannot be notarized or witnessed or filed because another man is presumed under section 3111.03 of the Revised Code to be the father of the child, the child, the mother, and the alleged father shall submit to genetic testing in accordance with the order issued by the administrative officer.

Sec. 3111.48. An administrative officer shall include in an order issued under section 3111.46 of the Revised Code a notice that contains the information described in section 3111.49 of the Revised Code informing the mother, father, and the guardian or legal custodian caretaker of the child of the right to bring an action under sections 3111.01 to 3111.18 of the Revised Code and of the effect of failure to timely bring the action.

An agency shall include in an administrative order issued under section 3111.47 of the Revised Code a notice that contains the information described in section 3111.50 of the Revised Code informing the parties of their right to bring an action under sections 3111.01 to 3111.18 of the Revised Code.

Sec. 3111.49. The mother, alleged father, and guardian or
legal custodian caretaker of a child may object to an administrative order determining the existence or nonexistence of a parent and child relationship by bringing, within fourteen days after the date the administrative officer issues the order, an action under sections 3111.01 to 3111.18 of the Revised Code in the juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code in the county in which the child support enforcement agency that employs the administrative officer who issued the order is located. If the action is not brought within the fourteen-day period, the administrative order is final and enforceable by a court and may not be challenged in an action or proceeding under Chapter 3111. of the Revised Code.

Sec. 3111.71. The department of job and family services shall enter into a contract with local hospitals for the provision of staff by the hospitals to meet with unmarried women who give birth in or en route to the particular hospital. On or before April 1, 1998, each hospital shall enter into a contract with the department of job and family services pursuant to this section regarding the duties imposed by this section and section 3727.17 of the Revised Code concerning paternity establishment. A hospital that fails to enter into a contract shall not receive the fee from the department for correctly signed and notarized or witnessed affidavits submitted by the hospital.

Sec. 3111.72. The contract between the department of job and family services and a local hospital shall require all of the following:

(A) That the hospital provide a staff person to meet with each unmarried mother who gave birth in or en route to the hospital within twenty-four hours of the birth or before the mother is released from the hospital;
(B) That the staff person attempt to meet with the father of the unmarried mother's child if possible;

(C) That the staff person explain to the unmarried mother and the father, if he is present, the benefit to the child of establishing a parent and child relationship between the father and the child and the various proper procedures for establishing a parent and child relationship;

(D) That the staff person present to the unmarried mother and, if possible, the father, the pamphlet or statement regarding the rights and responsibilities of a natural parent that is prepared and provided by the department of job and family services pursuant to section 3111.32 of the Revised Code;

(E) That the staff person provide the mother and, if possible, the father, all forms and statements necessary to voluntarily establish a parent and child relationship, including, but not limited to, the acknowledgment of paternity affidavit prepared by the department of job and family services pursuant to section 3111.31 of the Revised Code;

(F) That the staff person, at the request of both the mother and father, help the mother and father complete any form or statement necessary to establish a parent and child relationship;

(G) That the hospital provide a notary public to notarize, or witnesses to witness, an acknowledgment of paternity affidavit signed by the mother and father;

(H) That the staff person present to an unmarried mother who is not participating in the Ohio works first program established under Chapter 5107. of the Revised Code or receiving medicaid an application for Title IV-D services;

(I) That the staff person forward any completed acknowledgment of paternity, no later than ten days after it is completed, to the office of child support in the department of job
and family services;

(J) That the department of job and family services pay the hospital twenty dollars for every correctly signed and notarized or witnessed acknowledgment of paternity affidavit from the hospital.

Sec. 3111.78. A parent, guardian, or legal custodian of a child, the person with whom the child resides, or caretaker of the child, or the child support enforcement agency of the county in which the child, parent, guardian, or legal custodian or caretaker of the child resides may do either of the following to require a man to pay support and provide for the health care needs of the child if the man is presumed to be the natural father of the child under section 3111.03 of the Revised Code:

(A) If the presumption is not based on an acknowledgment of paternity, file a complaint pursuant to section 2151.231 of the Revised Code in the juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code of the county in which the child, parent, guardian, or legal custodian caretaker resides;

(B) Contact a child support enforcement agency to request assistance in obtaining an order for support and the provision of health care for the child.

Sec. 3119.01. (A) As used in the Revised Code, "child support enforcement agency" means a child support enforcement agency designated under former section 2301.35 of the Revised Code prior to October 1, 1997, or a private or government entity designated as a child support enforcement agency under section 307.981 of the Revised Code.

(B) As used in this chapter and Chapters 3121., 3123., and 3125. of the Revised Code:
(1) "Administrative child support order" means any order issued by a child support enforcement agency for the support of a child pursuant to section 3109.19 or 3111.81 of the Revised Code or former section 3111.211 of the Revised Code, section 3111.21 of the Revised Code as that section existed prior to January 1, 1998, or section 3111.20 or 3111.22 of the Revised Code as those sections existed prior to March 22, 2001.

(2) "Child support order" means either a court child support order or an administrative child support order.

(3) "Obligee" means the person who is entitled to receive the support payments under a support order.

(4) "Obligor" means the person who is required to pay support under a support order.

(5) "Support order" means either an administrative child support order or a court support order.

(C) As used in this chapter:

(1) "Caretaker" means any of the following, other than a parent:

   (a) A person with whom the child resides for at least thirty consecutive days, and who is the child's primary caregiver;

   (b) A person who is receiving public assistance on behalf of the child;

   (c) A person or agency with legal custody of the child, including a county department of job and family services or a public children services agency;

   (d) A guardian of the person or the estate of a child;

   (e) Any other appropriate court or agency with custody of the child.

"Caretaker" excludes a "host family" as defined under section...
2151.90 of the Revised Code.

(2) "Cash medical support" means an amount ordered to be paid in a child support order toward the ordinary medical expenses incurred during a calendar year.

(3) "Child care cost" means annual out-of-pocket costs for the care and supervision of a child or children subject to the order that is related to work or employment training.

(4) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(5) "Court-ordered parenting time" means the amount of parenting time a parent is to have under a parenting time order or the amount of time the children are to be in the physical custody of a parent under a shared parenting order.

(6) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(7) "CPI-U" means the consumer price index for all urban consumers, published by the United States department of labor, bureau of labor statistics.

(8) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed the total cash medical support amount owed by the parents during that year.
(9) "Federal poverty level" has the same meaning as in section 5121.30 of the Revised Code.

(10) "Income" means either of the following:

(a) For a parent who is employed to full capacity, the gross income of the parent;

(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.

(11) "Income share" means the percentage derived from a comparison of each parent's annual income after allowable deductions and credits as indicated on the worksheet to the total annual income of both parents.

(12) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, and any legal entity that is self-insured and provides benefits to its employees or members.

(13) "Gross income" means, except as excluded in division (C) of this section, the total of all earned and unearned income from all sources during a calendar year, whether or not the income is taxable, and includes income from salaries, wages, overtime pay, and bonuses to the extent described in division (D) of section 3119.05 of the Revised Code; commissions; royalties; tips; rents; dividends; severance pay; pensions; interest; trust income; annuities; social security benefits, including retirement, disability, and survivor benefits that are not means-tested; workers' compensation benefits; unemployment insurance benefits; disability insurance benefits; benefits that are not means-tested and that are received by and in the possession of the veteran who is the beneficiary for any service-connected disability under a program or law administered...
by the United States department of veterans' affairs or veterans' administration; spousal support actually received; and all other sources of income. "Gross income" includes income of members of any branch of the United States armed services or national guard, including, amounts representing base pay, basic allowance for quarters, basic allowance for subsistence, supplemental subsistence allowance, cost of living adjustment, specialty pay, variable housing allowance, and pay for training or other types of required drills; self-generated income; and potential cash flow from any source.

"Gross income" does not include any of the following:

(a) Benefits received from means-tested government administered programs, including Ohio works first; prevention, retention, and contingency; means-tested veterans' benefits; supplemental security income; supplemental nutrition assistance program; disability financial assistance; or other assistance for which eligibility is determined on the basis of income or assets;

(b) Benefits for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration that are not means-tested, that have not been distributed to the veteran who is the beneficiary of the benefits, and that are in the possession of the United States department of veterans' affairs or veterans' administration;

(c) Child support amounts received for children who are not included in the current calculation;

(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;

(e) Nonrecurring or unsustainable income or cash flow items;

(f) Adoption assistance, kinship guardianship assistance, and

(g) State kinship guardianship assistance described in section 5153.163 of the Revised Code and payment from the kinship support program described in section 5101.881 of the Revised Code.

(13)(14) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.

(14)(15) "Ordinary medical expenses" includes copayments and deductibles, and uninsured medical-related costs for the children of the order.

(15)(a)(16)(a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.

(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C)(15)(a)(C)(16)(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.

(16)(17) "Personal earnings" means compensation paid or
payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation.

(17)(18) "Potential income" means both of the following for a parent who the court pursuant to a court support order, or a child support enforcement agency pursuant to an administrative child support order, determines is voluntarily unemployed or voluntarily underemployed:

(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:

(i) The parent's prior employment experience;
(ii) The parent's education;
(iii) The parent's physical and mental disabilities, if any;
(iv) The availability of employment in the geographic area in which the parent resides;
(v) The prevailing wage and salary levels in the geographic area in which the parent resides;
(vi) The parent's special skills and training;
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;
(viii) The age and special needs of the child for whom child support is being calculated under this section;
(ix) The parent's increased earning capacity because of experience;
(x) The parent's decreased earning capacity because of a felony conviction;
(xi) Any other relevant factor.

(b) Imputed income from any nonincome-producing assets of a
parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.

(19) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.

(20) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.

(21) "Self-sufficiency reserve" means the minimal amount necessary for an obligor to adequately subsist upon, as determined under section 3119.021 of the Revised Code.

(22) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal custodian of at least one of those children.

(23) "Worksheet" means the applicable worksheet created in rules adopted under section 3119.022 of the Revised Code that is used to calculate a parent's child support obligation.

Sec. 3119.06. (A) Except as otherwise provided in this section, in any action in which a court or a child support enforcement agency issues or modifies a child support order or in
any other proceeding in which a court or agency determines the amount of child support to be paid pursuant to a child support order, the court or agency shall issue a minimum child support order requiring the obligor to pay a minimum of eighty dollars a month for all the children subject to that order. The court or agency, in its discretion and in appropriate circumstances, may issue a minimum child support order of less than eighty dollars a month or issue an order not requiring the obligor to pay any child support amount. The circumstances under which a court or agency may issue such an order include the nonresidential parent's medically verified or documented physical or mental disability or institutionalization in a facility for persons with a mental illness or any other circumstances considered appropriate by the court or agency.

If a court or agency issues a minimum child support obligation pursuant to this section and the obligor under the support order is the recipient of means-tested public assistance, as described in division (C)(12)(a) (C)(13)(a) of section 3119.01 of the Revised Code, any unpaid amounts of support due under the support order shall accrue as arrearages from month to month, and the obligor's current obligation to pay the support due under the support order is suspended during any period of time that the obligor is receiving means-tested public assistance and is complying with any seek work orders issued pursuant to section 3121.03 of the Revised Code. The court, obligee, and child support enforcement agency shall not enforce the obligation of the obligor to pay the amount of support due under the support order while the obligor is receiving means-tested public assistance and is complying with any seek work orders issued pursuant to section 3121.03 of the Revised Code.

(B) As used in this section, "means-tested public assistance" includes cash assistance payments under the Ohio works first
program established under Chapter 5107. of the Revised Code, financial assistance under the disability financial assistance program established under Chapter 5115. of the Revised Code, supplemental security income, or means-tested veterans' benefits.

Sec. 3119.07. (A) Except when the parents have split parental rights and responsibilities, a parent's child support obligation for a child for whom the parent is the residential parent and legal custodian shall be presumed to be spent on that child and shall not become part of a child support order, and a parent's child support obligation for a child for whom the parent is not the residential parent and legal custodian shall become part of a child support order.

(B) If the parents have split parental rights and responsibilities, the child support obligations of the parents shall be offset, and the court shall issue a child support order requiring the parent with the larger child support obligation to shall pay the net amount pursuant to the child support order.

(C) If neither parent of a child who is the subject of a child support order is the residential parent and legal custodian of the child and the child resides with a third party who is the legal custodian of the child caretaker, the court shall issue a child support order requiring each parent to shall pay that parent's child support obligation pursuant to the child support order.

Sec. 3119.95. A child support order subject to sections 3119.951 to 3119.9541 of the Revised Code shall include the health care coverage and cash medical support required for the child subject to the order.

Sec. 3119.951. The caretaker of a child may file an application for Title IV-D services with the child support
enforcement agency in the county in which the caretaker resides to obtain support for the care of the child.

**Sec. 3119.9511.** Not later than twenty days after completion of an investigation of a child support order under section 3119.955 or 3119.957 of the Revised Code, the child support enforcement agency shall determine, based on the information gathered, whether the order shall or shall not be redirected under sections 3119.9513 and 3119.9515 of the Revised Code.

**Sec. 3119.9513.** If the child support enforcement agency determines that a child support order should be redirected, the agency shall do one of the following:

(A) For an administrative child support order, the agency shall issue a redirection order that shall include the child support amount to be redirected and provisions for redirection regarding health care coverage and cash medical support.

(B) For a court child support order, the agency shall recommend to the court that has jurisdiction over the support order to issue a redirection order and include the child support amount to be redirected and provisions for redirection regarding health care coverage and cash medical support.

**Sec. 3119.9515.** (A) On issuing an order or making a recommendation under section 3119.9513 of the Revised Code, the child support enforcement agency shall provide notice of the following to the parent or caretaker of the child subject to the order or recommendation:

(1) The results of its investigation under section 3119.955 or 3119.957 of the Revised Code;

(2) For an administrative child support order, notice of the
following:

(a) That the agency has issued a redirection order under section 3119.9513 of the Revised Code regarding the child support order and a copy of the redirection order;

(b) The right to object to the redirection order by bringing an action under section 2151.231 of the Revised Code not later than fourteen days after the order is issued;

(c) That the order becomes final and enforceable if no timely objection is made;

(d) The effective date of the order as determined under section 3119.9519 of the Revised Code.

(3) For a court child support order, notice of the following:

(a) That the agency has made a recommendation for a redirection order under section 3119.9513 of the Revised Code to the court that has jurisdiction over the court child support order, and a copy of the recommendation;

(b) The right to object to the redirection by requesting a hearing with the court that has jurisdiction over the court child support order not later than fourteen days after the recommendation is issued;

(c) That the recommendation will be submitted to the court for inclusion in a redirection order, unless a request for a court hearing is made not later than fourteen days after the recommendation is issued;

(d) The effective date of the redirection order as determined under section 3119.9519 of the Revised Code.

(B) The notice under division (A) of this section shall be included as part of the applicable order or recommendation.

Sec. 3119.9517. (A) A parent or caretaker may object to an
order issued under section 3119.9513 of the Revised Code by bringing an action under section 2151.231 of the Revised Code not later than fourteen days after the notice is issued under division (A)(2) of section 3119.9515 of the Revised Code. The order shall be final and enforceable if no objection is timely made.

(B) A parent or caretaker may object to a recommendation issued under section 3119.9513 of the Revised Code by requesting a hearing with the court that has jurisdiction over the court child support order not later than fourteen days after the recommendation is issued under division (A)(3) of section 3119.9515 of the Revised Code. The recommendation shall be submitted to the court for inclusion in a redirection order, unless a request for a court hearing is made not later than fourteen days after the recommendation is issued.

Sec. 3119.9519. (A) The redirection of a child support order under a redirection order that has become final as provided under section 3119.9517 of the Revised Code shall take effect as of, and relate back to, the date that the child support enforcement agency received the Title IV-D services application or referral under section 3119.953 of the Revised Code that initiated the proceedings resulting in the order.

(B) A redirection order under section 3119.9517 of the Revised Code based on a recommendation for redirection shall take effect as of, and relate back to, the date that the child support enforcement agency received the Title IV-D services application or referral under section 3119.953 of the Revised Code that initiated the proceedings resulting in the redirection order.

Sec. 3119.9523. If a child support enforcement agency determines under section 3119.953 of the Revised Code that the child in the care of the caretaker is not subject to an existing
child support order, the agency shall determine, not later than twenty days after its receipt of the Title IV-D services application or referral under section 3119.953 of the Revised Code, whether any reason exists for which a child support order for the child should be imposed. That determination shall include whether the caretaker is the child's primary caregiver.

Sec. 3119.9525. If, pursuant to an investigation under section 3119.9523 of the Revised Code, the child support enforcement agency determines that a reason exists for a child support order to be imposed regarding the child subject of the investigation, the agency shall comply with sections 3111.80 to 3111.84 of the Revised Code.

Sec. 3119.9527. If a child support enforcement agency receives notice that a caretaker is no longer the primary caregiver for a child subject to a redirection order or recommendation issued under section 3119.9513 of the Revised Code, the agency shall do both of the following:

(A) Investigate whether the caretaker to whom support amounts are redirected under the existing redirection order or recommendation is still the primary caregiver for the child;

(B) Take action as applicable under sections 3119.9529 to 3119.9535 of the Revised Code.

Sec. 3119.9529. If, upon investigation under section 3119.9527 of the Revised Code, the child support enforcement agency determines that the caretaker to whom support amounts are redirected remains the primary caregiver of the child who is the subject of the redirection order or recommendation, the agency shall take no further action on the notice received under section 3119.9527 of the Revised Code.
Sec. 3119.953. (A) On receipt of an application for Title IV-D services from the caretaker of a child under section 3119.951 of the Revised Code, or a Title IV-D services referral regarding the child, the child support enforcement agency shall determine whether the child is the subject of an existing child support order.

(B) If the child is the subject of an existing child support order, the agency shall comply with sections 3119.955 to 3119.9519 of the Revised Code.

(C) If the child is not the subject of an existing child support order, the agency shall comply with sections 3119.9523 and 3119.9525 of the Revised Code.

Sec. 3119.9531. If, after an investigation under section 3119.9527 of the Revised Code, the child support enforcement agency determines that a new caretaker is the primary caregiver for the child who is the subject of the redirection order or recommendation, the agency shall do both of the following:

(A) Terminate the existing redirection order or request that the court terminate the redirection order based on the recommendation, whichever is applicable;

(B) Direct the new caretaker to file an application for Title IV-D services under section 3119.951 of the Revised Code.

Sec. 3119.9533. If, after an investigation under section 3119.9527 of the Revised Code, the child support enforcement agency determines that a parent of the child who is the subject of the redirection order or recommendation is the primary caregiver of the child, the agency shall do one of the following:

(A) If the parent is the obligee under the child support order that is subject to redirection, terminate the existing order and notify the obligor of the termination;
redirection order or request the court to terminate the
redirection order based on the recommendation, whichever is
applicable.

(B) If the parent is the obligor under the child support
order that is subject to redirection:

(1) Terminate the existing redirection order or request the
court to terminate the redirection order based on the
recommendation, whichever is applicable; and

(2) Notify the obligor that he or she may do the following:

(a) Request that the child support order be terminated
pursuant to section 3119.87 of the Revised Code;

(b) Request either of the following, whichever is applicable:

(i) For an administrative child support order, request a
review of the order under sections 3119.60 and 3119.61 of the
Revised Code;

(ii) For a court child support order, request the court with
jurisdiction over the order to amend the order.

Sec. 3119.9535. If, after an investigation under section
3119.9527 of the Revised Code, the child support enforcement
agency determines that the child who is the subject of the
redirection order or recommendation is not under the care of any
individual, the agency shall do the following:

(A) Terminate the existing redirection order or request the
court to terminate the redirection order based on the
recommendation, whichever is applicable;

(B) If the agency becomes aware of circumstances indicating
that the child may be abused or neglected, make a report under
section 2151.421 of the Revised Code.
Sec. 3119.9537. (A) If a child support enforcement agency receives a notification under section 3119.9527 of the Revised Code, the agency shall impound any funds received on behalf of the child pursuant to the child support order to which the notification applies.

(B) Impoundment shall continue under this section until the occurrence of any of the following:

(1) The agency makes a determination under section 3119.9529 of the Revised Code;

(2) The agency issues a redirection order for a new caretaker under sections 3119.951 to 3119.9519 and 3119.9531 of the Revised Code;

(3) The agency, under section 3119.9533 of the Revised Code, terminates the redirection order or a court terminates its redirection order;

(C) On termination of impoundment as described in division (B) of this section, impounded amounts shall be paid to the obligee designated under the child support order or under the applicable redirection order.

Sec. 3119.9539. Impoundment of child support under section 3119.9537 of the Revised Code regarding a redirection order described in section 3119.9535 of the Revised Code shall continue until further order from the child support enforcement agency administering the administrative child support order or from the court with jurisdiction over the court child support order, whichever is applicable.

Sec. 3119.9541. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to provide for both of the following:
(A) Requirements for child support enforcement agencies to conduct investigations and issue findings pursuant to sections 3119.955 and 3119.957 of the Revised Code;

(B) Any other standards, forms, or procedures needed to ensure uniform implementation of sections 3119.95 to 3119.9539 of the Revised Code.

Sec. 3119.955. (A) If a child support enforcement agency determines under section 3119.953 of the Revised Code that there is an existing child support order regarding the child in the care of a caretaker, the agency shall determine if any reason exists for which the child support order should be redirected to the caretaker. If the agency determines that the caretaker is the primary caregiver of the child, the agency shall determine that a reason exists for redirection.

(B) If the agency determines that a reason exists for redirection, the agency also shall determine all of the following:

(1) The amount of each parent's obligation under the existing child support order that may be subject to redirection;

(2) Whether any prior redirection has been terminated under sections 3119.9531 to 3119.9535 of the Revised Code;

(3) Whether any arrearages are owed, and the recommended payment amount to satisfy such arrears;

(4) If more than one child is subject to the existing child support order, whether the child support order for all or some of the children shall be subject to redirection.

(C) The agency shall make the determinations required under this section not later than twenty days after receipt of a Title IV-D services application or referral under section 3119.953 of the Revised Code.
Sec. 3119.957. If the child support enforcement agency determines under section 3119.955 of the Revised Code that more than one child is the subject of a child support order and the order for fewer than all of the children should be redirected, the agency shall determine the amount of child support to be redirected, which amount shall equal the pro rata share of the child support amounts for each such child under the child support order. The agency also shall make, in relation to the determination of the amount of child support that may be redirected, a determination regarding the health care coverage and cash medical support under the child support order that may be redirected.

Sec. 3121.29. Each support order, or modification of a support order, shall contain a notice that states the following in boldface type and in all capital letters:

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER.

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO $50 FOR A FIRST OFFENSE, $100 FOR A SECOND OFFENSE, AND $500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO $1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS."
IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE 
REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY 
NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD 
SUPPORT AMOUNT, HEALTH CARE PROVISIONS, REDIRECTION, OR 
TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND 
YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE 
OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF 
LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR 
OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; 
WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION 
FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION 
PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT 
OBLIGATION."

Sec. 3123.89. (A) Subject to section 3770.071 of the Revised 
Code, a child support enforcement agency that determines that an 
obligor who is the recipient of a lottery prize award is subject 
to a final and enforceable determination of default made under 
sections 3123.01 to 3123.07 of the Revised Code shall issue an 
intercept directive to the director of the state lottery 
commission. A copy of this intercept directive shall be sent to 
the obligor.

(B) The intercept directive shall require the director or the 
director's designee to transmit an amount or amounts from the 
proceeds of the specified lottery prize award to the office of 
child support in the department of job and family services. The 
intercept directive also shall contain all of the following 
information:

(1) The name, address, and social security number or taxpayer 
identification number of the obligor;

(2) A statement that the obligor has been determined to be in 
default under a support order;
(3) The amount of the arrearage owed by the obligor as determined by the agency.

(C) After receipt of an intercept directive and in accordance with section 3770.071 of the Revised Code, the director or the director's designee shall deduct the amount or amounts specified from the proceeds of the lottery prize award referred to in the directive and transmit the amounts to the office of child support.

(D) The department of job and family services shall develop and implement a real time data match program with the state lottery commission and its lottery sales agents and lottery agents to identify obligors who are subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code in accordance with section 3770.071 of the Revised Code.

(E) Upon the data match program's implementation, the department, in consultation with the commission, shall promulgate rules to facilitate withholding, in appropriate circumstances and in accordance with section 3770.071 of the Revised Code, by the commission or its lottery sales agents or lottery agents of an amount sufficient to satisfy any past due support owed by an obligor from a lottery prize award owed to the obligor up to the amount of the award. The rules shall describe an expedited method for withholding, and the time frame for transmission of the amount withheld to the department.

(F) As used in this section, "lottery prize award" has the same meaning as in section 3770.10 of the Revised Code.

Sec. 3123.90. (A) As used in this section:

(1) "Casino facility," "casino operator," and "management company" have the meanings defined in section 3772.01 of the Revised Code.
(2) "Sports gaming proprietor" has the meaning defined in section 3775.01 of the Revised Code.

(B) The department of job and family services shall develop and implement a real time data match program with each casino facility's casino operator or management company and with each sports gaming proprietor to identify obligors who are subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code.

(C) Upon the data match program's implementation, if a person receives a payout of winnings at a casino facility or from sports gaming in an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, the casino operator, management company, or sports gaming proprietor shall refer to the data match program to determine if the person entitled to the winnings is in default under a support order. If the data match program indicates that the person is in default, the casino operator, management company, or sports gaming proprietor shall withhold from the person's winnings an amount sufficient to satisfy any past due support owed by the obligor identified in the data match up to the amount of the winnings.

(D) Not later than fourteen days after withholding the amount, the casino operator, management company, or sports gaming proprietor shall electronically transmit any amount withheld to the department as payment on the support obligation.

(E) The department, in consultation with the Ohio casino control commission, may adopt rules under Chapter 119. of the Revised Code as are necessary for implementation of this section.

Sec. 3125.18. A child support enforcement agency shall administer a Title IV-A program identified under division (A)(4)(c) or (g)(h) of section 5101.80 of the Revised Code that
the department of job and family services provides for the agency
to administer under the department's supervision pursuant to
section 5101.801 of the Revised Code.

Sec. 3301.07. The state board of education shall exercise
under the acts of the general assembly general supervision of the
system of public education in the state. In addition to the powers
otherwise imposed on the state board under the provisions of law,
the board shall have the powers described in this section.

(A) The state board shall exercise policy forming, planning,
and evaluative functions for the public schools of the state
except as otherwise provided by law.

(B)(1) The state board shall exercise leadership in the
improvement of public education in this state, and administer the
educational policies of this state relating to public schools, and
relating to instruction and instructional material, building and
equipment, transportation of pupils, administrative
responsibilities of school officials and personnel, and finance
and organization of school districts, educational service centers,
and territory. Consultative and advisory services in such matters
shall be provided by the board to school districts and educational
service centers of this state.

(2) The state board also shall develop a standard of
financial reporting which shall be used by each school district
board of education and each governing board of an educational
service center, each governing authority of a community school
established under Chapter 3314., each governing body of a STEM
school established under Chapter 3328.- 3326., and each board of
trustees of a college-preparatory boarding school established
under Chapter 3328. of the Revised Code to make its financial
information and annual budgets for each school building under its
control available to the public in a format understandable by the
average citizen. The format shall show, both at the district and at the school building level, revenue by source; expenditures for salaries, wages, and benefits of employees, showing such amounts separately for classroom teachers, other employees required to hold licenses issued pursuant to sections 3319.22 to 3319.31 of the Revised Code, and all other employees; expenditures other than for personnel, by category, including utilities, textbooks and other educational materials, equipment, permanent improvements, pupil transportation, extracurricular athletics, and other extracurricular activities; and per pupil expenditures. The format shall also include information on total revenue and expenditures, per pupil revenue, and expenditures for both classroom and nonclassroom purposes, as defined by the standards adopted under section 3302.20 of the Revised Code in the aggregate and for each subgroup of students, as defined by section 3317.40 of the Revised Code, that receives services provided for by state or federal funding.

(3) Each school district board, governing authority, governing body, or board of trustees, or its respective designee, shall annually report, to the department of education, all financial information required by the standards for financial reporting, as prescribed by division (B)(2) of this section and adopted by the state board. The department shall make all reports submitted pursuant to this division available in such a way that allows for comparison between financial information included in these reports and financial information included in reports produced prior to July 1, 2013. The department shall post these reports in a prominent location on its web site and shall notify each school when reports are made available.

(C) The state board shall administer and supervise the allocation and distribution of all state and federal funds for public school education under the provisions of law, and may
prescribe such systems of accounting as are necessary and proper to this function. It may require county auditors and treasurers, boards of education, educational service center governing boards, treasurers of such boards, teachers, and other school officers and employees, or other public officers or employees, to file with it such reports as it may prescribe relating to such funds, or to the management and condition of such funds.

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, XLVII, and LI of the Revised Code a reference is made to standards prescribed under this section or division (D) of this section, that reference shall be construed to refer to the standards prescribed under division (D)(2) of this section, unless the context specifically indicates a different meaning or intent.

(2) The state board shall formulate and prescribe minimum standards to be applied to all elementary and secondary schools in this state for the purpose of providing children access to a general education of high quality according to the learning needs of each individual, including students with disabilities, economically disadvantaged students, English learners, and students identified as gifted. Such standards shall provide adequately for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; the provision of safe buildings, grounds, health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will assure that they are capable and prepared for the level of study to which they are certified; requirements for
graduation; and such other factors as the board finds necessary.

The state board shall base any standards governing the promotion of students or requirements for graduation on the ability of students, at any grade level, to earn credits or advance upon demonstration of mastery of knowledge and skills through competency-based learning models. Credits of grade level advancement shall not require a minimum number of days or hours in a classroom.

The state board shall base any standards governing the assignment of staff on ensuring each school has a sufficient number of teachers to ensure a student has an appropriate level of interaction to meet each student's personal learning goals.

In the formulation and administration of such standards for nonpublic schools the board shall also consider the particular needs, methods and objectives of those schools, provided they do not conflict with the provision of a general education of a high quality and provided that regular procedures shall be followed for promotion from grade to grade of pupils who have met the educational requirements prescribed.

(3) In addition to the minimum standards required by division (D)(2) of this section, the state board may formulate and prescribe the following additional minimum operating standards for school districts:

(a) Standards for the effective and efficient organization, administration, and supervision of each school district with a commitment to high expectations for every student based on the learning needs of each individual, including students with disabilities, economically disadvantaged students, English learners, and students identified as gifted, and commitment to closing the achievement gap without suppressing the achievement levels of higher achieving students so that all students achieve
core knowledge and skills in accordance with the statewide academic standards adopted under section 3301.079 of the Revised Code;

(b) Standards for the establishment of business advisory councils under section 3313.82 of the Revised Code;

(c) Standards for school district buildings that may require the effective and efficient organization, administration, and supervision of each school district building with a commitment to high expectations for every student based on the learning needs of each individual, including students with disabilities, economically disadvantaged students, English learners, and students identified as gifted, and commitment to closing the achievement gap without suppressing the achievement levels of higher achieving students so that all students achieve core knowledge and skills in accordance with the statewide academic standards adopted under section 3301.079 of the Revised Code.

(E) The state board may require as part of the health curriculum information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts pursuant to Chapter 2108. of the Revised Code and may provide the information to high schools, educational service centers, and joint vocational school district boards of education;

(F) The state board shall prepare and submit annually to the governor and the general assembly a report on the status, needs, and major problems of the public schools of the state, with recommendations for necessary legislative action and a ten-year projection of the state's public and nonpublic school enrollment, by year and by grade level.

(G) The state board shall prepare and submit to the director of budget and management the biennial budgetary requests of the state board of education, for its agencies and for the public
schools of the state.

(H) The state board shall cooperate with federal, state, and local agencies concerned with the health and welfare of children and youth of the state.

(I) The state board shall require such reports from school districts and educational service centers, school officers, and employees as are necessary and desirable. The superintendents and treasurers of school districts and educational service centers shall certify as to the accuracy of all reports required by law or state board or state department of education rules to be submitted by the district or educational service center and which contain information necessary for calculation of state funding. Any superintendent who knowingly falsifies such report shall be subject to license revocation pursuant to section 3319.31 of the Revised Code.

(J) In accordance with Chapter 119. of the Revised Code, the state board shall adopt procedures, standards, and guidelines for the education of children with disabilities pursuant to Chapter 3323. of the Revised Code, including procedures, standards, and guidelines governing programs and services operated by county boards of developmental disabilities pursuant to section 3323.09 of the Revised Code.

(K) For the purpose of encouraging the development of special programs of education for academically gifted children, the state board shall employ competent persons to analyze and publish data, promote research, advise and counsel with boards of education, and encourage the training of teachers in the special instruction of gifted children. The board may provide financial assistance out of any funds appropriated for this purpose to boards of education and educational service center governing boards for developing and conducting programs of education for academically gifted children.
(L) The state board shall require that all public schools emphasize and encourage, within existing units of study, the teaching of energy and resource conservation as recommended to each district board of education by leading business persons involved in energy production and conservation, beginning in the primary grades.

(M) The state board shall formulate and prescribe minimum standards requiring the use of phonics as a technique in the teaching of reading in grades kindergarten through three. In addition, the state board shall provide in-service training programs for teachers on the use of phonics as a technique in the teaching of reading in grades kindergarten through three.

(N) The state board may adopt rules necessary for carrying out any function imposed on it by law, and may provide rules as are necessary for its government and the government of its employees, and may delegate to the superintendent of public instruction the management and administration of any function imposed on it by law. It may provide for the appointment of board members to serve on temporary committees established by the board for such purposes as are necessary. Permanent or standing committees shall not be created.

(O) Upon application from the board of education of a school district, the superintendent of public instruction may issue a waiver exempting the district from compliance with the standards adopted under divisions (B)(2) and (D) of this section, as they relate to the operation of a school operated by the district. The state board shall adopt standards for the approval or disapproval of waivers under this division. The state superintendent shall consider every application for a waiver, and shall determine whether to grant or deny a waiver in accordance with the state board's standards. For each waiver granted, the state superintendent shall specify the period of time during which the
waiver is in effect, which shall not exceed five years. A district board may apply to renew a waiver.

Sec. 3301.071. (A)(1) In the case of nontax-supported schools, standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a bachelor's degree or a master's degree from a college or university accredited by a national or regional association in the United States except that, at the discretion of the state board of education, this requirement may be met by having an equivalent degree from a foreign college or university of comparable standing.

(2) In the case of nonchartered, nontax-supported schools, the standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a diploma from a "bible college" or "bible institute" described in division (E) of section 1713.02 of the Revised Code.

(3) A certificate issued under division (A)(3) of this section shall be valid only for teaching foreign language, music, religion, computer technology, or fine arts.

Notwithstanding division (A)(1) of this section, the standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification of a person as a teacher upon receipt by the state board of an affidavit signed by the chief administrative officer of a chartered nonpublic school seeking to employ the person, stating that the person meets one of the following conditions:

(a) The person has specialized knowledge, skills, or
expertise that qualifies the person to provide instruction.

(b) The person has provided to the chief administrative officer evidence of at least three years of teaching experience in a public or nonpublic school.

(c) The person has provided to the chief administrative officer evidence of completion of a teacher training program named in the affidavit.

(B) Each person applying for a certificate under this section for purposes of serving in a nonpublic school chartered by the state board under section 3301.16 of the Revised Code shall pay a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education certification fund established under division (B) of section 3319.51 of the Revised Code.

(C) A person applying for or holding any certificate pursuant to this section for purposes of serving in a nonpublic school chartered by the state board is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code.

(D) Divisions (B) and (C) of this section and sections 3319.291, 3319.31, and 3319.311 of the Revised Code do not apply to any administrators, supervisors, or teachers in nonchartered, nontax-supported schools.

Sec. 3301.0711. (A) The department of education shall:

(1) Annually furnish to, grade, and score all assessments required by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised Code to be administered by city, local, exempted village, and joint vocational school districts, except that each
district shall score any assessment administered pursuant to division (B)(10) of this section. Each assessment so furnished shall include the data verification code of the student to whom the assessment will be administered, as assigned pursuant to division (D)(2) of section 3301.0714 of the Revised Code. In furnishing the practice versions of Ohio graduation tests prescribed by division (D) of section 3301.0710 of the Revised Code, the department shall make the tests available on its web site for reproduction by districts. In awarding contracts for grading assessments, the department shall give preference to Ohio-based entities employing Ohio residents.

(2) Adopt rules for the ethical use of assessments and prescribing the manner in which the assessments prescribed by section 3301.0710 of the Revised Code shall be administered to students.

(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:

(1) Administer Until the 2022-2023 school year, administer the English language arts assessments prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that assessment under division (A)(2)(c) of section 3301.0710 of the Revised Code. Beginning with the 2023-2024 school year, the English language arts assessments shall be administered only once to all students in the third grade.

(2) Administer the mathematics assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.

(3) Administer the assessments prescribed under division
(A)(1)(b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.

(4) Administer the assessments prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.

(5) Administer the assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.

(6) Administer the assessments prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.

(7) Administer the assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.

(8) Except as provided in division (B)(9) of this section, administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code as follows:

(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;

(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.

(9) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall
administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code at least twice annually to any student enrolled in the joint vocational school district who has not yet attained the score on that assessment designated under that division. A board of a joint vocational school district may also administer such an assessment to any student described in division (B)(8)(b) of this section.

(10) If the district has a three-year average graduation rate of not more than seventy-five per cent, administer each assessment prescribed by division (D) of section 3301.0710 of the Revised Code in September to all ninth grade students who entered ninth grade prior to July 1, 2014.

Except as provided in section 3313.614 of the Revised Code for administration of an assessment to a person who has fulfilled the curriculum requirement for a high school diploma but has not passed one or more of the required assessments, the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code shall not be administered after the date specified in the rules adopted by the state board of education under division (D)(1) of section 3301.0712 of the Revised Code.

(11)(a) Except as provided in divisions (B)(11)(b) and (c) of this section, administer the assessments prescribed by division (B)(2) of section 3301.0710 and section 3301.0712 of the Revised Code in accordance with the timeline and plan for implementation of those assessments prescribed by rule of the state board adopted under division (D)(1) of section 3301.0712 of the Revised Code;

(b) A student who has presented evidence to the district or school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment.
However, no board shall prohibit a student who is not required to take such assessment from taking the assessment.

(c) A student shall not be required to retake the Algebra I end-of-course examination or the English language arts II end-of-course examination prescribed under division (B)(2) of section 3301.0712 of the Revised Code in grades nine through twelve if the student demonstrates at least a proficient level of skill, as prescribed under division (B)(5)(a) of that section, or achieves a competency score, as prescribed under division (B)(10) of that section, in an administration of the examination prior to grade nine.

(C)(1)(a) In the case of a student receiving special education services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this section, except that a student with significant cognitive disabilities to whom an alternate assessment is administered in accordance with division (C)(1) of this section and a student determined to have a disability that includes an intellectual disability as outlined in guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. The individualized education program may excuse the student from taking any particular assessment required to be administered under this section if it instead specifies an alternate assessment method approved by the department of education as conforming to requirements of federal law for receipt of federal funds for disadvantaged pupils. To the extent possible, the individualized education program shall not excuse the student from taking an assessment unless no reasonable accommodation can be made to enable the student to take the assessment. No board shall prohibit a student who is not required
to take an assessment under division (C)(1) of this section from taking the assessment.

(b) Any alternate assessment approved by the department for a student under this division shall produce measurable results comparable to those produced by the assessment it replaces in order to allow for the student's results to be included in the data compiled for a school district or building under section 3302.03 of the Revised Code.

(c)(i) Any student enrolled in a chartered nonpublic school who has been identified, based on an evaluation conducted in accordance with section 3323.03 of the Revised Code or section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with a disability shall be excused from taking any particular assessment required to be administered under this section if either of the following apply:

(I) A plan developed for the student pursuant to rules adopted by the state board excuses the student from taking that assessment.

(II) The chartered nonpublic school develops a written plan in which the school, in consultation with the student's parents, determines that an assessment or alternative assessment with accommodations does not accurately assess the student's academic performance. The plan shall include an academic profile of the student's academic performance and shall be reviewed annually to determine if the student's needs continue to require excusal from taking the assessment.

(ii) A student with significant cognitive disabilities to whom an alternate assessment is administered in accordance with division (C)(1) of this section and a student determined to have a disability that includes an intellectual disability as outlined in guidance issued by the department shall not be required to take
the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(iii) In the case of any student so excused from taking an assessment under division (C)(1)(c) of this section, the chartered nonpublic school shall not prohibit the student from taking the assessment.

(2) A district board may, for medical reasons or other good cause, excuse a student from taking an assessment administered under this section on the date scheduled, but that assessment shall be administered to the excused student not later than nine days following the scheduled date. The district board shall annually report the number of students who have not taken one or more of the assessments required by this section to the state board not later than the thirtieth day of June.

(3) As used in this division, "English learner" has the same meaning as in 20 U.S.C. 7801.

No school district board shall excuse any English learner from taking any particular assessment required to be administered under this section, except as follows:

(a) Any English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(b) Any English learner who has been enrolled in United States schools for less than one full school year shall not be required to take any reading, writing, or English language arts assessment.

However, no board shall prohibit an English learner who is not required to take an assessment under division (C)(3) of Sub. H. B. No. 33 Page 1079
this section from taking the assessment. A board may permit any English learner to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each English learner, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department.

The guidance and procedures issued by the department for the purposes of division (C)(3) of this section shall comply with the state board's rules adopted under section 3301.0731 of the Revised Code.

(4)(a) The governing authority of a chartered nonpublic school may excuse an English learner from taking any assessment administered under this section.

(b) No governing authority shall require an English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(c) No governing authority shall prohibit an English learner from taking an assessment from which the student was excused under division (C)(4) of this section.

(D)(1) In the school year next succeeding the school year in which the assessments prescribed by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code or former division (A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's performance,
including any intensive intervention required under section 3313.608 of the Revised Code, in any skill in which the student failed to demonstrate at least a score at the proficient level on the assessment.

(2) Following any administration of the assessments prescribed by division (D) of section 3301.0710 of the Revised Code to ninth grade students, each school district that has a three-year average graduation rate of not more than seventy-five per cent shall determine for each high school in the district whether the school shall be required to provide intervention services to any students who took the assessments. In determining which high schools shall provide intervention services based on the resources available, the district shall consider each school's graduation rate and scores on the practice assessments. The district also shall consider the scores received by ninth grade students on the English language arts and mathematics assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code in the eighth grade in determining which high schools shall provide intervention services.

Each high school selected to provide intervention services under this division shall provide intervention services to any student whose results indicate that the student is failing to make satisfactory progress toward being able to attain scores at the proficient level on the Ohio graduation tests. Intervention services shall be provided in any skill in which a student demonstrates unsatisfactory progress and shall be commensurate with the student's performance. Schools shall provide the intervention services prior to the end of the school year, during the summer following the ninth grade, in the next succeeding school year, or at any combination of those times.

(E) Except as provided in section 3313.608 of the Revised Code and division (N) of this section, no school district board of
education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a higher grade level. However, a district board may choose not to promote to the next grade level any student who does not take an assessment administered under this section or make up an assessment as provided by division (C)(2) of this section and who is not exempt from the requirement to take the assessment under division (C)(3) of this section.

(F) No person shall be charged a fee for taking any assessment administered under this section.

(G)(1) Each school district board shall designate one location for the collection of assessments administered in the spring under division (B)(1) of this section and those administered under divisions (B)(2) to (7) of this section. Each district board shall submit the assessments to the entity with which the department contracts for the scoring of the assessments as follows:

(a) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was less than two thousand five hundred, not later than the Friday after all of the assessments have been administered;

(b) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was two thousand five hundred or more, but less than seven thousand, not later than the Monday after all of the assessments have been administered;

(c) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was seven thousand or more, not later than the Tuesday after all of the assessments have been administered.
However, any assessment that a student takes during the make-up period described in division (C)(2) of this section shall be submitted not later than the Friday following the day the student takes the assessment.

(2) The department or an entity with which the department contracts for the scoring of the assessment shall send to each school district board a list of the individual scores of all persons taking a state achievement assessment as follows:

(a) Except as provided in division (G)(2)(b) or (c) of this section, within forty-five days after the administration of the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code, but in no case shall the scores be returned later than the thirtieth day of June following the administration;

(b) In the case of the third-grade English language arts assessment, within forty-five days after the administration of that assessment, but in no case shall the scores be returned later than the fifteenth day of June following the administration;

(c) In the case of the writing component of an assessment or end-of-course examination in the area of English language arts, except for the third-grade English language arts assessment, the results may be sent after forty-five days of the administration of the writing component, but in no case shall the scores be returned later than the thirtieth day of June following the administration;

(3) For assessments administered under this section by a joint vocational school district, the department or entity shall also send to each city, local, or exempted village school district a list of the individual scores of any students of such city, local, or exempted village school district who are attending school in the joint vocational school district.

(4) Beginning with the 2019-2020 school year, a school district, other public school, or chartered nonpublic school may
administer the third-grade English language arts or mathematics assessment, or both, in a paper format in any school year for which the district board of education or school governing body adopts a resolution indicating that the district or school chooses to administer the assessment in a paper format. The board or governing body shall submit a copy of the resolution to the department of education not later than the first day of May prior to the school year for which it will apply. If the resolution is submitted, the district or school shall administer the assessment in a paper format to all students in the third grade, except that any student whose individualized education program or plan developed under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the assessment in an online format is an appropriate accommodation for the student may take the assessment in an online format.

(H) Individual scores on any assessments administered under this section shall be released by a district board only in accordance with section 3319.321 of the Revised Code and the rules adopted under division (A) of this section. No district board or its employees shall utilize individual or aggregate results in any manner that conflicts with rules for the ethical use of assessments adopted pursuant to division (A) of this section.

(I) Except as provided in division (G) of this section, the department or an entity with which the department contracts for the scoring of the assessment shall not release any individual scores on any assessment administered under this section. The state board shall adopt rules to ensure the protection of student confidentiality at all times. The rules may require the use of the data verification codes assigned to students pursuant to division (D)(2) of section 3301.0714 of the Revised Code to protect the confidentiality of student scores.

(J) Notwithstanding division (D) of section 3311.52 of the
Revised Code, this section does not apply to the board of education of any cooperative education school district except as provided under rules adopted pursuant to this division.

(1) In accordance with rules that the state board shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code may enter into an agreement with the board of education of the cooperative education school district for administering any assessment prescribed under this section to students of the city, exempted village, or local school district who are attending school in the cooperative education school district.

(2) In accordance with rules that the state board shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any assessment prescribed under this section to both of the following:

(a) Students who are attending school in the cooperative district and who, if the cooperative district were not established, would be entitled to attend school in the city, local, or exempted village school district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(b) Persons described in division (B)(8)(b) of this section.

Any assessment of students pursuant to such an agreement shall be in lieu of any assessment of such students or persons pursuant to this section.

(K)(1)(a) Except as otherwise provided in division (K)(1) or (2) of this section, each chartered nonpublic school for which at
least sixty-five per cent of its total enrollment is made up of students who are participating in state scholarship programs shall administer the assessments prescribed by division (A) of section 3301.0710 of the Revised Code or an alternative standardized assessment determined by the department. In accordance with procedures and deadlines prescribed by the department, the parent or guardian of a student enrolled in the school who is not participating in a state scholarship program may submit notice to the chief administrative officer of the school that the parent or guardian does not wish to have the student take the assessments prescribed for the student's grade level under division (A) of section 3301.0710 of the Revised Code. If a parent or guardian submits an opt-out notice, the school shall not administer the assessments to that student. This option does not apply to any assessment required for a high school diploma under section 3313.612 of the Revised Code.

(b) Any chartered nonpublic school that enrolls students who are participating in state scholarship programs may administer an alternative standardized assessment determined by the department instead of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

Each chartered nonpublic school subject to division (K)(1)(a) or (b) of this section shall report the results of each assessment administered under those divisions to the department.

(2) A chartered nonpublic school may submit to the superintendent of public instruction a request for a waiver from administering the elementary assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The state superintendent shall approve or disapprove a request for a waiver submitted under division (K)(2) of this section. No waiver shall be approved for any school year prior to the 2015-2016 school year.
To be eligible to submit a request for a waiver, a chartered nonpublic school shall meet the following conditions:

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (K)(1)(a) of this section for at least ten years.

(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills.

(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department.
(4) The department of education shall furnish the assessments prescribed by section 3301.0710 of the Revised Code to each chartered nonpublic school that is subject to division (K)(1) of this section or participates under division (K)(3) of this section.

(L) If a chartered nonpublic school is educating students in grades nine through twelve, the following shall apply:

(1) Except as provided in division (L)(4) of this section, for a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code or take an alternative assessment approved by the department under section 3313.619 of the Revised Code. However, a student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(2) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states, and who is not attending the school under a state scholarship program, the student shall not be required to take any assessment prescribed under section 3301.0712 or 3313.619 of the Revised Code.

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of
this section, for a student who is enrolled in a chartered nonpublic school that is not accredited through the independent schools association of the central states, regardless of whether the student is attending or is not attending the school under a state scholarship program, the student shall do one of the following:

(i) Take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code;

(ii) Take only the assessment prescribed by division (B)(1) of section 3301.0712 of the Revised Code, provided that the student's school publishes the results of that assessment for each graduating class. The published results of that assessment shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment.

(iii) Take an alternative assessment approved by the department under section 3313.619 of the Revised Code.

(b) A student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(4) The assessments prescribed by sections 3301.0712 and 3313.619 of the Revised Code shall not be administered to any student attending the school, if the school meets all of the following conditions:
(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychologist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (L)(4)(a) of this section for at least ten years.

(c) The school makes available to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including growth in student achievement in reading or mathematics, or both, as measured by nationally norm-referenced assessments that have developed appropriate standards for students.

Division (L)(4) of this section applies to any student attending such school regardless of whether the student receives special education or related services and regardless of whether the student is attending the school under a state scholarship program.

(M)(1) The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code for the state school for the blind and the state school for the deaf. Each superintendent of Ohio deaf and blind education services shall administer the assessments in the same manner as district boards are required to do under this section and rules.
adopted by the department of education and in conformity with division (C)(1)(a) of this section.

(2) The department of education shall furnish the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code to each the superintendent of Ohio deaf and blind education services.

(N) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at least the proficient range on the mathematics assessment described by division (A)(1)(a) of section 3301.0710 of the Revised Code or on an assessment described by division (A)(1)(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

(O)(1) In the manner specified in divisions (O)(3), (4), (6), and (7) of this section, the assessments required by division (A)(1) of section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on the thirty-first day of July following the school year that the assessments were administered.

(2) The department may field test proposed questions with samples of students to determine the validity, reliability, or appropriateness of questions for possible inclusion in a future year's assessment. The department also may use anchor questions on assessments to ensure that different versions of the same assessment are of comparable difficulty.

Field test questions and anchor questions shall not be considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A)(1) or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code.
(3) Any field test question or anchor question administered under division (O)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O)(1) of this section.

(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.

(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O)(3) of this section.

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.

(5) Each assessment prescribed by division (B)(1) of section 3301.0710 of the Revised Code shall not be a public record.

(6)(a) Except as provided in division (O)(6)(b) of this section, for the administrations in the 2014-2015, 2015-2016, and
2016-2017 school years, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows:

(i) Forty per cent of the questions and preferred answers on the assessments on the thirty-first day of July following the administration of the assessment;

(ii) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment;

(iii) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of July two years after the administration of the assessment.

The entire content of an assessment shall become a public record within three years of its administration.

The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.

(b) No questions and corresponding preferred answers shall become a public record under division (O)(6) of this section after July 31, 2017.

(7) Division (O)(7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code.

Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's
score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section.

(P) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state. "Dropout" does not include a student who has departed the country.

(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.

(4) "State scholarship programs" means the educational choice
scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program established under section 3310.41 of the Revised Code, the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.

(5) "Other public school" means a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(6) "English learner" has the same meaning as in section 3301.0731 of the Revised Code.

Sec. 3301.0714. (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include:

(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;

(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;

(3) Procedures for annually compiling the data in accordance with division (G) of this section;

(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;

(5) Standards to provide strict safeguards to protect the
confidentiality of personally identifiable student data.

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:

(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:

(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.

(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C)(3) of this section.
(C)(4)(a) of this section.

(c) Average student grades in each subject in grades nine through twelve;

(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;

(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;

(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;

(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.

(h) Expulsion rates;

(i) Suspension rates;

(j) Dropout rates;

(k) Rates of retention in grade;

(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;

(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;

(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code.
Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.

(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B)(4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.

Division (B)(1)(o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general assembly.

(p) The number of students earning each state diploma seal included in the system prescribed under division (A) of section 3313.6114 of the Revised Code;

(q) The number of students demonstrating competency for graduation using each option described in divisions (B)(1)(a) to (d) of section 3313.618 of the Revised Code;

(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B)(1)(b) of section 3313.618 of the Revised Code;

(s) The number of students enrolled in all-day kindergarten,
as defined in section 3321.05 of the Revised Code.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.

(d) The number of lead teachers employed by each school
district and each school building.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of English learners in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs.

(4)(a) The core curriculum and instructional materials being used for English language arts in each of grades pre-kindergarten to five;

(b) The reading intervention programs being used in each of grades pre-kindergarten to twelve.

(5) Any data required to be collected pursuant to federal law.

(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require...
the system of mutually exclusive cost units to include at least
the following:

(1) Administrative costs for the school district as a whole. The
guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and
reported in terms of average expenditure per pupil in enrolled ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students
in conjunction with each instructional services category;

(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category.

(4) Support or extracurricular services costs for each category of service directly provided to students and required by guidelines adopted pursuant to division (B)(1)(b) of this section. The guidelines shall require the cost units under division (C)(4) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each support or extracurricular services category required by guidelines adopted under division (B)(1)(b) of this section that is provided directly to students by a licensed employee, such as services provided by a guidance counselor or any services provided by a licensed employee under a supplemental contract;

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.
(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring or the development of state assessments. The guidelines may require school districts to provide the social security numbers of individual staff members and the county of residence for a student. Nothing in this section prohibits the state board of education or department of education from providing a student's county of residence to the department of taxation to facilitate the distribution of tax revenue.

(2)(a) The guidelines shall provide for each school district or community school to assign a data verification code that is unique on a statewide basis over time to each student whose initial Ohio enrollment is in that district or school and to
report all required individual student data for that student utilizing such code. The guidelines shall also provide for assigning data verification codes to all students enrolled in districts or community schools on the effective date of the guidelines established under this section. The assignment of data verification codes for other entities, as described in division (D)(2)(d) of this section, the use of those codes, and the reporting and use of associated individual student data shall be coordinated by the department in accordance with state and federal law.

School districts shall report individual student data to the department through the information technology centers utilizing the code. The entities described in division (D)(2)(d) of this section shall report individual student data to the department in the manner prescribed by the department.

(b)(i) Except as provided in sections 3301.941, 3310.11, 3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised Code, and in division (D)(2)(b)(ii) of this section, at no time shall the state board or the department have access to information that would enable any data verification code to be matched to personally identifiable student data.

(ii) For the purpose of making per-pupil payments to community schools under section 3317.022 of the Revised Code, the department shall have access to information that would enable any data verification code to be matched to personally identifiable student data.

(c) Each school district and community school shall ensure that the data verification code is included in the student's records reported to any subsequent school district, community school, or state institution of higher education, as defined in section 3345.011 of the Revised Code, in which the student enrolls. Any such subsequent district or school shall utilize the
same identifier in its reporting of data under this section.

(d) The director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, shall request and receive, pursuant to sections 3301.0723 and 5123.0423 of the Revised Code, a data verification code for a child who is receiving those services.

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile formats required under division (G) of this section or the annual statewide report required under division (H) of this section.

(F) Beginning with the school year that begins July 1, 1991, the board of education of each school district shall annually collect and report to the state board, in accordance with the guidelines established by the board, the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.357 or 3319.321 of the Revised Code.

(G) The state board shall, in accordance with the procedures it adopts, annually compile the data reported by each school district pursuant to division (D) of this section. The state board shall design formats for profiling each school district as a whole and each school building within each district and shall compile the data in accordance with these formats. These profile formats shall:
(1) Include all of the data gathered under this section in a manner that facilitates comparison among school districts and among school buildings within each school district;

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The state board shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.

(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education.

(3) Copies of the reports received from the state board under divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the school district, at least twice during the two weeks prior to the week in which the reports will first be available, a notice containing the address where the reports are available and the date on which the reports will be available.

(I) Any data that is collected or maintained pursuant to this
section and that identifies an individual pupil is not a public record for the purposes of section 149.43 of the Revised Code.

(J) As used in this section:

(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section.

(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.

(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.

(L)(1) In accordance with division (L)(2) of this section and the rules adopted under division (L)(10) of this section, the department of education may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:
(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

   (i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

   (ii) Conduct a site visit and evaluation of the district;

   (iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

   (iv) Continue monitoring the district's data reporting;

   (v) Assign department staff to supervise the district's data management system;

   (vi) Conduct an investigation to determine whether to suspend
or revoke the license of any district employee in accordance with division (N) of this section;

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;

(ix) Any other action designed to correct the district's data reporting problems.

(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.

(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section.
(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L)(2)(d)(i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the district shall reimburse the department for the full cost of the audit. The department may withhold state funds due to the district for this purpose.

(6) Prior to issuing a revised report card for a school district under division (L)(2)(d)(viii) of this section, the department may hold a hearing to provide the district with an opportunity to demonstrate that it made a good faith effort to report data as required by this section. The hearing shall be conducted by a referee appointed by the department. Based on the information provided in the hearing, the referee shall recommend whether the department should issue a revised report card for the district. If the referee affirms the department's contention that the district did not make a good faith effort to report data as required by this section, the district shall bear the full cost of conducting the hearing and of issuing any revised report card.

(7) If the department determines that any inaccurate data reported under this section caused a school district to receive excess state funds in any fiscal year, the district shall reimburse the department an amount equal to the excess funds, in accordance with a payment schedule determined by the department. The department may withhold state funds due to the district for this purpose.

(8) Any school district that has funds withheld under division (L)(2) of this section may appeal the withholding in
accordance with Chapter 119. of the Revised Code.

(9) In all cases of a disagreement between the department and a school district regarding the appropriateness of an action taken under division (L)(2) of this section, the burden of proof shall be on the district to demonstrate that it made a good faith effort to report data as required by this section.

(10) The state board of education shall adopt rules under Chapter 119. of the Revised Code to implement division (L) of this section.

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

(P) The department shall disaggregate the data collected under division (B)(1)(n) of this section according to the race and socioeconomic status of the students assessed.

(Q) If the department cannot compile any of the information required by division (I) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.
Sec. 3301.0731. As used in this section, "English learner" has the same meaning as in 20 U.S.C. 7801.

The state board of education shall adopt rules regarding the identification, instruction, assessment, and reclassification of English learners. The rules shall conform to the department of education's plan, as approved by the United States secretary of education, to comply with the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339.

Sec. 3301.132. (A)(1) As used in this section, "policy" means a written clarification or explanation of a statute or rule that is initiated by the department of education. "Policy" does not include any educational guideline, suggestion, or case study regarding how to comply with a statute or rule or any document or guideline regarding the internal organization or operation of the department, including matters regarding administration, personnel, or accounting.

(2) A policy does not have the force of law.

(B) Policies established by the department shall be subject to all of the following requirements:

(1) A policy shall comply with the statutes and rules that are in existence at the time the policy is established.

(2) A policy shall not establish any new requirement.

(3) The first page of each policy shall have printed on it the following statement in uppercase letters: "THIS POLICY DOES NOT HAVE THE FORCE OF LAW."

(4) A policy shall state clearly the statutory provision or administrative rule on which it is based.

(C) Not later than ninety days after the effective date of this section, and every five years thereafter, the department
shall review each policy that it established prior to the effective date of this section or that it establishes after that date and shall prepare written documentation certifying that the policy has been reviewed. The documentation is a public record under section 149.43 of the Revised Code. A policy that has not been so reviewed is void.

(D) A person may file a written complaint at any time with the superintendent of public instruction alleging that a policy established by the department of education does not comply with the requirements established under division (B)(1) or (2) of this section. Not later than ninety days after receiving the complaint, the state superintendent shall review the policy and issue a determination as to whether the policy complies with those requirements. A determination issued by the state superintendent under this division is not a final action that is appealable under this chapter.

(E) The department shall post all proposed policies in a prominent location on the department's web site. The department shall establish a public comment period of not less than sixty days for each proposed policy. If the department receives more than three public comments during that period, it shall hold at least one public hearing on the proposal.

(F) Notwithstanding section 149.43 of the Revised Code, not later than ninety days after the effective date of this section, the department shall compile a copy of all its policies. The copy of policies shall be kept current and made available for public inspection and copying.

Sec. 3301.137. The superintendent of public instruction shall designate at least one employee of the department of education to serve as a liaison for school counselors across the state to support their efforts to advance students' academic and career
development. The superintendent shall give preference to individuals who hold a valid pupil services license in school counseling under section 3319.22 of the Revised Code.

**Sec. 3301.163.** (A) Beginning July 1, 2015 Until the 2022-2023 school year, any third-grade student who attends a chartered nonpublic school with a scholarship awarded under either the educational choice scholarship pilot program, prescribed in sections 3310.01 to 3310.17, or the pilot project scholarship program prescribed in sections 3313.974 to 3313.979 of the Revised Code, shall be subject to the third-grade reading guarantee retention provisions under division (A)(2) of section 3313.608 of the Revised Code, including the exemptions prescribed by that division. For purposes of determining if a child with a disability is exempt from retention under this section, an individual services plan created for the child that has been reviewed by either the student's school district of residence or the school district in which the chartered nonpublic school is located and that specifies that the student is not subject to retention shall be considered in the same manner as an individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, as prescribed by division (A)(2) of section 3313.608 of the Revised Code.

As used in this section, "child with a disability" and "school district of residence" have the same meanings as in section 3323.01 of the Revised Code.

(B)(1) Each chartered nonpublic school that enrolls students in any of grades kindergarten through three and that accepts students under the educational choice scholarship pilot program or the pilot project scholarship program shall adopt policies and procedures for the annual assessment of the reading skills of those students. Each school may use the diagnostic assessment to
measure reading ability for the appropriate grade level prescribed in division (D) of section 3301.079 of the Revised Code. If the school uses such assessments, the department of education shall furnish them to the chartered nonpublic school.

(2) For each student identified as having reading skills below grade level, the school shall do both of the following:

(a) Provide to the student's parent or guardian, in writing, all of the following:

(i) Notification that the student has been identified as having a substantial deficiency in reading;

(ii) Notification through the 2022-2023 school year, notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A)(1) of section 3313.608 of the Revised Code.

(b) Provide intensive reading instruction services, as determined appropriate by the school, to each student identified under this section.

(C) Each chartered nonpublic school subject to this section annually shall report to the department the number of students identified as reading at grade level and the number of students identified as reading below grade level.

(D) Each chartered nonpublic school shall provide reading intervention services required under division (B)(2) of this section to either of the following:

(1) A student in grade four or five who has been identified as having reading skills below grade level;
(2) A student who has been retained in any of grades kindergarten through three and has received remediation in reading for two school years but continues to read below grade level.

Sec. 3301.85. (A) The department of education shall submit to the joint committee on agency rule review, created in section 101.35 of the Revised Code, any proposed changes to the manual containing the standards and procedures the department uses to review or audit the full-time equivalency student enrollment reporting by community schools established under Chapter 3314. of the Revised Code.

(B) When the department submits the proposed changes to the manual, the joint committee on agency rule review shall hold one or more public hearings at which community schools may present testimony on their ability and capacity to comply with the proposed changes.

(C) The joint committee on agency rule review shall consider any testimony provided at the public hearings required under division (B) of this section and vote to determine whether community schools can reasonably comply with the proposed changes.

(D) The department shall not implement any changes to the manual that may affect community schools without the joint committee on agency rule review's determination that community schools can reasonably comply with those changes.

Sec. 3301.91. (A) As used in this section:

(1) "National school breakfast program" means the federal school breakfast program created under 42 U.S.C. 1773.

(2) "National school lunch program" means the federal school lunch program created under 42 U.S.C. 1751.

(3) "Public school" means a school building operated by a
school district, a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, or a building operated by an educational service center.

(B) The department of education shall reimburse each public and chartered nonpublic school that participates in the national school breakfast program, from funds appropriated by the general assembly for that purpose, an amount equal to the difference between the federal free reimbursement rate and the federal reimbursement for a reduced-price breakfast for each student eligible for a reduced-price breakfast and receiving breakfast.

(C) The department of education shall reimburse each public school and chartered nonpublic school that participates in the national school lunch program, from funds appropriated by the general assembly for that purpose, an amount equal to the difference between the federal free reimbursement rate and the federal reimbursement for a reduced-price lunch for each student eligible for a reduced-price lunch and receiving lunch.

Sec. 3302.03. Not later than the thirty-first day of July of each year, the department of education shall submit preliminary report card data for overall academic performance and for each separate performance measure for each school district, and each school building, in accordance with this section.

Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department shall assign a letter grade or performance rating for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The state board of education shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section. The state board's rules
shall establish performance criteria for each letter grade or performance rating and prescribe a method by which the department assigns each letter grade or performance rating. For a school building to which any of the performance measures do not apply, due to grade levels served by the building, the department shall designate the performance measures that are applicable to the building and that must be calculated separately and used to calculate the building's overall grade or performance rating. The department shall issue annual report cards reflecting the performance of each school district, each building within each district, and for the state as a whole using the performance measures and letter grade or performance rating system described in this section. The department shall include on the report card for each district and each building within each district the most recent two-year trend data in student achievement for each subject and each grade.

(A)(1) For the 2012-2013 school year, the department shall issue grades as described in division (F) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as adopted by the state board. In adopting benchmarks for assigning letter grades under division (A)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.02 of the Revised Code and the percentage of applicable performance indicators that have been
achieved. In adopting benchmarks for assigning letter grades under division (A)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates.

In adopting benchmarks for assigning letter grades under division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the department shall designate a four-year adjusted cohort graduation rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an "A."

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows:

(i) A score that is at least one standard error of measure above the mean score shall be designated as an "A."

(ii) A score that is less than one standard error of measure above but greater than one standard error of measure below the mean score shall be designated as a "B."

(iii) A score that is less than or equal to one standard error of measure below the mean score but greater than two standard errors of measure below the mean score shall be designated as a "C."

(iv) A score that is less than or equal to two standard errors of measure below the mean score but is greater than three standard errors of measure below the mean score shall be designated as a "D."

(v) A score that is less than or equal to three standard errors of measure below the mean score shall be designated as an
Whenever the value-added progress dimension is used as a graded performance measure in this division and divisions (B) and (C) of this section, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

(B)(1) For the 2013-2014 school year, the department shall
issue grades as described in division (F) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.
(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B)(1)(g) of this section. In adopting benchmarks for assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of this section, the state board shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading and writing diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under divisions (B)(1)(g) and (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B)(1) of section 3313.608 of the Revised Code.

(h) For a high mobility school district or building, an additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for only those students to whom the district or building has administered the assessments prescribed by section 3301.0710 of the Revised Code for each of the two most recent consecutive school years.

As used in this division, "high mobility school district or building" means a school district or building where at least twenty-five per cent of its total enrollment is made up of students who have attended that school district or building for
less than one year.

(2) In addition to the graded measures in division (B)(1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade:

(a) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code;

(d) The percentage of the district's or the building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code.
(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations.

(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code.

(3) Not later than December 31, 2013, the state board shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (B)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.


(C)(1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the department shall issue grades as described in division (F) of this section for each of the performance measures prescribed in division (C)(1) of this section. The graded measures are as follows:

(a) Annual measurable objectives. For the 2017-2018 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than
twenty-five students. For the 2018-2019 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty students. Beginning with the 2019-2020 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than fifteen students.

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the state board, of a school district or building, for which the department shall use up to three years of value-added data as available.

In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C)(1)(e) of this section, the state board shall prohibit the assigning of a grade of "A" for that measure unless the district's
or building's grade assigned for value-added progress dimension for all subgroups under division (C)(1)(f) of this section is a "C" or higher.

For the metric prescribed by division (C)(1)(e) of this section, the state board may adopt a student academic progress measure to be used instead of the value-added progress dimension. If the state board adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324 of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board. Each subgroup shall be a separate graded measure.

The state board may adopt student academic progress measures to be used instead of the value-added progress dimension. If the state board adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is comparable to the method prescribed in division (A)(1)(e) of this section.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to a district or building for purposes of division (C)(1)(g) of this section. The state board shall designate for a "C" grade a value that is not lower than the
statewide average value for this measure. No grade shall be issued under division (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the kindergarten diagnostic assessment under division (B)(1) of section 3313.608 of the Revised Code.

(h) For a high mobility school district or building, an additional value-added progress dimension score. For this measure, the department shall use value-added data from the most recent school year available and shall use assessment scores for only those students to whom the district or building has administered the assessments prescribed by section 3301.0710 of the Revised Code for each of the two most recent consecutive school years.

As used in this division, "high mobility school district or building" means a school district or building where at least twenty-five per cent of its total enrollment is made up of students who have attended that school district or building for less than one year.

(2) In addition to the graded measures in division (C)(1) of this section, the department shall include on a school district's or building's report card all of the following without an assigned letter grade:

(a) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with the standards adopted under division (F) of section 3345.061 of the Revised Code;

(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;
(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;

(e) The percentage of the district's or building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code;

(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;

(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code;

(h) Whether the school district or building has implemented a positive behavior intervention and supports framework in compliance with the requirements of section 3319.46 of the Revised Code, notated as a "yes" or "no" answer.

(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an
overall grade for a school district or school building for the
2017–2018 school year and each school year thereafter. The rules
shall group the performance measures in divisions (C)(1) and (2)
of this section into the following components:

(a) Gap closing, which shall include the performance measure
in division (C)(1)(a) of this section;

(b) Achievement, which shall include the performance measures
in divisions (C)(1)(b) and (c) of this section;

(c) Progress, which shall include the performance measures in
divisions (C)(1)(e) and (f) of this section;

(d) Graduation, which shall include the performance measure
in division (C)(1)(d) of this section;

(e) Kindergarten through third-grade literacy, which shall
include the performance measure in division (C)(1)(g) of this
section;

(f) Prepared for success, which shall include the performance
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of
this section. The state board shall develop a method to determine
a grade for the component in division (C)(3)(f) of this section
using the performance measures in divisions (C)(2)(a), (b), (c),
(d), (e), and (f) of this section. When available, the state board
may incorporate the performance measure under division (C)(2)(g)
of this section into the component under division (C)(3)(f) of
this section. When determining the overall grade for the prepared
for success component prescribed by division (C)(3)(f) of this
section, no individual student shall be counted in more than one
performance measure. However, if a student qualifies for more than
one performance measure in the component, the state board may, in
its method to determine a grade for the component, specify an
additional weight for such a student that is not greater than or
equal to 1.0. In determining the overall score under division
(C)(3)(f) of this section, the state board shall ensure that the pool of students included in the performance measures aggregated under that division are all of the students included in the four-and five-year adjusted graduation cohort.

In the rules adopted under division (C)(3) of this section, the state board shall adopt a method for determining a grade for each component in divisions (C)(3)(a) to (f) of this section. The state board also shall establish a method to assign an overall grade of "A," "B," "C," "D," or "F" using the grades assigned for each component. The method the state board adopts for assigning an overall grade shall give equal weight to the components in divisions (C)(3)(b) and (c) of this section.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods for calculating the overall grade for the report card, as required by this division, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing the format for the report card, weights that will be assigned to the components of the overall grade, and the method for calculating the overall grade.

(D) For the 2021-2022 school year and each school year thereafter, all of the following apply:

(1) The department shall include on a school district's or building's report card all of the following performance measures without an assigned performance rating:

(a) Whether the district or building meets the gifted performance indicator under division (A)(2) of section 3302.02 of the Revised Code and the extent to which the district or building meets gifted indicator performance benchmarks;

(b) The extent to which the district or building meets the
chronic absenteeism indicator under division (A)(3) of section 3302.02 of the Revised Code;

(c) Performance index score percentage for a district or building, which shall be calculated by dividing the district's or building's performance index score according to the performance index system created by the department by the maximum performance index score for a district or building. The maximum performance index score shall be as follows:

(i) For a building, the average of the highest two per cent of performance index scores achieved by a building for the school year for which a report card is issued;

(ii) For a district, the average of the highest two per cent of performance index scores achieved by a district for the school year for which a report card is issued.

(d) The overall score under the value-added progress dimension of a district or building, for which the department shall use three consecutive years of value-added data. In using three years of value-added data to calculate the measure prescribed under division (D)(1)(d) of this section, the department shall assign a weight of fifty per cent to the most recent year's data and a weight of twenty-five per cent to the data of each of the other years. However, if three consecutive years of value-added data is not available, the department shall use prior years of value-added data to calculate the measure, as follows:

(i) If two consecutive years of value-added data is not available, the department shall use one year of value-added data to calculate the measure.

(ii) If two consecutive years of value-added data is available, the department shall use two consecutive years of value-added data to calculate the measure. In using two years of
value-added data to calculate the measure, the department shall assign a weight of sixty-seven per cent to the most recent year's data and a weight of thirty-three per cent to the data of the other year.

(e) The four-year adjusted cohort graduation rate.

(f) The five-year adjusted cohort graduation rate.

(g) The percentage of students in the district or building who score proficient or higher on the reading segment of the third grade English language arts assessment under section 3301.0710 of the Revised Code.

To the extent possible, the department shall include the results of the summer administration of the third grade reading assessment under section 3301.0710 of the Revised Code in the performance measures prescribed under divisions (D)(1)(g) and (h) of this section.

(h) Whether a district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the department. The method shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading segments of the diagnostic assessments administered under section 3301.0715 of the Revised Code, including the kindergarten readiness assessment, and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The method shall not include a deduction for students who did not pass the third grade English language arts assessment under section 3301.0710 of the Revised Code and were not on a reading improvement and monitoring plan.

The performance measure prescribed under division (D)(1)(h) of this section shall not be included on the report card of a
district or building in which less than ten per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B)(1) of section 3313.608 of the Revised Code.

(i) The percentage of students in a district or building who are promoted to the fourth grade and not subject to retention under division (A)(2) of section 3313.608 of the Revised Code;

(j) A post-secondary readiness measure. This measure shall be calculated by dividing the number of students included in the four-year adjusted graduation rate cohort who demonstrate post-secondary readiness by the total number of students included in the denominator of the four-year adjusted graduation rate cohort. Demonstration of post-secondary readiness shall include a student doing any of the following:

(i) Attaining a remediation-free score, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code;

(ii) Attaining required scores on three or more advanced placement or international baccalaureate examinations. The required score for an advanced placement examination shall be a three or better. The required score for an international baccalaureate examination shall be a four or better. A student may satisfy this condition with any combination of advanced placement or international baccalaureate examinations.

(iii) Earning at least twelve college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code, an early college high school program under section 3313.6013 of the Revised Code, and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's
college transcript issued by the institution of higher education from which the student earned the college credit. Earned credits reported under division (D)(1)(j)(iii) of this section shall include credits that count toward the curriculum requirements established for completion of a degree, but shall not include any remedial or developmental credits.

(iv) Meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code;

(v) Earning an industry-recognized credential or license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license approved under section 3313.6113 of the Revised Code;

(vi) Satisfying any of the following conditions:

(I) Completing a pre-apprenticeship aligned with options established under section 3313.904 of the Revised Code in the student's chosen career field;

(II) Completing an apprenticeship registered with the apprenticeship council established under section 4139.02 of the Revised Code in the student's chosen career field;

(III) Providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older.

(vii) Earning a cumulative score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway;

(viii) Earning an OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code and completing two hundred fifty hours of an internship or other work-based learning experience that is either:

(I) Approved by the business advisory council established
under section 3313.82 of the Revised Code that represents the student's district; or

(II) Aligned to the career-technical education pathway approved by the department in which the student is enrolled.

(ix) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code.

A student who satisfies more than one of the conditions prescribed under this division shall be counted as one student for the purposes of calculating the measure prescribed under division (D)(1)(j) of this section.

(2) In addition to the performance measures under division (D)(1) of this section, the department shall report on a district's or building's report card all of the following data without an assigned performance rating:

(a) The applicable performance indicators established by the state board under division (A)(1) of section 3302.02 of the Revised Code;

(b) The overall score under the value-added progress dimension of a district or building for the most recent school year;

(c) A composite of the overall scores under the value-added progress dimension of a district or building for the previous three school years or, if only two years of value-added data are available, for the previous two years;

(d) The percentage of students included in the four- and five-year adjusted cohort graduation rates of a district or building who did not receive a high school diploma under section 3313.61 or 3325.08 of the Revised Code. To the extent possible, the department shall disaggregate that data according to the
following categories:

(i) Students who are still enrolled in the district or building and receiving general education services;

(ii) Students with an individualized education program, as defined in section 3323.01 of the Revised Code, who satisfied the conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code, but opted not to receive a diploma and are still receiving education services;

(iii) Students with an individualized education program who have not yet satisfied conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code and who are still receiving education services;

(iv) Students who are no longer enrolled in any district or building;

(v) Students who, upon enrollment in the district or building for the first time, had completed fewer units of high school instruction required under section 3313.603 of the Revised Code than other students in the four- or five-year adjusted cohort graduation rate.

The department may disaggregate the data prescribed under division (D)(2)(d) of this section according to other categories that the department determines are appropriate.

(e) The results of the kindergarten diagnostic assessment prescribed under division (D) of section 3301.079 of the Revised Code;

(f) Post-graduate outcomes for students who were enrolled in a district or building and received a high school diploma under section 3313.61 or 3325.08 of the Revised Code in the school year prior to the school year for which the report card is issued, including the percentage of students who:
(i) Enrolled in a post-secondary educational institution. To the extent possible, the department shall disaggregate that data according to whether the student enrolled in a four-year institution of higher education, a two-year institution of higher education, an Ohio technical center that provides adult technical education services and is recognized by the chancellor of higher education, or another type of post-secondary educational institution.

(ii) Entered an apprenticeship program registered with the apprenticeship council established under Chapter 4139. of the Revised Code. The department may include other job training programs with similar rigor and outcomes.

(iii) Attained gainful employment, as determined by the department;

(iv) Enlisted in a branch of the armed forces of the United States, as defined in section 5910.01 of the Revised Code.

(g) Whether the school district or building has implemented a positive behavior intervention and supports framework in compliance with the requirements of section 3319.46 of the Revised Code, notated with a "yes" or "no";

(h) The number and percentage of high school seniors in each school year who completed the free application for federal student aid;

(i) Beginning with the report card issued under this section for the 2022-2023 school year, a student opportunity profile measure that reports data regarding the opportunities provided to students by a district or building. To the extent possible, and when appropriate, the data shall be disaggregated by grade level and subgroup. The measure also shall include data regarding the statewide average, the average for similar school districts, and, for a building, the average for the district in which the building
is located. The measure shall include all of the following data for the district or building:

(i) The average ratio of teachers of record to students in each grade level in a district or building;

(ii) The average ratio of school counselors to students in a district or building;

(iii) The average ratio of nurses to students in a district or building;

(iv) The average ratio of licensed librarians and library media specialists to students in a district or building;

(v) The average ratio of social workers to students in a district or building;

(vi) The average ratio of mental health professionals to students in a district or building;

(vii) The average ratio of paraprofessionals to students in a district or building;

(viii) The percentage of teachers with fewer than three years of experience teaching in any school;

(ix) The percentage of principals with fewer than three years of experience as a principal in any school;

(x) The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;

(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;

(xii) The percentage of students enrolled in a performing or visual arts course;

(xiii) The percentage of students enrolled in a physical education or wellness course;
(xiv) The percentage of students enrolled in a world language course;

(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;

(xvi) The percentage of students participating in one or more cocurricular activities;

(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;

(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;

(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;

(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;

(xxi) The percentage of students who are transported by a school bus each school day;

(xxii) The ratio of portable technology devices that students may take home to the number of students.

The department shall include only opportunity measures at the building level for which data for buildings is available, as determined by a school district.

(j)(i) The percentage of students included in the four- and five-year adjusted cohort graduation rates of the district or
building who completed all of grades nine through twelve while
enrolled in the district or building;

(ii) The four-year adjusted cohort graduation rate for only
those students who were continuously enrolled in the same district
or building for grades nine through twelve.

(k) The percentage of students in the district or building to
whom both of the following apply:

(i) The students are promoted to fourth grade and not subject
to retention under division (A)(2) of section 3313.608 of the
Revised Code.

(ii) The students completed all of the grade levels offered
prior to the fourth grade in the district or building.

(3) Except as provided in division (D)(3)(f) of this section,
the department shall use the state board's method prescribed under
rules adopted under division (D)(4) of this section to assign
performance ratings of "one star," "two stars," "three stars,"
"four stars," or "five stars," as described in division (F) of
this section, for a district or building for the individual
components prescribed under division (D)(3) of this section. The
department also shall assign an overall performance rating for a
district or building in accordance with division (D)(3)(g) of this
section. The method shall use the performance measures prescribed
under division (D)(1) of this section to calculate performance
ratings for components. The method may report data under division
(D)(2) of this section with corresponding components, but shall
not use the data to calculate performance ratings for that
component. The performance measures and reported data shall be
grouped together into components as follows:

(a) Gap closing. In addition to other criteria determined
appropriate by the department, performance ratings for the gap
closing component shall reflect whether each of the following
performance measures are met or not met:

(i) The gifted performance indicator as described in division (D)(1)(a) of this section;

(ii) The chronic absenteeism indicator as described in division (D)(1)(b) of this section;

(iii) For English learners, an English language proficiency improvement indicator established by the department;

(iv) The subgroup graduation targets;

(v) The subgroup achievement targets in both mathematics and English language arts;

(vi) The subgroup progress targets in both mathematics and English language arts.

Achievement and progress targets under division (D)(3)(a) of this section shall be calculated individually, and districts and buildings shall receive a status of met or not met on each measure. The department shall not require a subgroup of a district or building to meet both the achievement and progress targets at the same time to receive a status of met.

The department shall not include any subgroup data in this measure that includes data from fewer than fifteen students. Any penalty for failing to meet the required assessment participation rate must be partially in proportion to how close the district or building was to meeting the rate requirement.

(b) Achievement, which shall include the performance measure in division (D)(1)(c) of this section and the reported data in division (D)(2)(a) of this section. Performance ratings for the achievement component shall be awarded as a percentage of the maximum performance index score described in division (D)(1)(c) of this section.

(c) Progress, which shall include the performance measure in
division (D)(1)(d) of this section and the reported data in divisions (D)(2)(b) and (c) of this section;

(d) Graduation, which shall include the performance measures in divisions (D)(1)(e) and (f) of this section and the reported data in divisions (D)(2)(d) and (j) of this section. The four-year adjusted cohort graduation rate shall be assigned a weight of sixty per cent and the five-year adjusted cohort graduation rate shall be assigned a weight of forty per cent;

(e) Early literacy, which shall include the performance measures in divisions (D)(1)(g), (h), and (i) of this section and the reported data in divisions (D)(2)(e) and (k) of this section.

If the measure prescribed under division (D)(1)(h) of this section is included in a report card, performance ratings for the early literacy component shall give a weight of forty per cent to the measure prescribed under division (D)(1)(g) of this section, a weight of thirty-five per cent to the measure prescribed under division (D)(1)(i) of this section, and a weight of twenty-five per cent to the measure prescribed under division (D)(1)(h) of this section.

If the measure prescribed under division (D)(1)(h) of this section is not included in a report card of a district or building, performance ratings for the early literacy component shall give a weight of sixty per cent to the measure prescribed under division (D)(1)(g) of this section and a weight of forty per cent to the measure prescribed under division (D)(1)(i) of this section.

(f) College, career, workforce, and military readiness, which shall include the performance measure in division (D)(1)(j) of this section and the reported data in division (D)(2)(f) of this section.

For the 2021-2022, 2022-2023, and 2023-2024 school years, the
department only shall report the data for, and not assign a performance rating to, the college, career, workforce, and military readiness component. The reported data shall include the percentage of students who demonstrate post-secondary readiness using any of the options described in division (D)(1)(j) of this section.

The department shall analyze the data included in the performance measure prescribed in division (D)(1)(j) of this section for the 2021-2022, 2022-2023, and 2023-2024 school years. Using that data, the department shall develop and propose rules for a method to assign a performance rating to the college, career, workforce, and military readiness component based on that measure. The method to assign a performance rating shall not include a tiered structure or per student bonuses. The rules shall specify that a district or building shall not receive lower than a performance rating of three stars for the component if the district's or building's performance on the component meets or exceeds a level of improvement set by the department.

Notwithstanding division (D)(4)(b) of this section, more than half of the total districts and buildings may earn a performance rating of three stars on this component to account for the districts and buildings that earned a performance rating of three stars because they met or exceeded the level of improvement set by the department.

The department shall submit the rules to the joint committee on agency rule review. The committee shall conduct at least one public hearing on the proposed rules and approve or disapprove the rules. If the committee approves the rules, the state board shall adopt the rules in accordance with Chapter 119. of the Revised Code. If the rules are adopted, the department shall assign a performance rating to the college, career, workforce, and military readiness component under the rules beginning with the 2024-2025 school year.
school year, and for each school year thereafter. If the committee disapproves the rules, the component shall be included in the report card only as reported data for the 2024-2025 school year, and each school year thereafter.

(g)(i) Except as provided for in division (D)(3)(g)(ii) of this section, beginning with the 2022-2023 school year, under the state board's method prescribed under rules adopted in division (D)(4) of this section, the department shall use the performance ratings assigned for the components prescribed in divisions (D)(3)(a) to (e) of this section to determine and assign an overall performance rating of "one star," "one and one-half stars," "two stars," "two and one-half stars," "three stars," "three and one-half stars," "four stars," "four and one-half stars," or "five stars" for a district or building. The method shall give equal weight to the components in divisions (D)(3)(b) and (c) of this section. The method shall give equal weight to the components prescribed in divisions (D)(3)(a), (d), and (e) of this section. The individual weights of each of the components prescribed in divisions (D)(3)(a), (d), and (e) of this section shall be equal to one-half of the weight given to the component prescribed in division (D)(3)(b) of this section.

(ii) If the joint committee on agency rule review approves the department's rules regarding the college, career, workforce, and military readiness component as described in division (D)(3)(f) of this section, for the 2024-2025 school year, and each school year thereafter, the state board's method shall use the components in divisions (D)(3)(a), (b), (c), (d), (e), and (f) of this section to calculate the overall performance rating. The method shall give equal weight to the components in divisions (D)(3)(b) and (c) of this section. The method shall give equal weight to the components prescribed in divisions (D)(3)(a), (d), (e), and (f) of this section. The individual weights of each of...
the components prescribed in divisions (D)(3)(a), (d), (e), and (f) of this section shall be equal to one-half the weight given to
the component prescribed in division (D)(3)(b) of this section.

If the joint committee on agency rule review disapproves the
department's rules regarding the college, career, workforce, and
military readiness component as described in division (D)(3)(f) of
this section, division (D)(3)(g)(ii) of this section does not
apply.

(4)(a) The state board shall adopt rules in accordance with
Chapter 119. of the Revised Code to establish the performance
criteria, benchmarks, and rating system necessary to implement
divisions (D) and (F) of this section, including the method for
the department to assign performance ratings under division (D)(3)
of this section.

(b) In establishing the performance criteria, benchmarks, and
rating system, the state board shall consult with stakeholder
groups and advocates that represent parents, community members,
students, business leaders, and educators from different school
typology regions. The state board shall use data from prior school
years and simulations to ensure that there is meaningful
differentiation among districts and buildings across all
performance ratings and that, except as permitted in division
(D)(3)(f) of this section, more than half of all districts or
buildings do not earn the same performance rating in any component
or overall performance rating.

(c) The state board shall adopt the rules prescribed by
division (D)(4) of this section not later than March 31, 2022.
However, the department shall notify districts and buildings of
the changes to the report card prescribed in law not later than
one week after the effective date of this amendment September 30,
2021.
(d) Prior to adopting or updating rules under division (D)(4) of this section, the president of the state board and the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider primary and secondary education legislation describing the format for the report card and the performance criteria, benchmarks, and rating system, including the method to assign performance ratings under division (D)(3) of this section.

(E) On or after July 1, 2015, the state board may develop a measure of student academic progress for high school students using only data from assessments in English language arts and mathematics. If the state board develops this measure, each school district and applicable school building shall be assigned a separate letter grade for it not sooner than the 2017-2018 school year. The district's or building's grade for that measure shall not be included in determining the district's or building's overall letter grade.

(F)(1) The letter grades assigned to a school district or building under this section shall be as follows:
(a) "A" for a district or school making excellent progress;
(b) "B" for a district or school making above average progress;
(c) "C" for a district or school making average progress;
(d) "D" for a district or school making below average progress;
(e) "F" for a district or school failing to meet minimum progress.

(2) For the overall performance rating under division (D)(3) of this section, the department shall include a descriptor for each performance rating as follows:
(a) "Significantly exceeds state standards" for a performance rating of five stars;

(b) "Exceeds state standards" for a performance rating of four stars or four and one-half stars;

(c) "Meets state standards" for a performance rating of three stars or three and one-half stars;

(d) "Needs support to meet state standards" for a performance rating of two stars or two and one-half stars;

(e) "Needs significant support to meet state standards" for a performance rating of one star or one and one-half stars.

(3) For performance ratings for each component under divisions (D)(3)(a) to (f) of this section, the state board shall include a description of each component and performance rating. The description shall include component-specific context to each performance rating earned, estimated comparisons to other school districts and buildings if appropriate, and any other information determined by the state board. The descriptions shall be not longer than twenty-five words in length when possible. In addition to such descriptions, the state board shall include the descriptors in division (F)(2) of this section for component performance ratings.

(4) Each report card issued under this section shall include all of the following:

(a) A graphic that depicts the performance ratings of a district or school on a color scale. The color associated with a performance rating of three stars shall be green and the color associated with a performance rating of one star shall be red.

(b) An arrow graphic that shows data trends for performance ratings for school districts or buildings. The state board shall determine the data to be used for this graphic, which shall
include at least the three most recent years of data.

(c) A description regarding the weights that are assigned to each component and used to determine an overall performance rating, as prescribed under division (D)(3)(g) of this section, which shall be included in the presentation of the overall performance rating on each report card.

(G) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:

(1) Performance of students by grade-level;

(2) Performance of students by race and ethnic group;

(3) Performance of students by gender;

(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;

(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;

(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;

(7) Performance of students grouped by those who are economically disadvantaged;

(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;

(9) Performance of students grouped by those who are classified as English learners;

(10) Performance of students grouped by those who have disabilities;

(11) Performance of students grouped by those who are
classified as migrants;

(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.

(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board.

The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (G)(1) to (13) of this section that it deems relevant.

In reporting data pursuant to division (G) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (G) of this section that contains less than ten students. If the department does not report student performance data for a group because it contains less than ten students, the department shall indicate on the report card that is why data was not reported.

(H) The department may include with the report cards any additional education and fiscal performance data it deems
valuable.

(I) The department shall include on each report card a list of additional information collected by the department that is available regarding the district or building for which the report card is issued. When available, such additional information shall include student mobility data disaggregated by race and socioeconomic status, college enrollment data, and the reports prepared under section 3302.031 of the Revised Code.

The department shall maintain a site on the world wide web. The report card shall include the address of the site and shall specify that such additional information is available to the public at that site. The department shall also provide a copy of each item on the list to the superintendent of each school district. The district superintendent shall provide a copy of any item on the list to anyone who requests it.

(J)(1)(a) Except as provided in division (J)(1)(b) of this section, for any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the report card issued for the district under this section or section 3302.033 of the Revised Code.

(b) The department shall not combine data from any conversion community school that a district sponsors if a majority of the students enrolled in the conversion community school are enrolled in a dropout prevention and recovery program that is operated by the school, as described in division (A)(4)(a) of section 3314.35 of the Revised Code. The department shall include as an addendum to the district's report card the ratings and performance measures that are required under section 3314.017 of the Revised Code for...
any community school to which division (J)(1)(b) of this section applies. This addendum shall include, at a minimum, the data specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 3314.017 of the Revised Code.

(2) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district report card. Any district that so elects shall annually file a copy of the lease or agreement with the department.

(3) Any municipal school district, as defined in section 3311.71 of the Revised Code, that sponsors a community school located within the district's territory, or that enters into an agreement with a community school located within the district's territory whereby the district and the community school endorse each other's programs, may exercise either or both of the following elections:

(a) To have data regarding the academic performance of students enrolled in that community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district's report card;

(b) To have the number of students attending that community school noted separately on the district's report card.

The election authorized under division (J)(3)(a) of this section is subject to approval by the governing authority of the community school.
Any municipal school district that exercises an election to combine or include data under division (J)(3) of this section, by the first day of October of each year, shall file with the department documentation indicating eligibility for that election, as required by the department.

(K) The department shall include on each report card the percentage of teachers in the district or building who are properly certified or licensed teachers, as defined in section 3319.074 of the Revised Code, and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.

(L)(1) In calculating English language arts, mathematics, science, American history, or American government assessment passage rates used to determine school district or building performance under this section, the department shall include all students taking an assessment with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code and all students who take substitute examinations approved under division (B)(4) of section 3301.0712 of the Revised Code in the subject areas of science, American history and American government.

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and annual measurable objectives for determining adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any assessment prescribed by division (A)(1) or (B)(1) of section
3301.0710 or division (B) of section 3301.0712 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade English language arts achievement assessment and, to the extent possible, the summer administration of that assessment;

(c) Except as required by the No Child Left Behind Act of 2001, exclude Include for each district or building any English learner who has been enrolled in United States schools for less than one full school year in accordance with the department's plan, as approved by the United States secretary of education, to comply with the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339.

As used in this section, "English learner" has the same meaning as in section 3301.0731 of the Revised Code.

(M) Beginning with the 2015-2016 school year and at least once every three years thereafter, the state board of education shall review and may adjust the benchmarks for assigning letter grades or performance ratings to the performance measures and components prescribed under divisions (C)(3), (D), and (E) of this section.

Sec. 3302.151. (A) Notwithstanding anything to the contrary in the Revised Code, a school district that qualifies under division (D) of this section shall be exempt from all of the following:

(1) The teacher qualification requirements under the third-grade reading guarantee, as prescribed under divisions (B)(3)(c) and (H) of section 3313.608 of the Revised Code. This exemption does not relieve a teacher from holding a valid Ohio license in a subject area and grade level determined appropriate
by the board of education of that district.

(2) The mentoring component of the Ohio teacher residency program established under division (A)(1) of section 3319.223 of the Revised Code, so long as the district utilizes a local approach to train and support new teachers;

(3) Any provision of the Revised Code or rule or standard of the state board of education prescribing a minimum or maximum class size;

(4) Any provision of the Revised Code or rule or standard of the state board requiring teachers to be licensed specifically in the grade level in which they are teaching, except unless otherwise prescribed by federal law. This exemption does not apply to special education teachers. Nor does this exemption relieve a teacher from holding a valid Ohio license in the subject area in which that teacher is teaching and at least some grade level determined appropriate by the district board.

(B)(1) Notwithstanding anything to the contrary in the Revised Code, including sections 3319.30 and 3319.36 of the Revised Code, the superintendent of a school district that qualifies under division (D) of this section may employ an individual who is not licensed as required by sections 3319.22 to 3319.30 of the Revised Code, but who is otherwise qualified based on experience, to teach classes in the district, so long as the board of education of the school district approves the individual's employment and provides mentoring and professional development opportunities to that individual, as determined necessary by the board.

(2) As a condition of employment under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.391 of the Revised Code. In the manner prescribed by the department of education, the individual shall
submit the criminal records check to the department and shall register with the department during the period in which the individual is employed by the district. The department shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code.

(3) An individual employed pursuant to this division is subject to Chapter 3307. of the Revised Code.

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

(C) Notwithstanding anything to the contrary in the Revised Code, noncompliance with any of the requirements listed in divisions (A) or (B) of this section shall not disqualify a school district that qualifies under division (D) of this section from receiving funds under Chapter 3317. of the Revised Code.

(D) In order for a city, local, or exempted village school district to qualify for the exemptions described in this section, the school district shall meet all of the following benchmarks on the most recent report card issued for that district under section 3302.03 of the Revised Code:

(1) The district received at least eighty-five per cent of the total possible points for the performance index score
calculated under division (C)(1)(b) or (D)(1)(c) of that section; 35524

(2) The district received a grade of an "A" for performance indicators met under division (C)(1)(c) of that section. However, division (D)(2) of this section shall not apply for the 2021-2022 school year or any school year thereafter. 35525

(3) The district has a four-year adjusted cohort graduation rate of at least ninety-three per cent and a five-year adjusted cohort graduation rate of at least ninety-five per cent, as calculated under division (C)(1)(d) or divisions (D)(1)(e) and (D)(1)(f) of that section. 35526

(E) A school district that meets the requirements prescribed by division (D) of this section shall be qualified for the exemptions prescribed by this section for three school years, beginning with the school year in which the qualifying report card is issued. 35527

(F) As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code. 35528

Sec. 3310.032. (A) A student is an "eligible student" for purposes of the expansion of the educational choice scholarship pilot program under this section if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, the student is not eligible for an educational choice scholarship under section 3310.03 of the Revised Code, and either of the following apply: 35529

(1) The student's family income is at or below two four hundred fifty per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, when the student applies for a scholarship under this section. 35530

(2) The student's sibling, as defined in section 3310.033 of
the Revised Code, receives a scholarship under this section for at least one of the following:

   (a) For the school year immediately prior to the school year for which the student is seeking a scholarship;

   (b) For the school year for which the student is seeking a scholarship.

   (B) In each fiscal year for which the general assembly appropriates funds for purposes of this section, the department of education shall pay scholarships to attend chartered nonpublic schools in accordance with section 3317.022 of the Revised Code. The number of scholarships awarded under this section shall not exceed the number that can be funded for that school year as authorized by the general assembly.

   (C) Scholarships under this section shall be awarded as follows:

       (1) For the 2013-2014 school year, to eligible students who are entering kindergarten in that school year for the first time;

       (2) For each subsequent school year through the 2019-2020 school year, scholarships shall be awarded to eligible students in the next grade level above the highest grade level awarded in the preceding school year, in addition to the grade levels for which students received scholarships in the preceding school year;

       (3) Beginning with the 2020-2021 school year, to eligible students who are entering any of grades kindergarten through twelve in that school year for the first time.

   (D) If the number of eligible students who apply for a scholarship under this section exceeds the scholarships available based on the appropriation for this section, the department shall award scholarships in the following order of priority:

       (1) First, to eligible students who received scholarships
under this section in the prior school year;

(2) Second, to eligible students with family incomes at or below one three hundred per cent of the federal poverty guidelines. If the number of students described in division (D)(2) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under division (D)(1) of this section, the department shall select students described in division (D)(2) of this section by lot to receive any remaining scholarships.

(3) Third, to other eligible students who qualify under this section. If the number of students described in division (D)(3) of this section exceeds the number of available scholarships after awards are made under divisions (D)(1) and (2) of this section, the department shall select students described in division (D)(3) of this section by lot to receive any remaining scholarships.

(E) A student who receives a scholarship under this section remains an eligible student and may continue to receive scholarships under this section in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D)(2) and (3) of section 3310.03 of the Revised Code.

Once a scholarship is awarded under this section, the student shall remain eligible for that scholarship for the current school year and subsequent school years even if the student's family income rises above the amount specified in division (A) of this section, provided the student remains enrolled in a chartered nonpublic school.

Sec. 3310.41. (A) As used in this section:

(1) "Alternative public provider" means either of the following providers that agrees to enroll a child in the
provider's special education program to implement the child's
individualized education program and to which the child's parent
owes fees for the services provided to the child:

(a) A school district that is not the school district in
which the child is entitled to attend school;

(b) A public entity other than a school district.

(2) "Entitled to attend school" means entitled to attend
school in a school district under section 3313.64 or 3313.65 of
the Revised Code.

(3) "Formula ADM" has the same meaning as in section 3317.02
of the Revised Code.

(4) "Preschool child with a disability" and "individualized
education program" have the same meanings as in section 3323.01 of
the Revised Code.

(5) "Parent" has the same meaning as in section 3313.64 of
the Revised Code, except that "parent" does not mean a parent
whose custodial rights have been terminated. "Parent" also
includes the custodian of a qualified special education child,
when a court has granted temporary, legal, or permanent custody of
the child to an individual other than either of the natural or
adoptive parents of the child or to a government agency.

(6) "Qualified special education child" is a child for whom
all of the following conditions apply:

(a) The school district in which the child is entitled to
attend school has identified the child as autistic. A child who
has been identified as having a "pervasive developmental disorder
- not otherwise specified (PPD-NOS)" shall be considered to be an
autistic child for purposes of this section.

(b) The school district in which the child is entitled to
attend school has developed an individualized education program
under Chapter 3323. of the Revised Code for the child.

(c) The child either:

(i) Was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this section is first sought for the child; or

(ii) Is eligible to enter school in any grade preschool through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship under this section is first sought for the child.

(7) "Registered private provider" means a nonpublic school or other nonpublic entity that has been approved by the department of education to participate in the program established under this section.

(8) "Special education program" means a school or facility that provides special education and related services to children with disabilities.

(B) There is hereby established the autism scholarship program. Under the program, the department of education shall pay a scholarship under section 3317.022 of the Revised Code to the parent of each qualified special education child upon application of that parent pursuant to procedures and deadlines established by rule of the state board of education. Each scholarship shall be used only to pay tuition for the child on whose behalf the scholarship is awarded to attend a special education program that implements the child's individualized education program and that is operated by an alternative public provider or by a registered private provider, and to pay for other services agreed to by the provider and the parent of a qualified special education child that are not included in the individualized education program but are associated with educating the child. Upon agreement with the
parent of a qualified special education child, the alternative public provider or the registered private provider may modify the services provided to the child. The purpose of the scholarship is to permit the parent of a qualified special education child the choice to send the child to a special education program, instead of the one operated by or for the school district in which the child is entitled to attend school, to receive the services prescribed in the child's individualized education program once the individualized education program is finalized and any other services agreed to by the provider and the parent of a qualified special education child. The services provided under the scholarship shall include an educational component or services designed to assist the child to benefit from the child's education.

A scholarship under this section shall not be awarded to the parent of a child while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending. A scholarship under this section shall not be used for a child to attend a public special education program that operates under a contract, compact, or other bilateral agreement between the school district in which the child is entitled to attend school and another school district or other public provider, or for a child to attend a community school established under Chapter 3314. of the Revised Code. However, nothing in this section or in any rule adopted by the state board shall prohibit a parent whose child attends a public special education program under a contract, compact, or other bilateral agreement, or a parent whose child attends a community school, from applying for and accepting a scholarship under this section so that the parent may withdraw the child from that program or community school and use the
scholarship for the child to attend a special education program for which the parent is required to pay for services for the child.

Except for development of the child's individualized education program, the school district in which a qualified special education child is entitled to attend school and the child's school district of residence, as defined in section 3323.01 of the Revised Code, if different, are not obligated to provide the child with a free appropriate public education under Chapter 3323. of the Revised Code for as long as the child continues to attend the special education program operated by either an alternative public provider or a registered private provider for which a scholarship is awarded under the autism scholarship program. If at any time, the eligible applicant for the child decides no longer to accept scholarship payments and enrolls the child in the special education program of the school district in which the child is entitled to attend school, that district shall provide the child with a free appropriate public education under Chapter 3323. of the Revised Code.

A child attending a special education program with a scholarship under this section shall continue to be entitled to transportation to and from that program in the manner prescribed by law.

(C) As prescribed in division (A)(2)(h) of section 3317.03 of the Revised Code, a child who is not a preschool child with a disability for whom a scholarship is awarded under this section shall be counted in the formula ADM of the district in which the child is entitled to attend school and not in the formula ADM of any other school district.

(D) A scholarship shall not be paid under section 3317.022 of the Revised Code to a parent for payment of tuition owed to a nonpublic entity unless that entity is a registered private
provider. The department shall approve entities that meet the standards established by rule of the state board for the program established under this section.

(E) The state board shall adopt rules under Chapter 119. of the Revised Code prescribing procedures necessary to implement this section, including, but not limited to, procedures and deadlines for parents to apply for scholarships, standards for registered private providers, and procedures for approval of entities as registered private providers.

The rules also shall specify that intervention services under the autism scholarship program may be provided by a qualified, credentialed provider, including, but not limited to, all of the following:

(1) A behavior analyst certified by a nationally recognized organization that certifies behavior analysts;

(2) A psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;

(3) An independent school psychologist or school psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;

(4) Any person employed by a licensed psychologist, licensed independent school psychologist, or licensed school psychologist, while carrying out specific tasks, under the licensee's supervision, as an extension of the licensee's legal and ethical authority as specified under Chapter 4732. of the Revised Code who is ascribed as "psychology trainee," "psychology assistant," "psychology intern," or other appropriate term that clearly implies their supervised or training status;

(5) Unlicensed persons holding a doctoral degree in psychology or special education from a program approved by the state board;
(6) A "registered behavior technician" as described under rule 5123-9-41 of the Administrative Code;

(7) A "certified Ohio behavior analyst" under Chapter 4783. of the Revised Code;

(8) Any other qualified individual as determined by the state board.

(F) The department shall provide reasonable notice to all parents of children receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program.

Sec. 3310.43. (A) As used in this section:

(1) "Registered private provider" has the same meaning as in section 3310.41 of the Revised Code.

(2) "Two years of study" means the equivalent of forty-eight semester hours or seventy-two quarter hours.

(B) The state board of education may issue an instructional assistant permit to an individual, upon the request of a registered private provider, qualifying that individual to provide services to a child under the autism scholarship program under section 3310.41 of the Revised Code. The permit shall be valid for one year from the date of issue and shall be renewable.

For an individual to qualify for a permit under this section, the registered private provider shall assure to the state board all of the following:

(1) The individual possesses the appropriate skills necessary to perform the duties of an instructional assistant, including the supervision of children and assistance with instructional tasks.

(2) The individual demonstrates the potential to benefit from
and consents to participating in in-service training, as required by the registered private provider.

(3) The individual either:

(a) Has an associate degree or higher from an accredited institution of higher education;

(b) Has completed at least two years of study at an accredited institution of higher education.

(C) An individual issued a permit under this section may provide instructional services in the home of a child so long as the individual is subject to adequate training and supervision. The state board shall adopt rules, pursuant to Chapter 119. of the Revised Code, regarding how providers will demonstrate this supervision.

(D) An individual issued a permit under this section shall be subject to the requirements of sections 3319.291, 3319.31, 3319.311, and 3319.313 of the Revised Code.

(E) The state board shall not require any of the following providers to receive a permit under this section to qualify to provide services to a child, including in-home services, under the autism scholarship program:

(1) A registered behavior technician as described under rule 5123-9-41 of the Administrative Code;

(2) A certified Ohio behavior technician under Chapter 4783. of the Revised Code.

Sec. 3313.5310. (A) (1) This section applies to both of the following:

(a) Any school operated by a school district board of education;

(b) Any chartered or nonchartered nonpublic school that is
subject to the rules of an interscholastic conference or an organization that regulates interscholastic conferences or events.

(2) As used in this section, "athletic activity" means all of the following:

(a) Interscholastic athletics;

(b) An athletic contest or competition that is sponsored by or associated with a school that is subject to this section, including cheerleading, club-sponsored sports activities, and sports activities sponsored by school-affiliated organizations;

(c) Noncompetitive cheerleading that is sponsored by school-affiliated organizations;

(d) Practices, interschool practices, and scrimmages for all of the activities described in divisions (A)(2)(a), (b), and (c) of this section.

(B) Prior to the start of each athletic season, a school that is subject to this section may hold an informational meeting for students, parents, guardians, other persons having care or charge of a student, physicians, pediatric cardiologists, athletic trainers, and any other persons regarding the symptoms and warning signs of sudden cardiac arrest for all ages of students.

(C) No student shall participate in an athletic activity until the student has submitted to a designated school official a form signed by the student and the parent, guardian, or other person having care or charge of the student stating that the student and the parent, guardian, or other person having care or charge of the student have received and reviewed a copy of the information developed by the departments of health and education and posted on their respective internet web sites as required by section 3707.59 of the Revised Code. A completed form shall be submitted each school year, as defined in section 3313.62 of the Revised Code, in which the student participates in an athletic
activity.

(D) No individual shall coach an athletic activity unless the individual has completed, on an annual basis, the sudden cardiac arrest training course approved by the department of health under division (C) of section 3707.59 of the Revised Code in accordance with section 3319.303 of the Revised Code.

(E)(1) A student shall not be allowed to participate in an athletic activity if either of the following is the case:

(a) The student's biological parent, biological sibling, or biological child has previously experienced sudden cardiac arrest, and the student has not been evaluated and cleared for participation in an athletic activity by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(b) The student is known to have exhibited syncope or fainting at any time prior to or following an athletic activity and has not been evaluated and cleared for return under division (E)(3) of this section after exhibiting syncope or fainting.

(2) A student shall be removed by the student's coach from participation in an athletic activity if the student exhibits syncope or fainting.

(3) If a student is not allowed to participate in or is removed from participation in an athletic activity under division (E)(1) or (2) of this section, the student shall not be allowed to return to participation until the student is evaluated and cleared for return in writing by any of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including a physician who specializes in cardiology;

(b) A certified nurse practitioner, clinical nurse
specialist, or certified nurse-midwife who holds a certificate of
authority issued under Chapter 4723. of the Revised Code;

(c) A physician assistant licensed under Chapter 4730. of the
Revised Code;

(d) An athletic trainer licensed under Chapter 4755. of the
Revised Code.

The licensed health care providers specified in divisions (E)(3)(a) to (d) of this section may consult with any other
licensed or certified health care providers in order to determine
whether a student is ready to return to participation.

(F) A school that is subject to this section shall establish
penalties for a coach who violates the provisions of division (E)
of this section.

(G) Nothing in this section shall be construed to abridge or
limit any rights provided under a collective bargaining agreement
entered into under Chapter 4117. of the Revised Code prior to
March 14, 2017.

(H)(1) A school district, member of a school district board
of education, or school district employee or volunteer, including
a coach, is not liable in damages in a civil action for injury,
death, or loss to person or property allegedly arising from
providing services or performing duties under this section, unless
the act or omission constitutes willful or wanton misconduct.

This section does not eliminate, limit, or reduce any other
immunity or defense that a school district, member of a school
district board of education, or school district employee or
volunteer, including a coach, may be entitled to under Chapter
2744. or any other provision of the Revised Code or under the
common law of this state.

(2) A chartered or nonchartered nonpublic school or any
officer, director, employee, or volunteer of the school, including a coach, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.

**Sec. 3313.5318.** As used in this section, "athletic activity" has the same meaning as in section 3313.5310 of the Revised Code.

(A) No individual shall coach an athletic activity at a school operated by a school district board of education or any chartered or nonchartered nonpublic school that is subject to the rules of an interscholastic conference or an organization that regulates interscholastic conferences or events unless the individual has completed a student mental health training course approved by the department of mental health and addiction services pursuant to division (B) of this section. The mental health training course may be combined with or part of another training course.

(B) On or after the effective date of this section, an individual shall complete the training prescribed by division (A) of this section each time the individual applies for or renews a pupil-activity program permit under section 3319.303 of the Revised Code. An individual may complete the training at any time within the duration of the individual's new or renewed permit. Upon completion, the individual shall present evidence to the state board of education that the individual has successfully completed the training described in division (A) of this section.

**Sec. 3313.603.** (A) As used in this section:

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.
instruction.

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.

(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, three units;

(4) Physical education, one-half unit;

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:

(a) Biological sciences, one unit;

(b) Physical sciences, one unit.

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Social studies, two units.

Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (B)(7) of this section shall include at least one-half unit of instruction in the study of world history.
and civilizations.

(8) Elective units, seven units until September 15, 2003, and six units thereafter.

Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.

(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;

(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II, or one unit of advanced computer science as described in the standards adopted pursuant to division (A)(4) of section 3301.079 of the Revised Code. However, students who enter ninth grade on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II or advanced computer science, and instead may complete a career-based pathway mathematics course approved by the department of education as an alternative.

For students who choose to take advanced computer science in lieu of algebra II under division (C)(3) of this section, the school shall communicate to those students that some institutions of higher education may require algebra II for the purpose of
college admission. Also, the parent, guardian, or legal custodian of each student who chooses to take advanced computer science in lieu of algebra II shall sign and submit to the school a document containing a statement acknowledging that not taking algebra II may have an adverse effect on college admission decisions.

A student may fulfill one unit of mathematics under division (C)(3) of this section by completing one-half unit of financial literacy instruction to satisfy the requirement prescribed under division (C)(9) of this section and one-half unit of a mathematics course. The one-half unit course in mathematics shall not be in algebra II, or its equivalent, or a course for which the state board requires an end-of-course examination under section 3301.0712 of the Revised Code.

Students who choose to take one unit of advanced computer science in lieu of algebra II, as described in division (C)(3) of this section, shall not be permitted to complete one-half unit of financial literacy instruction to satisfy the mathematics unit requirements of that division. Instead, those students shall be required to complete the one-half unit of financial literacy instruction under division (C)(8) of this section.

(4) Physical education, one-half unit;

(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:

(a) Physical sciences, one unit;

(b) Life sciences, one unit;

(c) Advanced study in one or more of the following sciences, one unit:

(i) Chemistry, physics, or other physical science;
(ii) Advanced biology or other life science;

(iii) Astronomy, physical geology, or other earth or space science;

(iv) Computer science.

No student shall substitute a computer science course for a life sciences or biology course under division (C)(5) of this section.

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Social studies, two units.

Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (C)(7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.

(8) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology which may include computer science, agricultural education, a junior reserve officer training corps (JROTC) program approved by the congress of the United States under title 10 of the United States Code, or English language arts, mathematics, science, or social studies courses not otherwise required under division (C) of this section.

One-half unit of instruction under division (C)(8) of this section may be instruction in financial literacy to satisfy the requirement under division (C)(9) of this section.

(9)(a) Except as provided in division (C)(9)(b) of this
section, for students who enter ninth grade for the first time on or after July 1, 2022, financial literacy, one-half unit. Each student shall elect to complete the one-half unit of instruction in financial literacy either in lieu of one-half unit of instruction in mathematics under division (C)(3) of this section or an elective under division (C)(8) of this section.

(b) A student attending a nonpublic school accredited through the independent schools association of the central states or any other chartered nonpublic school shall not be required to complete the one-half unit of financial literacy instruction prescribed in division (C)(9)(a) of this section, unless that student is attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code.

The study and instruction of financial literacy required under division (C)(9) of this section shall align with the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of section 3301.079 of the Revised Code. Schools shall include in the curriculum for the study and instruction of financial literacy instruction on the free application for federal student aid. The content and method of such instruction shall be determined by each school. In developing the curriculum for the study and instruction of financial literacy, schools may use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education.

Ohioans must be prepared to apply increased knowledge and skills in the workplace and to adapt their knowledge and skills quickly to meet the rapidly changing conditions of the twenty-first century. National studies indicate that all high school graduates need the same academic foundation, regardless of the opportunities they pursue after graduation. The goal of Ohio's
system of elementary and secondary education is to prepare all 
students for and seamlessly connect all students to success in 
life beyond high school graduation, regardless of whether the next 
step is entering the workforce, beginning an apprenticeship, 
engaging in post-secondary training, serving in the military, or 
pursuing a college degree.

The requirements for graduation prescribed in division (C) of 
this section are the standard expectation for all students 
entering ninth grade for the first time at a public or chartered 
nonpublic high school on or after July 1, 2010. A student may 
satisfy this expectation through a variety of methods, including, 
but not limited to, integrated, applied, career-technical, and 
traditional coursework.

Stronger coordination between high schools and institutions 
of higher education is necessary to prepare students for more 
challenging academic endeavors and to lessen the need for academic 
remediation in college, thereby reducing the costs of higher 
education for Ohio's students, families, and the state. The state 
board and the chancellor of higher education shall develop 
policies to ensure that only in rare instances will students who 
complete the requirements for graduation prescribed in division 
(C) of this section require academic remediation after high 
school.

School districts, community schools, and chartered nonpublic 
schools shall integrate technology into learning experiences 
across the curriculum in order to maximize efficiency, enhance 
learning, and prepare students for success in the 
technology-driven twenty-first century. Districts and schools 
shall use distance and web-based course delivery as a method of 
providing or augmenting all instruction required under this 
division, including laboratory experience in science. Districts 
and schools shall utilize technology access and electronic
learning opportunities provided by the broadcast educational media commission, chancellor, the Ohio learning network, education technology centers, public television stations, and other public and private providers.

(D) Except as provided in division (E) of this section, a student who enters ninth grade on or after July 1, 2010, and before July 1, 2016, may qualify for graduation from a public or chartered nonpublic high school even though the student has not completed the requirements for graduation prescribed in division (C) of this section if all of the following conditions are satisfied:

(1) During the student's third year of attending high school, as determined by the school, the student and the student's parent, guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(2) The student and parent, guardian, or custodian fulfill any procedural requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements under division (D)(1) of this section. Annually, each district or school shall notify the department of the number of students who choose to qualify for graduation under division (D) of this section and the number of students who complete the student's success plan and graduate from high school.

(3) The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop a student success plan for the student in the
manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(4) The student's high school provides counseling and support for the student related to the plan developed under division (D)(3) of this section during the remainder of the student's high school experience.

(5)(a) Except as provided in division (D)(5)(b) of this section, the student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.

(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2014, a student shall be required to complete successfully, at the minimum, the curriculum prescribed in division (B) of this section, except as follows:

(i) Mathematics, four units, one unit which shall be one of the following:

(I) Probability and statistics;

(II) Computer science;

(III) Applied mathematics or quantitative reasoning;

(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.

(ii) Elective units, five units;

(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.

(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum...
curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:

(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;

(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section;

(3) That no exception comparable to that provided in division (D) of this section is available.

If a school district or chartered nonpublic school requires a foreign language as an additional graduation requirement under division (E) of this section, a student may apply one unit of instruction in computer coding to satisfy one unit of foreign language. If a student applies more than one computer coding course to satisfy the foreign language requirement, the courses shall be sequential and progressively more difficult.

(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the requirements for graduation prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of
the following conditions:

(1) The program serves only students not younger than sixteen
    years of age and not older than twenty-one years of age.

(2) The program enrolls students who, at the time of their
    initial enrollment, either, or both, are at least one grade level
    behind their cohort age groups or experience crises that
    significantly interfere with their academic progress such that
    they are prevented from continuing their traditional programs.

(3) The program requires students to attain at least the
    applicable score designated for each of the assessments prescribed
    under division (B)(1) of section 3301.0710 of the Revised Code or,
    to the extent prescribed by rule of the state board under division
    (D)(5) of section 3301.0712 of the Revised Code, division (B)(2)
    of that section.

(4) The program develops a student success plan for the
    student in the manner described in division (C)(1) of section
    3313.6020 of the Revised Code that specifies the student's
    matriculating to a two-year degree program, acquiring a business
    and industry-recognized credential, or entering an apprenticeship.

(5) The program provides counseling and support for the
    student related to the plan developed under division (F)(4) of
    this section during the remainder of the student's high school
    experience.

(6) The program requires the student and the student's
    parent, guardian, or custodian to sign and file, in accordance
    with procedural requirements stipulated by the program, a written
    statement asserting the parent's, guardian's, or custodian's
    consent to the student's graduating without completing the
    requirements for graduation prescribed in division (C) of this
    section and acknowledging that one consequence of not completing
    those requirements is ineligibility to enroll in most state
universities in Ohio without further coursework.

(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board under section 3301.079 of the Revised Code will be taught and assessed.

(8) Prior to receiving the waiver, the program has submitted to the department a policy on career advising that satisfies the requirements of section 3313.6020 of the Revised Code, with an emphasis on how every student will receive career advising.

(9) Prior to receiving the waiver, the program has submitted to the department a written agreement outlining the future cooperation between the program and any combination of local job training, postsecondary education, nonprofit, and health and social service organizations to provide services for students in the program and their families.

Divisions (F)(8) and (9) of this section apply only to waivers granted on or after July 1, 2015.

If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.

(G) Every high school may permit students below the ninth grade to take advanced work. If a high school so permits, it shall award high school credit for successful completion of the advanced work and shall count such advanced work toward the graduation requirements of division (B) or (C) of this section if the advanced work was both:

(1) Taught by a person who possesses a license or certificate issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;
(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the chartered nonpublic school as meeting the high school curriculum requirements.

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript.

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) A school district or chartered nonpublic school may integrate academic content in a subject area for which the state board has adopted standards under section 3301.079 of the Revised Code into a course in a different subject area, including a career-technical education course, in accordance with guidance for integrated coursework developed by the department. Upon successful completion of an integrated course, a student may receive credit for both subject areas that were integrated into the course. Units earned for subject area content delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

For purposes of meeting graduation requirements, if an end-of-course examination has been prescribed under section 3301.0712 of the Revised Code for the subject area delivered through integrated instruction, the school district or school may
administer the related subject area examinations upon the 36320
student's completion of the integrated course. 36321

Nothing in division (I) of this section shall be construed to 36322
excuse any school district, chartered nonpublic school, or student 36323
from any requirement in the Revised Code related to curriculum, 36324
assessments, or the awarding of a high school diploma. 36325

(J)(1) The state board, in consultation with the chancellor, 36326
shall adopt a statewide plan implementing methods for students to 36327
earn units of high school credit based on a demonstration of 36328
subject area competency, instead of or in combination with 36329
completing hours of classroom instruction. The state board shall 36330
adopt the plan not later than March 31, 2009, and commence phasing 36331
in the plan during the 2009-2010 school year. The plan shall 36332
include a standard method for recording demonstrated proficiency 36333
on high school transcripts. Each school district and community 36334
school shall comply with the state board's plan adopted under this 36335
division and award units of high school credit in accordance with 36336
the plan. The state board may adopt existing methods for earning 36337
high school credit based on a demonstration of subject area 36338
competency as necessary prior to the 2009-2010 school year. 36339

(2) Not later than December 31, 2015, the state board shall 36340
update the statewide plan adopted pursuant to division (J)(1) of 36341
this section to also include methods for students enrolled in 36342
seventh and eighth grade to meet curriculum requirements based on 36343
a demonstration of subject area competency, instead of or in 36344
combination with completing hours of classroom instruction. 36345
Beginning with the 2017-2018 school year, each school district and 36346
community school also shall comply with the updated plan adopted 36347
pursuant to this division and permit students enrolled in seventh 36348
and eighth grade to meet curriculum requirements based on subject 36349
area competency in accordance with the plan. 36350

(3) Not later than December 31, 2017, the department shall 36351
develop a framework for school districts and community schools to
use in granting units of high school credit to students who
demonstrate subject area competency through work-based learning
experiences, internships, or cooperative education. Beginning with
the 2018-2019 school year, each district and community school
shall comply with the framework. Each district and community
school also shall review any policy it has adopted regarding the
demonstration of subject area competency to identify ways to
incorporate work-based learning experiences, internships, and
cooporative education into the policy in order to increase student
engagement and opportunities to earn units of high school credit.

(K) This division does not apply to students who qualify for
graduation from high school under division (D) or (F) of this
section, or to students pursuing a career-technical instructional
track as determined by the school district board of education or
the chartered nonpublic school's governing authority.
Nevertheless, the general assembly encourages such students to
consider enrolling in a fine arts course as an elective.

Beginning with students who enter ninth grade for the first
time on or after July 1, 2010, each student enrolled in a public
or chartered nonpublic high school shall complete two semesters or
the equivalent of fine arts to graduate from high school. The
coursework may be completed in any of grades seven to twelve. Each
student who completes a fine arts course in grade seven or eight
may elect to count that course toward the five units of electives
required for graduation under division (C)(8) of this section, if
the course satisfied the requirements of division (G) of this
section. In that case, the high school shall award the student
high school credit for the course and count the course toward the
five units required under division (C)(8) of this section. If the
course in grade seven or eight did not satisfy the requirements of
division (G) of this section, the high school shall not award the
student high school credit for the course but shall count the course toward the two semesters or the equivalent of fine arts required by this division.

(L) Notwithstanding anything to the contrary in this section, the board of education of each school district and the governing authority of each chartered nonpublic school may adopt a policy to excuse from the high school physical education requirement each student who, during high school, has participated in interscholastic athletics, marching band, show choir, or cheerleading for at least two full seasons or in the junior reserve officer training corps for at least two full school years. If the board or authority adopts such a policy, the board or authority shall not require the student to complete any physical education course as a condition to graduate. However, the student shall be required to complete one-half unit, consisting of at least sixty hours of instruction, in another course of study. In the case of a student who has participated in the junior reserve officer training corps for at least two full school years, credit received for that participation may be used to satisfy the requirement to complete one-half unit in another course of study.

(M) It is important that high school students learn and understand United States history and the governments of both the United States and the state of Ohio. Therefore, beginning with students who enter ninth grade for the first time on or after July 1, 2012, the study of American history and American government required by divisions (B)(6) and (C)(6) of this section shall include the study of all of the following documents:

(1) The Declaration of Independence;
(2) The Northwest Ordinance;
(3) The Constitution of the United States with emphasis on the Bill of Rights;
(4) The Ohio Constitution.

The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.

The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.

(N) A student may apply one unit of instruction in computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure requirements prescribed by section 3319.236 of the Revised Code and, prior to teaching the course, completes a professional development program determined to be appropriate by the district board.

If a student applies more than one computer science course to satisfy curriculum requirements under that division, the courses shall be sequential and progressively more difficult or cover different subject areas within computer science.

Sec. 3313.608.  (A)(1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, for any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in
English language arts expected at the end of third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:

(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade;

(b) Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade;

(c) Retain the student in third grade.

(2) Beginning with students who enter third grade in the 2013-2014 school year and until the effective date of this amendment, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, unless one of the following applies:

(a) The student is an English learner who has been enrolled in United States schools for less than three full school years and has had less than three years of instruction in an English as a second language program.

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.

(c) The student demonstrates an acceptable level of
performance on an alternative standardized reading assessment as determined by the department of education.

(d) All of the following apply:

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.

(iv) The student previously was retained in any of grades kindergarten to three.

(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.

(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers.

(3) Beginning with students who enter the third grade in the 2023-2024 school year, no school district shall retain a student under this section based upon the student's score on the
assessment prescribed by section 3301.0710 of the Revised Code to measure skill in English language arts expected at the end of third grade. Districts shall continue to offer intervention and remediation services in the manner prescribed under this section for students found to be reading below grade level.

(B)(1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students with significant cognitive disabilities or other disabilities as authorized by the department on a case-by-case basis, enrolled in kindergarten to third grade and shall identify students who are reading below their grade level. The reading skills assessment shall be completed by the thirtieth day of September for students in grades one to three, and by the twentieth day of instruction of the school year for students in kindergarten. Each district shall use the diagnostic assessment to measure reading ability for the appropriate grade level adopted under section 3301.079 of the Revised Code, or a comparable tool approved by the department of education, to identify such students. The policies and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. The assessment may be administered electronically using live, two-way video and audio connections whereby the teacher administering the assessment may be in a separate location from the student.

(2) For each student identified by the diagnostic assessment prescribed under this section as having reading skills below grade level, the district shall do both of the following:

(a) Provide to the student's parent or guardian, in writing, all of the following:
(i) Notification that the student has been identified as having a substantial deficiency in reading;

(ii) A description of the current services that are provided to the student;

(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;

(iv) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) For Prior to the 2023-2024 school year, for each student retained under division (A) of this section, the district shall do all of the following:
(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:

(i) Small group instruction;

(ii) Reduced teacher-student ratios;

(iii) More frequent progress monitoring;

(iv) Tutoring or mentoring;

(v) Transition classes containing third and fourth grade students;

(vi) Extended school day, week, or year;

(vii) Summer reading camps.

(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;

(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) (I) of this section.

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction
commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following:

(1) Identification of the student's specific reading deficiencies;

(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section;

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section;

(5) A reading curriculum during regular school hours that does all of the following:

(a) Assists students to read at grade level;

(b) Provides scientifically based and reliable assessment;

(c) Provides initial and ongoing analysis of each student's reading progress.

(6) A statement that if the student does not attain at least
the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H)(I) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.

(D) Each school district shall provide reading intervention services required under division (B)(2) of this section and the reading improvement and monitoring plans required under division (C) of this section to either of the following:

(1) A student in grade four or five who has been identified as having reading skills below grade level;

(2) A student who has been retained in any of grades kindergarten through three and has received remediation in reading for two school years but continues to read below grade level.

Each school district shall notify the parent or guardian of students who receive services or a plan under division (D) of this section.

(E) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading.
below grade level based on the diagnostic assessments administered under division (B) of this section and the achievement assessments administered under divisions (A)(1)(a) and (b) of section 3301.0710 of the Revised Code in English language arts, aggregated by school district and building; the types of intervention services provided to students; and, if available, an evaluation of the efficacy of the intervention services provided.

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students under this section shall meet the following conditions:

(1) The remediation methods are based on reliable educational research.

(2) The school districts conduct assessment before and after students participate in the program to facilitate monitoring results of the remediation services.

(3) The parents of participating students are involved in programming decisions.

(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction.

(G) This section does not create a new cause of action or a substantive legal right for any person.

(H)(1) Except as provided under divisions (H)(2)(I)(2), (3), and (4) of this section, each student described in division (B)(3) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:

(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding

(b) The teacher holds a license in special education and has attained a passing score on the corresponding
assessment for that endorsement, as applicable.

(b) The teacher has completed a master's degree program with a major in reading.

(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code.

(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.

(2) Notwithstanding division (H)(1)(I)(1) of this section, a student described in division (B)(3) or (C) or (D) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a)(I)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1)(I)(1) of this section.

(3) Notwithstanding division (H)(1)(I)(1) of this section, a student described in division (B)(3) or (C) or (D) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or
who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H)(3)(I)(3) of this section shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(4) Notwithstanding division (H)(1)(I)(1) of this section, a student described in division (B)(3) or (C) or (D) of this section who enters third grade for the first time on or after July 1, 2013, may receive reading intervention or remediation services under this section from an individual employed as a speech-language pathologist who holds a license issued by the state speech and hearing professionals board under Chapter 4753. of the Revised Code and a professional pupil services license as a school speech-language pathologist issued by the state board of education.

(5) A teacher, other than a student's teacher of record, may provide any services required under this section, so long as that other teacher meets the requirements of division (H)(1) of this section and the teacher of record and the school principal agree to the assignment. Any such assignment shall be documented in the student's reading improvement and monitoring plan.

As used in this division, "teacher of record" means the classroom teacher to whom a student is assigned.

(I) Notwithstanding division (H)(1) of this section, a teacher may teach reading to any student who is an English language learner, and has been in the United States for three years or less, or to a student who has an individualized education program developed under Chapter 3323. of the Revised Code if that teacher holds an alternative credential approved by the department or has successfully completed training that is based on principles...
of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in this division shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(K) If, on or after June 4, 2013, a school district or community school cannot furnish the number of teachers needed who satisfy one or more of the criteria set forth in division (H)(I) of this section for the 2013-2014 school year, the school district or community school shall develop and submit a staffing plan by June 30, 2013. The staffing plan shall include criteria that will be used to assign a student described in division (B)(3) or (C) or (D) of this section to a teacher, credentials or training held by teachers currently teaching at the school, and how the school district or community school will meet the requirements of this section. The school district or community school shall post the staffing plan on its web site for the applicable school year.

Not later than March 1, 2014, and on the first day of March in each year thereafter, a school district or community school that has submitted a plan under this division shall submit to the department a detailed report of the progress the district or school has made in meeting the requirements under this section.

A school district or community school may request an extension of a staffing plan beyond the 2013-2014 school year. Extension requests must be submitted to the department not later than the thirtieth day of April prior to the start of the applicable school year. The department may grant extensions valid through the 2015-2016 school year.

Until June 30, 2015, the department annually shall review all staffing plans and report to the state board not later than the thirtieth day of June of each year the progress of school
districts and community schools in meeting the requirements of this section.

(K) The department of education shall designate one or more staff members to provide guidance and assistance to school districts and community schools in implementing the third grade guarantee established by this section, including any standards or requirements adopted to implement the guarantee and to provide information and support for reading instruction and achievement.

Sec. 3313.6028. (A) As used in this section, "three-cueing approach" means an instructional method that encourages students to predict words based on story structure, pictures, typical word order, letter sounds, or other contextual cues.

(B) The department of education shall establish a list of high-quality core curriculum and instructional materials in English language arts, and a list of evidence-based reading intervention programs, that are aligned with the science of reading and strategies for effective literacy instruction.

(C) Beginning not later than the 2024-2025 school year, each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code, shall use core curriculum and instructional materials in English language arts and evidence-based reading intervention programs only from the lists established under division (B) of this section. Except as provided in division (D) of this section, no district or school shall use any core curriculum, instructional materials, or intervention program in grades pre-kindergarten to five that use the three-cueing approach to teach students to read.

(D) A district or school may apply to the department for a waiver on an individual student basis to use curriculum, instructional materials, or an intervention program in grades
pre-kindergarten through five that uses the three-cueing approach to teach students to read, except as follows:

(1) No student for whom a reading improvement and monitoring plan has been developed under division (C) of section 3313.608 of the Revised Code shall be eligible for a waiver.

(2) If a student has an individualized education program that explicitly indicates the three-cueing approach is appropriate for the student's learning needs, the student shall not be required to have a waiver.

In determining whether to approve a waiver requested under this section, the department shall consider the performance of the student's district or school on the state report card issued under section 3302.03 of the Revised Code, including on the early literacy component prescribed under division (D)(3)(e) of that section.

(E) The department shall identify vendors that provide professional development to educators, including pre-service teachers and faculty employed by educator preparation programs, on the use of high-quality core curriculum and instructional materials and reading intervention programs on the lists established under division (B) of this section.

Sec. 3313.61. (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply:

(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, or has qualified under division (D) or (F) of section 3313.603 of the Revised Code, provided that no school
district shall require a student to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early;

(2) Subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(2)(a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to July 1, 2014, the person either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division unless the person was excused from taking any such assessment pursuant to section 3313.532 of the Revised Code or unless division (H) or (L) of this section applies to the person;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that the person is excused from an assessment prescribed by that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of this section.

(3) The person is not eligible to receive an honors diploma granted pursuant to division (B) of this section.

Except as provided in divisions (C), (E), (J), and (L) of this section, no diploma shall be granted under this division to anyone except as provided under this division.

(B) In lieu of a diploma granted under division (A) of this section, an honors diploma shall be granted, in accordance with rules of the state board, by any such district board to anyone who
accomplishes all of the following:

(1) Successfully completes the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code;

(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to July 1, 2014, the person either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed under section 3313.618 of the Revised Code.

(3) Has met additional criteria established by the state board for the granting of such a diploma.

An honors diploma shall not be granted to a student who is subject to the requirements prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division.

The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the
granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. The rules may prescribe the granting of an honors diploma recognizing technical expertise for a career-technical student. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this division and the number of such criteria that must be met for the granting of that type of diploma. The number of such criteria for any type of honors diploma shall be at least one less than the total number of criteria designated for that type and no one or more particular criteria shall be required of all persons who are to be granted that type of diploma.

(C) Any district board administering any of the assessments required by section 3301.0710 of the Revised Code to any person requesting to take such assessment pursuant to division (B)(8)(b) of section 3301.0711 of the Revised Code shall award a diploma to such person if the person attains at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments administered and if the person has previously attained the applicable scores on all the other assessments required by division (B)(1) of that section or has been exempted or excused from attaining the applicable score on any such assessment pursuant to division (H) or (L) of this section or from taking any such assessment pursuant to section 3313.532 of the Revised Code.

(D) Each diploma awarded under this section shall be signed by the president and treasurer of the issuing board, the superintendent of schools, and the principal of the high school. Each diploma shall bear the date of its issue, be in such form as the district board prescribes, and be paid for out of the district's general fund.
(E) A person who is a resident of Ohio and is eligible under state board of education minimum standards to receive a high school diploma based in whole or in part on credits earned while an inmate of a correctional institution operated by the state or any political subdivision thereof, shall be granted such diploma by the correctional institution operating the programs in which such credits were earned, and by the board of education of the school district in which the inmate resided immediately prior to the inmate's placement in the institution. The diploma granted by the correctional institution shall be signed by the director of the institution, and by the person serving as principal of the institution's high school and shall bear the date of issue.

(F) Persons who are not residents of Ohio but who are inmates of correctional institutions operated by the state or any political subdivision thereof, and who are eligible under state board of education minimum standards to receive a high school diploma based in whole or in part on credits earned while an inmate of the correctional institution, shall be granted a diploma by the correctional institution offering the program in which the credits were earned. The diploma granted by the correctional institution shall be signed by the director of the institution and by the person serving as principal of the institution's high school and shall bear the date of issue.

(G) The state board of education shall provide by rule for the administration of the assessments required by sections 3301.0710 and 3301.0712 of the Revised Code to inmates of correctional institutions.

(H) Any person to whom all of the following apply shall be exempted from attaining the applicable score on the assessment in social studies designated under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination.
required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board under division (D)(3) of section 3301.0712 of the Revised Code, or the test in citizenship designated under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001:

(1) The person is not a citizen of the United States;

(2) The person is not a permanent resident of the United States;

(3) The person indicates no intention to reside in the United States after the completion of high school.

(I) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and section 3313.611 of the Revised Code do not apply to the board of education of any joint vocational school district or any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(J) Upon receipt of a notice under division (D) of section 3325.08 or division (D) of section 3328.25 of the Revised Code that a student has received a diploma under either section, the board of education receiving the notice may grant a high school diploma under this section to the student, except that such board shall grant the student a diploma if the student meets the graduation requirements that the student would otherwise have had to meet to receive a diploma from the district. The diploma granted under this section shall be of the same type the notice indicates the student received under section 3325.08 or 3328.25 of the Revised Code.

(K) As used in this division, "English learner" has the same meaning as in division (C)(2) of section 3301.0711 of the Revised Code.
Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 of the Revised Code, shall be awarded a diploma under this section.

(L)(1) Any student described by division (A)(1) of this section who is subject to divisions (A)(1) to (3) of section 3313.618 of the Revised Code may be awarded a diploma without meeting the requirements prescribed by those divisions provided an individualized education program specifically exempts the student from meeting such requirement. This division does not negate the requirement for a student to take the assessments prescribed by section 3301.0710 or under division (B) of section 3301.0712 of the Revised Code, or alternate assessments required by division (C)(1) of section 3301.0711 of the Revised Code, for the purpose of assessing student progress as required by federal law.

(2) Any student described by division (A)(1) of this section who is subject to division (B) of section 3313.618 of the Revised Code may be awarded a diploma without meeting the requirement prescribed by division (B)(1) of that section provided the student's individualized education program specifically exempts the student from meeting that requirement and either division (L)(2)(a) or (b) of this section applies to the student, as follows:

(a)(i) The student took an alternate assessment in mathematics and English language arts administered to the student in accordance with division (C)(1) of section 3301.0711 of the Revised Code and failed to attain a score established by the state board on one or both assessments.

(ii) The school district offered remedial support to the
student in each subject area in which the student did not attain the established score and the student received that support.

(iii) The student retook each alternate assessment in which the student did not attain the established score and the student did not attain the established score on the retake assessment.

(b)(i) The student took the Algebra I and English language arts II end-of-course examinations and failed to attain the competency score as determined under division (B)(10) of section 3301.0712 of the Revised Code on one or both examinations.

(ii) The school district offered remedial support to the student in each subject area in which the student did not attain the competency score and the student received that support.

(iii) The student retook each examination in which the student did not attain the competency score and the student did not attain the competency score on the retake examination.

Sec. 3313.611. (A) The state board of education shall adopt, by rule, standards for awarding high school credit equivalent to credit for completion of high school academic and vocational education courses to applicants for diplomas under this section. The standards may permit high school credit to be granted to an applicant for any of the following:

(1) Work experiences or experiences as a volunteer;
(2) Completion of academic, vocational, or self-improvement courses offered to persons over the age of twenty-one by a chartered public or nonpublic school;
(3) Completion of academic, vocational, or self-improvement courses offered by an organization, individual, or educational institution other than a chartered public or nonpublic school;
(4) Other life experiences considered by the board to provide knowledge and learning experiences comparable to that gained in a
classroom setting.

(B) The board of education of any city, exempted village, or local school district that operates a high school shall grant a diploma of adult education to any applicant if all of the following apply:

(1) The applicant is a resident of the district;

(2) The applicant is over the age of twenty-one and has not been issued a diploma as provided in section 3313.61 of the Revised Code;

(3) Subject to section 3313.614 of the Revised Code, the applicant has met the assessment requirements of division (B)(3)(a) or (b) of this section, as applicable.

(a) Prior to July 1, 2014, the applicant either:

(i) Has attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all of the assessments required by that division or was excused or exempted from any such assessment pursuant to section 3313.532 or was exempted from attaining the applicable score on any such assessment pursuant to division (H) or (L) of section 3313.61 of the Revised Code;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) On or after July 1, 2014, has met the requirement prescribed by section 3313.618 of the Revised Code, except and only to the extent that the applicant is excused from some portion of that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of section 3313.61 of the Revised Code.

(4) The district board determines, in accordance with the standards adopted under division (A) of this section, that the applicant has attained sufficient high school credits, including
equivalent credits awarded under such standards, to qualify as
having successfully completed the curriculum required by the
district for graduation.

(C) If a district board determines that an applicant is not
eligible for a diploma under division (B) of this section, it
shall inform the applicant of the reason the applicant is
ineligible and shall provide a list of any courses required for
the diploma for which the applicant has not received credit. An
applicant may reapply for a diploma under this section at any
time.

(D) If a district board awards an adult education diploma
under this section, the president and treasurer of the board and
the superintendent of schools shall sign it. Each diploma shall
bear the date of its issuance, be in such form as the district
board prescribes, and be paid for from the district's general
fund, except that the state board may by rule prescribe standard
language to be included on each diploma.

(E) As used in this division, "English learner" has the same
meaning as in division (C)(3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the
applicable scores designated under division (B)(1) of section
3301.0710 of the Revised Code on all the assessments required by
that division, or has not met the requirement prescribed by
section 3313.618 of the Revised Code, shall be awarded a diploma
under this section.

Sec. 3313.612. (A) No nonpublic school chartered by the state
board of education shall grant a high school diploma to any person
unless, subject to section 3313.614 of the Revised Code, the
person has met the assessment requirements of division (A)(1) or
(2) of this section, as applicable.

(1) If the person entered the ninth grade prior to July 1, 2014, the person has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(2) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code.

(B) This section does not apply to any of the following:

(1) Any person with regard to any assessment from which the person was excused pursuant to division (C)(1)(c) of section 3301.0711 of the Revised Code;

(2) Except as provided in division (B)(4) of this section, any person who attends a nonpublic school accredited through the independent schools association of the central states, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code;

(3) Any person with regard to the social studies assessment under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board of education under division (D)(3) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply:

(a) The person is not a citizen of the United States;
(b) The person is not a permanent resident of the United States;  

(c) The person indicates no intention to reside in the United States after completion of high school.  

(4) Any person who attends a chartered nonpublic school that satisfies the requirements of division (L)(4) of section 3301.0711 of the Revised Code. In the case of such a student, the student's chartered nonpublic school shall determine the student's eligibility for graduation based on the standards of the school's accrediting body.  

(C) As used in this division, "English learner" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code. Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section.  

(D) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section.  

(E) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B)(1) of section 3301.0712 of the Revised Code.  

Sec. 3313.7117. (A) As used in this section:  

(1) "Licensed health care professional" means any of the following:  

(a) A physician authorized under Chapter 4731. of the Revised Code;
Code to practice medicine and surgery or osteopathic medicine and surgery:

(b) A registered nurse, advanced practice registered nurse, or licensed practical nurse licensed under Chapter 4723. of the Revised Code;

(c) A physician assistant licensed under Chapter 4730. of the Revised Code.

(2) "Seizure disorder" means epilepsy or involuntary disturbance of brain function that may manifest as an impairment, loss of consciousness, behavioral abnormalities, sensory disturbance or convulsions.

(3) "Treating practitioner" means any of the following who has primary responsibility for treating a student's seizure disorder and has been identified as such by the student's parent, guardian, or other person having care or charge of the student or, if the student is at least eighteen years of age, by the student:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(b) An advanced practice registered nurse who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified nurse practitioner in accordance with section 4723.42 of the Revised Code;

(c) A physician assistant who holds a license issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.

(B) A school nurse, or another district or school employee if
a district or school does not have a school nurse, of each city, local, exempted village, and joint vocational school district and the governing authority of a chartered nonpublic school, acting in collaboration with a student's parents or guardian, shall create an individualized seizure action plan for each student enrolled in the school district or chartered nonpublic school who has an active seizure disorder diagnosis. A plan shall include all of the following components:

(1) A written request signed by the parent, guardian, or other person having care or charge of the student, required by division (C)(1) of section 3313.713 of the Revised Code, to have one or more drugs prescribed for a seizure disorder administered to the student;

(2) A written statement from the student's treating practitioner providing the drug information required by division (C)(2) of section 3313.713 of the Revised Code for each drug prescribed to the student for a seizure disorder.

(3) Any other component required by the state board of education.

(C)(1) The school nurse or a school administrator if the district does not employ a school nurse, shall notify a school employee, contractor, and volunteer in writing regarding the existence and content of each seizure action plan in force if the employee, contractor, or volunteer does any of the following:

(a) Regularly interacts with the student;

(b) Has legitimate educational interest in the student or is responsible for the direct supervision of the student;

(c) Is responsible for transportation of the student to and from school.

(2) The school nurse or a school administrator if the
district does not employ a school nurse, shall identify each individual who has received training under division (G) of this section in the administration of drugs prescribed for seizure disorders. The school nurse, or another district employee if a district does not employ a school nurse, shall coordinate seizure disorder care at that school and ensure that all staff described in division (C)(1) of this section are trained in the care of students with seizure disorders.

(D) A drug prescribed to a student with a seizure disorder shall be provided to the school nurse or another person at the school who is authorized to administer it to the student if the district does not employ a full-time school nurse. The drug shall be provided in the container in which it was dispensed by the prescriber or a licensed pharmacist.

(E) A seizure action plan is effective only for the school year in which the written request described in division (B)(1) of this section was submitted and must be renewed at the beginning of each school year.

(F) A seizure action plan created under division (B) of this section shall be maintained in the office of the school nurse or school administrator if the district does not employ a full-time school nurse.

(G) A school district or governing authority of a chartered nonpublic school shall designate at least one employee at each school building it operates, aside from a school nurse, to be trained on the implementation of seizure action plans every two years. The district or governing authority shall provide or arrange for the training of the employee. The training must include and be consistent with guidelines and best practices established by a nonprofit organization that supports the welfare of individuals with epilepsy and seizure disorders, such as the Epilepsy Alliance Ohio or Epilepsy Foundation of Ohio or other
similar organizations as determined by the department of
education, and address all of the following:

(1) Recognizing the signs and symptoms of a seizure;

(2) The appropriate treatment for a student who exhibits the
symptoms of a seizure;

(3) Administering drugs prescribed for seizure disorders,
subject to section 3313.713 of the Revised Code.

A seizure training program under division (G) of this section
shall not exceed one hour and shall qualify as a professional
development activity for the renewal of educator licenses,
including activities approved by local professional development
committees under division (F) of section 3319.22 of the Revised
Code. If the training is provided to a school district on portable
media by a nonprofit entity, the training shall be provided free
of charge.

(H) A board of education or governing authority shall require
each person it employs as an administrator, guidance counselor,
teacher, or bus driver to complete a minimum of one hour of
self-study training or in-person training on seizure disorders not
later than twenty-four months after the effective date of this
section. Any such person employed after that date shall complete
the training within ninety days of employment. The training shall
qualify as a professional development activity for the renewal of
educator licenses, including activities approved by local
professional development committees under division (F) of section
3319.22 of the Revised Code.

(I)(1) A school or school district, a member of a board or
governing authority, or a district or school employee is not
liable in damages in a civil action for injury, death, or loss to
person or property allegedly arising from providing care or
performing duties under this section unless the act or omission
constitutes willful or wanton misconduct.

This section does not eliminate, limit, or reduce any other immunity or defense that a school district, member of a school district board of education, or school district employee may be entitled to under Chapter 2744, or any other provision of the Revised Code or under the common law of this state.

(2) A chartered nonpublic school or any officer, director, or employee of the school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties under this section unless the act or omission constitutes willful or wanton misconduct.

Sec. 3313.819. (A) As used in this section, "national school breakfast program," "national school lunch program," and "public school" all have the same meanings as in section 3301.91 of the Revised Code.

(B) A public or chartered nonpublic school that participates in the national school breakfast program shall provide each student eligible for a reduced-price breakfast a breakfast at no cost to the student.

A public or chartered nonpublic school that participates in the national school lunch program shall provide each student eligible for a reduced-price lunch a lunch at no cost to the student.

Sec. 3313.901. (A) As used in this section, "Ohio technical center" has the same meaning as in section 3333.94 of the Revised Code.

(B) Upon approval by the department of education, any city, exempted village, local, or joint vocational school district may contract with an Ohio technical center to serve students in any of grades seven to twelve who are enrolled in a career-technical
education program at the district but cannot enroll in a course at the district for any of the following reasons:

(1) The course is at capacity and cannot serve all students who want to enroll in the course.

(2) The student has a scheduling conflict that prevents the student from taking the course at the time offered by the district.

(3) The district does not offer the course due to lack of enrollment, lack of a qualified teacher, or lack of facilities.

(4) Any other reason determined by the department.

(C) School districts shall apply to the department for approval to contract with an Ohio technical center under this section. Applicants shall submit a plan to the department describing how the district and the Ohio technical center will establish a collaborative partnership to provide career-technical education to students. Prior to approval, the department shall consider the extent to which the partnership will increase access to career-technical education courses for students.

(D) If the department approves an application under this section, the school district that received that approval shall do all of the following:

(1) Award a student high school credit for completion of any career-technical education course at an Ohio technical center;

(2) Report the student in the education management information system established under section 3301.0714 of the Revised Code as enrolled in the district for the time the student is taking a course at an Ohio technical center, but the district shall indicate that the course is being taken through a center rather than at the district;

(3) Not count a student taking a course at an Ohio technical
center as more than one full-time equivalent student, unless the
student is enrolled full-time in the district during the regularly
scheduled school day and takes the course at the center during
time outside of normal school hours;

(4) Pay the Ohio technical center for each student taking a
course at the technical center. The payment amount shall be the
lesser of the standard tuition charged for the course by the
center or the applicable one of the following:

(a) If the center is located on the same campus as the high
school in which the student is enrolled, the amount equal to the
statewide average base cost per pupil and the amount applicable to
the student pursuant to division (C) of section 3317.014 of the
Revised Code for the portion of the full-time equivalency the
student is enrolled in the course, without application of the
district's state share percentage;

(b) If the center is not located on the same campus as the high
school in which the student is enrolled, $7,500.

(E) A district and an Ohio technical center may enter into an
agreement under this section to establish alternate amounts than
those prescribed under division (D) of this section that the
district will pay to the center.

(F) A district may use career-technical education funds
received under division (C) of section 3317.014 of the Revised
Code to pay for any costs incurred by students enrolling in
courses at an Ohio technical center under this section. The
department shall consider that cost as an approved
career-technical education expense under division (F) of section
3317.014 of the Revised Code.

(G) Notwithstanding anything to the contrary in the Revised
Code, an individual who holds an adult education permit issued by
the state board of education and is employed by an Ohio technical
center may provide instruction to a student in grades seven through twelve who is taking a course at an Ohio technical center under this section.

(H) If the department approves an application from a school district to contract with an Ohio technical center under this section, the district shall not prohibit a student enrolled in the district from taking any course for which the district has contracted at the technical center.

Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(4) Performance standards, including but not limited to all
applicable report card measures set forth in section 3302.03 or
3314.017 of the Revised Code, by which the success of the school
will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised
Code and, if applicable, section 3314.061 of the Revised Code;

(6)(a) Dismissal procedures;

(b) A requirement that the governing authority adopt an
attendance policy that includes a procedure for automatically
withdrawing a student from the school if the student without a
legitimate excuse fails to participate in seventy-two consecutive
hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and
ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of
state. The contract shall require financial records of the school
to be maintained in the same manner as are financial records of
school districts, pursuant to rules of the auditor of state.
Audits shall be conducted in accordance with section 117.10 of the
Revised Code.

(9) An addendum to the contract outlining the facilities to
be used that contains at least the following information:

(a) A detailed description of each facility used for
instructional purposes;

(b) The annual costs associated with leasing each facility
that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that
are paid by the school;

(d) The name of the lender or landlord, identified as such,
and the lender's or landlord's relationship to the operator, if
any.
(10) Qualifications of teachers, including a both of the following:

(a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code.

(b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 37490
3319.0812, 3319.225, 3319.238, 3319.318, 3319.321, 3319.324, 37491
3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 37492
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 37493
3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 37494
4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 37495
1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the
updated plan that permits students enrolled in seventh and eighth
grade to meet curriculum requirements based on subject area
competency adopted by the state board of education under divisions
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning
with the 2018-2019 school year, the school shall comply with the
framework for granting units of high school credit to students who
demonstrate subject area competency through work-based learning
experiences, internships, or cooperative education developed by
the department under division (J)(3) of section 3313.603 of the
Revised Code.

(g) The school governing authority will submit within four
months after the end of each school year a report of its
activities and progress in meeting the goals and standards of
divisions (A)(3) and (4) of this section and its financial status
to the sponsor and the parents of all students enrolled in the
school.

(h) The school, unless it is an internet- or computer-based
community school, will comply with section 3313.801 of the Revised
Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant
awarded under the federal race to the top program, Division (A),
Title XIV, Sections 14005 and 14006 of the "American Recovery and
school will pay teachers based upon performance in accordance with
section 3317.141 and will comply with section 3319.111 of the
Revised Code as if it were a school district.

(j) If the school operates a preschool program that is
licensed by the department of education under sections 3301.52 to
3301.59 of the Revised Code, the school shall comply with sections
3301.50 to 3301.59 of the Revised Code and the minimum standards
for preschool programs prescribed in rules adopted by the state
board under section 3301.53 of the Revised Code.
(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:

(i) An internet- or computer-based community school;

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code.

(l) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of
education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to...
inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code;

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code.

(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.
(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent under section 3326.032 of the Revised Code;

(27) That the school's attendance and participation policies will be available for public inspection;

(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;

(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:
  (a) An indication of what blended learning model or models will be used;
  (b) A description of how student instructional needs will be determined and documented;
  (c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;
  (d) The school's attendance requirements, including how the school will document participation in learning opportunities;
  (e) A statement describing how student progress will be monitored;
  (f) A statement describing how private student data will be protected;
  (g) A description of the professional development activities that will be offered to teachers.

(30) A provision requiring that all moneys the school's
operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school...
shall also submit copies of all policies and procedures regarding
internal financial controls adopted by the governing authority of
the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to
correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.08. (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.
"Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) The state board of education shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following:

(1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;

(3) The number of students reported under division (B)(2) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;

(4) The full-time equivalent number of students reported under divisions (B)(1) and (2) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code that are provided by the community school;

(5) The number of students reported under divisions (B)(1) and (2) of this section who are not reported under division (B)(4) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;

(6) The number of students reported under divisions (B)(1)
and (2) of this section who are category one to three English
learners described in each of divisions (A) to (C) of section
3317.016 of the Revised Code;

(7) The number of students reported under divisions (B)(1)
and (2) of this section who are economically disadvantaged, as
defined by the department. A student shall not be categorically
excluded from the number reported under division (B)(7) of this
section based on anything other than family income.

(8) For each student, the city, exempted village, or local
school district in which the student is entitled to attend school
under section 3313.64 or 3313.65 of the Revised Code.

(9) The number of students enrolled in a preschool program
operated by the school that is licensed by the department of
education under sections 3301.52 to 3301.59 of the Revised Code
who are not receiving special education and related services
pursuant to an IEP.

A school district board and a community school governing
authority shall include in their respective reports under division
(B) of this section any child admitted in accordance with division
(A)(2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include
in its report under divisions (B)(1) to (9) of this section any
student for whom tuition is charged under division (F) of this
section.

(C)(1)(a) If a community school's costs for a fiscal year for
a student receiving special education and related services
pursuant to an IEP for a disability described in divisions (B) to
(F) of section 3317.013 of the Revised Code exceed the threshold
catastrophic cost for serving the student as specified in division
(B) of section 3317.0214 of the Revised Code, the school may
submit to the superintendent of public instruction documentation,
as prescribed by the superintendent, of all its costs for that 37829  
student. Upon submission of documentation for a student of the 37830  
type and in the manner prescribed, the department shall pay to the 37831  
community school an amount equal to the school's costs for the 37832  
student in excess of the threshold catastrophic costs. 37833  

(b) The community school shall report under division 37834  
(C)(1)(a) of this section, and the department shall pay for, only 37835  
the costs of educational expenses and the related services 37836  
provided to the student in accordance with the student's 37837  
individualized education program. Any legal fees, court costs, or 37838  
other costs associated with any cause of action relating to the 37839  
student may not be included in the amount. 37840  

(2) In any fiscal year, a community school receiving funds 37841  
under division (A)(7) of section 3317.022 of the Revised Code 37842  
shall spend those funds only for the purposes that the department 37843  
designates as approved for career-technical education expenses. 37844  
Career-technical education expenses approved by the department 37845  
shall include only expenses connected to the delivery of 37846  
career-technical programming to career-technical students. The 37847  
department shall require the school to report data annually so 37848  
that the department may monitor the school's compliance with the 37849  
requirements regarding the manner in which funding received under 37850  
division (A)(7) of section 3317.022 of the Revised Code may be 37851  
spent. 37852  

(3) Notwithstanding anything to the contrary in section 37853  
3313.90 of the Revised Code, except as provided in division (C)(5) 37854  
of this section, all funds received under division (A)(7) of 37855  
section 3317.022 of the Revised Code shall be spent in the 37856  
following manner: 37857  

(a) At least seventy-five per cent of the funds shall be 37858  
spent on curriculum development, purchase, and implementation; 37859  
instructional resources and supplies; industry-based program 37860
certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(4) A community school shall spend the funds it receives under division (A)(4) of section 3317.022 of the Revised Code in accordance with section 3317.25 of the Revised Code.

(5) The department may waive the requirement in division (C)(3) of this section for any community school that exclusively provides one or more career-technical workforce development programs in arts and communications that are not equipment-intensive, as determined by the department.

(6) For fiscal years 2022, 2023, and 2024, a community school shall spend the funds it receives under division (A)(5) of section 3317.022 of the Revised Code only for services for English learners.

(D) A board of education sponsoring a community school may utilize local funds to make enhancement grants to the school or may agree, either as part of the contract or separately, to provide any specific services to the community school at no cost to the school.

(E) A community school may not levy taxes or issue bonds secured by tax revenues.

(F) No community school shall charge tuition for the enrollment of any student who is a resident of this state. A community school may charge tuition for the enrollment of any
student who is not a resident of this state.

(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to section 3317.022 of the Revised Code. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.

(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities.

(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.

(H) The department of education shall adjust the amounts paid under section 3317.022 of the Revised Code to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under section 3317.022 of the Revised Code including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools as provided under section 3317.022 of the Revised Code.

For purposes of this division:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of
the student's enrollment from a parent and the student has
commenced participation in learning opportunities as defined in
the contract with the sponsor, or thirty days prior to the date on
which the student is entered into the education management
information system established under section 3301.0714 of the
Revised Code. For purposes of applying this division and divisions
(H)(3) and (4) of this section to a community school student,"learning opportunities" shall be defined in the contract, which
shall describe both classroom-based and non-classroom-based
learning opportunities and shall be in compliance with criteria
and documentation requirements for student participation which
shall be established by the department. Any student's instruction
time in non-classroom-based learning opportunities shall be
certified by an employee of the community school. A student's
enrollment shall be considered to cease on the date on which any
of the following occur:

(a) The community school receives documentation from a parent
terminating enrollment of the student.

(b) The community school is provided documentation of a
student's enrollment in another public or private school.

(c) The community school ceases to offer learning
opportunities to the student pursuant to the terms of the contract
with the sponsor or the operation of any provision of this
chapter.

Except as otherwise specified in this paragraph, beginning in
the 2011-2012 school year, any student who completed the prior
school year in an internet- or computer-based community school
shall be considered to be enrolled in the same school in the
subsequent school year until the student's enrollment has ceased
as specified in division (H)(2) of this section. The department
shall continue paying amounts for the student under section
3317.022 of the Revised Code without interruption at the start of
the subsequent school year. However, if the student without a
legitimate excuse fails to participate in the first seventy-two
consecutive hours of learning opportunities offered to the student
in that subsequent school year, the student shall be considered
not to have re-enrolled in the school for that school year and the
department shall recalculate the payments to the school for that
school year to account for the fact that the student is not
enrolled.

(3) The department shall determine each community school
student's percentage of full-time equivalency based on the
percentage of learning opportunities offered by the community
school to that student, reported either as number of hours or
number of days, is of the total learning opportunities offered by
the community school to a student who attends for the school's
entire school year. However, no internet- or computer-based
community school shall be credited for any time a student spends
participating in learning opportunities beyond ten hours within
any period of twenty-four consecutive hours. Whether it reports
hours or days of learning opportunities, each community school
shall offer not less than nine hundred twenty hours of learning
opportunities during the school year.

(4) With respect to the calculation of full-time equivalency
under division (H)(3) of this section, the department shall waive
the number of hours or days of learning opportunities not offered
to a student because the community school was closed during the
school year due to disease epidemic, hazardous weather conditions,
law enforcement emergencies, inoperability of school buses or
other equipment necessary to the school's operation, damage to a
school building, or other temporary circumstances due to utility
failure rendering the school building unfit for school use, so
long as the school was actually open for instruction with students
in attendance during that school year for not less than the
minimum number of hours required by this chapter. The department shall treat the school as if it were open for instruction with students in attendance during the hours or days waived under this division.

(I) The department of education shall reduce the amounts paid under section 3317.022 of the Revised Code to reflect payments made to colleges under section 3365.07 of the Revised Code.

(J)(1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A)(23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted by the superintendent of public instruction, in consultation with the auditor of state, the department shall reduce the amounts otherwise payable under section 3317.022 of the Revised Code to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor.
The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools.

(K)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:

(a) The department and the community school mutually agree to the extension.

(b) Delays in data submission caused by either a community school or its sponsor.

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.
(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not pay to a community school under section 3317.022 of the Revised Code any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the
armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not pay to a community school under section 3317.022 of the Revised Code any amount for that veteran.

**Sec. 3314.104.** No community school shall employ an individual in any position if the state board of education permanently revoked or permanently denied the individual a license under section 3319.31 of the Revised Code or if the individual entered into a consent agreement under division (E) of section 3319.311 of the Revised Code in which the individual agreed never to apply for a license after the date on which the agreement was entered into.

**Sec. 3314.23.** (A) Subject to division (B) of this section, each internet- or computer-based community school shall comply with the national standards developed by the international association for K–12 quality online learning developed under a project led by a partnership between quality matters, the virtual learning leadership alliance, and the digital learning collaborative, or any successor organization.

(B) Each internet- or computer-based community school that initially opens for operation on or after January 1, 2013, shall comply with the standards required by division (A) of this section at the time it opens. Each internet- or computer-based community school that initially opened for operation prior to January 1, 2013, shall comply with the standards required by division (A) of this section not later than July 1, 2013.

(C) The sponsor of each internet- or computer-based community
school shall be responsible for monitoring, ensuring, and reporting compliance with the online learning standards described in divisions (A) and (B) of this section.

Sec. 3315.37. The board of education of a school district may establish a teacher education loan program and may expend school funds for the program. The program shall be for the purpose of making loans to students who are residents of the school district or graduates of schools in the school district, who are enrolled in teacher preparation programs at institutions approved by the chancellor of the Ohio board of regents higher education pursuant to section 3333.048 of the Revised Code, and who indicate an intent to teach in the school district providing the loan. The district board may forgive the obligation to repay any or all of the principal and interest on the loan if the borrower teaches in that school district.

The district board shall adopt rules establishing eligibility criteria, application procedures, procedures for review of applications, loan amounts, interest, repayment schedules, conditions under which principal and interest obligations incurred under the program will be forgiven, and any other matter incidental to the operation of the program.

The board may contract with a private, nonprofit foundation, one or more institutions of higher education, or other educational agencies to administer the program.

The receipt of a loan under this section does not affect a student's eligibility for assistance, or the amount of such assistance, granted under section 3315.33, 3333.12, 3333.122, 3333.22, 3333.26, 5910.04, or 5919.34 of the Revised Code, but the board's rules may provide for taking such assistance into consideration when determining a student's eligibility for a loan under this section.
Sec. 3316.042. The auditor of state, on the auditor of state's initiative, may conduct a performance audit of a school district that is under a fiscal caution under section 3316.031 of the Revised Code, in a state of fiscal watch, or in a state of fiscal emergency, in which the auditor of state reviews any programs or areas of operation in which the auditor of state believes that greater operational efficiencies or enhanced program results can be achieved.

The auditor of state, in consultation with the department of education and the office of budget and management, shall determine for which school districts to conduct performance audits under this section. Priority shall be given to districts, may conduct a performance audit of a school district in fiscal distress, including districts employing fiscal practices or experiencing budgetary conditions that could produce a state of fiscal watch or fiscal emergency, as determined by the auditor of state, in consultation with the department and the office of budget and management.

The cost of a performance audit conducted under this section shall be paid by the auditor of state with funds appropriated by the general assembly for that purpose.

A performance audit under this section shall not include review or evaluation of school district academic performance.

Sec. 3317.011. This section shall apply only for fiscal years 2022, 2023, and 2024.

(A) As used in this section:

(1) "Average administrative assistant salary" means the average salary of administrative assistants employed by city, local, and exempted village school districts in this state with salaries greater than $20,000 but less than $65,000, using fiscal...
year 2018 2022 data, as determined by the department of education.

(2) "Average bookkeeping and accounting employee salary" means the average salary of bookkeeping employees and accounting employees employed by city, local, and exempted village school districts in this state with salaries greater than $20,000 but less than $80,000, using fiscal year 2018 2022 data, as determined by the department.

(3) "Average clerical staff salary" means the average salary of clerical staff employed by city, local, and exempted village school districts in this state with salaries greater than $15,000 but less than $50,000, using fiscal year 2018 2022 data, as determined by the department.

(4) "Average counselor salary" means the average salary of counselors employed by city, local, and exempted village school districts in this state with salaries greater than $30,000 but less than $95,000, using fiscal year 2018 2022 data, as determined by the department.

(5) "Average education management information system support employee salary" means the average salary of accounting employees employed by city, local, and exempted village school districts in this state with salaries greater than $30,000 but less than $90,000, using fiscal year 2018 2022 data, as determined by the department.

(6) "Average librarian and media staff salary" means the average salary of librarians and media staff employed by city, local, and exempted village school districts in this state with salaries greater than $30,000 but less than $95,000, using fiscal year 2018 2022 data, as determined by the department.

(7) "Average other district administrator salary" means the average salary of all assistant superintendents and directors employed by city, local, and exempted village school districts in
this state with salaries greater than $50,000 but less than $135,000, using fiscal year 2018-2022 data, as determined by the department.

(8) "Average principal salary" means the average salary of all principals employed by city, local, and exempted village school districts in this state with salaries greater than $50,000 but less than $120,000, using fiscal year 2018-2022 data, as determined by the department.

(9) "Average superintendent salary" means the average salary of all superintendents employed by city, local, and exempted village school districts in this state with salaries greater than $60,000 but less than $180,000, using fiscal year 2018-2022 data, as determined by the department.

(10) "Average teacher cost" for a fiscal year is equal to the sum of the following:

(a) The average salary of teachers employed by city, local, and exempted village school districts in this state with salaries greater than $30,000 but less than $95,000, using fiscal year 2018-2022 data, as determined by the department;

(b) An amount for teacher benefits equal to 0.16 times the average salary calculated under division (A)(10)(a) of this section;

(c) An amount for district-paid insurance costs equal to the following product:

The statewide weighted average employer-paid monthly premium based on data reported by city, local, and exempted village school districts to the state employment relations board for the health insurance survey conducted in accordance with divisions (K)(5) and (6) of section 4117.02 of the Revised Code using fiscal year 2018-2022 data X 12

(11) "Eligible school district" means a city, local, or...
exempted village school district that satisfies one of the following:

(a) The district is a member of an organization that regulates interscholastic athletics.

(b) The district has teams in at least three different sports that participate in an interscholastic league.

(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2018 for all of the following:

(1) The average salaries determined under divisions (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this section;

(2) The amount for teacher benefits determined under division (A)(10)(b) of this section;

(3) The district-paid insurance costs determined under division (A)(10)(c) of this section;

(4) The spending determined under divisions (E)(4)(a), (E)(5)(a), (E)(6)(a), and (H)(1) of this section and the corresponding student counts determined under divisions (E)(4)(b), (E)(5)(b), (E)(6)(b), and (H)(2) of this section;

(5) The information determined under division (G)(3) of this section.

(C) A city, local, or exempted village school district's aggregate base cost for a fiscal year shall be equal to the following sum:

(The district's teacher base cost for that fiscal year computed under division (D) of this section) + (the district's student support base cost for that fiscal year computed under division (E) of this section) + (the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section).
section) + (the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the athletic co-curricular activities base cost for that fiscal year computed under division (H) of this section, if the district is an eligible school district)

(D) The department of education shall compute a district's teacher base cost for a fiscal year as follows:

(1) Calculate the district's classroom teacher cost for that fiscal year as follows:

(a) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in kindergarten and divide that number by 20;

(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades one through three and divide that number by 23;

(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;

(d) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;

(e) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in a career-technical education program or class, as certified under divisions (B)(11), (12), (13), (14), and (15) of section 3317.03 of the Revised Code, and divide that number by 18;

(f) Compute the sum of the quotients obtained under divisions
(D)(1)(a), (b), (c), (d), and (e) of this section; 

(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section. 

(2) Calculate the district's special teacher cost for that fiscal year as follows: 

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150; 

(b) If the quotient obtained under division (D)(2)(a) of this section is greater than 6, the special teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year. 

(c) If the quotient obtained under division (D)(2)(a) of this section is less than or equal to 6, the special teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year. 

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula: 

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of $90 by 1.16; 

(b) Compute the substitute teacher cost in accordance with the following formula: 

[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X the amount computed under division (D)(3)(a) of this section X 5 

(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula: 

[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X the amount computed under division (D)(3)(a) of this section X 5
section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of this section for that fiscal year)/180] X 4

(5) Calculate the district's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section.

(E) The department shall compute a district's student support base cost for a fiscal year as follows:

(1) Calculate the district's guidance counselor cost for that fiscal year as follows:

(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360;

(b) Compute the counselor cost in accordance with the following formula:

(The greater of the quotient obtained under division (E)(1)(a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(2) Calculate the district's librarian and media staff cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;

(b) Compute the librarian and media staff cost in accordance with the following formula:

The quotient obtained under division (E)(2)(a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:
(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;

(b) Compute the staffing cost for student wellness and success in accordance with the following formula:

\[
\text{(The greater of the quotient obtained under division (E)(3)(a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]}
\]

(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows:

(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department using fiscal year 2018-2022 data;

(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2018-2022 data as specified under division (E)(4)(a) of this section;

(c) Compute the academic co-curricular activities cost in accordance with the following formula:

\[
\text{(The amount determined under division (E)(4)(a) of this section / the sum determined under division (E)(4)(b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the academic co-curricular activities cost is computed}
\]

(5) Calculate the district's building safety and security cost for that fiscal year as follows:

(a) Determine the total amount of spending for building safety and security reported by city, local, and exempted village school districts to the department using fiscal year 2018-2022 data;

(b) Determine the sum of the enrolled ADM of every school
district in the state that reported the data specified under division (E)(5)(a) of this section using fiscal year 2018 data;

(c) Compute the building safety and security cost in accordance with the following formula:

\( \left( \frac{\text{amount determined under division (E)(5)(a) of this section}}{\text{sum determined under division (E)(5)(a) of this section}} \right) \times \text{district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed} \)

(6) Calculate the district's supplies and academic content cost for that fiscal year as follows:

(a) Determine the total amount of spending for supplies and academic content, excluding supplies for transportation and maintenance, reported by city, local, and exempted village school districts to the department using fiscal year 2018 data;

(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2018 data as specified under division (E)(6)(a) of this section;

(c) Compute the supplies and academic content cost in accordance with the following formula:

\( \left( \frac{\text{amount determined under division (E)(6)(a) of this section}}{\text{sum determined under division (E)(6)(b) of this section}} \right) \times \text{district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed} \)

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula:

\$37.50 \times \text{district's base cost enrolled ADM for that fiscal year}

(8) Calculate the district's student support base cost for that fiscal year, which equals the sum of divisions (E)(1), (2), (3), (4), (5), (6), and (7) of this section.
(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows:

(1) Calculate the district's superintendent cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to \[($160,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}.\]

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following:

(i) \[(\text{The district's base cost enrolled ADM for that fiscal year} - 500) \times \frac{[($160,000 \times 1.16) - ($80,000 \times 1.16)]}{3500};\]

(ii) \[($80,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}.\]

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to \[($80,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}.\]

(2) Calculate the district's treasurer cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to \[($130,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}.\]

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following:
(i) (The district's base cost enrolled ADM for that fiscal year - 500) \times \left\{ \frac{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]}{3500} \right\};

(ii) (\$60,000 \times 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to [(\$60,000 \times 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year].

(3) Calculate the district's other district administrator cost for that fiscal year as follows:

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750;

(c) Compute the other district administrator cost in accordance with the following formula:

\[
\left\{ \left[ \left( \text{The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section - the amount specified under division (A)(10)(c) of this section for that fiscal year} \right) \times \text{the quotient obtained under division (F)(3)(a) of this section} \right] + \text{the amount specified under division (A)(10)(c) of this section} \right\} \times \left( \text{the greater of the quotient obtained under division (F)(3)(b) of this section and 2} \right)
\]

(4) Calculate the district's fiscal support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;

(b) Determine the lesser of the following:

(i) The maximum of the quotient obtained under division
(F)(4)(a) of this section and 2;

(ii) 35.

(c) Compute the fiscal support cost in accordance with the following formula:

The number obtained under division (F)(4)(b) of this section X [(the average bookkeeping and accounting employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(5) Calculate the district's education management information system support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;

(b) Compute the education management information system support cost in accordance with the following formula:

(The greater of the quotient obtained under division (F)(5)(a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(6) Calculate the district's leadership support cost for that fiscal year as follows:

(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2, and add 1 to that number;

(b) Divide the number obtained under division (F)(6)(a) of this section by 3;

(c) Compute the leadership support cost in accordance with the following formula:

(The greater of the quotient obtained under division (F)(6)(b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]
salary for that fiscal year \times 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year.

(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:

$31 \times \text{the district's base cost enrolled ADM for that fiscal year}

(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this section.

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows:

(1) Calculate the district's building leadership cost for that fiscal year as follows:

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450;

(c) Compute the building leadership cost in accordance with the following formula:

\[
\frac{\left(\text{The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section} - \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}\right) \times \text{the quotient obtained under division (G)(1)(a) of this section} + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}} {\text{the quotient obtained under division (G)(1)(b) of this section}}
\]

(2) Calculate the district's building leadership support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that
fiscal year by 400;

(b) Determine the number of school buildings in the district for that fiscal year;

(c) Compute the building leadership support cost in accordance with the following formula:

(i) If the quotient obtained under division (G)(2)(a) of this section is less than the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to \{(the number obtained under division (G)(2)(b) of this section for that fiscal year \times \left(\frac{\text{average clerical staff salary for that fiscal year}}{100} \times 1.16\right) + \text{amount specified under division (A)(10)(c) of this section for that fiscal year}\}.

(ii) If the quotient obtained under division (G)(2)(a) of this section is greater than or equal to the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to \{\left(\min\left(\left(\frac{\text{the number obtained under division (G)(2)(b) of this section for that fiscal year}}{3}\right) \times \left(\frac{\text{average clerical staff salary for that fiscal year}}{100} \times 1.16\right) + \text{amount specified under division (A)(10)(c) of this section for that fiscal year}\right), \text{quotient obtained under division (G)(2)(a) of this section}\}\}.

(3) Calculate the district's building operations cost for that fiscal year as follows:

(a) Using data for the six most recent fiscal years for which data is available, determine both of the following:

(i) The six-year average of the average building square feet per pupil for all city, local, and exempted village school district buildings in the state;

(ii) The six-year average cost per square foot for all city,
local, and exempted village school district buildings in the state.

(b) Compute the building operations cost in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year \[ \times \left( \frac{(the \ number \ determined \ under \ division \ (G)(3)(a)(i) \ of \ this \ section \times \ the \ number \ determined \ under \ division \ (G)(3)(a)(ii) \ of \ this \ section) \ - \ (the \ amount \ determined \ under \ division \ (E)(5)(a) \ of \ this \ section \ for \ that \ fiscal \ year)}{the \ sum \ determined \ under \ division \ (E)(5)(b) \ of \ this \ section \ for \ that \ fiscal \ year)} \right) \]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G)(1), (2), and (3) of this section.

(H) If a district is an eligible school district, the department shall compute the district's athletic co-curricular activities base cost for a fiscal year as follows:

(1) Determine the total amount of spending for athletic co-curricular activities reported by city, local, and exempted village school districts to the department for that fiscal year;

(2) Determine the sum of the enrolled ADM of every school district in the state for that fiscal year;

(3) Compute the district's athletic co-curricular activities base cost in accordance with the following formula:

\[(\text{The amount determined under division } (H)(1) \text{ of this section} / \text{the sum determined under division } (H)(2) \text{ of this section}) \times \text{the district's base cost enrolled ADM for the fiscal year for which the funds for athletic co-curricular activities are computed}\]

Sec. 3317.012. This section shall apply only for fiscal years 2022 and 2023, 2024 and 2025.

(A) As used in this section, "average administrative
assistant salary," "average bookkeeping and accounting employee
salary," "average clerical staff salary," "average counselor
salary," "average education management information system support
employee salary," "average librarian and media staff salary,"
"average other district administrator salary," "average principal
salary," "average superintendent salary," and "average teacher
cost" have the same meanings as in section 3317.011 of the Revised
Code.

(B) When calculating a district's aggregate base cost under
this section, the department shall use data from fiscal year 2018
2022 for all of the following:

(1) The average salaries determined under divisions (A)(1),
(2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of section
3317.011 of the Revised Code;

(2) The amount for teacher benefits determined under division
(A)(10)(b) of section 3317.011 of the Revised Code;

(3) The district-paid insurance costs determined under
division (A)(10)(c) of section 3317.011 of the Revised Code;

(4) Spending determined under divisions (E)(4)(a), (E)(5)(a),
and (H)(1) of section 3317.011 of the Revised Code and the
corresponding student counts determined under divisions (E)(4)(b),
(E)(5)(b), and (H)(2) of that section;

(5) The information determined under division (G)(3) of
section 3317.011 of the Revised Code.

(C) A joint vocational school district's aggregate base cost
for a fiscal year shall be equal to the following sum:

The district's teacher base cost for that fiscal year computed
under division (D) of this section + the district's student
support base cost for that fiscal year computed under division (E)
of this section + the district's leadership and accountability
base cost for that fiscal year computed under division (F) of this section + the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section

(D) The department of education shall compute a district's teacher base cost for a fiscal year as follows:

(1) Calculate the district's classroom teacher cost for that fiscal year as follows:

(a) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in a career-technical education program or class, as certified under divisions (D)(2)(h), (i), (j), (k), and (l) of section 3317.03 of the Revised Code, and divide that number by 18;

(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades six through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;

(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;

(d) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), and (c) of this section;

(e) Compute the classroom teacher base cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(d) of this section.

(2) Calculate the district's cost for that fiscal year for teachers providing health and physical education, instruction regarding employability and soft skills, development and
coordination of internships and job placements, career-technical 38656
student organization activities, pre-apprenticeship and 38657
apprenticeship coordination, and any assessment related to 38658
career-technical education, including any nationally recognized 38659
job skills or end-of-course assessment, as follows:
38660
(a) Divide the district's base cost enrolled ADM for that 38661
fiscal year by 150;
38662
(b) If the quotient obtained under division (D)(2)(a) of this 38663
section is greater than 6, the teacher cost shall be equal to that 38664
quotient multiplied by the average teacher cost for that fiscal 38665
year.
38666
(c) If the quotient obtained under division (D)(2)(a) of this 38667
section is less than or equal to 6, the teacher cost shall be 38668
equal to 6 multiplied by the average teacher cost for that fiscal 38669
year.
38670
38671
(3) Calculate the district's substitute teacher cost for that 38671
fiscal year in accordance with the following formula:
38672
(a) Compute the substitute teacher daily rate with benefits 38673
by multiplying the substitute teacher daily rate of $90 by 1.16;
38674
(b) Compute the substitute teacher cost in accordance with 38675
the following formula:
38676
[The sum computed under division (D)(1)(d) of this section + (the 38677
greater of the quotient obtained under division (D)(2)(a) of this 38678
section and 6)] X the amount computed under division (D)(3)(a) of 38679
this section X 5
38680

(4) Calculate the district's professional development cost 38681
for that fiscal year in accordance with the following formula:
38682
[The sum computed under division (D)(1)(d) of this section + (the 38683
greater of the quotient obtained under division (D)(2)(a) of this 38684
section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 38685
section 3317.011 of the Revised Code for that fiscal year)/180] X 4

(5) Calculate the district's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section.

(E) The department shall compute a district's student support base cost for a fiscal year as follows:

(1) Calculate the district's guidance counselor cost for that fiscal year as follows:

(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360;

(b) Compute the counselor cost in accordance with the following formula:

(The greater of the quotient obtained under division (E)(1)(a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(2) Calculate the district's librarian and media staff cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;

(b) Compute the librarian and media staff cost in accordance with the following formula:

The quotient obtained under division (E)(2)(a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(3) Calculate the district's staffing cost for student
wellness and success for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;

(b) Compute the staffing cost for student wellness and success in accordance with the following formula:

The quotient obtained under division (E)(3)(a) of this section \( \times \) [(the average counselor salary for that fiscal year \( \times \) 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(4) Calculate the district's cost for that fiscal year for career-technical curriculum specialists and coordinators, career assessment and program placement, recruitment and orientation, student success coordination, analysis of test results, development of intervention and remediation plans and monitoring of those plans, and satellite program coordination in accordance with the following formula:

\[
\frac{\text{The amount determined under division (E)(4)(a) of section 3317.011 of the Revised Code for that fiscal year}}{\text{the sum determined under division (E)(4)(b) of section 3317.011 of the Revised Code}} + \frac{\text{the amount determined under division (H)(1) of section 3317.011 of the Revised Code for that fiscal year}}{\text{the sum determined under division (H)(2) of section 3317.011 of the Revised Code}} \times \text{the district's base cost enrolled ADM for the fiscal year for which the district's cost under this division is computed}
\]

(5) Compute the district's building safety and security cost for that fiscal year in accordance with the following formula:

\[
\frac{\text{The amount determined under division (E)(5)(a) of section 3317.011 of the Revised Code for that fiscal year}}{\text{the sum determined under division (E)(5)(b) of section 3317.011 of the Revised Code}} \times \text{the district's base cost enrolled ADM for the fiscal year for which the district's cost under this division is computed}
\]
fiscal year for which the building safety and security cost is computed

(6) Compute the district's supplies and academic content cost for that fiscal year in accordance with the following formula:

\[
\text{\frac{\text{The amount determined under division (E)(6)(a) of section 3317.011 of the Revised Code for that fiscal year}}{\text{the sum determined under division (E)(6)(b) of section 3317.011 of the Revised Code}}} \times \text{the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed}
\]

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula:

\[
\$37.50 \times \text{the district's base cost enrolled ADM for that fiscal year}
\]

(8) Calculate the district's student support base cost for that fiscal year, which equals the sum of divisions (E)(1), (2), (3), (4), (5), (6), and (7) of this section.

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows:

(1) Calculate the district's superintendent cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to \[\{($160,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year}\}\]

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal
(ii) \((\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year}\).
(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750;

(c) Compute the other district administrator cost in accordance with the following formula:

\[
\left(\left(\text{The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section} - \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year}\right) \times \text{the quotient obtained under division (F)(3)(a) of this section}\right) + \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code}\right) \times \left(\text{the greater of the quotient obtained under division (F)(3)(b) of this section and 2}\right)
\]

(4) Calculate the district's fiscal support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;

(b) Determine the lesser of the following:

(i) The maximum of the quotient obtained under division (F)(4)(a) of this section and 2;

(ii) 35.

(c) Compute the fiscal support cost in accordance with the following formula:

\[
\text{The number obtained under division (F)(4)(b) of this section} \times \left(\text{the average bookkeeping and accounting employee salary for that fiscal year} \times 1.16\right) + \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year}\]

(5) Calculate the district's education management information system support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;

(b) Compute the education management information system support cost in accordance with the following formula:

(The greater of the quotient obtained under division (F)(5)(a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(6) Calculate the district's leadership support cost for that fiscal year as follows:

(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2 and add 1 to that number;

(b) Divide the number obtained under division (F)(6)(a) of this section by 3;

(c) Compute the leadership support cost in accordance with the following formula:

(The greater of the quotient obtained under division (F)(6)(b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:

$31 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the
sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this section;

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows:

(1) Calculate the district's building leadership cost for that fiscal year as follows:

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450;

(c) Compute the building leadership cost in accordance with the following formula:

\[
\left\{ \left( \text{The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section} - \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year} \right) \times \text{the quotient obtained under division (G)(1)(a) of this section} \right\} + \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year} \times \text{the quotient obtained under division (G)(1)(b) of this section}
\]

(2) Calculate the district's building leadership support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 400;

(b) Determine the number of school buildings in the district for that fiscal year;

(c) Compute the building leadership support cost in accordance with the following formula:

(i) If the quotient obtained under division (G)(2)(a) of this section is less than the number obtained under division (G)(2)(b)
of this section, then the district's building leadership support cost shall be equal to \(\{\text{the number obtained under division (G)(2)(b) of this section} \times \left(\text{the average clerical staff salary} \times 1.16\right) + \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year}\}\).

(ii) If the quotient obtained under division (G)(2)(a) of this section is greater than or equal to the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to \(\{\text{the lesser of} \left(\text{the number obtained under division (G)(2)(b) of this section} \times 3\right) \text{ and the quotient obtained under division (G)(2)(a) of this section}\} \times \left(\text{the average clerical staff salary for that fiscal year} \times 1.16\right) + \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year}\}\).

(3) Compute the district's building operations cost for that fiscal year in accordance with the following formula:

\[
\text{The district's base cost enrolled ADM for that fiscal year} \times \left(\left(\text{the number determined under division (G)(3)(a)(i) of section 3317.011 of the Revised Code} \times \text{the number determined under division (G)(3)(a)(ii) of section 3317.011 of the Revised Code}\right) - \left(\text{the amount determined under division (E)(5)(a) of section 3317.011 of the Revised Code for that fiscal year} / \text{the sum determined under division (E)(5)(b) of section 3317.011 of the Revised Code for that fiscal year}\right)\right)
\]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G)(1), (2), and (3) of this section.

Sec. 3317.014. (A) The multiples for the following categories of career-technical education programs approved by the department of education under section 3317.161 of the Revised Code shall be as follows:
(1) A multiple of 0.6230 for students enrolled in career-technical education workforce development programs in agricultural and environmental systems, construction technologies, engineering and science technologies, finance, health science, information technology, and manufacturing technologies, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;

(2) A multiple of 0.5905 for students enrolled in workforce development programs in business and administration, hospitality and tourism, human services, law and public safety, transportation systems, and arts and communications, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;

(3) A multiple of 0.2154 for students enrolled in career-based intervention programs, which shall be defined by the department in consultation with the governor's office of workforce transformation;

(4) A multiple of 0.1830 for students enrolled in workforce development programs in education and training, marketing, workforce development academics, public administration, and career development, each of which shall be defined by the department of education in consultation with the governor's office of workforce transformation;

(5) A multiple of 0.1570 for students enrolled in family and consumer science programs, which shall be defined by the department of education in consultation with the governor's office of workforce transformation.

(B) The multiple for career-technical education associated services, as defined by the department, shall be 0.0294.

(C) The department of education shall calculate career-technical education funds for each funding unit that is a
city, local, exempted village, or joint vocational school district or the community and STEM school unit as follows:

(1) For fiscal years 2022 2024 and 2023 2025, the sum of the following:

(a) The funding unit's category one career-technical education ADM X the multiple specified in division (A)(1) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage;

(b) The funding unit's category two career-technical education ADM X the multiple specified in division (A)(2) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage;

(c) The funding unit's category three career-technical education ADM X the multiple specified in division (A)(3) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage;

(d) The funding unit's category four career-technical education ADM X the multiple specified in division (A)(4) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage;

(e) The funding unit's category five career-technical education ADM X the multiple specified in division (A)(5) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage;
pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage.

(2) For fiscal year 2024 2026 and each fiscal year thereafter, the sum of the following:

(a) An amount calculated in a manner determined by the general assembly times the funding unit's category one career-technical education ADM;

(b) An amount calculated in a manner determined by the general assembly times the funding unit's category two career-technical education ADM;

(c) An amount calculated in a manner determined by the general assembly times the funding unit's category three career-technical education ADM;

(d) An amount calculated in a manner determined by the general assembly times the funding unit's category four career-technical education ADM;

(e) An amount calculated in a manner determined by the general assembly times the funding unit's category five career-technical education ADM.

(3) Payment of funds calculated under division (C) of this section is subject to approval under section 3317.161 of the Revised Code.

(D) Subject to division (I) of section 3317.023 of the Revised Code, the department shall calculate career-technical associated services funds for each funding unit that is a city, local, exempted village, or joint vocational school district or the community and STEM school unit as follows:

(1) For fiscal years 2022 2024 and 2023 2025, the following product:
If the funding unit is a city, local, exempted village, or joint vocational school district, the funding unit's state share percentage X the multiple for career-technical education associated services specified under division (B) of this section X the statewide average career-technical base cost per pupil for that fiscal year X the sum of the funding unit's categories one through five career-technical education ADM

(2) For fiscal year 2024 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly times the funding unit's categories one through five career-technical education ADM.

(E)(1) In accordance with division (I) of section 3317.023 of the Revised Code, the department shall compute career awareness and exploration funds for each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code that is part of a career technical planning district. The department shall pay the lead district in each career technical planning district as follows:

(a) For fiscal years 2022 2024 and 2023 2025, an amount equal to the following product:

The sum of enrolled ADM for all districts and schools within the career technical planning district X $2.50 $7.50, for fiscal year 2022 2024, or $5 $10, for fiscal year 2023 2025

(b) For fiscal year 2024 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment to city, local, exempted village, and joint vocational school districts, community schools, and STEM schools.

(2) The lead district of a career technical planning district shall use career awareness and exploration funds in accordance
with division (H) of this section.

(F)(1) In any fiscal year, a school district receiving funds calculated under division (C) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding calculated under division (C) of this section may be spent.

(2) All funds received under division (C) of this section shall be spent in the following manner:

(a) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(G) In any fiscal year, a school district receiving funds calculated under division (D) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career-technical
education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment of funds calculated under division (D) of this section to any district that the department determines is not operating those services or is using funds calculated under division (D) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.

(H) In any fiscal year, a lead district of a career-technical planning district receiving funds under division (E) of this section, shall utilize those funds to deliver relevant career awareness and exploration programs to all students within its career technical planning district in a manner that is consistent with the career-technical planning district's plan that is on file with the department of education. The lead district that receives funds under this division shall spend those funds only for the following purposes:

(1) Delivery of career awareness programs to students enrolled in grades kindergarten through twelve;

(2) Provision of a common, consistent curriculum to students throughout their primary and secondary education;

(3) Assistance to teachers in providing a career development curriculum to students;

(4) Development of a career development plan for each student that stays with that student for the duration of the student's primary and secondary education;

(5) Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job shadowing, across all career pathways at each grade level.
The department may deny payment under this division to any district or school that the department determines is using funds paid under this division for other purposes.

Sec. 3317.016. As used in this section, "English learner" has the same meaning as in section 3301.0731 of the Revised Code.

The multiples for English learners shall be as follows:

(A) A multiple of 0.2104 for each student who has been identified as an English learner following the state's standardized identification process enrolled in schools in the United States for 180 school days or less.

(B) A multiple of 0.1577 for each student who, for fiscal years 2022, 2023, and 2024 has been identified as an English learner following the state's standardized identification process and enrolled in schools in the United States for more than 180 school days until the student achieves a proficient score on the spring administration of the state's English language proficiency assessments prescribed by division (C)(3)(b) of section 3301.0711 of the Revised Code or who, for fiscal year 2024 and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

(C) A multiple of 0.1053 for each student who, for fiscal years 2022, 2023, and 2024, achieves a score of proficient on the spring administration of the state's English language proficiency assessments prescribed by division (C)(3)(b) of section 3301.0711 of the Revised Code for the two school years following the school year in which the student achieved that level of achievement or who, for fiscal year 2024 and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

Sec. 3317.017. This section shall apply only for fiscal years
(A) The department of education shall compute a city, local, or exempted village school district's per-pupil local capacity amount for a fiscal year as follows:

(1) Calculate the district's valuation per pupil for that fiscal year as follows:

(a) Determine the minimum of the district's three-year average valuation for the fiscal year for which the calculation is made and the district's taxable value for the most recent tax year for which data is available;

(b) Divide the amount determined under division (A)(1)(a) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.

(2) Calculate the district's local share federal adjusted gross income per pupil for that fiscal year as follows:

(a) Determine the minimum of the following:

(i) The average of the total federal adjusted gross income of the district's residents for the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code;

(ii) The total federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code.

(b) Divide the amount determined under division (A)(2)(a) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.

(3) Calculate the district's adjusted local share federal adjusted gross income per pupil for that fiscal year as follows:
(a) Determine both of the following:

(i) The median federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code;

(ii) The number of state tax returns filed by taxpayers residing in the district for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code.

(b) Compute the product of divisions (A)(3)(a)(i) and (ii) of this section;

(c) Divide the amount determined under division (A)(3)(b) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.

(4) Calculate the district's per-pupil local capacity percentage as follows:

(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A)(3)(a)(i) of this section for that fiscal year;

(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A)(3)(a)(i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A)(4)(a) of this section;

(c) Rank all school districts in order of the ratios calculated under division (A)(4)(b) of this section, from the district with the highest ratio calculated under division (A)(4)(b) of this section to the district with the lowest ratio calculated under division (A)(4)(b) of this section;

(d) Determine the district's per-pupil local capacity
(i) If the ratio calculated for the district under division (A)(4)(b) of this section is greater than or equal to the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section, the district's per-pupil local capacity percentage shall be equal to 0.025.

(ii) If the ratio calculated for the district under division (A)(4)(b) of this section is less than the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section but greater than 1.0, the district's per-pupil local capacity percentage shall be equal to an amount calculated as follows:

$$\frac{[(\text{The ratio calculated for the district under division (A)(4)(b) of this section} - 1) \times 0.0025]}{(\text{the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section} - 1)} + 0.0225$$

(iii) If the ratio calculated for the district under division (A)(4)(b) of this section is less than or equal to 1.0, the district's per-pupil local capacity percentage shall be equal to the amount calculated under division (A)(4)(b) of this section times 0.0225.

(5) Calculate the district's per-pupil local capacity amount for that fiscal year as follows:

$$\text{(The district's valuation per pupil calculated under division (A)(1) of this section for that fiscal year} \times \text{the district's per-pupil local capacity percentage calculated under division (A)(4) of this section} \times 0.60) + \text{(the district's local share adjusted federal gross income per pupil calculated under division}$$
(A)(2) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.20) + (the district's adjusted local share federal adjusted gross income per pupil calculated under division (A)(3) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.20)

(B) The department shall compute a city, local, or exempted village school district's state share for a fiscal year as follows:

(1) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is greater than 0.95, then the district's state share shall be equal to (the district's base cost per pupil for that fiscal year X 0.05 X the district's enrolled ADM for that fiscal year).

(2) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is less than or equal to 0.95, then the district's state share for that fiscal year shall be equal to [(the district's base cost per pupil for that fiscal year - the district's per-pupil local capacity amount for that fiscal year) X the district's enrolled ADM for that fiscal year].

(C) The department shall compute a city, local, or exempted village school district's state share percentage for a fiscal year as follows:

(the district's base cost per pupil amount for that fiscal year - the district's per pupil local capacity amount for that fiscal year)/(the district's base cost per pupil amount for that fiscal year).

If the result is less than 0.05, the state share percentage shall be 0.05.
Sec. 3317.018. (A) The statewide average base cost per pupil shall be determined as follows:

(1) For fiscal year 2022-2024, the statewide average base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under section 3317.011 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year.

(2) For fiscal year 2023-2025, the statewide average base cost per pupil shall be equal to the amount calculated under division (A)(1) of this section.

(B) The statewide average career-technical base cost per pupil shall be determined as follows:

(1) For fiscal year 2022-2024, the statewide average career-technical base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all joint vocational school districts in the state for that fiscal year under section 3317.012 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the joint vocational school districts in the state for that fiscal year.

(2) For fiscal year 2023-2025, the statewide average career-technical base cost per pupil shall be equal to the amount calculated under division (B)(1) of this section.

Sec. 3317.019. (A)(1) Subject to division (C) of this section, for fiscal years 2022-2024 and 2023-2025, the department of education shall pay temporary transitional aid to each city, local, and exempted village school district according to the following formula:

(The district's funding base, as that term is defined in section
3317.02 of the Revised Code) – (the district's payment under section 3317.022 of the Revised Code – the district's payment for supplemental targeted assistance under section 3317.0218 of the Revised Code for the fiscal year for which each payment is computed)

If the computation made under division (A)(1) of this section results in a negative number, the district's funding under division (A)(1) of this section shall be zero.

(2) For fiscal years 2022 2024 and 2023 2025, the department shall pay temporary transitional transportation aid to that district according to the following formula:

(The amount calculated for the district for fiscal year 2020 under division (A)(2) of Section 265.220 of H.B. 166 of the 133rd general assembly, prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020) – (the district's payment for fiscal year 2019 under division (D)(2) of section 3314.091 of the Revised Code as that division existed prior to September 30, 2021) - (the district's payment under section 3317.0212 of the Revised Code for the fiscal year for which the payment is computed)

If the computation made under division (A)(2) of this section results in a negative number, the district's funding under division (A)(2) of this section shall be zero.

(B) If a local school district participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2022 2024 or fiscal year 2023 2025, but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall adjust, as necessary, the district's funding base, as that term is defined in section 3317.02 of the Revised Code, according to the amounts received by
the district in the immediately preceding fiscal year for career-technical education students who attend the newly established joint vocational school district.

(C)(1) For purposes of division (C) of this section, a district's "decrease threshold" for a fiscal year is the greater of the following:

(a) Twenty;

(b) Ten per cent of the number of the district's students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for the previous fiscal year.

(2) For fiscal years 2022, 2024 and 2023, if a district has fewer students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for that fiscal year than for the previous fiscal year and the positive difference between those two student counts is greater than or equal to the district's decrease threshold for that fiscal year, the amount paid to the district under division (A) of this section shall be reduced by the following amount:

\[
\text{The statewide average base cost per pupil} \times \left(\frac{\text{(the positive difference between the number of the district's students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for that fiscal year and the number of the district's students counted under that division for the previous fiscal year) - the district's decrease threshold for that fiscal year}}{\text{}}\right)
\]

At no time, however, shall the amount paid to a district under division (A) of this section be less than zero.

**Sec. 3317.0110.** This section shall apply only for fiscal years 2022, 2024 and 2025.

(A) As used in this section:

(1) "Average teacher cost" for a fiscal year has the same
meaning as in section 3317.011 of the Revised Code.

(2) "Eligible community or STEM school" means a community or
STEM school that satisfies one of the following:

(a) The school is a member of an organization that regulates
interscholastic athletics.

(b) The school has teams in at least three different sports
that participate in an interscholastic league.

(B) When calculating a community or STEM school's aggregate
base cost under this section, the department shall use data from
fiscal year 2018-2022 for the average teacher cost.

(C) A community or STEM school's aggregate base cost for a
fiscal year shall be equal to the following sum:

(The school's teacher base cost for that fiscal year computed
under division (D) of this section) + (the school's student
support base cost for that fiscal year computed under division (E)
of this section) + (the school's leadership and accountability
base cost for that fiscal year computed under division (F) of this
section) + (the school's building leadership and operations base
cost for that fiscal year computed under division (G) of this
section) + (the school's athletic co-curricular activities base
cost for that fiscal year computed under division (H) of this
section, if the school is an eligible community or STEM school)

(D) The department of education shall compute a community or
STEM school's teacher base cost for a fiscal year as follows:

(1) Calculate the school's classroom teacher cost for that
fiscal year as follows:

(a) Determine the full-time equivalency of students enrolled
in the school for that fiscal year that are enrolled in
kindergarten and divide that number by 20;

(b) Determine the full-time equivalency of students enrolled
in the school for that fiscal year that are enrolled in grades one through three and divide that number by 23;

(c) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;

(d) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;

(e) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in a career-technical education program or class, as reported under division (B)(4) of section 3314.08 of the Revised Code, and divide that number by 18;

(f) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), (c), (d), and (e) of this section;

(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section.

(2) Calculate the school's special teacher cost for that fiscal year as follows:

(a) Divide the number of students enrolled in the school for that fiscal year by 150;

(b) Compute the special teacher cost by multiplying the quotient obtained under division (D)(2)(a) of this section by the average teacher cost for that fiscal year.

(3) Calculate the school's substitute teacher cost for that
fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of $90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

(\text{The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section}) \times \text{the amount computed under division (D)(3)(a) of this section} \times 5

(4) Calculate the school's professional development cost for that fiscal year in accordance with the following formula:

(\text{The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section}) \times \frac{[(\text{the sum of divisions (A)(10)(a) and (b) of section 3317.011 of the Revised Code for that fiscal year})/180]}{180} \times 4

(5) Calculate the school's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section.

(E) The department shall compute a community or STEM school's student support base cost for a fiscal year as follows:

\text{The number of students enrolled in the school for that fiscal year} \times \frac{[(\text{the sum of the student support base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (E) of section 3317.011 of the Revised Code}) / \text{the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year}]}{180}

(F) The department shall compute a community or STEM school's leadership and accountability base cost for a fiscal year as follows:

\text{The number of students enrolled in the school for that fiscal year} \times \frac{[(\text{the sum of the leadership and accountability base cost})]}{180}
calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (F) of section 3317.011 of the Revised Code / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year)

(G) The department shall compute a community or STEM school's building leadership and operations base cost for a fiscal year as follows:
The number of students enrolled in the school for that fiscal year X (the sum of the building leadership and accountability base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (G) of section 3317.011 of the Revised Code / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year)

(H) If a community or STEM school is an eligible community or STEM school, the department shall compute the school's athletic co-curricular activities base cost for a fiscal year as follows:
The number of students enrolled in the school for that fiscal year X (the amount determined under division (H)(1) of section 3317.011 of the Revised Code / the sum determined under division (H)(2) of section 3317.011 of the Revised Code)

Sec. 3317.02. As used in this chapter:

(A) "Alternative school" has the same meaning as in section 3313.974 of the Revised Code.

(B) "Autism scholarship unit" means a unit that consists of all of the students for whom autism scholarships are awarded under section 3310.41 of the Revised Code.

(C) For fiscal years 2022, 2024 and 2023, 2025, a district's "base cost enrolled ADM" for a fiscal year means the greater of the following:
(1) The district's enrolled ADM for the previous fiscal year; 39481

(2) The average of the district's enrolled ADM for the previous three fiscal years. 39482

(D)(1) "Base cost per pupil" means the following for a city, local, or exempted village school district:

(a) For fiscal years 2022 2024 and 2023 2025, the aggregate base cost calculated for that district for that fiscal year under section 3317.011 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year; 39486

(b) For fiscal year 2024 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 39490

(2) "Base cost per pupil" means the following for a joint vocational school district:

(a) For fiscal years 2022 2024 and 2023 2025, the aggregate base cost calculated for that district for that fiscal year under section 3317.012 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year; 39495

(b) For fiscal year 2024 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 39499

(E)(1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A)(1) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under
(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A)(2) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(3) "Category three career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A)(3) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(4) "Category four career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A)(4) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit,
reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(5) "Category five career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A)(5) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(F)(1) "Category one English learner ADM" means the full-time equivalent number of English learners described in division (A) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(2) "Category two English learner ADM" means the full-time equivalent number of English learners described in division (B) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code.
Revised Code and division (E) of section 3326.32 of the Revised Code.

(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(G)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section
3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools.
statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(H) "Community and STEM school unit" means a unit that consists of all of the students enrolled in community schools established under Chapter 3314. of the Revised Code and science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code.

(I)(1) "Economically disadvantaged index for a school district" means the following:

(a) For fiscal years 2022, 2024, and 2025, the square of the quotient of that district's percentage of students in its enrolled ADM who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation:

(i) For a city, local, or exempted village school district, the "statewide ADM" equals the sum of the following:

(I) The enrolled ADM for all city, local, and exempted village school districts combined;

(II) The statewide enrollment of students in community schools established under Chapter 3314. of the Revised Code;
(III) The statewide enrollment of students in science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code.

(ii) For a joint vocational school district, the "statewide ADM" equals the sum of the enrolled ADM for all joint vocational school districts combined.

(b) For fiscal year 2024 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly.

(2) "Economically disadvantaged index for a community or STEM school" means the following:

(a) For fiscal years 2022 and 2023, the square of the quotient of the percentage of students enrolled in the school who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation, the "statewide ADM" equals the "statewide ADM" for city, local, and exempted village school districts described in division (I)(1)(a)(i) of this section.

(b) For fiscal year 2024 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly.

(J) "Educational choice scholarship unit" means a unit that consists of all of the students for whom educational choice scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code.

(K) "Enrolled ADM" means the following:

(1) For a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public
instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Add the students described in division (A)(1)(b) of section 3317.03 of the Revised Code;

(b) Subtract the students counted under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised Code;

(c) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(d) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact;

(e) Add twenty per cent of the number of students described in division (A)(1)(b) of section 3317.03 of the Revised Code who enroll in a joint vocational school district or under a career-technical education compact.

(2) For a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section, and as further adjusted by the department of education by adding the students described in division (D)(1)(b) of section 3317.03 of the Revised Code;

(3) For the community and STEM school unit, the sum of the number of students reported as enrolled in community schools under divisions (B)(1) and (2) of section 3314.08 of the Revised Code and the number of students reported as enrolled in STEM schools under division (A) of section 3326.32 of the Revised Code;
(4) For the educational choice scholarship unit, the number of students for whom educational choice scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code as reported under division (A)(2)(g) of section 3317.03 of the Revised Code;

(5) For the pilot project scholarship unit, the number of students for whom pilot project scholarships are awarded under sections 3313.974 to 3313.979 of the Revised Code as reported under division (A)(2)(b) of section 3317.03 of the Revised Code;

(6) For the autism scholarship unit, the number of students for whom autism scholarships are awarded under section 3310.41 of the Revised Code as reported under division (A)(2)(h) of section 3317.03 of the Revised Code;

(7) For the Jon Peterson special needs scholarship unit, the number of students for whom Jon Peterson special needs scholarships are awarded under sections 3310.51 to 3310.64 of the Revised Code as reported under division (A)(2)(h) of section 3317.03 of the Revised Code.

(L)(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact.
(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

(M) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in enrolled ADM and formula ADM.

(N) For fiscal years 2022 and 2023, "funding base" means, for a city, local, or exempted village school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly and prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020;

(ii) Either of the following:

(I) For fiscal year 2022, the district's payments for fiscal year 2020 under divisions (C)(1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;
(II) For fiscal years 2023, 2024, and 2025, the district's payments for fiscal year 2020 under divisions (C)(1), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.

(b) Subtract from the amount calculated in division (N)(1)(a) of this section the sum of the following:

(i) The following difference:
(The amount paid to the district under division (A)(5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C)(1)(e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)

(ii) The payments deducted from the district and paid to a community school for fiscal year 2020 under divisions (C)(1)(a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code as those divisions existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly;

(iii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school for fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly;

(iv) The payments deducted from the district under division (C) of section 3310.08 of the Revised Code as that division
existed prior to September 30, 2021, division (C)(2) of section 3310.41 of the Revised Code as that division existed prior to September 30, 2021, and former section 3310.55 of the Revised Code for fiscal year 2020 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district under Section 265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code;

(v) Either of the following:

(I) For fiscal year 2022, the payments subtracted from the district for fiscal year 2020 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;

(II) For fiscal years 2023 and 2024, the payments subtracted from the district for fiscal year 2020 under divisions (B)(1) and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference:

(The amount paid to the district under division (A)(5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C)(1)(e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)

(O) For fiscal years 2022, 2024 and 2023, 2025, "funding base"
means, for a joint vocational school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:

(i) The district's payments for fiscal year 2020 under Section 265.225 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly;

(ii) Either of the following:

(I) For fiscal year 2022, the district's payments for fiscal year 2020 under divisions (D)(1), (2), and (E)(3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;

(II) For fiscal years 2023 and 2024 and 2025, the district's payments for fiscal year 2020 under divisions (D)(1) and (2) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.

(b) Subtract from the amount paid to the district under division (A)(3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019.

(2) The district's "disadvantaged pupil impact aid funding base," which equals the amount paid to the district under division (A)(3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019.

(P) For fiscal years 2022, 2024 and 2025, "funding base" for a community school means the following:

(1) For a community school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for
that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly;

(2) For a community school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department;

(3) For a community school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of
that fiscal year, as calculated by the department.

(Q) For fiscal years 2022-2024 and 2023-2025, "funding base" for a STEM school means the following:

1. For a science, technology, engineering, and mathematics school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for that fiscal year under section 3326.33 of the Revised Code as that section existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly;

2. For a science, technology, engineering, and mathematics school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under section 3326.33 of the Revised Code as that section existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department;

3. For a science, technology, engineering, and mathematics school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under section 3326.33 of the Revised Code as that section existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of
that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department.

(R) "Funding unit" means any of the following:

(1) A city, local, exempted village, or joint vocational school district;

(2) The community and STEM school unit;

(3) The educational choice scholarship unit;

(4) The pilot project scholarship unit;

(5) The autism scholarship unit;

(6) The Jon Peterson special needs scholarship unit.

(S) "Jon Peterson special needs scholarship unit" means a unit that consists of all of the students for whom Jon Peterson scholarships are awarded under sections 3310.51 to 3310.64 of the Revised Code.

(T) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(U) "LRE student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students. For purposes of this division, "individualized education program" and "child with a disability" have the same meanings as in section 3323.01 of the Revised Code, and "LRE" is an abbreviation for "least restrictive environment."

(V) "Medically fragile child" means a child to whom all of the following apply:
1. The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.

2. The child requires the services of a registered nurse on a daily basis.

3. The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(W)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply:

(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child."

(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

2. A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division (W)(1)(a) or (b) of this section.

(X)(1) For fiscal years 2022, 2023, 2024, and 2025, a city, local, exempted village, or joint vocational school district's, community school's, or STEM school's "general phase-in percentage" is equal to the percentage for that fiscal year that is determined
by the general assembly.

(2) For fiscal years 2022 2024 and 2023 2025, a city, local, exempted village, or joint vocational school district's "phase-in percentage for disadvantaged pupil impact aid" is equal to the percentage for that fiscal year that is determined by the general assembly.

(Y) "Pilot project scholarship unit" means a unit that consists of all of the students for whom pilot project scholarships are awarded under sections 3313.974 to 3313.979 of the Revised Code.

(Z) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(AA) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (G)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;
(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.

(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts.

(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code.

(DD) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

(EE)(1) "State share percentage" means the following for a city, local, or exempted village school district:

(a) For fiscal years 2022 and 2023, the state share percentage calculated under section 3317.017 of the Revised Code;
(b) For fiscal year 2024 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.

(2) "State share percentage" means the following for a joint vocational school district:

(a) For fiscal years 2022 and 2023, the percentage calculated in accordance with the following formula:

The amount computed for the district under division (A)(1) of section 3317.16 of the Revised Code for that fiscal year / the aggregate base cost calculated for the district for that fiscal year under section 3317.012 of the Revised Code

(b) For fiscal year 2024 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.

(FF) "Statewide average base cost per pupil" means the
following:

(1) For fiscal years 2023–2024 and 2024–2025, the statewide average base cost per pupil calculated under division (A) of section 3317.018 of the Revised Code;

(2) For fiscal year 2024–2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(GG) "Statewide average career-technical base cost per pupil" means the following:

(1) For fiscal years 2023–2024 and 2024–2025, the statewide average career-technical base cost per pupil calculated under division (B) of section 3317.018 of the Revised Code;

(2) For fiscal year 2024–2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(HH) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(II) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.

(JJ) For purposes of sections 3317.017 and 3317.16 of the Revised Code, "three-year average valuation" for a fiscal year means the average of total taxable value for the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code.

(KK) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code minus the enrollment
reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that
section, as verified by the superintendent of public instruction
and adjusted if so ordered under division (K) of that section.

(LL) "Total special education ADM" means the sum of
categories one through six special education ADM.

(MM) "Total taxable value" means the sum of the amounts
certified for a city, local, exempted village, or joint vocational
school district under divisions (A)(1) and (2) of section 3317.021
of the Revised Code.

(NN) "Tuition discount" means any deduction from the base
tuition amount per student charged by a chartered nonpublic
school, to which the student's family is entitled due to one or
more of the following conditions:

(1) The student's family has multiple children enrolled in
the same school.

(2) The student's family is a member of or affiliated with a
religious or secular organization that provides oversight of the
school or from which the school has agreed to enroll students.

(3) The student's parent is an employee of the school.

(4) Some other qualification not based on the income of the
student's family or the student's athletic or academic ability and
for which all students in the school may qualify.

Sec. 3317.021. (A) On or before the first day of June of each
year, the tax commissioner shall certify to the department of
education and the office of budget and management the information
described in divisions (A)(1) to (5) of this section for each
city, exempted village, and local school district, and the
information required by divisions (A)(1) and (2) of this section
for each joint vocational school district, and it shall be used,
along with the information certified under division (B) of this
section, in making the computations for the district under this chapter.

(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.

(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.

(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.

(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.

(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:

(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;

(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or sections 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.

(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the
residents of the district, for the most recent year for which this information is available, and the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

(6) For fiscal years 2022-2024 and 2023-2025, the number of state tax returns filed by the residents of the district for the most recent year for which this information is available.

(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education and the office of budget and management the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location.

(C) If on the basis of the information certified under division (A) of this section, the department determines that any district fails in any year to meet the qualification requirement specified in division (A) of section 3317.01 of the Revised Code, the department shall immediately request the tax commissioner to determine the extent to which any school district income tax levied by the district under Chapter 5748. of the Revised Code shall be included in meeting that requirement. Within five days of receiving such a request from the department, the tax commissioner shall make the determination required by this division and report the quotient obtained under division (C)(3) of this section to the department and the office of budget and management. This quotient represents the number of mills that the department shall include in determining whether the district meets the qualification requirement of division (A) of section 3317.01 of the Revised Code.

The tax commissioner shall make the determination required by this division as follows:
(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district, excluding any income tax receipts allocated for the project cost, debt service, or maintenance set-aside associated with a state-assisted classroom facilities project as authorized by section 3318.052 of the Revised Code;

(3) Divide the amount estimated under division (C)(2) of this section by the product obtained under division (C)(1) of this section.

Sec. 3317.022. The department of education shall compute and distribute state core foundation funding to each eligible funding unit that is a city, local, or exempted village school district, the community and STEM school unit, the educational choice scholarship unit, the pilot project scholarship unit, the autism scholarship unit, and the Jon Peterson special needs scholarship unit for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins in accordance with the following:

For fiscal years 2022, 2024, and 2025, for a funding unit that is a city, local, or exempted village school district:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (5), (6), (7), and (8) of this section - the district's general funding base calculated in accordance with division (N)(1) of section 3317.02 of the Revised Code) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that...
fiscal year calculated under division (A)(4) of this section – the district's disadvantaged pupil impact aid funding base calculated in accordance with division (N)(2) of section 3317.02 of the Revised Code X the district's phase-in percentage for disadvantaged pupil impact aid for that fiscal year] + the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code

For fiscal year 2024 and each fiscal year thereafter, for a funding unit that is a city, local, or exempted village school district, the sum of the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (4), (5), (6), (7), and (8) of this section and the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code, if the general assembly authorizes such payments to these funding units.

For fiscal years 2022 and 2025, for the community and STEM school unit, an amount calculated in accordance with section 3317.026 of the Revised Code.

For fiscal years 2024 and each fiscal year thereafter, for the community and STEM school unit, an amount calculated in accordance with divisions (A)(1), (3), (4), (5), (7), (8), and (9) of this section, if the general assembly authorizes such payments to these funding units.

For the educational choice scholarship unit, the amount calculated under division (A)(10) of this section.

For the pilot project scholarship unit, the amount calculated under division (A)(11) of this section.

For the autism scholarship unit, the amount calculated under division (A)(12) of this section.

For the Jon Peterson special needs scholarship unit, the amount calculated under division (A)(13) of this section.
(A) A funding unit’s state core foundation funding components shall be the following:

(1)(a) If the funding unit is a city, local, or exempted village school district, the district's state share, which is equal to the following:

(i) For fiscal years 2022, 2024, and 2023, 2025, the amount calculated under division (B) of section 3317.017 of the Revised Code;

(ii) For fiscal year 2024, 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(b) If the funding unit is the community and STEM school unit, the aggregate base cost for all schools in that unit, which is equal to the following:

(i) For fiscal years 2022, 2024, and 2023, 2025, the amount calculated under section 3317.0110 of the Revised Code;

(ii) For fiscal year 2024, 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(2) If the funding unit is a city, local, or exempted village school district, targeted assistance funds equal to the following:

(a) For fiscal years 2022, 2024, and 2023, 2025, an amount calculated under section 3317.0217 of the Revised Code;

(b) For fiscal year 2024, 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(3) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:
(a) For fiscal years 2022 and 2023, the sum of the following:

(i) The funding unit's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(ii) The funding unit's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(iii) The funding unit's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(iv) The funding unit's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(v) The funding unit's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(vi) The funding unit's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that
fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage.

(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM;

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM;

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM;

(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;

(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;

(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.

(4) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, disadvantaged pupil impact aid calculated according to the following formula:

(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following:

(i) For fiscal years 2022 and 2023, the following product:
$422 \times (\text{the district's economically disadvantaged index}) \times \text{the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised Code}

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(b) If the funding unit is the community and STEM school unit, an amount equal to the following:

(i) For fiscal years 2022 and 2023, an amount calculated as follows:

(I) For each student in the funding unit's enrolled ADM who is economically disadvantaged and is not enrolled in an internet- or computer-based community school, multiply $422 by the economically disadvantaged index of the school in which the student is enrolled;

(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A)(4)(b)(i)(I) of this section.

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated as follows:

(I) For each student in the funding unit's enrolled ADM who is economically disadvantaged and is not enrolled in an internet- or computer-based community school, calculate an amount in the manner determined by the general assembly;

(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A)(4)(b)(ii)(I) of this section.

(5) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, English learner funds calculated as follows:
(a) For fiscal years 2022 2024 and 2023 2025, the sum of the following:

(i) The funding unit's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(ii) The funding unit's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(iii) The funding unit's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage.

(b) For fiscal year 2024 2026 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM;

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.

(6)(a) For fiscal years 2022 2024 and 2023 2025, if the funding unit is a city, local, or exempted village school
district, all of the following:

(i) Gifted identification funds calculated according to the following formula:

$24 \times \text{the district's enrolled ADM for grades kindergarten through six} \times \text{the district's state share percentage}

(ii) Gifted referral funds calculated according to the following formula:

$2.50 \times \text{the district's enrolled ADM} \times \text{the district's state share percentage}

(iii) Gifted professional development funds calculated according to the following formula:

(The greater of the number of gifted students enrolled in the district as certified under division (B)(22) of section 3317.03 of the Revised Code and ten per cent of the district's enrolled ADM) \times \text{the district's state share percentage} \times \$7, for fiscal year 2022, or \$14, for fiscal year 2023, or \$21, for fiscal year 2024, or \$28, for fiscal year 2025

(iv) Gifted unit funding calculated under section 3317.051 of the Revised Code.

(b) For fiscal year 2024 and each fiscal year thereafter, all of the following:

(i) Gifted identification funds calculated in a manner determined by the general assembly;

(ii) Gifted referral funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;

(iii) Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;

(iv) Gifted unit funding calculated in an amount determined by the general assembly.
(7) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.

(8) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code.

(9) If the funding unit is the community and STEM school unit, an amount calculated as follows:

(a) For fiscal years 2022 2024 and 2023 2025, an amount equal to the following:

[The number of students in the funding unit's enrolled ADM who are reported under division (B)(5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for all schools in the funding unit for that fiscal year under section 3317.0110 of the Revised Code / the funding unit's enrolled ADM) X.20]

(b) For fiscal year 2024 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(10) If the funding unit is the educational choice scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The base tuition of the chartered nonpublic school in which the student is enrolled minus the total amount of any applicable tuition discounts for which the student qualifies;

(ii) $5,500, if the student is in grades kindergarten through eight, or $7,500, if the student is in grades nine through twelve.

The amounts specified in division (A)(10)(a)(ii) of this
section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years.

(b) Compute the sum of the amounts calculated under division (A)(10)(a) of this section.

(11) If the funding unit is the pilot project scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The net tuition charges of the student's alternative school;

(ii) $5,500, if the student is in grades kindergarten through eight, or $7,500, if the student is in grades nine through twelve.

The amounts specified in division (A)(11)(a)(ii) of this section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years.

For purposes of division (A)(11)(a) of this section, the net tuition and fees charged to a student shall be the tuition amount specified by the alternative school minus all other financial aid, discounts, and adjustments received for the student. In cases where discounts are offered for multiple students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled.

The department shall provide for an increase in the amount determined for any student who is an LRE student with a disability and shall further increase such amount in the case of any separately educated student with a disability, as that term is
defined in section 3313.974 of the Revised Code. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.

(b) Compute the sum of the amounts calculated under division (A)(17)(a) of this section.

(12) If the funding unit is the autism scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The tuition charged for the student's special education program, as that term is defined in section 3310.41 of the Revised Code;

(ii) $31,500, for fiscal year 2022, and $32,445, for fiscal year 2023 and each fiscal year thereafter.

(b) Compute the sum of the amounts calculated under division (A)(12)(a) of this section.

(13) If the funding unit is the Jon Peterson special needs scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the least of the following:

(i) The amount of fees charged for that school year by the student's alternative public provider or registered private provider, as those terms are defined in section 3310.51 of the Revised Code;

(ii) $6,217, for fiscal year 2022, and $6,414, for fiscal year 2023, plus an amount determined as follows:

(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, $1,514, for fiscal year 2022, and $1,562, for fiscal year 2023;
(II) If the student is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code, $3,841, for fiscal year 2022, and $3,963, for fiscal year 2023;

(III) If the student is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code, $9,465, for fiscal year 2022, and $9,522, for fiscal year 2023;

(IV) If the student is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code, $12,644, for fiscal year 2022, and $12,707, for fiscal year 2023;

(V) If the student is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code, $17,193, for fiscal year 2022, and $17,209, for fiscal year 2023;

(VI) If the student is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code, $24,591, for fiscal year 2022, and $25,370, for fiscal year 2023.

(iii) $27,000.

The amount specified for fiscal year 2023 in division (A)(13)(a)(ii) of this section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years.

The amounts specified for fiscal year 2023 in divisions (A)(13)(a)(ii)(I) to (VI) of this section shall increase in future fiscal years by the same percentage that the amounts calculated by the general assembly for those categories of special education services under division (A)(3) of this section increase in future fiscal years.
(b) Compute the sum of the amounts calculated under division (A)(13)(a) of this section.

(B) In any fiscal year, a funding unit that is a city, local, or exempted village school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows:

(The base cost per pupil calculated for the district for that fiscal year X the total special education ADM) + (the district's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil)

The purposes approved by the department for special education expenses shall include, but shall not be limited to, identification of children with disabilities, compliance with state rules governing the education of children with disabilities and prescribing the continuum of program options for children with disabilities, provision of speech language pathology services, and
the portion of the school district's overall administrative and
overhead costs that are attributable to the district's special
education student population.

(C) A funding unit that is a city, local, or exempted village
school district shall spend the funds it receives under division
(A)(4) of this section in accordance with section 3317.25 of the
Revised Code.

(D)(1) Except as provided in division (B) of section 3317.026
of the Revised Code, the department shall distribute to each
community school established under Chapter 3314. of the Revised
Code and to each STEM school established under Chapter 3326. of
the Revised Code, from the funds paid to the community and STEM
school unit under this section, an amount for each student
enrolled in the school equal to the sum of the following:

(a) The school's base cost per pupil for that fiscal year,
calculated as follows:

(i) For fiscal years 2022-2025:
The aggregate base cost calculated for the school for that fiscal
year under section 3317.0110 of the Revised Code / the number of
students enrolled in the school for that fiscal year

(ii) For fiscal year 2024-2026 and each fiscal year thereafter, an amount determined by the general assembly under
division (A)(1)(b)(ii) of this section divided by the number of
students enrolled in the school for that fiscal year.

(b) If the student is a special education student:

(i) For fiscal years 2022-2025, the multiple
specified for the student's special education category under
section 3317.013 of the Revised Code times the statewide average
base cost per pupil;

(ii) For fiscal year 2024-2026 and each fiscal year
thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(3)(b) of this section.

(c) If the school is not an internet- or computer-based community school and the student is economically disadvantaged:

(i) For fiscal years 2022 2024 and 2023 2025, the amount calculated for the student under division (A)(4)(b)(i)(I) of this section;

(ii) For fiscal year 2024 2026 and each fiscal year thereafter, an amount calculated for the student in the manner determined by the general assembly under division (A)(4)(b)(ii)(I) of this section.

(d) If the school is not an internet- or computer-based community school and the student is an English learner:

(i) For fiscal years 2022 2024 and 2023 2025, the multiple specified for the student's English learner category under section 3317.016 of the Revised Code times the statewide average base cost per pupil;

(ii) For fiscal year 2024 2026 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(5)(b) of this section.

(e) If the student is a career-technical education student:

(i) For fiscal years 2022 2024 and 2023 2025, the multiple specified for the student's career-technical education category under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil;

(ii) For fiscal year 2024 2026 and each fiscal year thereafter, the amount calculated for the student's career-technical education category in a manner determined by the
general assembly under section 3317.014 of the Revised Code.

(f) If the student is a career-technical education student:

(i) For fiscal years 2022 2024 and 2023 2025, the multiple for career-technical associated services specified under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil;

(ii) For fiscal year 2024 2026 and each fiscal year thereafter, the amount calculated for career-technical associated services in a manner determined by the general assembly under section 3317.014 of the Revised Code.

(2) The department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the Revised Code, from the funds paid to the community and STEM school unit under this section, an amount equal to the amount calculated for the school under division (A)(9) of this section.

(E) The department shall distribute to the parent of each student for whom an educational choice scholarship is awarded under section 3310.03 or 3310.032 of the Revised Code, or to the student if at least eighteen years of age, from the funds paid to the educational choice scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A)(10)(a) of this section. The scholarship shall be distributed in monthly partial payments, and the department shall proportionately reduce or terminate the payments for any student who withdraws from a chartered nonpublic school prior to the end of the school year.

For purposes of divisions (E) and (F) of this section, in the case of a student who is not living with the student's parent, the department shall distribute the scholarship payments to the student's guardian, legal custodian, kinship caregiver, foster
caregiver, or caretaker. For the purposes of this division, "caretaker" has the same meaning as in section 3310.033 of the Revised Code, "kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code, and "foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(F) If a student is awarded a pilot project scholarship under sections 3313.974 to 3313.979 of the Revised Code, the department shall distribute to the parent of the student, if the student is attending a registered private school as defined in section 3313.974 of the Revised Code, or the student's school district of attendance, if the scholarship is to be used for payments to a public school in a school district adjacent to the pilot project school district pursuant to section 3327.06 of the Revised Code, a scholarship from the funds paid to the pilot project scholarship unit under this section that is equal to the amount calculated for the student under division (A)(11)(a) of this section.

In the case of a scholarship distributed to a student's parent, the scholarship shall be distributed in monthly partial payments. The scholarship amount shall be proportionately reduced in the case of any such student who is not enrolled in a registered private school, as that term is defined in section 3313.974 of the Revised Code, for the entire school year.

In the case of a scholarship distributed to a student's school district of attendance, the department shall, on behalf of the student's parents, use the scholarship to make the tuition payments required by section 3327.06 of the Revised Code to the student's school district of attendance, except that, notwithstanding sections 3323.13, 3323.14, and 3327.06 of the Revised Code, the total payments in any school year shall not exceed the scholarship amount calculated for the student under division (A)(11)(a) of this section.

(G) The department shall distribute to the parent of each
student for whom an autism scholarship is awarded under section 3310.41 of the Revised Code, from the funds paid to the autism scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A)(12)(a) of this section. The scholarship shall be distributed from time to time in partial payments. The scholarship amount shall be proportionately reduced in the case of any student who is not enrolled in the special education program for which a scholarship was awarded under section 3310.41 of the Revised Code for the entire school year. The department shall make no payments to the parent of a student while any administrative or judicial mediation or proceedings with respect to the content of the student's individualized education program are pending.

(H) The department shall distribute to the parent of each student for whom a Jon Peterson special needs scholarship is awarded under sections 3310.51 to 3310.64 of the Revised Code, from the funds paid to the Jon Peterson special needs scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A)(13)(a) of this section. The scholarship shall be distributed in periodic payments, and the department shall proportionately reduce or terminate the payments for any student who is not enrolled in the special education program of an alternative public provider or a registered private provider, as those terms are defined in section 3310.51 of the Revised Code, for the entire school year.

(I) For fiscal years 2022, 2024 and 2023, a school district shall spend the funds it receives under division (A)(5) of this section only for services for English learners.

(J) For fiscal years 2022, 2024 and 2023 each fiscal year thereafter, a school district shall spend the funds it receives under division (A)(6) of this section only for the identification of gifted students, gifted coordinator services, gifted
intervention specialist services, other service providers approved by the department of education, and gifted professional development. For fiscal years 2022 and 2023, if the department determines that a district is not in compliance with this division, it shall reduce the district's payments for that fiscal year under this chapter by an amount equal to the amount paid to the district for that fiscal year under division (A)(6) of this section that was not spent in accordance with this division. The department shall reduce the payment within one hundred eighty days after the end of that fiscal year.

Sec. 3317.024. The following shall be distributed monthly, quarterly, or annually as may be determined by the state board of education:

(A) An amount for each island school district and each joint state school district for the operation of each high school and each elementary school maintained within such district and for capital improvements for such schools. Such amounts shall be determined on the basis of standards adopted by the state board of education. However, for fiscal years 2012 and 2013, an island district shall receive the lesser of its actual cost of operation, as certified to the department of education, or ninety-three percent of the amount the district received in state operating funding for fiscal year 2011. If an island district received no funding for fiscal year 2011, it shall receive no funding for either of fiscal year 2012 or 2013.

(B) An amount for each school district required to pay tuition for a child in an institution maintained by the department of youth services pursuant to section 3317.082 of the Revised Code, provided the child was not included in the calculation of the district's formula ADM, as that term is defined in section...
3317.02 of the Revised Code, for the preceding school year.

(C)(1) An amount for the approved cost of transporting eligible pupils with disabilities attending a special education program approved by the department of education whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the school district or educational service center. For fiscal years 2022 and 2023, and 2024 and 2025, this amount shall be equal to the actual costs incurred in the prior fiscal year by the district or service center when transporting those students, as reported to the department, multiplied by one of the following:

(a) For a district, the percentage determined for the district for that fiscal year under divisions (E)(1)(c)(i) and (ii) of section 3317.0212 of the Revised Code;

(b) For a service center, twenty-nine thirty-seven and one-sixth one-half per cent for fiscal year 2022 and 2024 and thirty-three forty-one and one-third two-thirds per cent for fiscal year 2023 and 2025.

(2) No district or service center is eligible to receive a payment under division (C) of this section for the cost of transporting any pupil whom it transports by regular school bus and who is included in the district's transportation ADM.

(3) For fiscal years 2022 and 2023, and 2024 and 2025, both of the following apply:

(a) The state board shall also establish the deadline for each district and service center to report its actual costs for transporting students described in division (C)(1) of this section.

(b) The costs reported by each district and service center under division (C) of this section shall be subject to periodic, random audits by the department.
(D) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children. The amounts shall be determined on the basis of rules adopted by the state board of education.

(E)(1) An amount for auxiliary services to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district that has not elected to receive funds under division (E)(2) of this section.

(2)(a) An amount for auxiliary services paid directly to each chartered nonpublic school that has elected to receive funds under division (E)(2) of this section for each pupil attending the school. To elect to receive funds under division (E)(2) of this section, a school, by the first day of April of each odd-numbered year, shall notify the department and the school district in which the school is located of the election and shall submit to the department an affidavit certifying that the school shall expend the funds in the manner outlined in section 3317.062 of the Revised Code. The election shall take effect the following first day of July. The school subsequently may rescind its election, but it may do so only in an odd-numbered year by notifying the department and the school district in which the school is located of the rescission not later than the first day of April of that year. Beginning the following first day of July after the rescission, the school shall receive funds under division (E)(1) of this section.

(b) Not later than ten days after the notification of approval and issuance of a charter to a nonpublic school, that school may elect to receive funds under division (E)(2) of this section. If no election is made, the chartered nonpublic school shall receive funds under division (E)(1) of this section. The school may subsequently change its election in accordance with...
division (E)(2)(a) of this section.

(c) A chartered nonpublic school that elects to receive auxiliary services funds under division (E)(2) of this section may designate an organization that oversees one or more nonpublic schools to receive those funds on its behalf.

(i) Each chartered nonpublic school that designates an organization to receive auxiliary services funds on its behalf shall notify the department of education of the organization's name not later than the first day of April of each odd-numbered year.

(ii) A school may rescind its decision, but may do so only in each odd-numbered year by notifying the department of that rescission not later than the first day of April of that year. A rescission submitted in compliance with this division takes effect on the following first day of July, and the school district may elect to then begin receiving auxiliary services funds directly or as specified under division (E)(1) of this section.

(iii) An organization shall disburse the auxiliary services funds of all chartered nonpublic schools that have designated the organization to receive funds on their behalf in accordance with division (E)(2)(b)-(E)(2)(c) of this section. If multiple chartered nonpublic schools designate the same organization to receive auxiliary services funds on their behalf, that organization may use one or more accounts for the purposes of managing the funds. The organization shall maintain appropriate accounting and reporting standards and ensure that each chartered nonpublic school receives the auxiliary services funds to which the school is entitled.

(iv) Each chartered nonpublic school that elects to receive funds directly in accordance with division (E)(2) of this section or the organization designated to receive and disburse auxiliary
services funds on behalf of a chartered nonpublic school shall maintain records of receipt and expenditures of the funds in a manner that conforms with generally accepted accounting principles.

(v) The department of education shall create and disseminate a standardized reporting form that chartered nonpublic schools and organizations designated to receive funds in accordance with division (E)(2)(b),(E)(2)(c) of this section may use to comply with division (E)(2)(b)(iv),(E)(2)(c)(iv) of this section. However, the department shall not require schools to use that form.

(vi) An organization that manages a school's auxiliary services funds pursuant to a designation made in accordance with division (E)(2)(b),(E)(2)(c) of this section may require the school's governing authority to pay a fee for that service that does not exceed four per cent of the total amount of payments for auxiliary services that the school receives from the state. A school may pay any fee assessed pursuant to division (E)(2)(b)(vi),(E)(2)(c)(vi) of this section using auxiliary services funds.

(e)(d) The amount paid under divisions (E)(1) and (2) of this section shall equal the total amount appropriated for the implementation of sections 3317.06 and 3317.062 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in chartered nonpublic elementary and high schools within the state as determined as of the last day of October of each school year.

(F) An amount for each county board of developmental disabilities for the approved cost of transportation required for children attending special education programs operated by the county board under section 3323.09 of the Revised Code. For fiscal years 2022, 2024, and 2025, this amount shall be equal to the actual costs incurred in the prior fiscal year by the county board.
when transporting those students multiplied by twenty-nine
thirty-seven and one-sixth one-half per cent for fiscal year 2022
2024 and thirty-three forty-one and one-third two-thirds per cent
for fiscal year 2023 2025.

(G) An amount to each institution defined under section
3317.082 of the Revised Code providing elementary or secondary
education to children other than children receiving special
education under section 3323.091 of the Revised Code. This amount
for any institution in any fiscal year shall equal the total of
all tuition amounts required to be paid to the institution under
division (A)(1) of section 3317.082 of the Revised Code.

The state board of education or any other board of education
or governing board may provide for any resident of a district or
educational service center territory any educational service for
which funds are made available to the board by the United States
under the authority of public law, whether such funds come
directly or indirectly from the United States or any agency or
department thereof or through the state or any agency, department,
or political subdivision thereof.

Sec. 3317.026. This section shall apply only for fiscal years
2022 2024 and 2023 2025.

(A) For each fiscal year, the department of education shall
calculate an amount for the community and STEM school unit as
follows:

(1) For each community school and STEM school, determine the
sum of the following:

(a) The aggregate base cost calculated for the school for
that fiscal year under section 3317.0110 of the Revised Code;

(b) The sum of the following:

(i) The school's category one special education ADM X the
multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(ii) The school's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iii) The school's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iv) The school's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(v) The school's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(vi) The school's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year.

(c) If the school is not an internet- or computer-based community school, an amount of disadvantaged pupil impact aid equal to the following: $422 X the school's economically disadvantaged index X the number of students in the school's enrolled ADM who are economically disadvantaged

(d) If the school is not an internet- or computer-based community school, the sum of the following:
(i) The school's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(ii) The school's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iii) The school's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year.

(e) The sum of the following:

(i) The school's category one career-technical education ADM X the multiple specified under division (A)(1) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;

(ii) The school's category two career-technical education ADM X the multiple specified under division (A)(2) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;

(iii) The school's category three career-technical education ADM X the multiple specified under division (A)(3) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;

(iv) The school's category four career-technical education ADM X the multiple specified under division (A)(4) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;

(v) The school's category five career-technical education ADM
X the multiple specified under division (A)(5) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year.

(f) An amount equal to the following:

The multiple for career-technical associated services specified under division (B) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year X the sum of the school's categories one through five career-technical education ADM.

(g) If the school is a community school, an amount equal to the following:

The number of students reported by the community school under division (B)(5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code / the school's enrolled ADM) X 0.20.

(2) For each community and STEM school, determine the lesser of the following:

(a) The following sum:

The school's funding base + [(the sum calculated for the school under division (A) of this section) - the school's funding base] X the school's general phase-in percentage for that fiscal year.

(b) The sum of the amounts calculated for the school for that fiscal year under division (A) of this section.

(3) Compute the sum of the amounts determined under division (B) of this section to determine the amount calculated for the community and STEM school unit.

(B) Notwithstanding division (D) of section 3317.022 of the Revised Code, for each fiscal year, the department shall distribute to each community school and each STEM school, from the funds paid to the community and STEM school unit under section
3317.022 of the Revised Code, an amount equal to the amount
determined for that school under division (A)(2) of this section.

Sec. 3317.0212. (A) As used in this section:

(1) For fiscal years 2022 and 2023, "assigned bus" means a school bus used to transport qualifying riders.

(2) For fiscal years 2022 and 2023, "density" means the total riders per square mile of a school district.

(3) For fiscal years 2022 and 2023, "nontraditional ridership" means the average number of qualifying riders who are enrolled in a community school established under Chapter 3314. of the Revised Code, in a STEM school established under Chapter 3326. of the Revised Code, or in a nonpublic school and are provided school bus service by a school district during the first full week of October.

(4) "Qualifying riders" means the following:

(a) For fiscal years 2022 and 2023, resident students enrolled in preschool and regular education in grades kindergarten to twelve who are provided school bus service by a school district, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school;

(b) For fiscal year 2024 and each fiscal year thereafter, students specified by the general assembly.

(5) "Qualifying ridership" means the following:

(a) For fiscal years 2022 and 2023, the greater of the average number of qualifying riders counted in the morning or counted in the afternoon who are provided school bus service by a school district during the first full week of October;
(b) For fiscal year 2024 and each fiscal year thereafter, a ridership determined in a manner specified by the general assembly.

(6) "Rider density" means the following:

(a) For fiscal years 2022 and 2023, the following quotient:
   A school district's total number of qualifying riders/ the number of square miles in the district

(b) For fiscal year 2024 and each fiscal year thereafter, a number calculated in a manner determined by the general assembly.

(7) For fiscal years 2022 and 2023, "riders" means students enrolled in regular and special education in grades kindergarten through twelve who are provided school bus service by a school district, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school.

(8) "School bus service" means a school district's transportation of qualifying riders in any of the following types of vehicles:

(a) School buses owned or leased by the district;

(b) School buses operated by a private contractor hired by the district;

(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.

(B) Not later than the first day of November, for fiscal years 2022 and 2023, or a date determined by the general assembly, for fiscal year 2024 and each fiscal year thereafter, a ridership determined in a manner specified by the general assembly.
thereafter, of each year, each city, local, and exempted village school district shall report to the department of education its qualifying ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department.

(C) The department shall calculate the statewide transportation cost per student as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.
fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation base payment as follows:

(1) For fiscal years 2022, 2023, 2024, and 2025:

(a) Calculate the sum of the following:

(i) The product of the statewide transportation cost per student and the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in the district;

(ii) 1.5 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in community schools established under Chapter 3314. of the Revised Code or STEM schools established under Chapter 3326. of the Revised Code;

(iii) 2.0 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in nonpublic schools.

(b) Calculate the sum of the following:

(i) The product of the statewide transportation cost per mile and the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in the district;

(ii) 1.5 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in community schools or STEM schools;
(iii) 2.0 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in nonpublic schools.

(c) Multiply the greater of the amounts calculated under divisions (E)(1)(a) and (b) of this section by the following:

(i) For fiscal year 2022, the greater of twenty-nine thirty-seven and one-sixth one-half per cent or the district's state share percentage, as defined in section 3317.02 of the Revised Code;

(ii) For fiscal year 2023, the greater of thirty-three forty-one and one-third two-thirds per cent or the district's state share percentage.

(2) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly.

(F) For fiscal years 2022, 2024, and 2023, 2025, the department shall pay a district's efficiency adjustment payment in accordance with divisions (F)(1) to (3) of this section. For fiscal year 2024, 2026 and each fiscal year thereafter, the department shall pay a district's efficiency adjustment payment in a manner determined by the general assembly, if the general assembly authorizes such a payment to districts.

(1) The department annually shall establish a target number of qualifying riders per assigned bus for each city, local, and exempted village school district. The department shall use the most recently available data in establishing the target number. The target number shall be based on the statewide median number of riders per assigned bus as adjusted to reflect the district's density in comparison to the density of all other districts. The department shall post on the department's web site each district's target number of riders per assigned bus and a description of how
the target number was determined.

(2) The department shall determine each school district's efficiency index by dividing the district's number of riders per assigned bus by its target number of riders per assigned bus.

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment payment as follows:

(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment payment shall be calculated according to the following formula:

\[ 0.15 \times \text{the district's transportation base payment calculated under division (E) of this section} \]

(b) If the district's efficiency index is less than 1.5 but greater than or equal to 1.0, the efficiency adjustment payment shall be calculated according to the following formula:

\[ \frac{\{(\text{The district's efficiency index} - 1) \times 0.15\}}{0.5} \times \text{the district's transportation base payment calculated under division (E) of this section} \]

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment payment shall be zero.

(G) In addition to funds paid under divisions (E), (F), and (H) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

(H)(1) For purposes of division (H) of this section, a school district's "transportation supplement percentage" means the following:
(a) For fiscal years 2022 and 2025, the following quotient:

\[
\frac{28 - \text{the district's rider density}}{100}
\]

If the result of the calculation for a district under division (H)(1)(a) of this section is less than zero, the district's transportation supplement percentage shall be zero.

(b) For fiscal years 2024 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.

(2) The department shall pay each district a transportation supplement calculated according to the following formula:

\[
\text{The district's transportation supplement percentage} \times \text{the amount calculated for the district under division (E)(1)(b) of this section} \times 0.55
\]

(I)(1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of section 3314.091 of the Revised Code, the department shall make payments to the community school according to the terms of the agreement for each student actually transported under division (C)(1) of that section. If a community school governing authority accepts transportation responsibility under division (B) of that section, the department shall make payments to the community school for each student actually transported or for whom transportation is arranged by the community school under division (C)(1) of that section, calculated as follows:

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:
(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of section 3314.091 of the Revised Code.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with this section and any rules of the state board of education implementing this section, the payment to the community school shall be the following:

(i) For fiscal years 2022 2024 and 2023 2025, either of the following:

(I) If the school district in which the student is entitled to attend school would have used a method of transportation for the student for which payments are computed and paid under division (E) of this section, 1.0 times the statewide transportation cost per student, as calculated in division (C) of this section;

(II) If the school district in which the student is entitled to attend school would have used a method of transportation for the student for which payments are computed and paid in a manner described in division (G) of this section, the amount that would otherwise be computed for and paid to the district.

(ii) For fiscal year 2024 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.
The community school, however, is not required to use the same method to transport the student.

As used in this division, "entitled to attend school" means entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(2) A community school shall be paid under division (I)(2) of this section only for students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of section 3314.091 of the Revised Code, and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department.

Sec. 3317.0213. (A) The department of education shall compute and pay in accordance with this section additional state aid for preschool children with disabilities to each city, local, and exempted village school district and to each institution, as defined in section 3323.091 of the Revised Code. Funding shall be provided for children who are not enrolled in kindergarten and who are under age six on the thirtieth day of September of the academic year, or on the first day of August of the academic year if the school district in which the child is enrolled has adopted a resolution under division (A)(3) of section 3321.01 of the Revised Code, but not less than age three on the first day of December of the academic year.

For fiscal years 2022-2024 and 2023-2025, the additional state aid shall be calculated under the following formula:
($4,000 X the number of students who are preschool children with disabilities) + the sum of the following:

(1) The district's or institution's category one special education students who are preschool children with disabilities X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50;

(2) The district's or institution's category two special education students who are preschool children with disabilities X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50;

(3) The district's or institution's category three special education students who are preschool children with disabilities X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50;

(4) The district's or institution's category four special education students who are preschool children with disabilities X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50;

(5) The district's or institution's category five special education students who are preschool children with disabilities X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50;

(6) The district's or institution's category six special education students who are preschool children with disabilities X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that
fiscal year X the district's state share percentage X 0.50. For fiscal year 2024 and each fiscal year thereafter, the additional state aid shall be calculated for each category of special education students who are preschool children with disabilities using a formula specified by the general assembly.

The special education disability categories for preschool children used in this section are the same categories prescribed in section 3317.013 of the Revised Code.

As used in division (A) of this section, the state share percentage of a student enrolled in an institution is the state share percentage of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) If an educational service center is providing services to students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, that district may authorize the department to transfer funds computed under this section to the service center providing those services.

(C) If a county DD board is providing services to students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, the department shall deduct from the district's payment computed under division (A) of this section the total amount of those funds that are attributable to the students served by the county DD board and pay that amount to that board.

Sec. 3317.0215. (A)(1) For fiscal years 2022 and 2023, the department of education shall withhold from the aggregate amount paid for a fiscal year to each city, local,
exempted village, and joint vocational school district, community science, technology, engineering, and mathematics school
evaluated under Chapter 3314. of the Revised Code, and
established under Chapter 3326. of the Revised Code an amount
equal to the following:

(a) In the case of a city, local, or exempted village school
district, the aggregate amount of special education funding paid
to the district under division (A)(3) of section 3317.022 of the
Revised Code times 0.10, subject to any funding limitations
enacted by the general assembly to the computation.

(b) In the case of a community school or STEM school, the
aggregate amount of special education funding paid to the school
under division (A)(1)(b) of section 3317.026 of the Revised Code
times 0.10, subject to any funding limitations enacted by the
general assembly to the computation.

(c) In the case of a joint vocational school district, the
aggregate amount of special education funding paid to the school
under division (A)(2) of section 3317.16 of the Revised Code times
0.10, subject to any funding limitations enacted by the general
assembly to the computation.

(2) For fiscal year 2024 and each fiscal year thereafter, the department of education shall withhold from the aggregate amount paid for a fiscal year to each city, local, exempted village, and joint vocational school district, community school, and science, technology, engineering, and mathematics school an amount determined by the general assembly, if any, for purposes of this section.

(B) For fiscal years 2022 and 2023, the department shall use the amount of funds withheld under division (A) of this section for purposes of division (C)(1) of section 3314.08 of the Revised Code, section 3317.0214 of the Revised Code, division (B)
of section 3317.16 of the Revised Code, and section 3326.34 of the Revised Code.

For fiscal year 2024 and each fiscal year thereafter, the department shall use the amount of funds withheld under division (A) of this section, if any, for purposes determined by the general assembly.

Sec. 3317.0217. This section shall apply only for fiscal years 2022 and 2023.

Payment of the amount calculated for a school district under this section shall be made under division (A) of section 3317.022 of the Revised Code.

(A) For each fiscal year, the department of education shall compute targeted assistance funds for city, local, and exempted village school districts, in accordance with the following formula:

A district's capacity amount for that fiscal year calculated under division (B) of this section + a district's wealth amount for that fiscal year calculated under division (C) of this section

(B) The department shall calculate each district's capacity amount for a fiscal year as follows:

(1) Calculate each district's weighted wealth for that fiscal year, which equals the following sum:

(The amount determined for the district for that fiscal year under division (A)(1)(a) of section 3317.017 of the Revised Code X 0.6) + (the amount determined for the district for that fiscal year under division (A)(2)(a) of section 3317.017 of the Revised Code X 0.4)

(2) Determine the median weighted wealth of all school districts in this state for that fiscal year;

(3) Compute each district's capacity index for that fiscal
year by dividing the median weighted wealth of all school districts in this state for that fiscal year by the district's weighted wealth for that fiscal year;

(4) Compute each district's capacity amount for that fiscal year as follows:

(a) The district's capacity amount shall be zero if the district satisfies either of the following criteria for that fiscal year:

(i) The district's capacity index is less than 1.

(ii) The district's enrolled ADM is less than 200.

(b) If the district does not satisfy either of the criteria specified in division (B)(4)(a) of this section for that fiscal year, the district's capacity amount for that fiscal year shall be calculated as follows:

(i) Compute the following amount for the district:

\[
\text{(The median weighted wealth of all school districts in this state for that fiscal year } \times 0.008) - \text{(the district's weighted wealth for that fiscal year } \times 0.008)
\]

(ii) If the district's enrolled ADM for that fiscal year is greater than or equal to 200 but less than or equal to 400, the district's capacity amount for that fiscal year shall be equal to 0.05 X the amount computed under division (B)(4)(b)(i) of this section.

(iii) If the district's enrolled ADM for that fiscal year is greater than 400 and less than 600, the district's capacity amount for that fiscal year shall be calculated in accordance with the following formula:

\[
\{[0.95 \times (\text{the district's enrolled ADM for that fiscal year } - 400)/200] + 0.05\} \times \text{the amount computed under division (B)(4)(b)(i) of this section}
\]
(iv) If the district's enrolled ADM for that fiscal year is greater than or equal to 600, the district's capacity amount for that fiscal year shall be equal to the amount computed under division (B)(4)(b)(i) of this section.

(C) The department shall calculate each district's wealth amount for a fiscal year as follows:

(1) Calculate each district's weighted wealth per pupil for that fiscal year, which equals the following quotient:

The district's weighted wealth for that fiscal year calculated under division (B)(1) of this section/ (the district's enrolled ADM for that fiscal year - the students described in division (A)(1)(b) of section 3317.03 of the Revised Code + the students described in division (A)(2)(d) of section 3317.03 of the Revised Code)

(2) Determine the median weighted wealth per pupil of all school districts in this state for that fiscal year;

(3) Compute each district's wealth index for that fiscal year by dividing the median weighted wealth per pupil of all school districts in this state for that fiscal year by the district's weighted wealth per pupil for that fiscal year;

(4) Compute each district's wealth amount for that fiscal year, as follows:

(a) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is less than 0.8, the district's wealth amount for that fiscal year shall be zero.

(b) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is greater than or equal to 0.8, the district's wealth amount for that fiscal year shall be calculated in accordance with the following formula:

[(The median weighted wealth per pupil of all school districts in...}
this state for that fiscal year X 0.014) – (the district's weighted wealth per pupil for that fiscal year X 0.0112)] X the district's enrolled ADM for that fiscal year

Sec. 3317.0218. This section shall apply only for fiscal years 2022, 2023, and 2024.

For each fiscal year, the department of education shall compute supplemental targeted assistance for each city, local, and exempted village school district as follows:

(A) Determine if the district satisfies both of the following criteria:

(1) The wealth index calculated for the district for fiscal year 2019 under division (A)(4) of former section 3317.0217 of the Revised Code as it existed prior to the effective date of this section is greater than 1.6;

(2) The district's enrolled ADM for fiscal year 2019 is less than eighty-eight per cent of the district's total ADM for fiscal year 2019.

(B) Determine the maximum of the wealth indices calculated under division (A)(4) of former section 3317.0217 of the Revised Code as it existed prior to the effective date of this section for all districts that satisfy both of the criteria specified under division (A) of this section;

(C) If the district satisfies both of the criteria specified under division (A) of this section, compute the district's supplemental amount as the product of the following:

(1) {(The number specified under division (A)(1) of this section – 1.6)/ (the number determined under division (B) of this section – 1.6)} X 675} + 75;

(2) The district's enrolled ADM.

(D) If the district does not satisfy both of the criteria
specified under division (A) of this section, the district's supplemental amount shall be equal to zero.

**Sec. 3317.051.** (A) The department of education shall compute and pay to a school district funds based on units for services to students identified as gifted under Chapter 3324. of the Revised Code as prescribed by this section.

(B) The department shall allocate gifted units for a school district as follows:

1. For fiscal years 2022, 2024, and 2023:
   - (a) One gifted coordinator unit shall be allocated for every 3,300 students in a district's enrolled ADM, with a minimum of 0.5 units and a maximum of 8 units allocated for the district.
   - (b) One kindergarten through eighth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades kindergarten through eight in the district, as certified under division (B)(22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.
   - (c) One ninth through twelfth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades nine through twelve in the district, as certified under division (B)(22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

2. For fiscal year 2024, 2026, and each fiscal year thereafter, in the manner prescribed by the general assembly.

(C) The department shall pay an amount to a school district for gifted units as follows:

1. For fiscal years 2022, 2024, and 2025, an amount equal to the following sum:
   - ($85,776 X the number of units allocated to a school district)
under division (B)(1)(a) of this section X the district's state share percentage) + ($89,378 X the number of units allocated to a school district under division (B)(1)(b) of this section X the district's state share percentage) + ($80,974 X the number of units allocated to a school district under division (B)(1)(c) of this section X the district's state share percentage)

(2) For fiscal year 2024 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(D) A school district may assign gifted unit funding that it receives under division (C) of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district.

Sec. 3317.11. (A) As used in this section:

(1) For fiscal years 2022 2024 and 2023 2025, "base amount" is equal to $356,250.

(2) For fiscal years 2022 2024 and 2023 2025, "funding base" means an amount calculated by the department of education that is equal to the amount an educational service center would have received under Section 265.360 of H.B. 166 of the 133rd general assembly for fiscal year 2020 using the student counts of the school districts with which the service center has service agreements for the fiscal year for which payments under this section are being made.

(3) For fiscal years 2022 2024 and 2023 2025, "general phase-in percentage" for an educational service center means the "general phase-in percentage" for school districts as defined in section 3317.02 of the Revised Code.

(4) For fiscal years 2022 2024 and 2023 2025, "student count"
means the count calculated under division (G)(1) of section 3313.843 of the Revised Code.

(B)(1) For fiscal years 2022, 2024 and 2023, the department of education shall pay the governing board of each educational service center an amount equal to the following:

   The educational service center's funding base + [(the amount calculated for the educational service center for that fiscal year under division (C) of this section - the educational service center's funding base) X the educational service center's general phase-in percentage for that fiscal year]

(2) For fiscal year 2024, 2026 and each fiscal year thereafter, the department shall pay the governing board of each educational service center an amount calculated in a manner determined by the general assembly.

(C) For fiscal years 2022, 2024 and 2023, the department shall calculate an amount for each educational service center as follows:

   (1) If the educational service center has a student count of 5,000 students or less, the base amount.

   (2) If the educational service center has a student count greater than 5,000 students but less than or equal to 35,000 students, the following sum:

       The base amount + [(the educational service center's student count - 5,000) X $24.72]

   (3) If the educational service center has a student count greater than 35,000 students, the following sum:

       The base amount + (30,000 X $24.72) + [(the educational service center's student count - 35,000) X $30.90]

Sec. 3317.13. (A) As used in this section and section 3317.14 of the Revised Code:
(1) "Years of service" includes the following:

(a) All years of teaching service in the same school district or educational service center, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(b) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and

(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year.

(2) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board.

(B) No teacher shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be paid pursuant
to this section, years of service shall include the sum of all years of the teacher's teaching service included in divisions (A)(1)(a), (b), (c), and (d) of this section; except that any school district or educational service center employing a teacher new to the district or educational service center shall grant such teacher a total of not more than ten years of service pursuant to divisions (A)(1)(b), (c), and (d) of this section.

Upon written complaint to the superintendent of public instruction that the board of education of a district or the governing board of an educational service center governing board has failed or refused to annually adopt a salary schedule or to pay salaries in accordance with the salary schedule set forth in division (C) of this section, the superintendent of public instruction shall cause to be made an immediate investigation of such complaint. If the superintendent finds that the conditions complained of exist, the superintendent shall order the board to correct such conditions within ten days from the date of the finding. No moneys shall be distributed to the district or educational service center under this chapter until the superintendent has satisfactory evidence of the board of education's full compliance with such order.

Each teacher shall be fully credited with placement in the appropriate academic training level column in the district's or educational service center's salary schedule with years of service properly credited pursuant to this section or section 3317.14 of the Revised Code. No rule shall be adopted or exercised by any board of education or educational service center governing board which restricts the placement or the crediting of annual salary increments for any teacher according to the appropriate academic training level column.

(C) Minimum salaries exclusive of retirement and sick leave for teachers shall be as follows:
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* Percentages represent the percentage which each salary is
of the base amount.

For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience.

As used in this division:

1. "Base amount" means thirty/fifty thousand dollars.

2. "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university.

D. For purposes of this section, all credited training shall be from a recognized college or university.

Sec. 3317.16. The department of education shall compute and distribute state core foundation funding to each funding unit that is a joint vocational school district for the fiscal year as follows:

For fiscal years 2022, 2024 and 2025:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (4), (5), and (6) of this section - the district's general funding base) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that fiscal year calculated under division (A)(3) of this section - the district's disadvantaged pupil impact aid funding base) X the district's
phase-in percentage for disadvantaged pupil impact aid for that fiscal year]

For fiscal year 2024 2026 and each fiscal year thereafter, the sum of the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (4), (5), and (6) of this section.

(A) A district's state core foundation funding components shall be all of the following:

(1) The district's state share of the base cost, which is equal to the following:

(a) For fiscal years 2022 2024 and 2023 2025, an amount calculated according to the following formula:

(The district's base cost calculated under section 3317.012 of the Revised Code) - (0.0005 X the lesser of the district's three-year average valuation or the district's most recent valuation)

However, no district shall receive an amount under division (A)(1) of this section that is less than 0.05 times the base cost calculated for the district under section 3317.012 of the Revised Code.

(b) For fiscal year 2024 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:

(a) For fiscal years 2022 2024 and 2023 2025, the sum of the following:

(i) The district's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that
fiscal year X the district's state share percentage;

(ii) The district's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(iii) The district's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(iv) The district's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(v) The district's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(vi) The district's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage.

(b) For fiscal year 2024 2026 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM;

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM;

(iii) An amount calculated in a manner determined by the
general assembly times the funding unit's category three special education ADM;

(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;

(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;

(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.

(3) Disadvantaged pupil impact aid calculated as follows:

(a) For fiscal years 2022, 2024 and 2023, an amount calculated according to the following formula:

$$422 \times \text{the district's economically disadvantaged index} \times \text{the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code}$$

(b) For fiscal year 2024, 2026 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(4) English learner funds calculated as follows:

(a) For fiscal years 2022, 2024 and 2023, the sum of the following:

(i) The district's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(ii) The district's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that
fiscal year X the district's state share percentage;

(iii) The district's category three English learner ADM X the
multiple specified in division (C) of section 3317.016 of the
Revised Code X the statewide average base cost per pupil for that
fiscal year X the district's state share percentage.

(b) For fiscal year 2024 2026 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the
general assembly times the funding unit's category one English
learner ADM;

(ii) An amount calculated in a manner determined by the
general assembly times the funding unit's category two English
learner ADM;

(iii) An amount calculated in a manner determined by the
general assembly times the funding unit's category three English
learner ADM.

(5) Career-technical education funds calculated under
division (C) of section 3317.014 of the Revised Code.

(6) Career-technical education associated services funds
calculated under division (D) of section 3317.014 of the Revised
Code.

(B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an
amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.

(2) The district shall report under division (B)(1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(C)(1) For each student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational school district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under division (A) of this section. Those excess costs shall be calculated using a formula approved by the department.

(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C)(1) of this section to the department of education.

(3) If the board of education of the joint vocational school district reports excess costs under division (C)(2) of this section, the department shall pay the amount of excess cost calculated under division (C)(2) of this section to the joint
vocational school district and shall deduct that amount as provided in division (C)(3)(a) or (b) of this section, as applicable:

(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (J) of section 3317.023 of the Revised Code.

(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.

(D) A joint vocational school district shall spend the funds it receives under division (A)(3) of this section in accordance with section 3317.25 of the Revised Code.

(E) For fiscal years 2022, 2024 and 2023, 2025, a school district shall spend the funds it receives under division (A)(4) of this section only for services for English learners.

(F) As used in this section:

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

Sec. 3317.162. (A) For fiscal years 2022, 2024 and 2023, 2025, the department of education shall pay temporary transitional aid to each joint vocational school district according to the following formula:

(The district's funding base, as that term is defined in section 3317.02 of the Revised Code) - (the district's payment under section 3317.16 of the Revised Code for the fiscal year for which the payment is computed)
If the computation made under division (A) of this section results in a negative number, the district's funding under division (A) of this section shall be zero.

(B) If a joint vocational school district begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2022 or fiscal year 2023 but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall establish the district's funding base, as that term is defined in section 3317.02 of the Revised Code, as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's funding base under division (C) of section 3317.019 of the Revised Code.

Sec. 3317.20. This section does not apply to preschool children with disabilities.

(A) As used in this section:

(1) "Applicable special education amount" means the amount specified in section 3317.013 of the Revised Code for a disability described in that section.

(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) "State share percentage" means the state share percentage of the child's school district.

(B) The department shall annually pay each county board of developmental disabilities for each child with a disability, other than a preschool child with a disability, for whom the county board provides special education and related services an amount equal to the following:

(1) For fiscal years 2022 and 2023, the statewide average base cost per pupil + (state share percentage X the
applicable special education multiple X the statewide average base cost per pupil);

(2) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly.

(C) Each county board of developmental disabilities shall report to the department, in the manner specified by the department, the name of each child for whom the county board of developmental disabilities provides special education and related services and the child's school district.

(D)(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any child who is placed with a county board of developmental disabilities:

(a) The child's school district;

(b) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (D)(1) of this section for the data verification code of a child, the child's school district shall submit that code to the department in the manner specified by the department. If the child has not been assigned a code, the district shall assign a code to that child and submit the code to the department by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child.

The department annually shall submit to each school district the name and data verification code of each child residing in the district for whom the department has assigned a code under this division.
(3) The department shall not release any data verification code that it receives under division (D) of this section to any person except as provided by law.

(E) Any document relative to special education and related services provided by a county board of developmental disabilities that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

Sec. 3317.201. This section does not apply to preschool children with disabilities.

(A) As used in this section, the "total special education amount" for an institution means the following:

(1) For fiscal years 2022-2024 and 2023-2025, the sum of the following amounts:

(a) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (A) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil;

(b) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (B) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil;

(c) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (C) of
section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil;

(d) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (D) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil;

(e) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (E) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil;

(f) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (F) of section 3317.013 of the Revised Code multiplied by the multiple specified in that division multiplied by the statewide average base cost per pupil.

(2) For fiscal year 2024 and each fiscal year thereafter, the sum of the following amounts:

(a) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (A) of section 3317.013 of the Revised Code;

(b) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code;
Revised Code as receiving services for a disability described in division (B) of section 3317.013 of the Revised Code;

(c) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (C) of section 3317.013 of the Revised Code;

(d) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (D) of section 3317.013 of the Revised Code;

(e) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (E) of section 3317.013 of the Revised Code;

(f) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (F) of section 3317.013 of the Revised Code.

(B) For each fiscal year, the department of education shall pay each state institution required to provide special education services under division (A) of section 3323.091 of the Revised Code an amount equal to the institution's total special education amount.

Sec. 3317.25. (A) As used in this section, "disadvantaged pupil impact aid" means the following:

(1) For a city, local, or exempted village school district,
the funds received under division (A)(4)(a) of section 3317.022 of the Revised Code;

(2) For a joint vocational school district, the funds received under division (A)(3) of section 3317.16 of the Revised Code;

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division (A)(4)(b) of section 3317.022 of the Revised Code;

(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division (A)(4)(b) of section 3317.022 of the Revised Code.

(B)(1) For fiscal years 2022, 2023, and 2024, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the disadvantaged pupil impact aid it receives for any of the following initiatives or a combination of any of the following initiatives:

(a) Extended school day and school year;

(b) Reading improvement and intervention that is aligned with the science of reading and evidence-based strategies for effective literacy instruction;

(c) Instructional technology or blended learning;

(d) Professional development in the science of reading and evidence-based strategies for effective literacy instruction for teachers of students in kindergarten through third grade;

(e) Dropout prevention;

(f) School safety and security measures;

(g) Community learning centers that address barriers to learning;

(h) Academic interventions for students in any of grades six
through twelve;

   (i) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal under section 3319.272 of the Revised Code;

   (j) Mental health services, including telehealth services, community-based behavioral health services, and recovery supports;

   (k) Culturally appropriate, evidence-based or evidence-informed prevention education services, including youth-led programming and social and emotional learning curricula to promote mental health and prevent substance use and suicide and trauma-informed services;

   (l) Services for homeless youth;

   (m) Services for child welfare involved youth;

   (n) Community liaisons or programs that connect students to community resources, including behavioral wellness coordinators and city connects, communities in schools, and other similar programs;

   (o) Physical health care services, including telehealth services and community-based health services;

   (p) Family engagement and support services;

   (q) Student services provided prior to or after the regularly scheduled school day or any time school is not in session, including mentoring programs.

   (2) For fiscal year 2024 and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school shall spend the disadvantaged pupil impact aid it receives for one or more initiatives specified by the general assembly.

   (C)(1) For fiscal years 2022 and 2023, each city,
local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in coordination with at least one of the following community partners:

(a) A board of alcohol, drug addiction, and mental health services established under Chapter 340. of the Revised Code;

(b) An educational service center;

(c) A county board of developmental disabilities;

(d) A community-based mental health treatment provider;

(e) A board of health of a city or general health district;

(f) A county department of job and family services;

(g) A nonprofit organization with experience serving children;

(h) A public hospital agency.

(2) For fiscal year 2024 and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in the manner specified by the general assembly, if the general assembly requires city, local, exempted village, and joint vocational school districts, community schools, and STEM schools to develop such a plan.

(D) After the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's disadvantaged pupil impact aid were spent during that fiscal year. For fiscal years 2022 and 2023,
this report shall be submitted in a manner prescribed by the department and shall also describe the amount of money that was spent on each initiative.

(E) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the general assembly not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code.

**Sec. 3317.26.** (A) As used in this section, "student wellness and success funds" means the following:

(1) For a city, local, or exempted village school district, the funds received under division (E)(3) of section 3317.011 of the Revised Code, subject to the state share and any phase-in established by the general assembly:

(2) For a joint vocational school district, the funds received under division (E)(3) of section 3317.012 of the Revised Code, subject to the state share and any phase-in established by the general assembly:

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division (E) of section 3317.0110 of the Revised Code for student wellness and success funds, as determined by the department, subject to any phase-in established by the general assembly:

(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division (E) of section 3317.0110 of the Revised Code for student wellness and success funds, as determined by the department, subject to any phase-in established by the general assembly.

(B) For each fiscal year, the department of education shall notify each city, local, exempted village, and joint vocational
school district, community school, and STEM school, of the portion of the district or school's state share of the base cost calculated under section 3317.022 or 3317.16 of the Revised Code, that is attributable to the staffing cost for the student wellness and success component of the base cost, as determined by the department.

(C) In each fiscal year, a city, local, exempted village or joint vocational school district, community school, or STEM school shall spend the student wellness and success funds it receives for any of the initiatives, or a combination of any of the initiatives, described in divisions (B)(1)(j) to (q) of section 3317.25 of the Revised Code.

(D) Not less than fifty per cent of the amount determined under division (B) of this section shall be spent on initiatives described under division (B)(1)(j) or (o) of section 3317.25 of the Revised Code, or a combination of both.

(E) Each city, local, exempted village, joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan to utilize the student wellness and success funds it receives in coordination with a community mental health prevention or treatment provider or local board of alcohol, drug addiction, and mental health services established under Chapter 340. of the Revised Code and one of the community partners identified under division (C) of section 3317.25 of the Revised Code.

(F) Within thirty days of the creation or amendment of the plan required under division (E) of this section, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall share the plan at a public meeting of the board of education or governing authority and post the plan on the district or school's web site.
(G)(1) All student wellness and success funds allocated in any of fiscal years 2020 to 2023 shall be expended prior to June 30, 2025. Any unexpended funds shall be repaid to the department.

(2) Beginning in fiscal year 2024, all student wellness and success funds shall be spent by the end of the following fiscal year. Any unexpended funds shall be repaid to the department.

(H)(1) If the department determines that a city, local, exempted village, joint vocational school district, community school, or STEM school has not spent funds in accordance with divisions (C) and (D) of this section, the department may require a corrective action plan.

(2) If a city, local, exempted village, joint vocational school district, community school, or STEM school is determined to be out of compliance with the corrective action plan described under division (H)(1) of this section, the department may withhold student wellness and success from that district or school.

(I) At the end of each fiscal year, each district and school shall submit a report to the department, in a manner determined by the department, describing the initiative or initiatives on which the district or school's funds were spent under this section during that fiscal year.

Sec. 3318.024. In the first year of a capital biennium, any funds appropriated to the Ohio facilities construction commission for classroom facilities projects under this chapter in the previous capital biennium that were not spent or encumbered, or for which an encumbrance has been canceled under section 3318.05 of the Revised Code, shall be used by the commission only for projects under sections 3318.01 to 3318.20 of the Revised Code, subject to appropriation by the general assembly.

In the second year of a capital biennium, any funds
appropriated to the Ohio facilities construction commission for classroom facilities projects under this chapter that were not spent or encumbered in the first year of the biennium and which are in excess of an amount equal to half of the appropriations for the capital biennium, or for which an encumbrance has been canceled under section 3318.05 of the Revised Code, shall be used by the commission only for projects under sections 3318.01 to 3318.20, 3318.33, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, and 3318.40 to 3318.46 of the Revised Code, subject to appropriation by the general assembly.

Sec. 3318.032. (A) Except as otherwise provided in divisions (C) and (D) of this section, the portion of the basic project cost supplied by the school district shall be the greater of:

(1) The required percentage of the basic project costs;

(2) (a) For all districts except a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the required level of indebtedness;

(b) For a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the following:

The required level of indebtedness X (the basic project cost of the segment as approved by the controlling board / the estimated basic project cost of the district's entire classroom facilities
needs as determined jointly by the staff of the Ohio 42255
facilities construction commission and the district) 42256

(B) The amount of the district's share determined under this 42257
section shall be calculated only as of the date the controlling 42258
board approved the project, and that amount applies throughout the 42259
thirteen-month sixteen-month period permitted under section 3318.05 of the Revised Code for the district's electors to approve 42260
the propositions described in that section. If the amount reserved 42261
and encumbered for a project is released because the electors do 42262
not approve those propositions within that period, and the school 42263
district later receives the controlling board's approval for the 42264
project, subject to a new project scope and estimated costs under 42265
section 3318.054 of the Revised Code, the district's portion shall 42266
be recalculated in accordance with this section as of the date of 42267
the controlling board's subsequent approval.

(C) At no time shall a school district's portion of the basic 42268
project cost be greater than ninety-five per cent of the total 42269
basic project cost.

(D) If the controlling board approves a project under 42270
sections 3318.01 to 3318.20 of the Revised Code for a school 42271
district that previously received assistance under those sections 42272
or section 3318.37 of the Revised Code within the twenty-year 42273
period prior to the date on which the controlling board approves 42274
the new project, the district's portion of the basic project cost 42275
for the new project shall be the lesser of the following:

1. The portion calculated under division (A) of this 42276
section;

2. The greater of the following:
   a. The required percentage of the basic project costs for 42277
      the new project;
   b. The percentage of the basic project cost paid by the 42278

Sec. 3318.05. The conditional approval of the Ohio facilities construction commission for a project shall lapse and the amount reserved and encumbered for such project shall be released unless the school district board accepts such conditional approval within one hundred twenty days following the date of certification of the conditional approval to the school district board and the electors of the school district vote favorably on both of the propositions described in divisions (A) and (B) of this section within thirteen months of the date of such certification, except that a school district described in division (C) of this section does not need to submit the proposition described in division (B) of this section. The propositions described in divisions (A) and (B) of this section shall be combined in a single proposal. If the district board or the district's electors fail to meet such requirements and the amount reserved and encumbered for the district's project is released, the district shall be given first priority for project funding as such funds become available, subject to section 3318.054 of the Revised Code.

(A) On the question of issuing bonds of the school district board, for the school district's portion of the basic project cost, in an amount equal to the school district's portion of the basic project cost less the amount of the proceeds of any securities authorized or to be authorized under division (J) of section 133.06 of the Revised Code and dedicated by the school district board to payment of the district's portion of the basic project cost; and

(B) On the question of levying a tax the proceeds of which shall be used to pay the cost of maintaining or upgrading the classroom facilities included in the project. Such tax shall be at
the rate of not less than one-half mill for each dollar of valuation for a period of twenty-three years, subject to any extension approved under section 3318.061 of the Revised Code.

(C) If a school district has in place a tax levied under section 5705.21 of the Revised Code for general permanent improvements for a continuing period of time and the proceeds of such tax can be used for maintenance or upgrades, or if a district agrees to the transfers described in section 3318.051 of the Revised Code, the school district need not levy the additional tax required under division (B) of this section, provided the school district board includes in the agreement entered into under section 3318.08 of the Revised Code provisions either:

(1) Earmarking an amount from the proceeds of that permanent improvement tax for maintenance or upgrades of classroom facilities equivalent to the amount of the additional tax and for the equivalent number of years otherwise required under this section;

(2) Requiring the transfer of money in accordance with section 3318.051 of the Revised Code.

The district board subsequently may rescind the agreement to make the transfers under section 3318.051 of the Revised Code only so long as the electors of the district have approved, in accordance with section 3318.063 of the Revised Code, the levy of a tax for the maintenance or upgrades of the classroom facilities acquired under the district's project and that levy continues to be collected as approved by the electors.

(D) Proceeds of the tax to be used for maintenance or upgrade of the classroom facilities under either division (B) or (C)(1) of this section, and transfers of money in accordance with section 3318.051 of the Revised Code shall be deposited into a separate fund established by the school district for such purpose.
(E) Proceeds of the tax to be used for maintenance or
 upgrades of the classroom facilities under either division (B) or
 (C)(1) of this section shall not be used to upgrade classroom
 facilities, unless the district board submits to the Ohio
 facilities construction commission a proposal regarding the use of
 those proceeds for upgrades and the commission approves the
 proposal.

Sec. 3318.051. (A) Any city, exempted village, or local
 school district that commences a project under sections 3318.01 to
 3318.20, 3318.33, 3318.36, 3318.37, or 3318.38 of the Revised Code
 on or after September 5, 2006, need not levy the tax otherwise
 required under division (B) of section 3318.05 of the Revised
 Code, if the district board of education adopts a resolution
 petitioning the Ohio facilities construction commission to approve
 the transfer of money in accordance with this section and the
 commission approves that transfer. If so approved, the commission
 and the district board shall enter into an agreement under which
 the board, in each of twenty-three consecutive years beginning in
 the year in which the board and the commission enter into the
 project agreement under section 3318.08 of the Revised Code, shall
 transfer into the maintenance fund required by division (D) of
 section 3318.05 of the Revised Code not less than an amount equal
 to one-half mill for each dollar of the district's valuation
 unless and until the agreement to make those transfers is
 rescinded by the district board pursuant to division (F) of this
 section.

(B) On the first day of July each year, or on an alternative
date prescribed by the commission, the district treasurer shall
certify to the commission and the auditor of state that the amount
required for the year has been transferred. The auditor of state
shall include verification of the transfer as part of any audit of
the district under section 117.11 of the Revised Code. If the
auditor of state finds that less than the required amount has been deposited into a district's maintenance fund, the auditor of state shall notify the district board of education in writing of that fact and require the board to deposit into the fund, within ninety days after the date of the notice, the amount by which the fund is deficient for the year. If the district board fails to demonstrate to the auditor of state's satisfaction that the board has made the deposit required in the notice, the auditor of state shall notify the department of education. At that time, the department shall withhold an amount equal to ten per cent of the district's funds calculated for the current fiscal year under Chapter 3317. of the Revised Code until the auditor of state notifies the department that the auditor of state is satisfied that the board has made the required transfer.

(C) Money transferred to the maintenance fund shall be used for the maintenance or, upon approval of the Ohio facilities construction commission, upgrade of the facilities acquired under the district's project.

(D) The transfers to the maintenance fund under this section does not affect a district's obligation to establish and maintain a capital and maintenance fund under section 3315.18 of the Revised Code.

(E) Any decision by the commission to approve or not approve the transfer of money under this section is final and not subject to appeal. The commission shall not be responsible for errors or miscalculations made in deciding whether to approve a petition to make transfers under this section.

(F) If the district board determines that it no longer can continue making the transfers agreed to under this section, the board may rescind the agreement only so long as the electors of the district have approved, in accordance with section 3318.063 of the Revised Code, the levy of a tax for the maintenance of the
classroom facilities acquired under the district's project and
that levy continues to be collected as approved by the electors.
That levy shall be for a number of years that is equal to the
difference between twenty-three years and the number of years that
the district made transfers under this section and shall be at the
rate of not less than one-half mill for each dollar of the
district's valuation. The district board shall continue to make
the transfers agreed to under this section until that levy has
been approved by the electors.

Sec. 3318.054. (A) If conditional approval of a city,
exempted village, or local school district's project lapses as
provided in section 3318.05 of the Revised Code, or if conditional
approval of a joint vocational school district's project lapses as
provided in division (D) of section 3318.41 of the Revised Code,
because the district's electors have not approved the ballot
measures necessary to generate the district's portion of the basic
project cost, and if the district board desires to seek a new
conditional approval of the project, the district board shall
request that the Ohio facilities construction commission set the
scope, basic project cost, and school district portion of the
basic project cost prior to resubmitting the ballot measures to
the electors. To do so, the commission shall use the district's
current assessed tax valuation and the district's percentile for
the prior fiscal year. For a district that has entered into an
agreement under section 3318.36 of the Revised Code and desires to
proceed with a project under sections 3318.01 to 3318.20 of the
Revised Code, the district's portion of the basic project cost
shall be the percentage specified in that agreement. The project
scope and basic costs established under this division shall be
valid for thirteen sixteen months from the date the commission
approves them.

(B) Upon the commission's approval under division (A) of this
section, the district board may submit the ballot measures to the
district's electors for approval of the project based on the new
project scope and estimated costs. Upon electoral approval of
those measures, the district shall be given first priority for
project funding as such funds become available.

(C) When the commission determines that funds are available
for the district's project, the commission shall do all of the
following:

(1) Determine the school district portion of the basic
project cost under section 3318.032 of the Revised Code, in the
case of a city, exempted village, or local school district, or
under section 3318.42 of the Revised Code, in the case of a joint
vocational school district;

(2) Conditionally approve the project and submit it to the
controlling board for approval pursuant to section 3318.04 of the
Revised Code;

(3) Encumber funds for the project under section 3318.11 of
the Revised Code;

(4) Enter into an agreement with the district board under
section 3318.08 of the Revised Code.

Sec. 3318.055. Notwithstanding any provision to the contrary
in sections 3318.05, 3318.06, 3318.061, 3318.08, 3318.33, 3318.36,
3318.361, and 3318.38 of the Revised Code, if the amount of money
that would be raised in a school district by the twenty-three year
maintenance tax specified in those sections during the first
twelve-month period of its collection, as estimated by the
department of taxation, would be less than ten per cent of the
amount of money that the school district was required to deposit
into its capital and maintenance fund during the most recent
fiscal year under section 3315.18 of the Revised Code, the school
district shall not be required to include such maintenance tax on
a ballot proposal, as otherwise required under sections 3318.05,
3318.06, 3318.061, 3318.08, 3318.33, 3318.36, 3318.361, and
3318.38 of the Revised Code.

Sec. 3318.084. (A) Notwithstanding anything to the contrary
in Chapter 3318. of the Revised Code, a school district board may
apply any local donated contribution toward any of the following:

(1) The district's portion of the basic project cost of a
project under either sections 3318.01 to 3318.20 or sections
3318.40 to 3318.45 of the Revised Code to reduce the amount of
bonds the district otherwise must issue in order to receive state
assistance under those sections;

(2) If the school district is not a joint vocational school
district proceeding under sections 3318.40 to 3318.45 of the
Revised Code, an offset of all or part of a district's obligation
to levy the tax described in division (B) of section 3318.05 of
the Revised Code, which shall be applied only in the manner
prescribed in division (B) of this section;

(3) If the school district is a joint vocational school
district proceeding under sections 3318.40 to 3318.45 of the
Revised Code, all or part of the amount the school district is
obligated to set aside for maintenance of the classroom facilities
acquired under that project pursuant to section 3318.43 of the
Revised Code.

(B) No school district board shall apply any local donated
contribution under division (A)(2) of this section unless the Ohio
facilities construction commission first approves that
application.

 Upon the request of the school district board to apply local
donated contribution under division (A)(2) of this section, the
commission in consultation with the department of taxation shall determine the amount of total revenue that likely would be generated by one-half mill of the tax described in division (B) of section 3318.05 of the Revised Code over the entire twenty-three-year period required under that section and shall deduct from that amount any amount of local donated contribution that the board has committed to apply under division (A)(2) of this section. The commission then shall determine in consultation with the department of taxation the rate of tax over twenty-three years necessary to generate the amount of a one-half mill tax not offset by the local donated contribution. Notwithstanding anything to the contrary in section 3318.06, 3318.061, or 3318.361 of the Revised Code, the rate determined by the commission shall be the rate for which the district board shall seek elector approval under those sections to meet its obligation under division (B) of section 3318.05 of the Revised Code. In the case of a complete offset of the district's obligation under division (B) of section 3318.05 of the Revised Code, the district shall not be required to levy the tax otherwise required under that section. At the end of the twenty-three-year period of the tax required under division (B) of section 3318.05 of the Revised Code, whether or not the tax is actually levied, the commission in consultation of the department of taxation shall recalculate the amount that would have been generated by the tax if it had been levied at one-half mill. If the total amount actually generated over that period from both the tax that was actually levied and any local donated contribution applied under division (A)(2) of this section is less than the amount that would have been raised by a one-half mill tax, the district shall pay any difference. If the total amount actually raised in such manner is greater than the amount that would have been raised by a one-half mill tax the difference shall be zero and no payments shall be made by either the district or the commission.
(C) As used in this section, "local donated contribution" means any of the following:

(1) Any moneys irrevocably donated or granted to a school district board by a source other than the state which the board has the authority to apply to the school district's project under sections 3318.01 to 3318.20 of the Revised Code and which the board has pledged for that purpose by resolution adopted by a majority of its members;

(2) Any irrevocable letter of credit issued on behalf of a school district which the school district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code that has been approved by the commission in consultation with the department of education;

(3) Any cash a school district has on hand that the school district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code that has been approved by the commission in consultation with the department of education, including the following:

(a) Any year-end operating fund balances that can be spent for classroom facilities;

(b) Any cash resulting from a lease-purchase agreement that the school district board has entered into under section 3313.375 of the Revised Code, provided that the agreement and the related financing documents contain provisions protecting the state's superior interest in the project.

(4) Any moneys spent by a source other than the school district or the state for construction or renovation of specific classroom facilities that have been approved by the commission as part of the basic project cost of the district's project. The
school district, the commission, and the entity providing the local
contributed contribution under division (C)(4) of this section shall
enter into an agreement identifying the classroom facilities to be acquired
by the expenditures made by that entity. The agreement shall include,
but not be limited to, stipulations that require an audit by the commission
of such expenditures made on behalf of the district and that specify
the maximum amount of credit to be allowed for those expenditures.
Upon completion of the construction or renovation, the commission
shall determine the actual amount that the commission will credit,
at the request of the district board, toward the district's portion of the
basic project cost, any project cost overruns, or the basic project cost of
future segments if the project has been divided into segments under
section 3318.33 or 3318.38 of the Revised Code. The actual amount
of the credit shall not exceed the lesser of the amount specified
in the agreement or the actual cost of the construction or renovation.

(D) No state moneys shall be released for a project to which
this section applies until:

(1) Any local donated contribution authorized under division
(A)(1) of this section is first deposited into the school district's project construction fund.

(2) The school district board and the commission have included a stipulation in their agreement entered into under section 3318.08 of the Revised Code under which the board will deposit into a fund approved by the commission according to a schedule that does not extend beyond the anticipated completion date of the project the total amount of any local donated contribution authorized under division (A)(2) or (3) of this section and dedicated by the board for that purpose.

However, if any local donated contribution as described in division (C)(4) of this section has been approved under this
section, the state moneys may be released even if the entity providing that local donated contribution has not spent the moneys so dedicated as long as the agreement required under that section has been executed.

Sec. 3318.33. (A) The accelerated Appalachian school building assistance program is hereby established. Under the program, notwithstanding section 3318.02 of the Revised Code, any school district that has any territory within the Appalachian region, as defined in section 107.21 of the Revised Code, and that has not been approved to receive assistance under sections 3318.01 to 3318.20 of the Revised Code prior to the effective date of this section, may, beginning on that date, apply for approval of and be approved for such assistance. Except as otherwise provided in this section, any project approved and undertaken pursuant to this section shall comply with all provisions of sections 3318.01 to 3318.20 of the Revised Code.

(B) The Ohio facilities construction commission shall provide assistance to school districts eligible for assistance under this section in the following manner:

(1) Each fiscal biennium, the commission shall select to receive assistance under this section not fewer than three school districts eligible for such assistance until all such eligible districts have received assistance under sections 3318.01 to 3318.20 of the Revised Code.

(2) Notwithstanding section 3318.02 of the Revised Code, the commission shall conduct an on-site visit and shall assess the classroom facilities needs of each school district eligible for assistance under this section that is selected under division (B)(1) of this section.

(3) Any school district eligible for assistance under this section and selected under division (B)(1) of this section may...
apply to the commission for conditional approval of its project as determined by the assessment conducted under division (B)(2) of this section. The commission shall conditionally approve that project and submit it to the controlling board for approval pursuant to section 3318.04 of the Revised Code.

(C)(1) If the controlling board approves a project submitted under division (B)(3) of this section, the commission and the school district shall enter into an agreement as prescribed in section 3318.05 of the Revised Code.

(2) Any district to which this section applies may opt to divide the district's entire classroom facilities needs, as those needs are jointly determined by the staff of the commission and the school district, into discrete segments as prescribed in section 3318.034 of the Revised Code.

(D) Under the program, to incentivize a district's electors to vote favorably on both of the propositions described in divisions (A) and (B) of section 3318.05 of the Revised Code, the commission shall reduce the district's portion of the basic project cost, as it is determined under section 3318.032 of the Revised Code, as follows:

(1) If, in the first election in which the propositions appear on the ballot the district's electors vote favorably for the propositions, the district's portion of the basic project cost shall be reduced by twenty per cent.

(2) If, in the second election in which the propositions appear on the ballot the district's electors vote favorably for the propositions, the district's portion of the basic project cost shall be reduced by fifteen per cent.

(3) If, in the third election in which the propositions appear on the ballot the district's electors vote favorably for the propositions, the district's portion of the basic project cost
shall be reduced by twelve per cent.

(E) In the event that the electors of an eligible school district vote favorably on both provisions described in divisions (A) and (B) of this section in the fiscal year in which this section becomes effective but prior to the effective date of this section, that district is entitled to participate in the program in the same manner as a district that passes the propositions on or after the effective date of this section.

(F) If, for any fiscal year, the amount appropriated for all projects or segments approved by the commission under the program is not adequate, the commission shall proportionately reduce the amount of state funds each of the districts with an approved project or segment receives under this section for that fiscal year. However, each of those districts shall be eligible for continued assistance under this section in subsequent fiscal years until its project or segment is completed.

(G) In any fiscal year in which the general assembly does not fund the program, any eligible school district that has not yet received assistance under the program retains its eligibility to receive assistance under sections 3318.01 to 3318.20 of the Revised Code in the same order it was scheduled to receive assistance prior to becoming eligible for the program.

Sec. 3318.364. In any fiscal year, the Ohio facilities construction commission may, at its discretion, provide assistance under sections 3318.01 to 3318.20 of the Revised Code to a school district that has entered into an expedited local partnership agreement under section 3318.36 of the Revised Code before the district is otherwise eligible for that assistance based on its percentile rank, if the commission determines all of the following:

(A) The district has made an expenditure of local resources
under its expedited local partnership agreement on a discrete part of its district-wide project.

(B) The district is ready to complete its district-wide project or a segment of the project, in accordance with section 3318.034 of the Revised Code.

(C) The district is in compliance with division (D)(2) of section 3318.36 of the Revised Code.

(D) Sufficient state funds have been appropriated for classroom facilities projects for the fiscal year to pay the state share of the district's project or segment after paying the state share of projects for all of the following:

(1) Districts that previously had their conditional approval lapse pursuant to section 3318.05 of the Revised Code;

(2) Districts eligible for assistance under division (B)(2) of section 3318.04 of the Revised Code;

(3) Districts participating in the exceptional needs school facilities assistance program under section 3318.37 or 3318.371 of the Revised Code;

(4) Districts participating in the an accelerated urban school building assistance program under section 3318.33 or 3318.38 of the Revised Code.

Assistance under this section shall be offered to eligible districts in the order of their percentile rankings at the time they entered into their expedited local partnership agreements, from lowest to highest percentile. In the event that more than one district has the same percentile ranking, those districts shall be offered assistance in the order of the date they entered into their expedited local partnership agreements, from earliest to latest date.

As used in this section, "local resources" and "percentile"
Sec. 3318.37. (A) (1) As used in this section:

(a) "Full maintenance amount" has the same meaning as in section 3318.034 of the Revised Code.

(b) A "school district with an exceptional need for immediate classroom facilities assistance" means a school district with an exceptional need for new facilities in order to protect the health and safety of all or a portion of its students.

(2) No school district that participates in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code shall receive assistance under the program established under this section unless the following conditions are satisfied:

(a) The district board adopted a resolution certifying its intent to participate in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code prior to September 14, 2000.

(b) The district was selected by the Ohio facilities construction commission for participation in the school building assistance expedited local partnership program under section 3318.36 of the Revised Code in the manner prescribed by the commission under that section as it existed prior to September 14, 2000.

(B) (1) There is hereby established the exceptional needs school facilities assistance program. Under the program, the Ohio facilities construction commission may set aside from the moneys annually appropriated to it for classroom facilities assistance projects up to twenty-five per cent for assistance to school districts with exceptional needs for immediate classroom facilities assistance. At least ten per cent of the amount set
aside shall be spent on school districts seeking facilities maintenance, repairs, or replacements described in division (E) of this section.

(2)(a) After consulting with education and construction experts, the commission shall adopt guidelines for identifying school districts with an exceptional need for immediate classroom facilities assistance.

(b) The guidelines shall include application forms and instructions for school districts to use in applying for assistance under this section.

(3) The commission shall evaluate the classroom facilities, and the need for replacement classroom facilities from the applications received under this section. The commission, utilizing the guidelines adopted under division (B)(2)(a) of this section, shall prioritize the school districts to be assessed.

Notwithstanding section 3318.02 of the Revised Code, the commission may conduct on-site evaluation of the school districts prioritized under this section and approve and award funds until such time as all funds set aside under division (B)(1) of this section have been encumbered. However, the commission need not conduct the evaluation of facilities if the commission determines that a district's assessment conducted under section 3318.36 of the Revised Code is sufficient for purposes of this section.

(4) Notwithstanding division (A) of section 3318.05 of the Revised Code, the school district's portion of the basic project cost under this section shall be the "required percentage of the basic project costs," as defined in division (K) of section 3318.01 of the Revised Code.

(5) Except as otherwise specified in this section, any project undertaken with assistance under this section shall comply with all provisions of sections 3318.01 to 3318.20 of the Revised Code.
Code. A school district may receive assistance under sections 3318.01 to 3318.20 of the Revised Code for the remainder of the district's classroom facilities needs as assessed under this section when the district is eligible for such assistance pursuant to section 3318.02 of the Revised Code, but any classroom facility constructed with assistance under this section shall not be included in a district's project at that time unless the commission determines the district has experienced the increased enrollment specified in division (B)(1) of section 3318.04 of the Revised Code.

(C) No school district shall receive assistance under this section for a classroom facility that has been included in the discrete part of the district's classroom facilities needs identified and addressed in the district's project pursuant to an agreement entered into under section 3318.36 of the Revised Code, unless the district's entire classroom facilities plan consists of only a single building designed to house grades kindergarten through twelve.

(D)(1) When undertaking a project under this section, a school district may elect to prorate its full maintenance amount by setting aside for maintenance the amount calculated under division (D)(2) of this section to maintain the classroom facilities acquired under the project, if the district will use one or more of the alternative methods authorized in sections 3318.051, 3318.052, and 3318.084 of the Revised Code to generate the entire amount calculated under that division. If the district so elects, the commission and the district shall include in the agreement entered into under section 3318.08 of the Revised Code a statement specifying that the district will use the amount calculated under that division only to maintain the classroom facilities acquired under the project under this section.

(2) The commission shall calculate the amount for a school
district to maintain the classroom facilities acquired under a project under this section as follows:

The full maintenance amount $X$ (the school district's portion of the basic project cost under this section / the school district's portion of the basic project cost for the district's entire classroom facilities needs, as determined jointly by the staff of the commission and the district)

(3) A school district may elect to prorate its full maintenance amount for any number of projects under this section, provided the district will use one or more of the alternative methods authorized in sections 3318.051, 3318.052, and 3318.084 of the Revised Code to generate the entire amount calculated under division (D)(2) of this section to maintain the classroom facilities acquired under each project for which it so elects. If the district cannot use one or more of those alternative methods to generate the entire amount calculated under that division, the district shall levy the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code in an amount necessary to generate the remainder of its full maintenance amount. The commission shall calculate the remainder of the district's full maintenance amount as follows:

The full maintenance amount - the sum of the amounts calculated for the district under division (D)(2) of this section for each of the district's prior projects under this section

(4) In no case shall the sum of the amounts calculated for a school district's maintenance of classroom facilities under divisions (D)(2) and (3) of this section exceed the amount that would have been required for maintenance if the district had elected to meet its entire classroom facilities needs with a project under sections 3318.01 to 3318.20 of the Revised Code and had not undertaken one or more projects under this section.
(5) If a school district commenced a project under this section prior to September 10, 2012, but has not completed that project, and has not levied the tax described in division (B) of section 3318.05 of the Revised Code or an extension of that tax under section 3318.061 of the Revised Code, the district may request approval from the commission to prorate its full maintenance amount in accordance with divisions (D)(1) to (4) of this section. If the commission approves the request, the commission and the district shall amend the agreement entered into under section 3318.08 of the Revised Code to reflect the change.

(E)(1) A school district that has not been invited to request assistance under this section may do so annually, provided the school district is in need of facilities maintenance, repairs, or replacement and has previously completed a classroom facilities construction project under which the twenty-three year maintenance funding requirement described in division (B) of section 3318.05 of the Revised Code has lapsed.

(2) The commission shall establish an application process for requests submitted under division (E) of this section.

Sec. 3318.41. (A)(1) The Ohio facilities construction commission annually shall assess the classroom facilities needs of the number of joint vocational school districts that the commission reasonably expects to be able to provide assistance to in a fiscal year, based on the amount set aside for that fiscal year under division (B) of section 3318.40 of the Revised Code and the order of priority prescribed in division (B) of section 3318.42 of the Revised Code, except that in fiscal year 2004 the commission shall conduct at least the five assessments prescribed in division (E) of section 3318.40 of the Revised Code.

Upon conducting an assessment of the classroom facilities needs of a school district, the commission shall make a
determination of all of the following:

(a) The number of classroom facilities to be included in a project and the basic project cost of acquiring the classroom facilities included in the project. The number of facilities and basic project cost shall be determined in accordance with the specifications adopted under section 3318.311 of the Revised Code except to the extent that compliance with such specifications is waived by the commission pursuant to the rule of the commission adopted under division (F) of section 3318.40 of the Revised Code.

(b) The school district's portion of the basic project cost as determined under division (C) of section 3318.42 of the Revised Code;

(c) The remaining portion of the basic project cost that shall be supplied by the state;

(d) The amount of the state's portion of the basic project cost to be encumbered in accordance with section 3318.11 of the Revised Code in the current and subsequent fiscal years from funds set aside under division (B) of section 3318.40 of the Revised Code.

(2) Divisions (A), (C), and (D) of section 3318.03 of the Revised Code apply to any project under sections 3318.40 to 3318.45 of the Revised Code.

(B)(1) If the commission makes a determination under division (A) of this section in favor of the acquisition of classroom facilities for a project under sections 3318.40 to 3318.45 of the Revised Code, such project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval. The controlling board shall immediately approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and the amount of the state's portion of the basic project cost to be
encumbered in the current fiscal year. In the event of approval by the controlling board, the commission shall certify the conditional approval to the joint vocational school district board of education and shall encumber the approved funds for the current fiscal year.

(2) No school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code shall have another such project conditionally approved until the expiration of twenty years after the school district's prior project was conditionally approved, unless the school district board demonstrates to the satisfaction of the commission that the school district has experienced since conditional approval of its prior project an exceptional increase in enrollment or program requirements significantly above the school district's design capacity under that prior project as determined by rule of the commission. Any rule adopted by the commission to implement this division shall be tailored to address the classroom facilities needs of joint vocational school districts.

(C) In addition to generating the amount of the school district's portion of the basic project cost as determined under division (C) of section 3318.42 of the Revised Code, in order for a school district to receive assistance under sections 3318.40 to 3318.45 of the Revised Code, the school district board shall set aside school district moneys for the maintenance of the classroom facilities included in the school district's project in the amount and manner prescribed in section 3318.43 of the Revised Code.

(D)(1) The conditional approval for a project certified under division (B)(1) of this section shall lapse and the amount reserved and encumbered for such project shall be released unless both of the following conditions are satisfied:

(a) Within one hundred twenty days following the date of certification of the conditional approval to the joint vocational
school district board, the school district board accepts the conditional approval and certifies to the commission the school district board's plan to generate the school district's portion of the basic project cost, as determined under division (C) of section 3318.42 of the Revised Code, and to set aside moneys for maintenance of the classroom facilities acquired under the project, as prescribed in section 3318.43 of the Revised Code.

(b) Within thirteen sixteen months following the date of certification of the conditional approval to the school district board, the electors of the school district vote favorably on any ballot measures proposed by the school district board to generate the school district's portion of the basic project cost.

(2) If the school district board or electors fail to satisfy the conditions prescribed in division (D)(1) of this section and the amount reserved and encumbered for the school district's project is released, the school district shall be given first priority over other joint vocational school districts for project funding under sections 3318.40 to 3318.45 of the Revised Code as such funds become available, subject to section 3318.054 of the Revised Code.

(E) If the conditions prescribed in division (D)(1) of this section are satisfied, the commission and the school district board shall enter into an agreement as prescribed in section 3318.08 of the Revised Code and shall proceed with the development of plans, cost estimates, designs, drawings, and specifications as prescribed in section 3318.091 of the Revised Code.

(F) Costs in excess of those approved by the commission under section 3318.091 of the Revised Code shall be payable only as provided in sections 3318.042 and 3318.083 of the Revised Code.

(G) Advertisement for bids and the award of contracts for construction of any project under sections 3318.40 to 3318.45 of the Revised Code.
the Revised Code shall be conducted in accordance with section 3318.10 of the Revised Code.

(H) In accordance with division (R) of section 3318.08 of the Revised Code, the state funds reserved and encumbered and the funds provided by the school district to pay the basic project cost of a project under sections 3318.40 to 3318.45 of the Revised Code shall be spent simultaneously in proportion to the state's and the school district's respective portions of that basic project cost.

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised Code apply to projects under sections 3318.40 to 3318.45 of the Revised Code.

Sec. 3319.077. (A) As used in this section:

(1) "Dyslexia" has the same meaning as in section 3323.25 of the Revised Code.

(2) "Ohio dyslexia committee" means the committee established under section 3325.25 of the Revised Code.

(3) "Special education" has the same meaning as in section 3323.01 of the Revised Code.

(4) "Teacher" does not include any teacher who provides instruction in fine arts, music, or physical education.

(B)(1) The department of education, in collaboration with the Ohio dyslexia committee, shall maintain a list of training that fulfills the professional development requirements prescribed in division (C) of this section. The list may consist of online or classroom learning models.

(2) Each approved training shall align with the guidebook developed under section 3323.25 of the Revised Code, be evidence-based, and require instruction and training for identifying characteristics of dyslexia and understanding the
pedagogy for instructing students with dyslexia.

(3) The Ohio dyslexia committee shall prescribe a total number of clock hours of instruction in training approved under this section for a teacher to complete to satisfy the professional development requirements prescribed in division (C) of this section. The Ohio dyslexia committee shall prescribe a total number of clock hours that is not less than six clock hours and not more than eighteen clock hours.

(C)(1) Division (C)(1) of this section applies to any teacher who was employed by a local, city, or exempted village school district on April 12, 2021, and is still employed by that district on the dates specified under division (C)(1)(a), (b), or (c) of this section as follows:

(a) Not later than the beginning of the 2023-2024 school year, each district teacher employed by a local, city, or exempted village school district who provides instruction for students in kindergarten and first grade, including those providing special education instruction, shall complete the number of instructional hours in approved professional development training required by the committee under this section.

(b) Not later than the beginning of the 2024-2025 school year September 15, 2024, each district teacher employed by a school district who provides instruction for students in grades two and three, including those providing special education instruction, shall complete the number of instructional hours in approved professional development training required by the committee under this section.

(c) Not later than the beginning of the 2025-2026 school year September 15, 2025, each district teacher employed by a school district who provides special education instruction for students in grades four through twelve shall complete a
professional development training approved under division (B) of this section.

(2) Any teacher hired by a local, city, or exempted village school district after April 12, 2021, who provides instruction for students in any of grades kindergarten through three, including a teacher providing special education instruction, or who provides special education instruction for students in any of grades four through twelve shall complete professional development training in accordance with division (C)(1)(a), (b), or (c) of this section by the later of two years after the date of hire or the date specified under division (C)(1)(a), (b), or (c) of this section, unless the teacher completed the training while employed by a different district under division (C)(1) of this section.

(D) Any professional development training completed by a teacher prior to April 12, 2021, that is then included on the list of training approved under division (B)(1) of this section shall count toward the number of instructional hours in approved professional development training required under division (C) of this section.

(E) Nothing in this section shall prohibit a school district from requiring employees who are not subject to this section from completing professional development training approved under division (B) of this section.

Sec. 3319.088. As used in this section, "educational assistant" means any nonteaching employee in a school district who directly assists a teacher as defined in section 3319.09 of the Revised Code, by performing duties for which a license issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required.

(A) The state board of education shall issue educational aide permits and educational paraprofessional licenses for educational
assistants and shall adopt rules for the issuance and renewal of
such permits and licenses which shall be consistent with the
provisions of this section. Educational aide permits and
educational paraprofessional licenses may be of several types and
the rules shall prescribe the minimum qualifications of education
and health for the service to be authorized under each type. The
prescribed minimum qualifications may require special training or
educational courses designed to qualify a person to perform
effectively the duties authorized under an educational aide permit
or educational paraprofessional license.

(B)(1) Any application for a permit or license, or a renewal
or duplicate of a permit or license, under this section shall be
accompanied by the payment of a fee in the amount established
under division (A) of section 3319.51 of the Revised Code. Any
fees received under this division shall be paid into the state
treasury to the credit of the state board of education licensure
fund established under division (B) of section 3319.51 of the
Revised Code.

(2) Any person applying for or holding a permit or license
pursuant to this section is subject to sections 3123.41 to 3123.50
of the Revised Code and any applicable rules adopted under section
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of
the Revised Code.

(C) Educational assistants shall at all times while in the
performance of their duties be under the supervision and direction
of a teacher as defined in section 3319.09 of the Revised Code.
Educational assistants may assist a teacher to whom assigned in
the supervision of pupils, in assisting with instructional tasks,
and in the performance of duties which, in the judgment of the
teacher to whom the assistant is assigned, may be performed by a
person not licensed pursuant to sections 3319.22 to 3319.30 of the
Revised Code and for which a teaching license, issued pursuant to
sections 3319.22 to 3319.30 of the Revised Code is not required. The duties of an educational assistant shall not include the assignment of grades to pupils. The duties of an educational assistant need not be performed in the physical presence of the teacher to whom assigned, but the activity of an educational assistant shall at all times be under the direction of the teacher to whom assigned. The assignment of an educational assistant need not be limited to assisting a single teacher. In the event an educational assistant is assigned to assist more than one teacher the assignments shall be clearly delineated and so arranged that the educational assistant shall never be subject to simultaneous supervision or direction by more than one teacher.

Educational assistants assigned to supervise children shall, when the teacher to whom assigned is not physically present, maintain the degree of control and discipline that would be maintained by the teacher.

Educational assistants may not be used in place of classroom teachers or other employees and any payment of compensation by boards of education to educational assistants for such services is prohibited. The ratio between the number of licensed teachers and the pupils in a school district may not be decreased by utilization of educational assistants and no grouping, or other organization of pupils, for utilization of educational assistants shall be established which is inconsistent with sound educational practices and procedures. A school district may employ up to one full time equivalent educational assistant for each six full time equivalent licensed employees of the district. Educational assistants shall not be counted as licensed employees for purposes of state support in the school foundation program and no grouping or regrouping of pupils with educational assistants may be counted as a class or unit for school foundation program purposes. Neither special courses required by the regulations of the state board of...
education, prescribing minimum qualifications of education for an
educational assistant, nor years of service as an educational
assistant shall be counted in any way toward qualifying for a
teacher license, for a teacher contract of any type, or for
determining placement on a salary schedule in a school district as
a teacher.

(D) Educational assistants employed by a board of education
shall have all rights, benefits, and legal protection available to
other nonteaching employees in the school district, except that
provisions of Chapter 124. of the Revised Code shall not apply to
any person employed as an educational assistant, and shall be
members of the school employees retirement system. Educational
assistants shall be compensated according to a salary plan adopted
annually by the board.

Except as provided in this section nonteaching employees
shall not serve as educational assistants without first obtaining
an appropriate educational aide permit or educational
paraprofessional license from the state board of education. A
nonteaching employee who is the holder of a valid educational aide
permit or educational paraprofessional license shall neither
render nor be required to render services inconsistent with the
type of services authorized by the permit or license held. No
person shall receive compensation from a board of education for
services rendered as an educational assistant in violation of this
provision.

Nonteaching employees whose functions are solely
secretarial-clerical and who do not perform any other duties as
educational assistants, even though they assist a teacher and work
under the direction of a teacher shall not be required to hold a
permit or license issued pursuant to this section. Students
preparing to become licensed teachers or educational assistants
shall not be required to hold an educational aide permit or
paraprofessional license for such periods of time as such students
are assigned, as part of their training program, to work with a
teacher in a school district. Such students shall not be
compensated for such services.

Following the determination of the assignment and general job
description of an educational assistant and subject to supervision
by the teacher's immediate administrative officer, a teacher to
whom an educational assistant is assigned shall make all final
determinations of the duties to be assigned to such assistant.

Teachers shall not be required to hold a license designated for
being a supervisor or administrator in order to perform the
necessary supervision of educational assistants.

(E) No person who is, or who has been employed as an
educational assistant shall divulge, except to the teacher to whom
assigned, or the administrator of the school in the absence of the
teacher to whom assigned, or when required to testify in a court
or proceedings, any personal information concerning any pupil in
the school district which was obtained or obtainable by the
educational assistant while so employed. Violation of this
provision is grounds for disciplinary action or dismissal, or
both.

(F) Notwithstanding anything to the contrary in this section,
the superintendent of a school district may allow an employee who
does not hold a permit or license issued under this section to
work as a substitute for an educational assistant who is absent on
account of illness or on a leave of absence, or to fill a
temporary position created by an emergency, provided that the
superintendent believes the employee's application materials
indicate that the employee is qualified to obtain a permit or
license under this section.

An employee shall begin work as a substitute under this
division not earlier than on the date on which the employee files
an application with the state board for a permit or license under this section. An employee shall cease working as a substitute under this division on the earliest of the following:

(1) The date on which the employee files a valid permit or license issued under this section with the superintendent;

(2) The date on which the employee is denied a permit or license under this section;

(3) Sixty days following the date on which the employee began work as a substitute under this division.

The superintendent shall ensure that an employee assigned to work as a substitute under division (F) of this section has undergone a criminal records check in accordance with section 3319.391 of the Revised Code.

Sec. 3319.0812. (A) The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code, establishing the standards and requirements for obtaining a pre-service teacher permit. The permit shall be required for an individual who is enrolled in an educator preparation program in order to participate in any student classroom teaching or other training experience that involves students in any of grades pre-kindergarten through twelve in a public or chartered nonpublic school and that is required for completion of the program.

(B) Notwithstanding section 3319.226 of the Revised Code, a school district or school may employ an individual who holds a permit issued under this section as a substitute teacher. The individual may teach for up to the equivalent of one full semester, subject to the approval of the employing district board of education or school governing authority and may be compensated for that service. The district superintendent or chief administrator of the school may request that the board or
governing authority approve one or more additional subsequent semester-long periods of teaching for the individual.

(C) A pre-service teacher permit shall be valid for three years. The department of education, on a case-by-case basis, may extend the permit's duration as needed to enable the permit holder to complete the educator preparation program in which the permit holder is enrolled.

(D) An individual applying for a pre-service teacher permit shall be subject to a criminal records check as prescribed by section 3319.39 of the Revised Code. In the manner prescribed by the department, the individual shall submit the criminal records check to the department. The department shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under section 3319.22 to 3319.31 of the Revised Code.

If the department receives notification of the arrest or conviction of an individual under division (D) of this section, the department shall promptly notify the applicable educator preparation program and any school district or school in which the pre-service teacher has been employed or assigned as part of the program and may take any action authorized under sections 3319.31 and 3319.311 of the Revised Code that it considers to be appropriate. Upon receiving notification from the department of an arrest or conviction of an individual under division (D) of this section, the educator preparation program shall provide to the department a list of all school districts and schools to which the pre-service teacher has been assigned as a part of the program.

Sec. 3319.22. (A)(1) The state board of education shall issue the following educator licenses:

(a) A resident educator license, which shall be valid for two
years and shall be renewable for reasons specified by rules adopted by the state board pursuant to division (A)(3) of this section. The state board, on a case-by-case basis, may extend the license's duration as necessary to enable the license holder to complete the Ohio teacher residency program established under section 3319.223 of the Revised Code;

(b) A professional educator license, which shall be valid for five years and shall be renewable;

(c) A senior professional educator license, which shall be valid for five years and shall be renewable;

(d) A lead professional educator license, which shall be valid for five years and shall be renewable.

Licenses issued under division (A)(1) of this section on and after November 2, 2018, shall specify whether the educator is licensed to teach grades pre-kindergarten through five, grades four through nine eight, or grades seven six through twelve. The changes to the grade band specifications under this amendment section shall not apply to a person who holds a license under division (A)(1) of this section prior to November 2, 2018. Further, the changes to the grade band specifications under this amendment section shall not apply to any license issued to teach in the area of computer information science, bilingual education, dance, drama or theater, world language, health, library or media, music, physical education, teaching English to speakers of other languages, career-technical education, or visual arts or to any license issued to an intervention specialist, including a gifted intervention specialist, or to any other license that does not align to the grade band specifications.

(2)(a) Except as provided in division (A)(2)(b) of this section, the state board may issue any additional educator licenses of categories, types, and levels the board elects to
provide.

(b) Not later than December 31, 2024, the state board shall cease licensing school psychologists. The state board shall coordinate with the state board of psychology to transition to licensure under Chapter 4732. of the Revised Code any school psychologists licensed under rules adopted in accordance with sections 3301.07 and 3319.22 of the Revised Code.

(3) The state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. The rules shall also include the reasons for which a resident educator license may be renewed under division (A)(1)(a) of this section.

(B) The rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A)(1) of this section:

(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code.

(2) An applicant for a professional educator license shall:

(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code.
(3) An applicant for a senior professional educator license shall:

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;

(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.

(4) An applicant for a lead professional educator license shall:

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;

(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;

(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.

(C) The state board shall align the standards and
qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.

(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of higher education, in the manner and to the extent permitted by state and federal law.

(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows:

(1) Notwithstanding division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any rule that necessitates institutions' offering preparation programs for educators and other school personnel that are approved by the chancellor of higher education under section 3333.048 of the Revised Code to revise the curriculum of those programs, the effective date shall not be as prescribed in division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code. Instead, the effective date of such rules, or the amendment or rescission of such rules, shall be the date prescribed by section 3333.048 of the Revised Code.

(2) Notwithstanding the authority to adopt, amend, or rescind emergency rules in division (G) of section 119.03 of the Revised Code, this authority shall not apply to the state board of education with regard to rules for educator licenses.

(F)(1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any
educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to such officer. The committees established under this division shall determine whether coursework that a district or chartered nonpublic school teacher proposes to complete meets the requirement of the rules. The department of education shall provide technical assistance and support to committees as the committees incorporate the professional development standards adopted by the state board of education pursuant to section 3319.61 of the Revised Code into their review of coursework that is appropriate for license renewal. The rules shall establish a procedure by which a teacher may appeal the decision of a local professional development committee.

(2) In any school district in which there is no exclusive representative established under Chapter 4117. of the Revised Code, the professional development committees shall be established as described in division (F)(2) of this section.

Not later than the effective date of the rules adopted under this section, the board of education of each school district shall establish the structure for one or more local professional development committees to be operated by such school district. The committee structure so established by a district board shall remain in effect unless within thirty days prior to an anniversary of the date upon which the current committee structure was established, the board provides notice to all affected district employees that the committee structure is to be modified. Professional development committees may have a district-level or building-level scope of operations, and may be established with regard to particular grade or age levels for which an educator license is designated.
Each professional development committee shall consist of at least three classroom teachers employed by the district, one principal employed by the district, and one other employee of the district appointed by the district superintendent. For committees with a building-level scope, the teacher and principal members shall be assigned to that building, and the teacher members shall be elected by majority vote of the classroom teachers assigned to that building. For committees with a district-level scope, the teacher members shall be elected by majority vote of the classroom teachers of the district, and the principal member shall be elected by a majority vote of the principals of the district, unless there are two or fewer principals employed by the district, in which case the one or two principals employed shall serve on the committee. If a committee has a particular grade or age level scope, the teacher members shall be licensed to teach such grade or age levels, and shall be elected by majority vote of the classroom teachers holding such a license and the principal shall be elected by all principals serving in buildings where any such teachers serve. The district superintendent shall appoint a replacement to fill any vacancy that occurs on a professional development committee, except in the case of vacancies among the elected classroom teacher members, which shall be filled by vote of the remaining members of the committee so selected.

Terms of office on professional development committees shall be prescribed by the district board establishing the committees. The conduct of elections for members of professional development committees shall be prescribed by the district board establishing the committees. A professional development committee may include additional members, except that the majority of members on each such committee shall be classroom teachers employed by the district. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which a predecessor was appointed shall hold office as a member for the remainder of that term.
The initial meeting of any professional development committee, upon election and appointment of all committee members, shall be called by a member designated by the district superintendent. At this initial meeting, the committee shall select a chairperson and such other officers the committee deems necessary, and shall adopt rules for the conduct of its meetings. Thereafter, the committee shall meet at the call of the chairperson or upon the filing of a petition with the district superintendent signed by a majority of the committee members calling for the committee to meet.

(3) In the case of a school district in which an exclusive representative has been established pursuant to Chapter 4117. of the Revised Code, professional development committees shall be established in accordance with any collective bargaining agreement in effect in the district that includes provisions for such committees.

If the collective bargaining agreement does not specify a different method for the selection of teacher members of the committees, the exclusive representative of the district's teachers shall select the teacher members.

If the collective bargaining agreement does not specify a different structure for the committees, the board of education of the school district shall establish the structure, including the number of committees and the number of teacher and administrative members on each committee; the specific administrative members to be part of each committee; whether the scope of the committees will be district levels, building levels, or by type of grade or age levels for which educator licenses are designated; the lengths of terms for members; the manner of filling vacancies on the committees; and the frequency and time and place of meetings. However, in all cases, except as provided in division (F)(4) of...
this section, there shall be a majority of teacher members of any professional development committee, there shall be at least five total members of any professional development committee, and the exclusive representative shall designate replacement members in the case of vacancies among teacher members, unless the collective bargaining agreement specifies a different method of selecting such replacements.

(4) Whenever an administrator's coursework plan is being discussed or voted upon, the local professional development committee shall, at the request of one of its administrative members, cause a majority of the committee to consist of administrative members by reducing the number of teacher members voting on the plan.

(G)(1) The department of education, educational service centers, county boards of developmental disabilities, college and university departments of education, head start programs, and the Ohio education computer network may establish local professional development committees to determine whether the coursework proposed by their employees who are licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to October 16, 2009, meet the requirements of the rules adopted under this section. They may establish local professional development committees on their own or in collaboration with a school district or other agency having authority to establish them.

Local professional development committees established by county boards of developmental disabilities shall be structured in a manner comparable to the structures prescribed for school districts in divisions (F)(2) and (3) of this section, as shall the committees established by any other entity specified in division (G)(1) of this section that provides educational services by employing or contracting for services of classroom teachers.
licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to October 16, 2009. All other entities specified in division (G)(1) of this section shall structure their committees in accordance with guidelines which shall be issued by the state board.

(2) Educational service centers may establish local professional development committees to serve educators who are not employed in schools in this state, including pupil services personnel who are licensed under this section. Local professional development committees shall be structured in a manner comparable to the structures prescribed for school districts in divisions (F)(2) and (3) of this section.

These committees may agree to review the coursework, continuing education units, or other equivalent activities related to classroom teaching or the area of licensure that is proposed by an individual who satisfies both of the following conditions:

(a) The individual is licensed or certificated under this section or under the former version of this section as it existed prior to October 16, 2009.

(b) The individual is not currently employed as an educator or is not currently employed by an entity that operates a local professional development committee under this section.

Any committee that agrees to work with such an individual shall work to determine whether the proposed coursework, continuing education units, or other equivalent activities meet the requirements of the rules adopted by the state board under this section.

(3) Any public agency that is not specified in division (G)(1) or (2) of this section but provides educational services and employs or contracts for services of classroom teachers...
licensed or certificated under this section or section 3319.222 of
the Revised Code, or under the former version of either section as
it existed prior to October 16, 2009, may establish a local
professional development committee, subject to the approval of the
department of education. The committee shall be structured in
accordance with guidelines issued by the state board.

(H) Not later than July 1, 2016, the state board, in
accordance with Chapter 119. of the Revised Code, shall adopt
rules pursuant to division (A)(3) of this section that do both of
the following:

(1) Exempt consistently high-performing teachers from the
requirement to complete any additional coursework for the renewal
of an educator license issued under this section or section
3319.26 of the Revised Code. The rules also shall specify that
such teachers are exempt from any requirements prescribed by
professional development committees established under divisions
(F) and (G) of this section.

(2) For purposes of division (H)(1) of this section, the
state board shall define the term "consistently high-performing
teacher.

Sec. 3319.223. (A) The superintendent of public instruction
and the chancellor of higher education jointly shall establish the
Ohio teacher residency program, which shall be a two-year,
entry-level program for classroom teachers. Except as provided in
division (B) of this section, the teacher residency program shall
include at least the following components:

(1) Mentoring by teachers, which may be provided online or
in person. The department of education shall provide participants
and mentors with access to online professional development
resources and sample videos of Ohio classroom lessons submitted
for the assessment prescribed under division (A)(3) of this
section at no cost.

(2) Counseling, as determined necessary by the school district or school, to ensure that program participants receive needed professional development. The department shall provide to each participant who does not receive a passing score on the assessment under division (A)(3) of this section, at no cost, the opportunity to meet online with an instructional coach who is a certified assessor of the assessment to review the participant's assessment score results and discuss improvement strategies and professional development.

Participants who choose to meet with an instructional coach shall select from an online pool of instructional coaches who have completed training and are approved by the department. The characteristics of each coach's school or district, including its size, typology, and demographics, shall be made available. However, participants shall not be required to choose an instructional coach from a similar district or school.

Participants who have not taken the assessment under division (A)(3) of this section may meet online with department-approved instructional coaches if the participant's school district or school pays the costs associated with the meetings.

(3) Measures of appropriate progression through the program, which shall include the performance-based assessment prescribed by the state board of education for resident educators. The state board shall not limit the number of attempts to successfully complete the performance-based assessment.

An individual may submit the assessment between the first Tuesday of October and the first Friday of April of the individual's second year of the program. The results of the assessment shall be returned within thirty days unless a new assessor is contracted, in which case the results shall be
returned in forty-five days.

(B) No individual who is teaching career-technical courses under an alternative resident educator license issued under section 3319.26 of the Revised Code or rule of the state board shall be required to do either of the following:

(1) Complete the conditions of the Ohio teacher residency program that a participant, as of September 29, 2015, would have been required to complete during the participant's first and second year of teaching under an alternative resident educator license.

(2) Take a performance-based assessment.

(C) The teacher residency program shall be aligned with the standards for teachers adopted by the state board under section 3319.61 of the Revised Code and best practices identified by the superintendent of public instruction.

(D) Each person who holds a resident educator license issued under section 3319.22 or 3319.227 of the Revised Code or an alternative resident educator license issued under section 3319.26 of the Revised Code shall participate in the teacher residency program. Successful completion of the program shall be required to qualify any such person for a professional educator license issued under section 3319.22 of the Revised Code.

Sec. 3319.225. Beginning with the first school year that begins on or after the effective date of this section, the board of education of each school district shall provide one day of professional development leave each school year, to observe a veteran classroom teacher, for each teacher employed by the district who is licensed under section 3319.22 of the Revised Code and who is not a superintendent, assistant superintendent, principal, assistant principal, or other administrator, as defined
in section 3319.02 of the Revised Code.

Each local professional development committee established under section 3319.22 of the Revised Code shall consider a teacher's observation of a veteran teacher as part of the continuing education required for license renewal under that section.

Sec. 3319.2213. (A) The state board of education shall issue an initial five-year professional pupil services license in school counseling under section 3319.22 of the Revised Code to an applicant for that license if the applicant has done all of the following:

1. Completed a school counselor preparation program approved by the state board;

2. Passed an examination prescribed by the state board;

3. Attained a master's degree;

4. Successfully completed a six hundred hour internship in a school setting;

5. Successfully completed twelve hours of training about the building and construction trades and available apprenticeships. The training shall be completed on a construction site or at a training facility for the building and construction trades. An applicant may count that twelve hours of training toward meeting the six hundred hour internship requirement prescribed in division (A)(4) of this section.

The training shall include information about both of the following:

(a) The pay and benefits available to people who work in the building and construction trades in the applicant's community;

(b) Job opportunities for boilermakers, electrical workers.
bricklayers, insulators, laborers, iron workers, plumbers and
pipefitters, roofers, plasterers and cement masons, sheet metal
workers, painters and glaziers, elevator constructors, operating
engineers, teamsters, and carpenters.

(B) The state board shall require an individual who holds a
valid professional pupil services license in school counseling to
complete four hours of training described in division (A)(5) of
this section to renew that license. An individual may count those
four hours toward meeting continuing education unit requirements
established by the state board for licensure renewal.

Sec. 3319.236. (A) Except as provided in division (B) or (E)
of this section, a school district shall require an individual to
hold a valid educator license in computer science, or have a
license endorsement in computer technology and a passing score on
a content examination in the area of computer science, to teach
computer science courses.

(B) A school district may employ an individual, for the
purpose of teaching computer science courses, who holds a valid
educator license in any of grades kindergarten through twelve,
provided the individual meets the requirements established by
rules of the state board of education to qualify for a
supplemental teaching license for teaching computer science. The
rules shall require an applicant for a supplemental teaching
license to pass a content examination in the area of computer
science. The rules also shall permit an individual, after at least
two years of successfully teaching computer science courses under
the supplemental teaching license, to advance to a standard
educator license in computer science by completing a pedagogy
course applicable to the grade levels in which the individual is
teaching. However, the rules may exempt an individual teaching
computer science from the requirement to complete a pedagogy
course if the individual previously completed a pedagogy course applicable to the grade levels in which the individual is teaching.

(C) In order for an individual to teach advanced placement computer science courses, a school district shall require the individual to also complete a professional development program endorsed or provided by the organization that creates and administers national advanced placement examinations. For this purpose, the individual may complete the program at any time during the calendar year.

(D) Notwithstanding section 3301.012 of the Revised Code, as used in this section, "computer science courses" means any courses that are reported in the education management information system established under section 3301.0714 of the Revised Code as computer science courses and which are aligned to computer science standards adopted by the state board of education.

(E) The state board of education shall adopt rules to create a computer science teaching license for industry professionals to teach computer science to specific grades. The holder of a computer science teaching license for industry professionals shall be limited to teaching forty hours in a week in the subject area of computer science, as defined in section 3322.01 of the Revised Code. The superintendent of public instruction shall consult with the chancellor of higher education in creating and revising the requirements for computer science teacher licensure.

(F) Licenses issued under this section shall specify whether the educator is licensed to teach grades pre-kindergarten through five, grades four through nine, or grades seven through twelve.

Sec. 3319.26. (A) The state board of education shall adopt rules establishing the standards and requirements for obtaining an alternative resident educator license for teaching in grades
kindergarten to twelve, or the equivalent, in a designated subject area or in the area of intervention specialist, as defined by rule of the state board. The rules shall also include the reasons for which an alternative resident educator license may be renewed under division (D) of this section.

(B) The superintendent of public instruction and the chancellor of higher education jointly shall develop an intensive pedagogical training institute to provide instruction in the principles and practices of teaching for individuals seeking an alternative resident educator license. The instruction shall cover such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology.

(C) The rules adopted under this section shall require applicants for the alternative resident educator license to satisfy the following conditions prior to issuance of the license, but they shall not require applicants to have completed a major or coursework in the subject area for which application is being made:

(1) Hold a minimum of a baccalaureate degree;

(2) Successfully complete the pedagogical training institute described in division (B) of this section or the preservice training provided to participants of a teacher preparation program that has been approved by the chancellor. The chancellor may approve any such program that requires participants to hold a bachelor's degree; have either a cumulative undergraduate grade point average of at least 2.5 out of 4.0, or its equivalent or a cumulative graduate school grade point average of at least 3.0 out of 4.0; and successfully complete the program's preservice training.

(3) Pass an examination in the subject area for which
application is being made.

(D) An alternative resident educator license shall be valid for four two years and shall be renewable for reasons specified by rules adopted by the state board pursuant to division (A) of this section. The state board, on a case-by-case basis, may extend the license's duration as necessary to enable the license holder to complete the Ohio teacher residency program established under section 3319.223 of the Revised Code.

(E) The rules shall require the holder of an alternative resident educator license, as a condition of continuing to hold the license, to do all of the following:

1. Participate in the Ohio teacher residency program under section 3319.223 of the revised Code;

2. Show satisfactory progress in taking and successfully completing one of the following:

   a. At least twelve additional semester hours, or the equivalent, of college coursework in the principles and practices of teaching in such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology;

   b. Professional development provided by a teacher preparation program that has been approved by the chancellor under division (C)(2) of this section.

3. Take an assessment of professional knowledge in the second year of teaching under the license.

(F) The rules shall provide for the granting of a professional educator license to a holder of an alternative resident educator license upon successfully completing all of the following:

1. Four Two years of teaching under the alternative license;
(2) The additional college coursework or professional development described in division (E)(2) of this section;

(3) The assessment of professional knowledge described in division (E)(3) of this section. The standards for successfully completing this assessment and the manner of conducting the assessment shall be the same as for any other individual who is required to take the assessment pursuant to rules adopted by the state board under section 3319.22 of the Revised Code.

(4) The Ohio teacher residency program;

(5) All other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code.

(G) A person who is assigned to teach in this state as a participant in the teach for America program or who has completed two years of teaching in another state as a participant in that program shall be eligible for a license only under section 3319.227 of the Revised Code and shall not be eligible for a license under this section.

(H) The holder of an alternative resident educator license may teach preschool students under that license.

Sec. 3319.27. (A) The state board of education shall adopt rules that establish an alternative principal license. The rules establishing an alternative principal license shall include a requirement that an applicant have obtained classroom teaching experience. Beginning on the effective date of the rules, the state board shall cease to issue temporary educator licenses pursuant to former section 3319.225 of the Revised Code as it existed prior to April 12, 2021, for employment as a principal. Any person who on the effective date of the rules holds a valid temporary educator license issued under that section and is
employed as a principal shall be allowed to continue employment as a principal until the expiration of the license. Employment of any such person as a principal by a school district after the expiration of the temporary educator license shall be contingent upon the state board issuing the person an alternative principal license in accordance with the rules adopted under this division.

(B) The state board shall adopt rules that establish an alternative administrator license, which shall be valid for employment as a superintendent or in any other administrative position except principal. Beginning on the effective date of the rules, the state board shall cease to issue temporary educator licenses pursuant to former section 3319.225 of the Revised Code as it existed prior to April 12, 2021, for employment as a superintendent or in any other administrative position except principal. Any person who on the effective date of the rules holds a valid temporary educator license issued under that section and is employed as a superintendent or in any other administrative position except principal shall be allowed to continue employment in that position until the expiration of the license. Employment of any such person as a superintendent or in any other administrative position except principal by a school district after the expiration of the temporary educator license shall be contingent upon the state board issuing the person an alternative administrator license in accordance with the rules adopted under this division.

Sec. 3319.285. (A) As used in this section:

(1) "Eligible military individual" includes any of the following:

(a) An active-duty member of any branch of the United States armed forces;

(b) A veteran of any branch of the United States armed forces;
who separated from service with an honorable discharge;

(c) A member of the national guard or a member of a reserve component of the United States armed forces;

(d) A spouse of a member or veteran described in division (A)(1)(a), (b), or (c) of this section.

(2) "Teacher" has the same meaning as in section 3319.09 of the Revised Code.

(B) The state board of education, in consultation with the chancellor of higher education, shall adopt rules to establish an alternative military educator license for eligible military individuals. The rules shall ensure that eligible military individuals can obtain an educator license to work as a teacher in a public school on an expedited timeline. The rules shall allow eligible military individuals to apply leadership training or other military training toward requirements for college coursework, professional development, content knowledge examinations, or other licensure requirements.

(C) The department of education may work with the credential review board created under section 3319.65 of the Revised Code to determine the types of military training that correspond with the educational training needed to be a successful teacher.

Sec. 3319.303. (A) The state board of education shall adopt rules establishing standards and requirements for obtaining a pupil-activity program permit for any individual who does not hold a valid educator license, certificate, or permit issued by the state board under section 3319.22, 3319.26, or 3319.27 of the Revised Code. The permit issued under this section shall be valid for coaching, supervising, or directing a pupil-activity program under section 3313.53 of the Revised Code. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued
under this division shall be valid for three years and shall be renewable.

(B) The state board shall adopt rules applicable to individuals who hold valid educator licenses, certificates, or permits issued by the state board under section 3319.22, 3319.26, or 3319.27 of the Revised Code setting forth standards to assure any such individual's competence to direct, supervise, or coach a pupil-activity program described in section 3313.53 of the Revised Code. The rules adopted under this division shall not be more stringent than the standards set forth in rules applicable to individuals who do not hold such licenses, certificates, or permits adopted under division (A) of this section. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued to an individual under this division shall be valid for the same number of years as the individual's educator license, certificate, or permit issued under section 3319.22, 3319.26, or 3319.27 of the Revised Code and shall be renewable.

(C) As a condition to issuing or renewing a pupil-activity program permit to coach interscholastic athletics:

(1) The state board shall require each individual applying for a first permit on or after April 26, 2013, to successfully complete a training program that is specifically focused on brain trauma and brain injury management and the sudden cardiac arrest training course approved by the department of health under division (C) of section 3707.59 of the Revised Code.

(2) The state board shall require each individual applying for a permit renewal on or after that date to present evidence that the individual has successfully completed, within the duration of the individual's previous three years, a permit, both of the following:

(a) A training program in recognizing the symptoms of
concussions and head injuries to which the department of health has provided a link on its internet web site under section 3707.52 of the Revised Code or a training program authorized and required by an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events:

(b) The sudden cardiac arrest training course approved by the department of health under division (C) of section 3707.59 of the Revised Code.

(3) The state board shall require each individual applying for a permit renewal on or after the effective date of this amendment to present evidence that the individual has complied with the student mental health training requirement under section 3313.5318 of the Revised Code.

Sec. 3319.324. (A) As used in this section, "school records" includes any academic records, student assessment data, or other information for which there is a legitimate educational interest.

(B) When any school district or chartered nonpublic school receives a request from another district or school to which a student has transferred for that student's school records, the district or school receiving the request shall respond, within five school days after receiving the request, by transmitting to the requesting district or school either the student's school records as authorized under section 3319.321 of the Revised Code or, if the district or school has no record of the student's attendance, a statement of that fact.

The provisions of this section are in addition to, and do not affect the obligations of a school district or school to comply with, the requirements of division (D) of section 3313.642 and section 3313.672 of the Revised Code.

Sec. 3319.58. (A) As used in this section:
(1) "Eligible teacher" means an individual who satisfies all of the following conditions:

(a) The individual is an Ohio resident.

(b) The individual holds a valid educator license issued under section 3319.22 of the Revised Code.

(c) The individual is employed full-time for the first time as a classroom teacher.

(d) The individual received a bachelor's degree awarded by any public or private institution of higher education in this state.

(e) The individual has outstanding student loans for the degree described in division (A)(1)(d) of this section.

(f) The individual has made timely payments in accordance with the terms of the individual's repayment schedule for the outstanding student loans described in division (A)(1)(e) of this section.

(2) "Qualifying school" means a school building operated by a school district, a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code to which the department of education and the chancellor of higher education jointly determine that both of the following applies:

(a) The school building has persistently low performance ratings on its state report card under section 3302.03 or 3314.017 of the Revised Code.

(b) The school building has difficulty attracting and retaining classroom teachers who hold a valid educator license issued under section 3319.22 of the Revised Code.

(B) The department of education and the chancellor of higher
education jointly shall establish and administer a teacher loan repayment program. Under the program, the department shall pay the amount specified in division (C) of this section to repay outstanding student loans described in division (A)(1)(e) of this section on behalf of the eligible teacher, if the teacher applies to receive an award under the program upon being employed by a qualifying school and subsequently is employed by that school in a position providing instruction for five consecutive school years in a high-needs subject area as determined by the department. An eligible teacher shall receive only one award under the program. The department shall make a payment directly to the eligible teacher's lender.

(C) The amount for each award under the program shall be the lesser of forty thousand dollars or the total amount of the outstanding student loans described in division (A)(1)(e) of the section for an eligible teacher who meets the requirement prescribed in division (B) of this section.

(D) The department and the chancellor jointly shall adopt rules to administer the program.

(E) The teacher loan repayment fund is hereby created in the state treasury, to consist of such amounts designated for the purposes of the fund by the general assembly. The fund shall be used to make awards under the program established under this section.

Sec. 3322.01. As used in this chapter:

(A) "Computer science" includes logical reasoning, computing systems, networks and the internet, data and data analysis, algorithms and programming, impacts of computing, web development, and structured problem solving skills related to these disciplines.
(B) "Council" means the Ohio computer science council established under section 3322.02 of the Revised Code.

(C) "Governing entity" and "nonpublic secondary school" have the same meanings as in section 3365.01 of the Revised Code.

(D) "Public secondary school" means a school serving grades seven through twelve in a city, local, or exempted village school district, a joint vocational school district, a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, a college-preparatory boarding school established under Chapter 3328. of the Revised Code, the state school for the deaf, the state school for the blind, or an institution operated by the department of youth services.

Sec. 3322.02. The Ohio computer science council is hereby created. The council shall foster and encourage increased participation in computer science education across all counties through afterschool programs, summer camps, and other educational enrichment partnerships.

The council shall consist of eleven voting members appointed by the governor, with the advice and consent of the senate, two nonvoting members of the house of representatives appointed by the speaker of the house, and two nonvoting members of the senate appointed by the president of the senate. The members appointed from each house of the general assembly shall not be from the same political party.

Terms of office for members appointed by the governor shall be for five years, beginning on the second day of July and ending on the first day of July.

The legislative members shall be appointed within ten days of the convening of the first regular session of each general
assembly and shall serve through December 31 of the following year. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term.

Any member appointed by the governor shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. The governor shall name the chair and vice-chair of the council, who shall serve in those positions at the governor's pleasure. Members of the council shall serve without compensation but are entitled to reimbursement for expenses incurred in connection with official business of the council.

Persons appointed to the council by the governor shall have broad knowledge and experience in computer science, business, primary education, secondary education, or postsecondary education.

The chancellor of higher education shall provide staff and other administrative services for the council.

Sec. 3322.03. The council shall do all of the following:

(A) Survey the computer science educational resources and needs of the state;

(B) Develop a plan for and fund grants for afterschool, summer, and related enrichment programs to increase participation and foster deeper engagement by all youth in the state with computer science;

(C) Create and maintain records on the distribution of funds awarded through the council.
Sec. 3322.04. The council may do all of the following:

(A) Within the limits of available funds, award and administer grants for afterschool, summer, and other enrichment programs that support the objectives of the council;

(B) Establish and appoint members to advisory committees to advise and assist in the performance of its functions, and, within the limits of available funds, contract with consultants to facilitate its work;

(C) Adopt, in accordance with Chapter 119. of the Revised Code, any rules necessary to administer Chapter 3322. of the Revised Code.

Sec. 3322.05. The council shall meet at least once each calendar year and may meet more frequently if its workload demands. Council members, however, may not receive expenses for attendance at more than four meetings each year. The council may meet anywhere in the state.

Sec. 3322.06. The council may receive and administer any funds granted to this state by the federal government for purposes compatible with the mission of this chapter and shall administer any state funds appropriated for that purpose. The council may also accept and administer on behalf of the state any gifts, donations, or bequests made to it for the encouragement and development of computer science education, afterschool programs, summer programs, or other related educational enrichment.

Sec. 3322.07. The Ohio computer science council gifts and donations fund is hereby created in the state treasury. The fund shall consist of gifts and donations made to the council and fees paid for conferences the council sponsors. The fund may be used to pay for the council's operating expenses, including payroll.
personnel services, maintenance, equipment, and subsidy payments as well as for grants awarded as part of the council’s mission.

All moneys deposited into the fund shall be received and expended pursuant to the council’s duty to foster and encourage increased participation in computer science education across all counties in this state through afterschool programs, summer camps, and other educational enrichment partnerships.

Sec. 3322.20. (A) The Ohio computer science promise program is hereby established. Beginning with the 2024-2025 school year, under the program, a student in any of grades seven through twelve who is a resident of this state may, at no cost to the student, enroll in and receive high school credit for one computer science course per academic year that is not offered by the student’s public or nonpublic secondary school, provided the student is accepted into an eligible course offered by an approved provider and there are sufficient funds to support enrollment.

(B) All Ohio computer science promise program eligible courses and providers shall be approved by the department of education in consultation with the chancellor of higher education to be eligible for funding. The department annually shall publish a list of approved providers and courses.

(C)(1) Any student enrolled in a public secondary school may participate in the program if the student meets the applicable eligibility criteria.

(2) Any student enrolled in a nonpublic secondary school may participate in the program in a manner prescribed by the chancellor of higher education if the nonpublic school chooses to participate in the program.

(D) Governing entities shall grant high school credit for courses approved to receive funding through the Ohio computer science promise program.
science promise program.

(E) All public secondary schools shall participate in the program and are subject to the requirements of this chapter. Any nonpublic secondary school that chooses to participate in the program shall also be subject to the requirements of this chapter.

(F) The chancellor of higher education, in accordance with Chapter 119. of the Revised Code and in consultation with the state superintendent, shall adopt rules governing the program.

Sec. 3322.24. (A) All governing entities shall count courses successfully completed under this chapter for high school credit toward the graduation requirements and subject area requirements of the governing entity. If a course comparable to one a participant completed with an approved provider is offered by the governing entity, the governing entity shall award comparable credit. If no comparable course is offered, the governing entity shall grant an appropriate number of elective credits to the participant.

(B) If there is a dispute between the governing entity of a participant's school and a participant regarding high school credits granted for a course, the participant may appeal the decision to the department of education. The department's decision regarding any high school credits granted under this section is final.

(C) Evidence of successful completion of each course and the high school credits awarded by the school shall be included in the student's record. The record shall indicate that the credits were earned as a participant under this chapter and shall include the name of the educational provider at which the credits were earned.

Sec. 3323.25. (A) As used in this section and section 3323.251 of the Revised Code:
(1) "Dyslexia" means a specific learning disorder that is neurological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities not consistent with the person's intelligence, motivation, and sensory capabilities, which difficulties typically result from a deficit in the phonological component of language.

(2) "Appropriate certification" means either of the following:

(a) Certification at a certified level, or higher, from a research-based, structured literacy program;

(b) Any other certification as recognized by a majority vote of the Ohio dyslexia committee.

(B)(1) The department of education shall establish the Ohio dyslexia committee which shall consist of the following members:

(a) A school district superintendent appointed by the superintendent of public instruction;

(b) An elementary school principal appointed by the state superintendent;

(c) A classroom teacher appointed by the state superintendent. The teacher shall have an appropriate certification and at least two years of experience teaching in a structured literacy program.

(d) An educational service center employee appointed by the state superintendent. The employee shall have an appropriate certification.

(e) An employee of the department of education appointed by the state superintendent;

(f) A parent of a child with dyslexia or an adult with dyslexia appointed by the international dyslexia association in
An individual with experience in higher education and teacher preparation programs appointed by the chancellor of higher education. The individual appointed by the chancellor shall have an appropriate certification.

(h) A board member of the international dyslexia association in Ohio appointed by the international dyslexia association in Ohio. The board member shall have an appropriate certification.

(i) A school psychologist appointed by the state superintendent;

(j) A reading intervention specialist appointed by the state superintendent. The reading intervention specialist shall have an appropriate certification.

(k) A speech-language pathologist appointed by the state speech and hearing professionals board. The speech-language pathologist shall have an appropriate certification.

(2) Each appointing authority shall determine a selection process for the appointments under this section. Each appointing authority that is not the state superintendent shall make and submit to the department each appointment prescribed under this section not later than thirty days after April 12, 2021. The state superintendent also shall make each appointment prescribed to the state superintendent under this section not later than that date. Members of the committee shall serve at the pleasure of their appointing authority.

(3) An individual may be appointed to the committee without required certification or experience if the appointing authority determines that the individual has sufficient experience in the individual's respective field.

(4) The state superintendent shall convene the first meeting of the members of the committee not later than July 1, 2021, and shall assign committee members to subcommittees for purposes of committee business as provided in section 3321.24 of the Revised Code.
of the committee within thirty days after nine members have been appointed to the committee. At the first meeting, members of the committee shall elect one of the members as chairperson.

(5) The department shall provide facilities for the meetings of the committee.

(C)(1) Not later than December 31, 2021, the Ohio dyslexia committee shall develop a guidebook regarding the best practices and methods for universal screening, intervention, and remediation for children with dyslexia or children displaying dyslexic characteristics and tendencies using a structured literacy program.

(2) The committee shall provide an opportunity for public input when developing the guidebook, in the manner determined by the committee.

(3) Prior to its distribution, the guidebook shall be subject to final approval by the state board of education.

(4) The guidebook shall be developed and issued to districts and schools in an electronic format. After the initial development of the guidebook, the Ohio dyslexia committee shall update the guidebook as necessary.

(D) Not later than December 31, 2021, the department, in collaboration with the Ohio dyslexia committee, shall do all of the following:

(1) Provide structured literacy program professional development for teachers in evidence-based dyslexia screening and intervention practices for the purposes of section 3319.077 of the Revised Code.

(2) Assist school districts and other public schools in establishing multidisciplinary teams to support the identification, intervention, and remediation of dyslexia;
(3) Develop reporting mechanisms for districts and schools to submit to the department the information and data required in the guidebook developed under this section;

(4) Develop academic standards for kindergarten in reading and writing that incorporate a structured literacy program;

(5) Provide on the department's web site information about training for teachers about dyslexia that is available at minimal or no cost.

(E) The department, in collaboration with the Ohio dyslexia committee, shall identify reliable, valid, universal, and evidence-based screening and intervention measures that evaluate the literacy skills of students enrolled in grades kindergarten through five using a structured literacy program. The department shall identify a tier one dyslexia screening measure by January 1, 2024, and make that screening measure available to districts and schools at no cost to the districts and schools. Districts and schools may use the tier one screening measure provided under this division to satisfy the screening requirements in section 3323.251 of the Revised Code beginning in the 2024-2025 school year.

(F) The Ohio dyslexia committee may do any of the following:

(1) Recommend appropriate ratios in school buildings for students to teachers who have received certification in identifying and addressing dyslexia;

(2) Recommend which other school personnel, including school psychologists or speech-language pathologists, should receive certification in identifying and addressing dyslexia;

(3) Consider and make recommendations regarding whether professional development required under section 3319.077 of the Revised Code should require the completion of a practicum.

Sec. 3323.251. (A) Each school district and other public
school shall do all of the following:

(1) For the 2023-2024 school year, administer a tier one dyslexia screening measure to a student to whom either of the following applies:

(a) The student is enrolled in any of grades kindergarten through three, or the student transfers into the district or school midyear and is enrolled in any of grades kindergarten through three. A screening measure shall be administered to a student enrolled in kindergarten after January 1, 2024, but prior to January 1, 2025.

(b) The student is enrolled in any of grades four through six, or the student transfers into the district or school midyear and is enrolled in any of grades four through six, and either of the following applies:

(i) The student's parent, guardian, or custodian requests that the screening measure be administered to the student.

(ii) A classroom teacher requests that the screening measure be administered to the student and the student's parent, guardian, or custodian grants permission for the screening measure to be administered.

A school district may implement the screening under division (A)(1) of this section prior to the 2023-2024 school year.

A screening measure administered under division (A)(1) of this section shall be aligned to the grade level in which the student is enrolled at the time the screening is administered.

(2) For the 2024-2025 school year and each school year thereafter, administer a tier one dyslexia screening measure to a student to whom either of the following applies:

(a) A student enrolled in kindergarten, or a student who transfers into the district or school midyear and is enrolled in...
kindergarten. A screening measure shall be administered to a student after the first day of January of the school year in which the student is enrolled in kindergarten and prior to the first day of January of the following school year.

(b) A student enrolled in any of grades one through six, or a student who transfers into the district or school midyear and is enrolled in any of grades one through six, if either of the following applies:

(i) The student's parent, guardian, or custodian requests that the screening measure be administered to the student.

(ii) A classroom teacher requests that the screening measure be administered to the student and the student's parent, guardian, or custodian grants permission for the screening measure to be administered.

A district or school may administer a tier two dyslexia screening measure to a student to whom the district or school administers a tier one screening measure under division (A)(1) or (2) of this section. In that case, a district or school shall not be required to complete division (A)(4) of this section.

A screening measure administered under division (A)(2) of this section shall be aligned to the grade level in which the student is enrolled at the time the screening is administered.

(3) Identify each student that is at risk of dyslexia based on the student's results on the tier one screening measure and notify the student's parent, guardian, or custodian that the student has been identified as being at risk.

(4) Monitor the progress of each at-risk student toward attaining grade-level reading and writing skills for up to six weeks. The district or school shall check each at-risk student's progress on at least the second week, fourth week, and sixth week after the student is identified as being at risk. If no progress
is observed during the monitoring period, the district or school shall notify the parent, guardian, or custodian of the student and administer a tier two dyslexia screening measure to the student.

(5) Report to a student's parent or guardian the student's results on a tier two screening measure approved by the Ohio dyslexia committee within thirty days after the measure's administration. If, as determined by the tier two screening measure, the student is identified as having dyslexia tendencies, the student's parent or guardian shall be provided with information about reading development, the risk factors for dyslexia, and descriptions for evidenced-based interventions.

(6) If a student demonstrates markers for dyslexia, provide the student's parents or guardian with a written explanation of the district or school's structured literacy program.

(B)(1) Beginning in the 2023-2024 school year, each district or school shall In the case of a transfer student described in division (A)(1) or (2) of this section, the following apply:

(a) Administer a tier one dyslexia screening measure to each kindergarten student that transfers into the district or school midyear during the school's regularly scheduled screening of the kindergarten class or within thirty days after the student's enrollment if the screening already has been completed. If the student is enrolled in kindergarten, the tier one dyslexia screening measure shall be administered to the student during the school's regularly scheduled screening of the kindergarten class or within thirty days after the student's enrollment if so required under this section, or within thirty days after the student's parent, guardian, or custodian requests the screening or grants permission for a screening.

(b) Administer a tier one dyslexia screening measure to each student in grades one through six that transfers into the district
or school midyear within thirty days after the student's enrollment. If the student is enrolled in any of grades one through six, the tier one dyslexia screening measure shall be administered to the student within thirty days after the student's enrollment if so required under this section, or within thirty days after the student's parent, guardian, or custodian requests the screening under division (A)(1)(b)(i) or (A)(2)(b)(i) of this section or grants permission for the screening under division (A)(1)(b)(ii) or (A)(2)(b)(ii) of this section.

(c) No district or school shall be required to administer a tier one dyslexia screening measure to a student who transfers into the district or school midyear if the student's records indicate that such a screening was administered to the student by the district or school from which the student transferred during that school year.

(2) If a student is identified as being at risk of dyslexia under division (B)(1) of this section, the district or school shall administer a tier two screening measure in a timely manner.

(C) Each district or school shall do all of the following:

(1) Comply with any provisions that are statutorily required, as they pertain to the guidebook developed under division (C) of section 3323.25 of the Revised Code;

(2) Select screening and intervention measures to administer to students from the measures identified under division (E) of section 3323.25 of the Revised Code;

(3) Establish a multidisciplinary team to administer screening and intervention measures and analyze the results of the measures. The team shall include trained and certified personnel and a stakeholder with expertise in the identification, intervention, and remediation of dyslexia.

(4) Report to the department of education the results of
screening measures administered under this section.  

In addition, districts and schools may utilize any best practices and recommendations contained in the guidebook developed under division (C) of section 3323.25 of the Revised Code.

Sec. 3324.05. (A) Each school district shall submit an annual report to the department of education specifying the number of students in each of grades kindergarten through twelve screened, the number assessed, and the number identified as gifted in each category specified in section 3324.03 of the Revised Code. For fiscal years 2022 and 2023, this report shall also specify the number of students served in each category specified in section 3324.03 of the Revised Code.

(B) For fiscal years 2022 and 2023, not later than the thirty-first day of October annually, the department shall publish both of the following using data submitted by school districts under the education management information system established under section 3301.0714 of the Revised Code:

(1) Services offered by each school district to students identified as gifted in each of the following grade bands:

(a) Kindergarten through second grade;

(b) Third through sixth grade;

(c) Seventh through eighth grade;

(d) Ninth through twelfth grade.

(2) The number of licensed gifted intervention specialists and coordinators employed or contracted by each school district.

(C) The department of education shall audit each school district's identification numbers at least once every three years and may select any district at random or upon complaint or suspicion of noncompliance for a further audit to determine
compliance with sections 3324.03 to 3324.06 of the Revised Code.

If a school district's audit under this division occurs during fiscal year 2022 or 2023, In each year the department audits a school district under this section, the department shall also audit the district's service numbers.

(D) The department shall provide technical assistance to any district found in noncompliance under division (C) of this section. For fiscal years 2022 and 2023, the department shall reduce funds received by the district under Chapter 3317. of the Revised Code by any amount if the district continues to be noncompliant. For fiscal year 2024 and each fiscal year thereafter, the department may reduce funds received by the district under Chapter 3317. of the Revised Code by any amount if the district continues to be noncompliant.

Sec. 3324.09. (A) For fiscal years 2022 and 2023, not later than the thirtieth day of October annually, the department of education shall publish on its web site the funds received for the previous fiscal year by each school district under division (A)(6) of section 3317.022 of the Revised Code for the identification of and services provided to the district's gifted students and each district's expenditures of those funds.

(B) For fiscal year 2024 and each fiscal year thereafter, not later than the thirtieth day of October, the department shall publish on its web site each school district's expenditures for the previous fiscal year of funds received under division (A)(6) of section 3317.022 of the Revised Code for the identification of and services provided to the district's gifted students.

Sec. 3325.01. The Ohio deaf and blind education services is hereby established and shall include the state school for the deaf and the state school for the blind. Ohio deaf and blind education services
services shall be operate under the control and supervision of the state board of education. On the recommendation of the superintendent of public instruction, the state board of education shall appoint a superintendent for Ohio deaf and blind education services, who shall supervise the state school for the deaf and a superintendent for the state school for the blind, each of whom. The superintendent of Ohio deaf and blind education services shall serve at the pleasure of the state board of education. The superintendent of Ohio deaf and blind education services may create additional divisions to meet the educational needs of students throughout the state who are deaf, hard of hearing, blind, visually impaired, or deafblind.

Sec. 3325.011. Subject to the regulations adopted by the state board of education, the state school for the deaf shall be open to receive persons who are deaf, partially deaf, hard of hearing, and both blind and deaf deafblind residents of this state, who, in the judgment of the superintendent of public instruction and the superintendent of the school for the deaf Ohio deaf and blind education services, due to such disability, cannot be educated in the public school system and are suitable persons to receive instructions according to the methods employed in such school. The superintendent of the school for the deaf may pay the expenses necessary for the instruction of children who are both blind and deaf, who are resident of this state, in any suitable institution.

Sec. 3325.02. (A) As used in this chapter, a person with a "visual impairment" means blindness, partial blindness, deaf-blindness the person is blind, visually impaired, deafblind, or has multiple disabilities if one of the disabilities is vision related.

(B) Subject to the regulations adopted by the state board of
education, the state school for the blind shall be open to receive
persons who are residents of this state, whose disabilities are
visual impairments, and who, in the judgment of the superintendent
of public instruction and the superintendent of the school for the
blind Ohio deaf and blind education services, due to such
disability, cannot be educated in the public school system and are
suitable persons to receive instructions according to the methods
employed in the school.

Sec. 3325.03. The superintendent of the state school for the
deaf or the superintendent of the state school for the blind Ohio
deaf and blind education services may return to its parents,
guardian, or proper agency any pupil under his the
superintendent's jurisdiction, who to the pupil's resident school
district if, in the opinion of such the superintendent and the
superintendent of public instruction, that pupil is not making
sufficient progress in its school or industrial work to justify
its continuance as a pupil in such school at the state school for
the deaf or the state school for the blind.

Sec. 3325.04. The superintendent of the state school for the
deaf and the superintendent of the state school for the blind Ohio
deaf and blind education services, with the approval of the
superintendent of public instruction, shall, for their respective
schools and subject to the rules and regulations of the civil
service, employ suitable teachers, nurses, and other help staff
necessary to operate Ohio deaf and blind education services and
provide the proper instruction and care for to the pupils under
their the jurisdiction of the superintendent of Ohio deaf and
blind education services.

No individual hired on or after the effective date of this
amendment as a classroom teacher at the state school for the blind
shall be permitted to retain employment as a teacher at the school
unless prior to the date of such hiring, or within one year of
date, the individual completes at least two courses of
instruction in braille at an institution of higher education or
demonstrates equivalent competency in the use of braille to the
satisfaction of the superintendent of the state school for the
blind.

Sec. 3325.05. The state board of education may provide for
the further and higher education of any blind pupils, who in its
judgment are capable of receiving sufficient benefit to render
them more efficient as citizens, by appointing readers for
providing appropriate assistive technology to enable such persons
to read from textbooks and pamphlets used in their studies while
in attendance as regularly matriculated students in any college,
university, or technical or professional school located in this
state and authorized to grant degrees. Any fund appropriated for
such purpose shall be distributed under the direct supervision of
the state board of education. No person shall receive the benefit
conferred by this section who has not had an actual residence in
this state for at least one year.

Sec. 3325.06. (A) The state board of Ohio deaf and blind
education services shall institute and establish a program of
education by the department of education to train parents of deaf
or hard of hearing children of preschool age. The object and
purpose of the educational program shall be to aid and assist the
parents of deaf or hard of hearing children of preschool age in
affording to the children the means of optimum communicational
facilities.

(B) The state board of education Ohio deaf and blind
education services shall institute and establish a program of
education to train and assist parents of blind or visually
impaired children of preschool age whose disabilities are visual
impairments. The object and purpose of the educational program shall be to enable the parents of blind or visually impaired children of preschool age whose disabilities are visual impairments to provide their children with learning experiences that develop early literacy, communication, mobility, and daily living skills so the children can function independently in their living environments.

Sec. 3325.07. The state board of Ohio deaf and blind education services in carrying out this section and division (A) of section 3325.06 of the Revised Code shall, insofar as practicable, plan, present, and carry into effect an educational program by means of any of the following methods of instruction:

(A) Classes for parents of deaf or hard of hearing children of preschool age;

(B) A nursery school preschool where parent and child may enter the nursery school preschool as a unit;

(C) Correspondence course;

(D) Personal consultations and interviews;

(E) Day-care or child development courses;

(F) Summer enrichment courses;

(G) By such other means or methods as the superintendent of the state school for the deaf Ohio deaf and blind education services deems advisable that would permit a deaf or hard of hearing child of preschool age to construct a pattern of build communication skills at an early age.

The superintendent may allow children who are not deaf or hard of hearing to participate in the methods of instruction described in divisions (A) to (G) of this section as a means to assist deaf or hard of hearing children to construct a pattern of build communication skills. The superintendent shall establish...
policies and procedures regarding the participation of children who are not deaf or hard of hearing.

The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section.

**Sec. 3325.071.** The state board of Ohio deaf and blind education services in carrying out this section and division (B) of section 3325.06 of the Revised Code shall, insofar as practicable, plan, present, and carry into effect an educational program by means of any of the following methods of instruction:

(A) Classes for parents of children of preschool age whose disabilities are visual impairments, independently or in cooperation with community agencies;

(B) Periodic interactive parent-child classes for infants and toddlers whose disabilities are visual impairmentswhere a parent and child may enter the preschool as a unit;

(C) Correspondence course;

(D) Personal consultations and interviews;

(E) Day-care or child development courses for children and parents;

(F) Summer enrichment courses;

(G) By such other means or methods as the superintendent of the state school for the blind Ohio deaf and blind education services deems advisable that would permit a child of preschool age whose disability is a visual impairment toconstruct a pattern
of build communication skills and develop literacy, mobility, and independence at an early age.

The superintendent may allow children who do not have disabilities that are visual impairments to participate in the methods of instruction described in divisions (A) to (G) of this section so that children of preschool age whose disabilities are visual impairments are able to learn alongside their peers while receiving specialized instruction that is based on early learning and development strategies. The superintendent shall establish policies and procedures regarding the participation of children who do not have disabilities that are visual impairments.

The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the state school for the blind even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section.

Sec. 3325.08. (A) A diploma shall be granted by the superintendent of the state school for the blind and the superintendent of the state school for the deaf Ohio deaf and blind education services to any student enrolled in one of these state schools the state school for the blind or the state school for the deaf to whom all of the following apply:

(1) The student has successfully completed the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code;

(2) Subject to section 3313.614 of the Revised Code, the student has met the assessment requirements of division (A)(2)(a) or (b) of this section, as applicable.
(a) If the student entered the ninth grade prior to July 1, 2014, the student either:

   (i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments prescribed by that division unless division (L) of section 3313.61 of the Revised Code applies to the student;

   (ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that division (L) of section 3313.61 of the Revised Code applies to the student.

(3) The student is not eligible to receive an honors diploma granted pursuant to division (B) of this section.

   No diploma shall be granted under this division to anyone except as provided under this division.

(B) In lieu of a diploma granted under division (A) of this section, the superintendent of the state school for the blind and the superintendent of the state school for the deaf shall grant an honors diploma, in the same manner that the boards of education of school districts grant such diplomas under division (B) of section 3313.61 of the Revised Code, to any student enrolled in the state school for the blind or the state school for the deaf who accomplishes all of the following:

   (1) Successfully completes the individualized education program developed for the student's high school education pursuant to section 3323.08 of the Revised Code;

   (2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this
section, as applicable.

(a) If the student entered the ninth grade prior to July 1, 2014, the student either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments prescribed under that division;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code.

(3) Has met additional criteria for granting an honors diploma.

These additional criteria shall be the same as those prescribed by the state board under division (B) of section 3313.61 of the Revised Code for the granting of such diplomas by school districts. No honors diploma shall be granted to anyone failing to comply with this division and not more than one honors diploma shall be granted to any student under this division.

(C) A diploma or honors diploma awarded under this section shall be signed by the superintendent of public instruction and the superintendent of the state school for the blind or the superintendent of the state school for the deaf, as applicable Ohio deaf and blind education services. Each diploma shall bear the date of its issue and be in such form as the school superintendent of Ohio deaf and blind education services prescribes.

(D) Upon granting a diploma to a student under this section, the superintendent of the state school in which the student is enrolled Ohio deaf and blind education services shall provide
notice of receipt of the diploma to the board of education of the school district where the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code when not residing at the state school for the blind or the state school for the deaf. The notice shall indicate the type of diploma granted.

Sec. 3325.09. (A) The state board of Ohio deaf and blind education services shall institute and establish career-technical education and work training programs for secondary and post-secondary students whose disabilities are visual impairments who are blind, visually impaired, deaf, hard of hearing, or deafblind. These programs shall develop communication, mobility, and work skills and assist students in becoming productive members of society so that they can contribute to their communities and living environments.

(B) The state school for the blind Ohio deaf and blind education services may use any gifts, donations, or bequests it receives under section 3325.10 or 3325.15 of the Revised Code for one or more of the following purposes that are related to career-technical and work training programs for secondary and post-secondary students whose disabilities are visual impairments who are blind, visually impaired, deaf, hard of hearing, or deafblind:

(1) Room and board;
(2) Training in mobility and orientation;
(3) Activities that teach daily living skills;
(4) Rehabilitation technology;
(5) Activities that teach group and individual social and interpersonal skills;
(6) Work placement in the community by the school or a community agency;
(7) Transportation to and from work sites or locations of community interaction;

(8) Supervision and management of programs and services.

(C) For the purposes of division (B) of this section, Ohio deaf and blind education services shall use funds received under section 3325.10 or 3325.15 of the Revised Code only for the school for which the funds were designated.

Sec. 3325.10. The state school for the blind Ohio deaf and blind education services may receive and administer any federal funds relating to the education of students at the state school for the blind whose disabilities are visual impairments, including secondary and post-secondary students. The school for the blind Ohio deaf and blind education services also may accept and administer any gifts, donations, or bequests made to it for programs or services relating to the education of students at the state school for the blind whose disabilities are visual impairments, including secondary and post-secondary students.

Sec. 3325.11. There is hereby created in the state treasury the state school for the blind Ohio deaf and blind education services student activity and work-study fund. Moneys received from donations, bequests, the school vocational program programs of the state school for the blind and the state school for the deaf, and any other moneys designated for deposit in the fund by the superintendent of the state school for the blind Ohio deaf and blind education services shall be credited to the fund. Notwithstanding section 3325.01 of the Revised Code, the approval of the state board of education is not required to designate money for deposit into the fund. The school for the blind Ohio deaf and blind education services shall use money in the fund for the state school for the blind, the state school for the deaf, and Ohio deaf
and blind education services' operating expenses, including, but not limited to, personal services, maintenance, and equipment related to student support, activities, and vocational programs, and for providing scholarships to students for further training upon graduation.

**Sec. 3325.12.** Money deposited with the superintendent of the state school for the blind and the superintendent of the state school for the deaf Ohio deaf and blind education services by parents, relatives, guardians, and friends for the special benefit of any pupil at the state school for the blind or the state school for the deaf shall remain in the hands of the respective superintendent for use accordingly. Each The superintendent shall deposit the money into one or more personal deposit funds. Each The superintendent shall keep itemized book accounts of the receipt and disposition of the money, which books shall be open at all times to the inspection of the superintendent of public instruction. The superintendent of the state school for the blind and the superintendent of the state school for the deaf each Ohio deaf and blind education services shall adopt rules procedures governing the deposit, transfer, withdrawal, or investment of the money and the investment earnings of the money.

Whenever a pupil ceases to be enrolled in the state school for the blind or the state school for the deaf, if personal money of the pupil remains in the hands of the respective superintendent of Ohio deaf and blind education services and no demand is made upon the superintendent by the pupil or the pupil's parent or guardian, the superintendent shall hold the money in a personal deposit fund for a period of at least one year. During that time, the superintendent shall make every effort possible to locate the pupil or the pupil's parent or guardian. If, at the end of this period, no demand has been made for the money held by a pupil...
in the state school for the blind, the superintendent of the state school for the blind shall dispose of the money by transferring it to the state school for the blind student activity and work-study educational program expense fund established by section 3325.11 of the Revised Code. If at the end of this period, no demand has been made for the money held by a pupil in the state school for the deaf, the superintendent of the state school for the deaf shall dispose of the money by transferring it to the state school for the deaf educational program expenses fund established by section 3325.16 of the Revised Code.

Sec. 3325.13. The state school for the blind Ohio deaf and blind education services employees food service fund is hereby created in the state treasury. The fund shall consist of payments received from employees who make purchases from the school's food service program of the state school for the blind or state school for the deaf. Notwithstanding section 3325.01 of the Revised Code, the approval of the state board of education is not required to designate money for deposit into the fund. The school for the blind Ohio deaf and blind education services shall use money in the fund to pay costs associated with the school's Ohio deaf and blind education services' food service program.

Sec. 3325.15. The state school for the deaf Ohio deaf and blind education services may receive and administer any federal or hearing-impaired, hard of hearing, or deafblind students. The school for the deaf Ohio deaf and blind education services also may accept and administer any gifts, donations, or bequests given to it for programs or services relating to the education of deaf or hearing-impaired hard of hearing students and the state school for the deaf.

Sec. 3325.16. There is hereby created in the state treasury
the state school for the deaf educational program expenses fund. Moneys received by the Ohio deaf and blind education services for the state school for the deaf from donations, bequests, student fundraising activities, fees charged for camps and workshops, gate receipts from athletic contests, and the student work experience program operated by the school, and any other moneys designated for deposit in the fund by the superintendent of the school Ohio deaf and blind education services, shall be credited to the fund. Notwithstanding section 3325.01 of the Revised Code, the approval of the state board of education is not required to designate money for deposit into the fund. The state school for the deaf Ohio deaf and blind education services shall use moneys in the fund for educational programs, after-school activities, and expenses associated with student activities and clubs at the state school for the deaf.

Sec. 3325.17. There is hereby created in the state treasury the state school for the blind educational program expense fund. Moneys received by the Ohio deaf and blind education services for the state school for the blind from donations, bequests, student fundraising activities, fees charged for camps, workshops, and summer work and learn cooperative programs, gate receipts from school activities, and any other moneys designated for deposit in the fund by the superintendent of the school Ohio deaf and blind education services, shall be credited to the fund. Notwithstanding section 3325.01 of the Revised Code, the approval of the state board of education is not required to designate money for deposit into the fund. The state school for the blind Ohio deaf and blind education services shall use moneys in the fund for educational programs, after-school activities, and expenses associated with student activities at the state school for the blind.

Sec. 3326.44. For fiscal years 2022, 2024 and 2023, a STEM school shall spend the funding it receives under division (A)(5) of section 3317.022 of the Revised Code only for services for English learners.

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this
section and sections 3327.011, 3327.012, and 3327.02 of the Revised Code do not apply to any joint vocational or cooperative education school district.

In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community school which they attend, the board of education shall provide transportation for such pupils to and from that school except as provided in section 3327.02 of the Revised Code.

In all city, local, and exempted village school districts where pupil transportation is required under a career-technical plan approved by the state board of education under section 3313.90 of the Revised Code, for any student attending a career-technical program operated by another school district, including a joint vocational school district, as prescribed under that section, the board of education of the student's district of residence shall provide transportation from the public high school operated by that district to which the student is assigned to the career-technical program.

In all city, local, and exempted village school districts, the board may provide transportation for resident school pupils in grades nine through twelve to and from the high school to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community high school which they attend for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code.

A board of education shall not be required to transport
elementary or high school pupils to and from a nonpublic or community school where such transportation would require more than thirty minutes of direct travel time as measured by school bus from the public school building to which the pupils would be assigned if attending the public school designated by the district of residence.

Where it is impractical to transport a pupil by school conveyance, a board of education may offer payment, in lieu of providing such transportation in accordance with section 3327.02 of the Revised Code.

A board of education shall provide transportation to students enrolled in a community school or nonpublic school in accordance with this section on each day in which that school is open for operation with students in attendance, regardless of whether the district's own schools are open for operation with students in attendance on that day. However, a board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school on Saturday or Sunday, unless a board of education and a nonpublic or community school have an agreement in place to do so before the first day of July of the school year in which the agreement takes effect.

In all city, local, and exempted village school districts, the board shall provide transportation for all children who are so disabled that they are unable to walk to and from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and which they attend. In case of dispute whether the child is able to walk to and from the school, the health commissioner shall be the judge of such ability. In all city, exempted village, and local school districts, the board shall provide transportation to and from school or special education classes for mentally disabled children in accordance with standards adopted by the state board.
When transportation of pupils is provided the conveyance shall be run on a time schedule that shall be adopted and put in force by the board not later than ten days after the beginning of the school term. The operator of every school bus or motor van owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state shall deliver students enrolled in preschool through twelfth grades to their respective public and nonpublic schools not sooner than thirty minutes prior to the beginning of school and to be available to pick them up not later than thirty minutes after the close of their respective schools each day.

A board of education shall provide each pupil in grades kindergarten through eight substantially the same level of transportation service, route and schedule convenience, and pick-up and drop-off times relative to the pupil's school's start and end times regardless of whether the pupil attends a school operated by the board of education or a nonpublic or community school.

The cost of any transportation service authorized by this section shall be paid first out of federal funds, if any, available for the purpose of pupil transportation, and secondly out of state appropriations, in accordance with regulations adopted by the state board of education.

No transportation of any pupils shall be provided by any board of education to or from any school which in the selection of pupils, faculty members, or employees, practices discrimination against any person on the grounds of race, color, religion, or national origin.

Sec. 3328.24. A college-preparatory boarding school
established under this chapter and its board of trustees shall comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.6013, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.617, 3313.618, 3313.6114, 3313.6411, 3313.668, 3313.669, 3313.6610, 3313.7112, 3313.7117, 3313.721, 3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3323.251, and 5502.262, and Chapter 3365. of the Revised Code as if the school were a school district and the school's board of trustees were a district board of education.

Sec. 3332.092. Any school subject to this chapter receiving money under section 3333.12 or 3333.122 of the Revised Code on behalf of a student who is determined by the state board of career colleges and schools to be ineligible under such section because the program in which the student is enrolled does not lead to an associate or baccalaureate degree, shall be liable to the state for the amount specified in section 3333.12 or 3333.122 of the Revised Code. The state board of career colleges and schools shall suspend the certificate of registration of a school receiving money under section 3333.12 or 3333.122 of the Revised Code for such ineligible student until such time as the money is repaid to the Ohio board department of regents higher education.

Sec. 3333.03 3333.01. (A) There is hereby created the department of higher education, which shall be composed of the chancellor of higher education and the chancellor's employees, agents, and representatives. The chancellor shall perform the functions, exercise the powers, and discharge the duties as are assigned to the chancellor by law.

(B) The governor, with the advice and consent of the senate, shall appoint the chancellor of higher education. The chancellor
shall serve at the pleasure of the governor, and the governor shall prescribe the chancellor's duties in addition to the chancellor's duties prescribed by law. The governor shall fix the compensation for the chancellor. The chancellor shall be a member of the governor's cabinet.

(C) The chancellor is responsible for appointing and fixing the compensation of all professional, administrative, and clerical employees and staff members necessary to assist in the performance of the chancellor's duties. All employees and staff shall serve at the chancellor's pleasure.

(D) The chancellor shall be a person qualified by training and experience to understand the problems and needs of the state in the field of higher education and to devise programs, plans, and methods of solving the problems and meeting the needs.

(E) Neither the chancellor nor any staff member or employee of the chancellor shall be a trustee, officer, or employee of any public or private college or university while serving as chancellor, staff member, or employee.

Sec. 3333.012. Whenever the term "Ohio board of regents" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the "chancellor of higher education," except in sections 3333.01, 3333.011, 3333.02, and 3333.032 of the Revised Code or unless the use, reference, or designation of the term "Ohio board of regents" relates to the board's duties to give advice to the chancellor or unless another section of law expressly provides otherwise.

Whenever the term "chancellor of the Ohio board of regents" or "chancellor" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the
Sec. 3333.021. As used in this section, "university" means any college or university that receives a state appropriation.

(A) This division does not apply to proposed rules, amendments, or rescissions subject to legislative review under section 106.02 of the Revised Code. No action taken by the chancellor of higher education that could reasonably be expected to have an effect on the revenue or expenditures of any university shall take effect unless at least two weeks prior to the date on which the action is taken, the chancellor has filed with the speaker of the house of representatives, the president of the senate, and the legislative service commission, and the director of budget and management a fiscal analysis of the proposed action. The analysis shall include an estimate of the amount by which, during the current and ensuing fiscal biennium, the action would increase or decrease the university's revenues or expenditures and increase or decrease any state expenditures and any other information the chancellor considers necessary to explain the action's fiscal effect.

(B) Within three days of the date the chancellor files with the clerk of the senate a proposed rule, amendment, or rescission that is subject to legislative review and invalidation under section 106.02 of the Revised Code, the chancellor shall file with the speaker of the house of representatives, the president of the senate, and the legislative service commission, and the director of budget and management a fiscal analysis of the proposed rule. The analysis shall include an estimate of the amount by which, during the current and ensuing fiscal biennium, the action would increase or decrease any university's revenues or expenditures and increase or decrease state revenues or expenditures and any other information the chancellor considers necessary to explain the
fiscal effect of the rule, amendment, or rescission. No rule, 45055
amendment, or rescission shall take effect unless the chancellor 45056
has complied with this division.
45057

**Sec. 3333.032.** The Ohio board chancellor of regents higher 45058
education shall submit to the general assembly, in accordance with 45059
division (B) of section 101.68 of the Revised Code, and to the 45060
governor, an annual report on the condition of higher education in 45061
this state, including the performance of the chancellor of higher 45062
education.
45063

**Sec. 3333.04.** The chancellor of higher education shall: 45064

(A) Make studies of state policy in the field of higher 45065
education and formulate a master plan for higher education for the 45066
state, considering the needs of the people, the needs of the 45067
state, and the role of individual public and private institutions 45068
within the state in fulfilling these needs;
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(B)(1) Report annually to the governor and the general 45070
assembly on the findings from the chancellor's studies and the 45071
master plan for higher education for the state;
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(2) Report at least semiannually to the general assembly and 45073
the governor the enrollment numbers at each state-assisted 45074
institution of higher education.
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(C) Approve or disapprove the establishment of new branches 45076
or academic centers of state colleges and universities;
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(D) Approve or disapprove the establishment of state 45078
technical colleges or any other state institution of higher 45079
education;
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(E) Recommend the nature of the programs, undergraduate, 45081
graduate, professional, state-financed research, and public 45082
services which should be offered by the state colleges,
universities, and other state-assisted institutions of higher education in order to utilize to the best advantage their facilities and personnel;

(F) Recommend to the state colleges, universities, and other state-assisted institutions of higher education graduate or professional programs, including, but not limited to, doctor of philosophy, doctor of education, and juris doctor programs, that could be eliminated because they constitute unnecessary duplication, as shall be determined using the process developed pursuant to this division, or for other good and sufficient cause. Prior to recommending a program for elimination, the chancellor shall request the board of regents to hold at least one public hearing on the matter and advise the chancellor on whether the program should be recommended for elimination. The chancellor shall provide notice of each hearing within a reasonable amount of time prior to its scheduled date. Following the hearing, the board shall issue a recommendation to the chancellor. The chancellor shall consider the board’s recommendation but shall not be required to accept it.

For purposes of determining the amounts of any state instructional subsidies paid to state colleges, universities, and other state-assisted institutions of higher education, the chancellor may exclude students enrolled in any program that the chancellor has recommended for elimination pursuant to this division except that the chancellor shall not exclude any such student who enrolled in the program prior to the date on which the chancellor initially commences to exclude students under this division.

The chancellor and state colleges, universities, and other state-assisted institutions of higher education shall jointly develop a process for determining which existing graduate or professional programs constitute unnecessary duplication.
(G) Recommend to the state colleges, universities, and other state-assisted institutions of higher education programs which should be added to their present programs;

(H) Conduct studies for the state colleges, universities, and other state-assisted institutions of higher education to assist them in making the best and most efficient use of their existing facilities and personnel;

(I) Make recommendations to the governor and general assembly concerning the development of state-financed capital plans for higher education; the establishment of new state colleges, universities, and other state-assisted institutions of higher education; and the establishment of new programs at the existing state colleges, universities, and other institutions of higher education;

(J) Review the appropriation requests of the public community colleges and the state colleges and universities and submit to the office of budget and management and to the chairpersons of the finance committees of the house of representatives and of the senate the chancellor's recommendations in regard to the biennial higher education appropriation for the state, including appropriations for the individual state colleges and universities and public community colleges. For the purpose of determining the amounts of instructional subsidies to be paid to state-assisted colleges and universities, the chancellor shall define "full-time equivalent student" by program per academic year. The definition may take into account the establishment of minimum enrollment levels in technical education programs below which support allowances will not be paid. Except as otherwise provided in this section, the chancellor shall make no change in the definition of "full-time equivalent student" in effect on November 15, 1981, which would increase or decrease the number of subsidy-eligible full-time equivalent students, without first submitting a fiscal
impact statement to the president of the senate, the speaker of
the house of representatives, the legislative service commission,
and the director of budget and management. The chancellor shall
work in close cooperation with the director of budget and
management in this respect and in all other matters concerning the
expenditures of appropriated funds by state colleges,
universities, and other institutions of higher education.

(K) Seek the cooperation and advice of the officers and
trustees of both public and private colleges, universities, and
other institutions of higher education in the state in performing
the chancellor's duties and making the chancellor's plans,
studies, and recommendations;

(L) Appoint advisory committees consisting of persons
associated with public or private secondary schools, members of
the state board of education, or personnel of the state department
of education;

(M) Appoint advisory committees consisting of college and
university personnel, or other persons knowledgeable in the field
of higher education, or both, in order to obtain their advice and
assistance in defining and suggesting solutions for the problems
and needs of higher education in this state;

(N) Approve or disapprove all new degrees and new degree
programs at all state colleges, universities, and other
state-assisted institutions of higher education.

When considering approval of a new degree or degree program
for a state institution of higher education, as defined in section
3345.011 of the Revised Code, the chancellor shall take into
account the extent to which the degree or degree program aligns
with the state's workforce development priorities.

(O) Adopt such rules as are necessary to carry out the
chancellor's duties and responsibilities. The rules shall
prescribe procedures for the chancellor to follow when taking actions associated with the chancellor's duties and responsibilities and shall indicate which types of actions are subject to those procedures. The procedures adopted under this division shall be in addition to any other procedures prescribed by law for such actions. However, if any other provision of the Revised Code or rule adopted by the chancellor prescribes different procedures for such an action, the procedures adopted under this division shall not apply to that action to the extent they conflict with the procedures otherwise prescribed by law. The procedures adopted under this division shall include at least the following:

1. Provision for public notice of the proposed action;

2. An opportunity for public comment on the proposed action, which may include a public hearing on the action by the board of regents chancellor;

3. Methods for parties that may be affected by the proposed action to submit comments during the public comment period;

4. Submission of recommendations from the board of regents regarding the proposed action, at the request of the chancellor;

5. Written publication of the final action taken by the chancellor and the chancellor's rationale for the action;

6. A timeline for the process described in divisions (O)(1) to (O)(4) of this section.

(P) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.26, and 5910.02 of the Revised Code;

(Q) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the
administration of such programs in accordance with applicable state or federal law;

(R) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;

(S) Conduct enrollment audits of state-supported institutions of higher education;

(T) Appoint consortia of college and university personnel to advise or participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the chancellor shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated for the consortia shall be distributed to the fiscal agents for the operation of the consortia. A consortium shall follow the rules of the college or university that serves as its fiscal agent. The chancellor may restructure existing consortia, appointed under this division, in accordance with procedures adopted under divisions (O)(1) to (E)(5) of this section.

(U) Adopt rules establishing advisory duties and responsibilities of the board department of regents higher education not otherwise prescribed by law;

(V) Respond to requests for information about higher education from members of the general assembly and direct staff to conduct research or analysis as needed for this purpose.

Sec. 3333.041. (A) On or before the last day of December of each year, the chancellor of higher education shall submit to the
governor and, in accordance with section 101.68 of the Revised Code, the general assembly a report or reports concerning all of the following:

(1) The status of graduates of Ohio school districts at state institutions of higher education during the twelve-month period ending on the thirtieth day of September of the current calendar year. The report shall list, by school district, the number of graduates of each school district who attended a state institution of higher education and the percentage of each district's graduates enrolled in a state institution of higher education during the reporting period who were required during such period by the college or university, as a prerequisite to enrolling in those courses generally required for first-year students, to enroll in a remedial course in English, including composition or reading, mathematics, and any other area designated by the chancellor. The chancellor also shall make the information described in division (A)(1) of this section available to the board of education of each city, exempted village, and local school district.

Each state institution of higher education shall, by the first day of November of each year, submit to the chancellor in the form specified by the chancellor the information the chancellor requires to compile the report.

(2) The following information with respect to the Ohio tuition trust authority:

(a) The name of each investment manager that is a minority business enterprise or a women's business enterprise with which the chancellor contracts;

(b) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers.
with which the chancellor has contracted;

(c) Efforts by the chancellor to increase utilization of investment managers that are minority business enterprises or women's business enterprises.

(3) The chancellor's strategy in assigning choose Ohio first scholarships, as established under section 3333.61 of the Revised Code, among state universities and colleges and how the actual awards fit that strategy.

(4) The academic and economic impact of the Ohio co-op/internship program established under section 3333.72 of the Revised Code. At a minimum, the report shall include the following:

(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;

(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;

(c) The chancellor's strategy in allocating awards among state institutions of higher education and how the actual awards fit that strategy.

(B) On or before the fifteenth day of February of each year, the director chancellor shall submit to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly a report concerning aggregate academic growth data for students assigned to graduates of teacher preparation programs approved under section 3333.048 of the Revised Code who teach English language arts or mathematics in any of grades four to eight in a public school in Ohio. For this purpose, the director chancellor shall use the value-added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C)(1)(e) of...
section 3302.03 of the Revised Code. The director chancellor shall aggregate the data by graduating class for each approved teacher preparation program, except that if a particular class has ten or fewer graduates to which this division applies, the director chancellor shall report the data for a group of classes over a three-year period. In no case shall the report identify any individual graduate. The department of education shall share any data necessary for the report with the director chancellor.

(C) As used in this section:

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code.

(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code.

(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state.

**Sec. 3333.044.** (A) The chancellor of higher education may contract with any consultants that are necessary for the discharge of the chancellor's duties under this chapter.

(B) The chancellor may purchase, upon the terms that the chancellor determines to be advisable, one or more policies of insurance from insurers authorized to do business in this state that insure consultants who have contracted with the chancellor under division (A) of this section or members of an advisory committee appointed under section 3333.04 of the Revised Code, with respect to the activities of the consultants or advisory board members. The chancellor shall report the data to the commissioner of insurance.
committee members in the course of the performance of their responsibilities as consultants or advisory committee members.

(C) Subject to the approval of the controlling board, the chancellor may contract with any entities for the discharge of the chancellor's duties and responsibilities under any of the programs established pursuant to sections 3333.12, 3333.122, 3333.21 to 3333.28, and 5120.55, and Chapter 5910. of the Revised Code. The chancellor shall not enter into a contract under this division unless the proposed contractor demonstrates that its primary purpose is to promote access to higher education by providing student financial assistance through loans, grants, or scholarships, and by providing high quality support services and information to students and their families with regard to such financial assistance.

Chapter 125. of the Revised Code does not apply to contracts entered into pursuant to this section. In awarding contracts under this division, the chancellor shall consider factors such as the cost of the administration of the contract, the experience of the contractor, and the contractor's ability to properly execute the contract.

Sec. 3333.045. As used in this section, "state university or college" means any state university listed in section 3345.011 of the Revised Code, the northeast Ohio medical university, any community college under Chapter 3354. of the Revised Code, any university branch district under Chapter 3355. of the Revised Code, any technical college under Chapter 3357. of the Revised Code, and any state community college under Chapter 3358. of the Revised Code.

The chancellor of higher education shall work with the attorney general, the auditor of state, and the Ohio ethics commission to develop a model for training members of the boards.
of trustees of all state universities and colleges and members of the board of regents regarding the authority and responsibilities of a board of trustees or the board of regents. This model shall include a review of fiduciary responsibilities, ethics, and fiscal management. Use of this model by members of boards of trustees and the board of regents shall be voluntary.

Sec. 3333.048. (A) Not later than one year after October 16, 2009, the chancellor of higher education and, in consultation with the superintendent of public instruction jointly, shall do the following:

(1) In accordance with Chapter 119. of the Revised Code, establish metrics and educator preparation programs for the preparation of educators and other school personnel and the institutions of higher education that are engaged in their preparation. The metrics and to be used in educator preparation programs shall be do all of the following:

   (2) Be aligned with the standards and qualifications for educator licenses adopted by the state board of education under section 3319.22 of the Revised Code and the requirements of the Ohio teacher residency program established under section 3319.223 of the Revised Code. The metrics and educator preparation programs also shall ensure:

        (2) Ensure that educators and other school personnel are adequately prepared to use the value-added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code.

(2) Provide for the inspection of institutions of higher education desiring to prepare educators and other school personnel.
(3) Ensure that all educators complete coursework in evidence-based strategies for effective literacy instruction aligned to the science of reading, which includes phonics, phonemic awareness, fluency comprehension, and vocabulary development, and is part of a structured literacy program;

(4) Ensure that clinical preparation for all educators who are responsible for teaching reading only occur in the classrooms where the local education agency has verified that the practicing teachers have training in literacy instruction strategies aligned to the science of reading, use instructional materials aligned to the science of reading from the list established under section 3313.6028 of the Revised Code, and actively implement a structured literacy approach.

(B) Not later than one year after October 16, 2009, the chancellor shall approve institutions of higher education engaged in the preparation of educators and other school personnel that maintain satisfactory training procedures and records of performance, as determined by the The chancellor shall do all of the following:

(1) Develop an auditing process that clearly documents the degree to which every educator preparation program at an institution of higher education is effectively teaching the science of reading as follows:

(a) By December 31, 2023, complete an initial survey of educator preparation programs, establish metrics for the audits, and update standards to reflect new requirements;

(b) Grant a one-year grace period for all institutions to meet new standards and requirements under this section to begin on January 1, 2024;

(c) On January 1, 2025, begin conducting audits of each institution that offers educator preparation programs.
The chancellor shall revoke approval for programs that are found to be not in alignment and do not address the findings of the audit within a year. All programs shall be reviewed every four years thereafter to ensure continued alignment.

(2) Annually create a summary of literacy instruction strategies and practices in place for all educator preparation programs based on the program audits, including institution-level summaries, until all programs reach the required alignment specified in division (A)(3) of this section;

(3) In conjunction with the department of education, do all of the following:

(a) Publicly release the summaries with local education agencies not later than the thirty-first day of March of each year;

(b) Identify a list of approved vendors who can provide professional development experiences that are consistent with the science of reading to educators who are responsible for teaching reading, including faculty in educator preparation programs;

(c) Develop a public dashboard that reports the first-time passage rates of students, by institution, on the foundations of reading licensure test.

(C) If the metrics established under division (A)(1)(A) of this section require an institution of higher education that prepares teachers to satisfy the standards of an independent accreditation organization, the chancellor shall permit each institution to satisfy the standards of any applicable national educator preparation accrediting agency recognized by the United States department of education.

(D) The metrics and educator preparation programs established under division (A)(1)(A) of this section may require an institution of higher education, as a condition of approval by the
chancellor, to make changes in the curricula of its preparation programs for educators and other school personnel.

Notwithstanding division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, any metrics, educator preparation programs, rules, and regulations, or any amendment or rescission of such metrics, educator preparation programs, rules, and regulations, adopted under this section that necessitate institutions offering preparation programs for educators and other school personnel approved by the chancellor to revise the curricula of those programs shall not be effective for at least one year after the first day of January next succeeding the publication of the said change.

Each institution shall allocate money from its existing revenue sources to pay the cost of making the curricular changes.

(E) The chancellor shall notify the state board of the metrics and educator preparation programs established under division (A)(1)(A) of this section and the institutions of higher education approved under division (B) of this section. The state board shall publish the metrics, and educator preparation programs, and approved institutions with the standards and qualifications for each type of educator license.

(F) The graduates of educator preparation programs approved by the chancellor shall be licensed by the state board in accordance with the standards and qualifications adopted under section 3319.22 of the Revised Code.

Sec. 3333.122.  (A)(1) As used in this section:

(a) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(b) "Private university or college" means a private, nonprofit institution in this state holding a certificate of
authorization pursuant to Chapter 1713. of the Revised Code.

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(c) "Private career college" means either a career college in this state that holds a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code.

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(2) The chancellor of higher education shall adopt rules to carry out this section and as authorized under section 3333.123 of the Revised Code. The rules shall include definitions of the terms "resident," "expected family contribution," "full-time student," "three-quarters-time student," "half-time student," "one-quarter-time student," "state cost of attendance," and "accredited" for the purpose of those sections.

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(B) Only an Ohio resident who meets both of the following is eligible for a grant awarded under this section:

(1) The resident first enrolls as follows:

(a) Prior to the 2023-2024 academic year and has an expected family contribution, or the equivalent according to a different measure of student financial need established under federal law, of two thousand one hundred ninety dollars or less;

(b) For the 2023-2024 academic year or any academic year thereafter and has an expected family contribution, or the equivalent according to a different measure of student financial need established under federal law, of ten thousand dollars or less.

(2) The resident enrolls in one of the following:

(a) An undergraduate program, or a nursing diploma program approved by the board of nursing under section 4723.06 of the
Revised Code, at a state-assisted state institution of higher education, as defined in section 3345.12 of the Revised Code, if the resident first enrolls prior to the 2023-2024 academic year, or at the main campus of a state university if the resident first enrolls in the 2023-2024 academic year or any academic year thereafter, that meets the requirements of Title VI of the Civil Rights Act of 1964;

(b) An undergraduate program, or a nursing diploma program approved by the board of nursing under section 4723.06 of the Revised Code, at a private, nonprofit institution university or college in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(c) An undergraduate program, or a nursing diploma program approved by the board of nursing under section 4723.06 of the Revised Code, at a private career college in this state that holds a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code or at a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code.

(d) A comprehensive transition and postsecondary program that is certified by the United States department of education. For purposes of this section, a "comprehensive transition and postsecondary program" means a degree, certificate, or non-degree program that is designed to support persons with intellectual disabilities who are receiving academic, career, technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment as defined in 20 U.S.C. 1140.

(C)(1) The chancellor shall establish and administer a needs-based financial aid grants program based on the United
States department of education's method of determining financial need. The program shall be known as the Ohio college opportunity grant program. The general assembly shall support the needs-based financial aid program by such sums and in such manner as it may provide, but the chancellor also may receive funds from other sources to support the program. If, for any academic year, the amounts available for support of the program are inadequate to provide grants to all eligible students, the chancellor shall do one of the following:

(a) Give preference in the payment of grants based upon expected family contribution or a different measure of student financial need established under federal law, beginning with the lowest expected family contribution category neediest students based on federal criteria and proceeding upward by category to the highest expected family contribution category those students with less need;

(b) Proportionately reduce the amount of each grant to be awarded for the academic year under this section;

(c) Use an alternate formula for such grants that addresses the shortage of available funds and has been submitted to and approved by the controlling board.

(2) The needs-based financial aid grant shall be paid to the eligible student through the institution in which the student is enrolled, except that no needs-based financial aid grant shall be paid to any person serving a term of imprisonment. Applications for the grants shall be made as prescribed by the chancellor, and such applications may be made in conjunction with and upon the basis of information provided in conjunction with student assistance programs funded by agencies of the United States government or from financial resources of the institution of higher education. The institution shall certify that the student applicant meets the requirements set forth in division (B) of this
section. Needs-based financial aid grants shall be provided to an eligible student only as long as the student is making appropriate progress toward a nursing diploma, an associate or bachelor's degree, or completion of a comprehensive transition and postsecondary program. No student shall be eligible to receive a grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years. A grant made to an eligible student on the basis of less than full-time enrollment shall be based on the number of credit hours for which the student is enrolled and shall be computed in accordance with a formula adopted by rule issued by the chancellor. No student shall receive more than one grant on the basis of less than full-time enrollment.

(D)(1) Except as provided in divisions (D)(4) and (5) of this section, no grant awarded under this section shall exceed the total state cost of attendance.

(D)(2)(a) Subject to divisions (D)(1), (3), (4), and (5) of this section, for students who first enroll prior to the 2023-2024 academic year, the chancellor shall determine the maximum per student award amount for each institutional sector by subtracting the sum of the maximum Pell grant and maximum expected family contribution amounts, as determined by the chancellor, from the average instructional and general fees charged by the institutional sector. The

(b) Subject to divisions (D)(1), (3), (4) and (5) of this section, a student who first enrolls in the 2023-2024 academic year shall receive the following award amount for each fiscal year for which the student receives a grant awarded under this section:

(i) For a student enrolled in the main campus of a state university, four thousand dollars;

(ii) For a student enrolled in a private university or
college, five thousand dollars;

(iii) For a student enrolled in a private career college, one thousand six hundred dollars.

(c) Subject to divisions (D)(1), (3), (4) and (5) of this section, a student who first enrolls in the 2024-2025 academic year or any academic year thereafter shall receive the following award amount for each fiscal year for which the student receives a grant awarded under this section:

(i) For a student enrolled in the main campus of a state university, six thousand dollars;

(ii) For a student enrolled in a private university or college, six thousand dollars;

(iii) For a student enrolled in a private career college, one thousand six hundred dollars.

The department of higher education shall publish on its web site an annual Ohio college opportunity award table. Except as provided for in section 3333.126 of the Revised Code, in no case shall the grant amount for such a student exceed any maximum that the chancellor may set by rule.

(3) For a student enrolled for a semester or quarter in addition to the portion of the academic year covered by a grant under this section, the maximum grant amount shall be a percentage of the maximum specified in any table established in rules adopted by the chancellor as provided in division (A) of this section. The maximum grant for a fourth quarter shall be one-third of the maximum amount so prescribed. The maximum grant for a third semester shall be one-half of the maximum amount so prescribed.

(4) If a student is enrolled in a two-year institution of higher education and is eligible for an education and training voucher through the Ohio education and training voucher program
that receives federal funding under the John H. Chafee foster care
independence program, 42 U.S.C. 677, the amount of a grant awarded
under this section may exceed the total state cost of attendance
to additionally cover housing costs.

(5) For a student who is receiving federal veterans' benefits
under the "All-Volunteer Force Educational Assistance Program," 38
U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance
Program," 38 U.S.C. 3301 et seq., or any successor program, the
amount of a grant awarded under this section shall be applied
toward the total state cost of attendance and the student's
housing costs and living expenses. Living expenses shall include
reasonable costs for room and board.

(E) No grant shall be made to any student in a course of
study in theology, religion, or other field of preparation for a
religious profession unless such course of study leads to an
accredited bachelor of arts, bachelor of science, associate of
arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section,
no grant shall be made to any student for enrollment during a
fiscal year in an institution with a cohort default rate
determined by the United States secretary of education pursuant to
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408,
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June
preceding the fiscal year, equal to or greater than thirty per
cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply in the
case of either of the following:

(a) The institution pursuant to federal law appeals its loss
of eligibility for federal financial aid and the United States
secretary of education determines its cohort default rate after
recalculation is lower than the rate specified in division (F)(1)
of this section or the secretary determines due to mitigating circumstances that the institution may continue to participate in federal financial aid programs. The chancellor shall adopt rules requiring any such appellant to provide information to the chancellor regarding an appeal.

(b) Any student who has previously received a grant pursuant to any provision of this section, including prior to the section's amendment by H.B. 1 of the 128th general assembly, effective July 17, 2009, and who meets all other eligibility requirements of this section.

(3) The chancellor shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F)(1) of this section.

(4) A student's attendance at any institution whose students are ineligible for grants due to division (F)(1) of this section shall not affect that student's eligibility to receive a grant when enrolled in another institution.

(G) Institutions of higher education that enroll students receiving needs-based financial aid grants under this section shall report to the chancellor all students who have received such needs-based financial aid grants but are no longer eligible for all or part of those grants and shall refund any moneys due the state within thirty days after the beginning of the quarter or term immediately following the quarter or term in which the student was no longer eligible to receive all or part of the student's grant. There shall be an interest charge of one per cent per month on all moneys due and payable after such thirty-day period. The chancellor shall immediately notify the office of budget and management and the legislative service commission of all refunds so received.

(H) Division (H) of this section applies to each state.
university, private university or college, and private career college that enrolls students receiving needs-based financial aid under this section.

No state university, private university or college, or private career college shall make any change to its scholarship or financial aid programs with the goal or net effect of shifting the cost burden of those programs to the Ohio college opportunity grant program.

Each state university, private university or college, and private career college shall provide at least the same level of needs-based financial aid to its students as it provided in the immediately prior academic year in terms of either the aggregate aid to all students or on a per student basis. The chancellor may grant a university, college, or career college a temporary waiver from that requirement if the chancellor determines exceptional circumstances make it necessary. The chancellor shall determine the terms of the waiver.

Sec. 3333.127. (A) As used in this section:

(1) "Cost of attendance" has the same meaning as in 20 U.S.C. 108711.

(2) "Eligible student" means a student to whom all of the following apply:

(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code.

(b) The student has not attained a bachelor's degree from a qualifying institution or an institution of higher education in another state prior to applying for a grant under this section.

(c) The student, while in good standing, disenrolled from a qualifying institution and did not transfer to a qualifying
institution or an institution of higher education in another state in
the two semesters or eight months immediately following the
student's disenrollment. For the purposes of this division, "good
standing" includes being in good academic standing and not having
a record of disciplinary issues, including being suspended or
expelled from the qualifying institution.

Qualifying institutions that do not use a semester calendar
shall use eight months as the metric for determining a student's
disenrollment period.

(d) Subject to division (A)(2)(c) of this section, the
student enrolls in a qualifying institution within five ten years
of disenrolling from the qualifying institution.

(e) The student is not enrolled in the college credit plus
program established under Chapter 3365. of the Revised Code.

(f) The student meets any other eligibility criteria
determined necessary by the chancellor.

(3) "Qualifying institution" means any of the following:

(a) A state institution of higher education, as defined in
section 3345.011 of the Revised Code;

(b) A private nonprofit institution of higher education that
holds a certificate of authorization pursuant to Chapter 1713. of
the Revised Code;

(c) An institution with a certificate of registration from
the state board of career colleges and schools under Chapter 3332.
of the Revised Code;

(d) A private institution exempt from regulation under
Chapter 3332. of the Revised Code as prescribed in section
3333.046 of the Revised Code;

(e) An Ohio technical center, as defined in section 3333.94
of the Revised Code.
(B) The chancellor shall establish the second chance grant program. Under the program, the chancellor shall award a one-time grant of not more than two thousand dollars per academic year to each eligible student approved to participate in the program. The chancellor may award a grant to a student for each academic year until the student completes the degree, if the chancellor, in consultation with a qualifying institution, determines that subsequent awards beyond the first are an essential element of student success and degree completion.

(C) Eligible students shall apply to participate in the program in a form and manner prescribed by the chancellor. The chancellor shall approve each applicant who is enrolled in a qualifying institution and who has a cost of attendance remaining for the academic year in which the application is approved after all other financial aid for which that applicant qualifies has been applied to the applicant's account at the institution. The chancellor shall approve applications in the order in which they are received.

(D) The chancellor shall pay grants to the qualifying institution in which a participant is enrolled in the academic year in which the participant's application is approved. The qualifying institution shall apply the grant to a participant's cost of attendance for that academic year. If any amount of the grant remains after it is applied to the participant's cost of attendance for that year, the qualifying institution shall apply that remaining amount to the participant's cost of attendance for any other academic year in which the student is enrolled in the institution. The qualifying institution shall return to the chancellor any grant amount remaining after a participant graduates or disenrolls from the institution.

(E) In each academic year, the chancellor shall submit to the general assembly, in accordance with section 101.68 of the Revised
Code, a report that contains all of the following:

(1) The number of eligible students participating in the program who received a grant in that academic year;  
(2) The qualifying institutions from which the participants disenrolled, as described in division (A)(2)(c) of this section;  
(3) The types of academic programs in which the participants were enrolled prior to disenrolling from qualifying institutions;  
(4) The types of academic programs in which participants were enrolled when they received grants under the program;  
(5) Information regarding how the grants were used;  
(6) If the participant completed a degree program with the grant.  

(F) The second chance grant program fund is hereby created in the state treasury, to consist of such amounts designated for the purposes of the fund by the general assembly. The fund shall be administered by the chancellor and shall be used to pay grants under the program established under this section. The fund also may be used by the chancellor to implement and administer the second chance grant program.  

(G) The chancellor shall adopt rules to administer the program.  

Sec. 3333.16. (A) As used in this section:  

(1) "State institution of higher education" means an institution of higher education as defined in section 3345.12 of the Revised Code.  
(2) "State university" has the same meaning as in section 3345.011 of the Revised Code.  

(B) The chancellor of higher education shall do all of the following:
(1) Establish policies and procedures applicable to all state institutions of higher education that ensure that students can begin higher education at any state institution of higher education and transfer coursework and degrees to any other state institution of higher education without unnecessary duplication or institutional barriers. The purpose of this requirement is to allow students to attain their highest educational aspirations in the most efficient and effective manner for the students and the state. These policies and procedures shall require state institutions of higher education to make changes or modifications, as needed, to strengthen course content so as to ensure equivalency for that course at any state institution of higher education.

(2) Develop and implement a universal course equivalency classification system for state institutions of higher education so that the transfer of students and the transfer and articulation of equivalent courses or specified learning modules or units completed by students are not inhibited by inconsistent judgment about the application of transfer credits. Coursework completed within such a system at one state institution of higher education and transferred to another institution shall be applied to the student's degree objective in the same manner as equivalent coursework completed at the receiving institution.

(3) Develop an electronic equivalency management tool to assist in the transfer of coursework and degrees between state institutions of higher education without unnecessary duplication or institutional barriers, to help minimize inconsistent judgment about the application of transfer credits, and to assist in allowing transfer credits to be applied to a student's degree objective in the same manner at each state institution of higher education. The electronic equivalency management tool shall include the universal documentation of course and program...
equivalencies statewide. Additionally, the electronic equivalency management tool shall be incorporated into a web site.

(4) Develop a system of transfer policies that ensure that graduates with associate degrees which include completion of approved transfer modules shall be admitted to a state institution of higher education, shall be able to compete for admission to specific programs on the same basis as students native to the institution, and shall have priority over out-of-state associate degree graduates and transfer students. To assist a student in advising and transferring, all state institutions of higher education shall fully implement the information system for advising and transferring selected by, contracted for, or developed by the chancellor.

(5) Examine the feasibility of developing a transfer marketing agenda that includes materials and interactive technology to inform the citizens of Ohio about the availability of transfer options at state institutions of higher education and to encourage adults to return to colleges and universities for additional education;

(6) Study, in consultation with the state board of career colleges and schools, and in light of existing criteria and any other criteria developed by the articulation and transfer advisory council, the feasibility of credit recognition and transferability to state institutions of higher education for graduates who have received associate degrees from a career college or school with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.

(C) All provisions of the existing articulation and transfer policy developed by the chancellor shall remain in effect except where amended by this section.

(D) Not later than December 1, 2018, the chancellor shall
update and implement the policies and procedures established pursuant to this section to ensure that any associate degree offered at a state institution of higher education may be transferred and applied to a bachelor degree program in an equivalent field at any other state institution of higher education without unnecessary duplication or institutional barriers. The policies and procedures shall ensure that each transferred associate degree applies to the student's degree objective in the same manner as equivalent coursework completed by the student at the receiving institution.

When updating and implementing the policies and procedures pursuant to this division, the chancellor shall seek input from faculty and academic leaders in each academic field or discipline.

(E) If a state university refuses to accept and grant credit for any general education coursework that is both completed at a different state institution of higher education and subject to the policies, procedures, or systems prescribed under division (B) of this section, the state university shall provide the student that did not receive college credit for the completed general education coursework information to utilize the institution's transfer appeal process and information to utilize the department of higher education's student complaint portal.

(F) The Ohio articulation and transfer network oversight board established by the chancellor shall conduct a study of current rules regarding the transfer of college credit between state institutions of higher education. Not later than one year after the effective date of this amendment, the board shall issue a report to the general assembly, in accordance with section 101.68 of the Revised Code, that includes the findings of the board's study, as well as any recommendations regarding changes to the rules.
Sec. 3333.24. (A) As used in this section:

(1) "Eligible student" means a student to whom all of the following apply:

(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code.

(b) The student has completed a free application for federal student aid for the year for which the grant is to be awarded.

(c) The student enrolls in a qualified program at a community, state community, or technical college.

(2) "Qualified program" means a credit or noncredit program that leads to an industry-recognized credential, certificate, or degree and prepares the student for a job that meets either of the following criteria:

(a) It is identified as an "in-demand" or "critical" job as determined by the office of workforce transformation.

(b) It is submitted by a community, state community, or technical college and will meet regional workforce needs, as approved by the chancellor.

(B) The chancellor of higher education shall establish the Ohio work ready grant program. Under the program, the chancellor shall award a grant of up to three thousand dollars to eligible students enrolled in a qualified program. Grant award amounts made to eligible students enrolled on either a full-time or part-time basis shall be computed in accordance with rules adopted by the chancellor. No student shall be eligible to receive a grant for more than six semesters or the equivalent of three academic years.

(C) Eligible students shall apply to participate in the program in a form and manner prescribed by the chancellor. The chancellor shall determine the form and manner of payments.
(D)(1) The program shall be funded in the sums and manner designated for such purpose by the general assembly, but the chancellor also may receive funds from other sources to support the program.

(2) If, for any academic year, the amounts available for support of the program are inadequate to provide grants to all eligible students, the chancellor may establish different grant amounts based on the number of applicants and the total amount of funds set aside for that purpose.

(E) The chancellor, in consultation with the providers of qualified programs, shall collect and report program metrics that include all of the following:

(1) Demographics of recipients, including:

(a) Age, disaggregated as follows:

(i) Twenty-four years and younger;

(ii) Twenty-five to thirty-four years;

(iii) Thirty-five to forty-nine years;

(iv) Fifty years and older.

(b) Gender;

(c) Race and ethnicity;

(d) Enrollment status as full- or part-time;

(e) Pell grant status.

(2) Success rates of recipients, including program retention and completion;

(3) Total number of industry-recognized credentials awarded, disaggregated by subject or program area.

Sec. 3333.26. (A) Any citizen of this state who has resided within the state for one year, who was in the active service of
the United States as a soldier, sailor, nurse, or marine between April 6, 1917 and November 11, 1918, and who has been honorably discharged from that service, shall be admitted to any school, college, or university that receives state funds in support thereof, without being required to pay any tuition or matriculation fee, but is not relieved from the payment of laboratory or similar fees.

(B)(1) As used in this section:

(a) "Volunteer firefighter" has the meaning as in division (B)(1) of section 146.01 of the Revised Code.

(b) "Public service officer" means an Ohio firefighter, volunteer firefighter, police officer, member of the state highway patrol, employee designated to exercise the powers of police officers pursuant to section 1545.13 of the Revised Code, or other peace officer as defined by division (B) of section 2935.01 of the Revised Code, or a person holding any equivalent position in another state.

(c) "Qualified former spouse" means the former spouse of a public service officer, or of a member of the armed services of the United States, who is the custodial parent of a minor child of that marriage pursuant to an order allocating the parental rights and responsibilities for care of the child issued pursuant to section 3109.04 of the Revised Code.

(d) "Operation enduring freedom" means that period of conflict which began October 7, 2001, and ends on a date declared by the president of the United States or the congress.

(e) "Operation Iraqi freedom" means that period of conflict which began March 20, 2003, and ends on a date declared by the president of the United States or the congress.

(f) "Combat zone" means an area that the president of the
United States by executive order designates, for purposes of 26 U.S.C. 112, as an area in which armed forces of the United States are or have engaged in combat.

(2) Subject to division (D) of this section, any resident of this state who is under twenty-six years of age, or under thirty years of age if the resident has been honorably discharged from the armed services of the United States, who is the child of a public service officer killed in the line of duty or of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level, or a certificate program as prescribed under division (E) of this section.

A child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom is eligible for a waiver of tuition and student fees under this division only if the student is not eligible for a war orphans and severely disabled veterans' children scholarship authorized by Chapter 5910. of the Revised Code. In any year in which the war orphans and severely disabled veterans' children scholarship board reduces the percentage of tuition covered by a war orphans and severely disabled veterans' children scholarship below one hundred per cent pursuant to division (A) of section 5910.04 of the Revised Code, the waiver of tuition and student fees under this division for a child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom shall be reduced by the same percentage.
(3) Subject to division (D) of this section, any resident of this state who is the spouse or qualified former spouse of a public service officer killed in the line of duty, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college, shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level, or a certificate program as prescribed under division (E) of this section.

(4) Any resident of this state who is the spouse or qualified former spouse of a member of the armed services of the United States killed in the line of duty while serving in a combat zone after May 7, 1975, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college, shall not be required to pay any tuition or any student fee for up to four years of academic education, which shall be at the undergraduate level, or a certificate program as prescribed under division (E) of this section. In order to qualify under division (B)(4) of this section, the spouse or qualified former spouse shall have been a resident of this state at the time the member was killed in the line of duty.

(C) Any institution that is not subject to division (B) of this section and that holds a valid certificate of registration issued under Chapter 3332. of the Revised Code, a valid certificate issued under Chapter 4709. of the Revised Code, or a valid license issued under Chapter 4713. of the Revised Code, or that is nonprofit and has a certificate of authorization issued under section 1713.02 of the Revised Code, or that is a private institution exempt from regulation under Chapter 3332. of the Revised Code, shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level, or a certificate program as prescribed under division (E) of this section.
Revised Code as prescribed in section 3333.046 of the Revised Code, which reduces tuition and student fees of a student who is eligible to attend an institution of higher education under the provisions of division (B) of this section by an amount indicated by the chancellor shall be eligible to receive a grant in that amount from the chancellor.

Each institution that enrolls students under division (B) of this section shall report to the chancellor, by the first day of July of each year, the number of students who were so enrolled and the average amount of all such tuition and student fees waived during the preceding year. The chancellor shall determine the average amount of all such tuition and student fees waived during the preceding year. The average amount of the tuition and student fees waived under division (B) of this section during the preceding year shall be the amount of grants that participating institutions shall receive under this division during the current year, but no grant under this division shall exceed the tuition and student fees due and payable by the student prior to the reduction referred to in this division. The grants shall be made for two certificate programs or four years of undergraduate education of an eligible student.

(D) Notwithstanding anything to the contrary in section 3333.31 of the Revised Code, for the purposes of divisions (B)(2) and (3) of this section, the child, spouse, or qualified former spouse of a public service officer or a member of the armed services of the United States killed in the line of duty shall be considered a resident of this state for the purposes of this section if the child, spouse, or qualified former spouse was a resident of this state at the time that the public service officer or member of the armed services was killed.

However, no child, spouse, or qualified former spouse of a public service officer or a member of the armed services of the
United States killed in the line of duty shall be required to be a resident of this state at the time the public service officer or member of the armed services of the United States was killed in order to receive benefits under divisions (B)(2) and (3) of this section.

(E) A child, spouse, or qualified former spouse of a public service officer or a member of the armed services killed in the line of duty shall receive benefits for a certificate program in accordance with division (B) or (C) of this section, except that a particular child, spouse, or qualified former spouse shall not receive benefits for:

(1) More than two certificate programs;
(2) A total number of academic credits or instructional hours equivalent to more than four academic years;
(3) For any particular academic year, an amount that is greater than eight thousand dollars.

Sec. 3333.28. (A) The chancellor of higher education shall establish the nurse education assistance program, the purpose of which shall be to make loans to students enrolled in prelicensure nurse education programs at institutions approved by the board of nursing under section 4723.06 of the Revised Code and postlicensure nurse education programs approved by the chancellor under section 3333.04 of the Revised Code or offered by an institution holding a certificate of authorization issued under Chapter 1713. of the Revised Code. The board of nursing shall assist the chancellor in administering the program.

(B) There is hereby created in the state treasury the nurse education assistance fund, which shall consist of all money transferred to it pursuant to section 4743.05 of the Revised Code. The fund shall be used by the chancellor for loans made under...
division (A) of this section and for expenses of administering the
loan program.

(C) Between July 1, 2005, and January 1, 2012, the chancellor
shall distribute money in the nurse education assistance fund in
the following manner:

(1)(a) Fifty per cent of available funds shall be awarded as
loans to registered nurses enrolled in postlicensure nurse
education programs described in division (A) of this section. To
be eligible for a loan, the applicant shall provide the chancellor
with a letter of intent to practice as a faculty member at a
prelicensure or postlicensure program for nursing in this state
upon completion of the applicant's academic program.

(b) If the borrower of a loan under division (C)(1)(a) of
this section secures employment as a faculty member of an approved
nursing education program in this state within six months
following graduation from an approved nurse education program, the
chancellor may forgive the principal and interest of the student's
loans received under division (C)(1)(a) of this section at a rate
of twenty-five per cent per year, for a maximum of four years, for
each year in which the borrower is so employed. A deferment of the
service obligation, and other conditions regarding the forgiveness
of loans may be granted as provided by the rules adopted under
division (D)(7) of this section.

(c) Loans awarded under division (C)(1)(a) of this section
shall be awarded on the basis of the student's expected family
contribution, with preference given to those applicants with the
lowest expected family contribution. However, the chancellor may
consider other factors the chancellor determines relevant in
ranking the applications.

(d) Each loan awarded to a student under division (C)(1)(a)
of this section shall be not less than five thousand dollars per
(2) Twenty-five per cent of available funds shall be awarded to students enrolled in prelicensure nurse education programs for registered nurses, as defined in section 4723.01 of the Revised Code.

(3) Twenty-five per cent of available funds shall be awarded to students enrolled in nurse education programs as determined by the chancellor, with preference given to programs aimed at increasing enrollment in an area of need.

After January 1, 2012, the chancellor shall determine the manner in which to distribute loans under this section.

(D) Subject to the requirements specified in division (C) of this section, the chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code establishing:

(1) Eligibility criteria for receipt of a loan;

(2) Loan application procedures;

(3) The amounts in which loans may be made and the total amount that may be loaned to an individual;

(4) The total amount of loans that can be made each year;

(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance;

(6) Interest and principal repayment schedules;

(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven;

(8) Conditions under which all or a portion of the principal and interest obligations incurred by an individual who is deployed on active duty outside of the state or who is the spouse of a person deployed on active duty outside of the state may be
deferred or forgiven.

(9) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession;

(10) Any other matters incidental to the operation of the program.

(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of loans awarded under division (C)(1)(a) of this section, or by the chancellor under the rule adopted under division (D)(7) of this section, in the case of other loans awarded under this section.

(F) The obligation to repay all or a portion of the principal and interest on a loan made under this section may be deferred or forgiven if the recipient of the loan meets the criteria for deferment or forgiveness established by the chancellor under the rule adopted under division (D)(8) of this section.

(G) The receipt of a loan under this section shall not affect a student's eligibility for assistance, or the amount of that assistance, granted under section 3333.12, 3333.122, 3333.22, 3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but the rules of the chancellor may provide for taking assistance received under those sections into consideration when determining a student's eligibility for a loan under this section.

(H) As used in this section, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.
(1) "Academic record" includes grade point average, high school and college transcript information, standardized assessment scores, scores on the end-of-course examinations prescribed under section 3301.0712 of the Revised Code, and any other measure of postsecondary readiness determined appropriate by the chancellor of higher education.

(2) "Postsecondary institution" means any of the following:

(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(b) A private nonprofit institution of higher education that holds a certificate of authorization under Chapter 1713. of the Revised Code;

(c) An Ohio technical center, as defined in section 3333.94 of the Revised Code.

(3) "School governing body" means the board of education of a city, local, exempted village, or joint vocational school district, the governing authority of a chartered nonpublic school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a STEM school established under Chapter 3326. of the Revised Code.

(B) The chancellor of higher education, in consultation with the superintendent of public instruction, shall establish a direct admissions pilot program to notify students enrolled in grade twelve at participating high schools about whether they meet the admissions criteria for participating postsecondary institutions.

Under the pilot program, the chancellor shall establish a process that uses a student's academic record to determine whether the student meets the admissions requirements. To the extent practicable, and in accordance with applicable law, the chancellor shall use using existing primary, secondary, and higher education student information systems to automate the process and use
information held by a participating student's high school to minimize the need for the student to provide any additional information.

The chancellor shall endeavor to implement the pilot program so that students graduating in the 2024-2025 school year may participate in the program.

(C) The chancellor may do any of the following:

(1) Establish eligibility requirements for students, school governing bodies, and postsecondary institutions who elect to participate in the pilot program;

(2) Consult with stakeholders and form advisory councils as necessary to design and operate the pilot program;

(3) Terminate the pilot program if the chancellor determines its operation is impracticable.

(D) A school governing body or postsecondary institution shall apply to participate in the pilot program in a form and manner prescribed by the chancellor. The chancellor shall approve the applications of school governing bodies or postsecondary institutions that meet any eligibility requirements established under division (C) of this section.

A participating school governing body may adopt a written policy authorizing any high school it operates to participate in the pilot program. Not later than ninety days after the adoption of the policy, the school governing body shall transmit an electronic copy of the policy to the chancellor and the state superintendent.

A participating school governing body shall develop a procedure to determine whether a student who wants to participate in the pilot program meets any eligibility requirements established under division (C) of this section.
At least once each school year, the chancellor, in consultation with the state superintendent, shall issue a report on the pilot program. The chancellor shall set a deadline for the report's issuance. The report shall include information about the number of students who participate in the program. The report also shall evaluate, to the extent practicable, the impact of the program on postsecondary outcomes for students from populations traditionally underserved in higher education.

The chancellor shall submit the report to the governor, the president of the senate, and the speaker of the house of representatives.

(F) No student, school governing body, or postsecondary institution shall be required to participate in the pilot program.

Sec. 3333.375. (A)(1) There are hereby created the Ohio outstanding scholarship and the Ohio priority needs fellowship programs payment funds, which shall be in the custody of the treasurer of state, but shall not be a part of the state treasury.

(2) The payment funds shall consist solely of all moneys returned to the treasurer of state, as issuer of certain tax-exempt student loan revenue bonds, from all indentures of trust, both presently existing and future, created as a result of tax-exempt student loan revenue bonds issued under Chapter 3366 of the Revised Code, and any moneys earned from allowable investments of the payment funds under division (B) of this section.

(3) Except as provided in division (E) of this section, the payment funds shall be used solely for scholarship and fellowships awarded under sections 3333.37 to 3333.375 of the Revised Code by the chancellor of higher education and for any necessary administrative expenses incurred by the chancellor in administering the scholarship and fellowship programs.
(B) The treasurer of state may invest any moneys in the
payment funds not currently needed for scholarship and fellowship
payments in any kind of investments in which moneys of the public
employees retirement system may be invested under Chapter 145. of
the Revised Code.

(C)(1) The instruments of title of all investments shall be
delivered to the treasurer of state or to a qualified trustee
designated by the treasurer of state as provided in section 135.18
of the Revised Code.

(2) The treasurer of state shall collect both principal and
investment earnings on all investments as they become due and pay
them into the payment funds.

(3) All deposits to the payment funds shall be made in public
depositories of this state and secured as provided in section
135.18 of the Revised Code.

(D) On or before March 1, 2001, and on or before the first
day of March in each subsequent year, the treasurer of state shall
provide to the chancellor a statement indicating the moneys in the
Ohio outstanding scholarship and the Ohio priority needs
fellowship programs payment funds that are available for the
upcoming academic year to award scholarships and fellowships under
sections 3333.37 to 3333.375 of the Revised Code.

(E) The chancellor may use funds the treasurer has indicated
as available pursuant to division (D) of this section to support
distribution of state need-based financial aid in accordance with
sections 3333.12 and section 3333.122 of the Revised Code.

Sec. 3333.38. (A) As used in this section:

(1) "Institution of higher education" includes all of the
following:

(a) A state institution of higher education, as defined in
section 3345.011 of the Revised Code;

(b) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;

(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;

(d) An institution of higher education with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.

(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.122, 3333.21, 3333.26, 3333.28, 3333.372, 3333.391, 5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an award under the choose Ohio first scholarship program established under section 3333.61 of the Revised Code, or financed by an award under the Ohio co-op/internship program established under section 3333.72 of the Revised Code, and any other post-secondary student financial assistance supported by state funds.

(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:

(1) A violation of section 2917.02 or 2917.03 of the Revised Code;

(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree;

(3) A violation of section 2917.13 of the Revised Code that is a misdemeanor of the fourth or first degree and occurs within
the proximate area where four or more others are acting in a
course of conduct in violation of section 2917.11 of the Revised
Code.

(C) If an individual is convicted of, pleads guilty to, or is
adjudicated a delinquent child for committing a violation of
section 2917.02 or 2917.03 of the Revised Code, and if the
individual is enrolled in a state-supported institution of higher
education, the institution in which the individual is enrolled
shall immediately dismiss the individual. No state-supported
institution of higher education shall admit an individual of that
nature for one academic year after the individual applies for
admission to a state-supported institution of higher education.
This division does not limit or affect the ability of a
state-supported institution of higher education to suspend or
otherwise discipline its students.

Sec. 3333.393. (A) As used in this section and in section
3333.394 of the Revised Code:

(1) "Academic year" shall be as defined by the chancellor of
higher education.

(2) "Parent" means the parent, guardian, or custodian of a
qualified student as described by this section.

(3) "Qualified service" means teaching at a qualifying
school.

(4) "Qualifying school" means a school district building
identified as "high need" by the chancellor and meets both of the
following conditions:

(a) The school building has difficulty attracting and
retaining classroom teachers who hold a valid educator license
issued under section 3319.22 of the Revised Code;

(b) The school is operated by the same school district from
which the recipient of a scholarship graduated from high school or was employed.

(5) "Qualifying employee" means an individual employed at a qualifying school and who either holds an educational aide permit or educational paraprofessional license issued under section 3319.088 or a substitute license under section 3319.226 of the Revised Code.

(B) The grow your own teacher college scholarship program is hereby established. Under the program, the chancellor of higher education, in conjunction with the department of education, shall award scholarships to the following:

(1) Low-income high school seniors who commit to teaching in a qualifying school for a minimum of four years upon graduation from a teacher training program at a state institution of higher education or an Ohio nonprofit institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code.

(2) Qualifying employees who commit to teaching in a qualifying school for a minimum of four years upon graduation from a teacher training program at a state institution of higher education or an Ohio nonprofit institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code.

Each scholarship shall be awarded for up to four academic years and shall not exceed $7,500 for each academic year.

(C) The department and the chancellor shall develop an application process for awarding scholarships under the program. The department and the chancellor also shall appoint a highly qualified and diverse application committee to assist in the selection of scholarship recipients.

(D)(1) Scholarships shall be awarded to students under
division (B)(1) of this section who meet both of the following conditions:

(a) Received a high school diploma or honors diploma under section 3313.61 of the Revised Code;

(b) Commit to completing the four-year teaching obligation within not more than six years after graduating from the teacher training program.

(2) Scholarships shall be awarded to qualifying employees under division (B)(2) of this section who commit to completing the four-year teaching obligation within not more than six years after graduating from the teacher training program. Qualifying employees shall be permitted to complete coursework associated with a teacher training program on evenings or weekends as necessary while maintaining employment at a qualifying school.

(E) A teacher training program, in consultation with the department of education, may grant credit to a qualifying employee who has commensurate work experience at a qualifying school under this section for completion of a teacher training program.

(F) The chancellor shall require that all applicants to the grow your own teacher program file a statement of service status in compliance with section 3345.32 of the Revised Code, if applicable, and that all applicants have not been convicted of, plead guilty to, or adjudicated a delinquent child for any violation listed in section 3333.38 of the Revised Code.

(G) Recipients shall complete the four-year teaching commitment within not more than six years after graduating from the teacher training program. Failure to fulfill the commitment shall convert the scholarship into a loan to be repaid under section 3333.394 of the Revised Code.
scholarship under the grow your own teacher program under section 3333.393 of the Revised Code shall sign a promissory note payable to the state in the event the recipient does not satisfy the service requirement under division (G) of section 3333.393 of the Revised Code or the scholarship is terminated. The amount payable under the note shall be the amount of total scholarships accepted by the recipient under the program.

(2) Each recipient shall be awarded an amount of up to $7,500 at the beginning of each school year in which the recipient begins or maintains qualifying employment as defined in section 3333.393 of the Revised Code. Upon completion of that school year, the amount the recipient received at the beginning of the year shall be forgiven. An individual may receive an award under this division for up to four years.

(3) Failure to complete a full school year of employment converts the award made under division (A)(1) of this section into a loan to be repaid. The loan to be repaid shall be the amount of the award made at the beginning of that school year.

(4) An award made under this division shall not exceed $7,500 in each school year. The total amount awarded to an individual under this section and section 3333.393 of the Revised Code shall not exceed the total cost of a qualifying employee's loans for a teacher training program.

(B)(1) As specified in division (A)(2) of this section, the amount of the annual award made under division (A) of this section shall be forgiven following completion of one year of qualified employment by the recipient in accordance with division (G) of section 3333.393 of the Revised Code.

(2) An award also shall be forgiven in the event that a recipient dies, becomes totally and permanently disabled, or is unable to complete the required qualified service as a result of a
reduction in force at the recipient's school of employment before the end of the academic year.

(C) The scholarship shall be deemed terminated upon the recipient's separation from employment at a qualifying school or the recipient's failure to meet the standards of the scholarship as determined by the department and the chancellor and shall be converted to a loan to be repaid under division (A) of this section.

(D) The chancellor and the attorney general shall collect payments on the converted loan in accordance with section 131.02 of the Revised Code, but shall not charge an interest rate on such payments.

Sec. 3333.70. (A) The director chancellor of higher education shall establish and administer the Ohio higher education innovation grant program to promote educational excellence and economic efficiency throughout the state in order to stabilize or reduce student tuition rates at institutions of higher education. Under the program, the director chancellor shall award grants to state institutions of higher education, as defined in section 3345.011 of the Revised Code, and private nonprofit institutions for innovative projects that incorporate academic achievement and economic efficiencies. State institutions of higher education and private nonprofit institutions may apply for grants and initiate collaboration with other institutions of higher education, either public or private, on such projects.

(B) The director chancellor shall adopt rules to administer the program including, but not limited to, requirements that each grant application provides for all of the following:

(1) A system by which to measure academic achievement and reductions in expenditures, both in funding and administration;
Demonstration of how the project will be sustained beyond the grant period and continue to provide substantial value and lasting impact;

(3) Proof of commitment from all parties responsible for the implementation of the project;

(4) Implementation of an ongoing evaluation process and improvement plans, as necessary.

(C) As used in this section, "private nonprofit institution" means a nonprofit institution in this state that has a certificate of authorization pursuant to Chapter 1713. of the Revised Code.

Sec. 3345.027. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) A state institution of higher education, as defined in section 3345.011 of the Revised Code, shall not withhold a student's official transcripts from a potential employer because the student owes money to the institution, provided the student has authorized the transcripts to be sent to the employer and the employer affirms to the institution that the transcripts are a prerequisite of employment.

(C)(1) Not later than December 1, 2023, the board of trustees of each state institution of higher education shall formally consider and adopt a resolution determining whether to end the practice of transcript withholding. Once adopted, each state institution shall submit a copy of the resolution to the chancellor of higher education.

(2) In adopting the resolution required under this division, each board of trustees shall consider and evaluate all of the following factors:

(a) The extent to which ending the practice of transcript
withholding will promote the state's post-secondary education attainment and workforce goals;

(b) The rate of collection on overdue balances resulting from the historical practice of transcript withholding, as documented by the attorney general;

(c) The extent to which ending the practice of transcript withholding will help students who have disenrolled from the state institution complete an education, whether at the same institution or another state institution.

If a board of trustees resolves to maintain the practice of transcript withholding, the board shall include in the resolution a summary of its evaluation of the factors contained in division (C)(2) of this section.

(3) Not later than January 1, 2024, the chancellor shall provide a copy of each resolution submitted under this division to the governor, the speaker of the house of representatives, and the president of the senate.

Sec. 3345.033. (A) As used in this section:

"Rule" includes the enactment of a new rule or the amendment or rescission of an existing rule.

"State institution of higher education" means a state university identified in section 3345.011 of the Revised Code, the northeast Ohio medical university, or a community college, state community college, or technical college.

(B) When a state institution of higher education adopts a rule, the state institution of higher education shall post the rule on its web site, and the director of the legislative service commission shall publish or cause publication of the rule in the register of Ohio and in any electronic Administrative Code published by or under contract with the director. The state
institution of higher education also electronically shall file a copy of the rule with the joint committee on agency rule review. The rule is not subject to review by the joint committee. But the joint committee shall accommodate the rule to the rule watch system.

(C) A state institution of higher education shall maintain the posting of its rules on its web site, and periodically shall verify the posting. A state institution of higher education is not entitled to rely on a rule that is not currently posted on its web site.

(D) A rule posted on a state institution of higher education's web site in accordance with this section is not subject to review by the joint committee on agency rule review. Such a rule is not subject to section 111.15 or 119.03 of the Revised Code unless the law requiring or permitting the rule to be adopted requires the rule to be adopted under either section.

Sec. 3345.10. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) Each state institution of higher education shall establish competitive bidding procedures for the purchase of printed material and shall award all contracts for the purchase of printed material in accordance with those procedures. The procedures shall require the institution to evaluate all bids received for all contracts for the purchase of printed material in accordance with the criteria and procedures established pursuant to divisions (C)(1)(B)(1) and (2) of section 125.09 of the Revised Code for determining whether bidders will produce the printed material at manufacturing facilities within this state or in accordance with the criteria and procedures established pursuant to division (C)(4)(B)(4) or (5) of that section for determining
whether bidders are otherwise qualified.

An institution shall select, in accordance with the procedures it establishes under this section, a bid from among bidders that fulfill the criteria specified in the applicable divisions of section 125.09 of the Revised Code where sufficient competition can be generated within this state to ensure that compliance with this requirement will not result in paying an excessive price or acquiring a disproportionately inferior product. If there are two or more bids from among those bidders, it shall be deemed that there is sufficient competition to prevent paying an excessive price or acquiring a disproportionately inferior product.

Sec. 3345.14. (A) As used in this section, "state college or university" means any state university or college defined in division (A)(1) of section 3345.12 of the Revised Code, and any other institution of higher education defined in division (A)(2) of that section.

(B) All rights to and interests in discoveries, inventions, or patents which result from research or investigation conducted in any experiment station, bureau, laboratory, research facility, or other facility of any state college or university, or by employees of any state college or university acting within the scope of their employment or with funding, equipment, or infrastructure provided by or through any state college or university, shall be the sole property of that college or university. No person, firm, association, corporation, or governmental agency which uses the facilities of such college or university in connection with such research or investigation and no faculty member, employee, or student of such college or university participating in or making such discoveries or inventions, shall have any rights to or interests in such
discoveries or inventions, including income therefrom, except as may, by determination of the board of trustees of such college or university, be assigned, licensed, transferred, or paid to such persons or entities in accordance with division (C) of this section or in accordance with rules adopted under division (D) of this section.

(C) As may be determined from time to time by the board of trustees of any state college or university, the college or university may retain, assign, license, transfer, sell, or otherwise dispose of, in whole or in part and upon such terms as the board of trustees may direct, any and all rights to, interests in, or income from any such discoveries, inventions, or patents which the college or university owns or may acquire. Such dispositions may be to any individual, firm, association, corporation, or governmental agency, or to any faculty member, employee, or student of the college or university as the board of trustees may direct. Any and all income or proceeds derived or retained from such dispositions shall be applied to the general or special use of the college or university as determined by the board of trustees of such college or university.

(D)(1) Notwithstanding any provision of the Revised Code to the contrary, including but not limited to sections 102.03, 102.04, 2921.42, and 2921.43 of the Revised Code, the board of trustees of any state college or university shall adopt rules in accordance with section 111.15 of the Revised Code that set forth circumstances under which an employee of the college or university may solicit or accept, and under which a person may give or promise to give to such an employee, a financial interest in any firm, corporation, or other association to which the board has assigned, licensed, transferred, or sold the college or university's interests in its intellectual property, including discoveries or inventions made or created by that employee or in
(2) Rules established under division (D)(1) of this section shall include the following:

(a) A requirement that each college or university employee disclose to the college or university board of trustees any financial interest the employee holds in a firm, corporation, or other association as described in division (D)(1) of this section;

(b) A requirement that all disclosures made under division (D)(2)(a) of this section are reviewed by officials designated by the college or university board of trustees. The officials designated under this division shall determine the information that shall be disclosed and safeguards that shall be applied in order to manage, reduce, or eliminate any actual or potential conflict of interest.

(c) A requirement that in implementing division (D) of this section all members of the college or university board of trustees shall be governed by Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code.

(d) Guidelines to ensure that any financial interest held by any employee of the college or university does not result in misuse of the students, employees, or resources of the college or university for the benefit of the firm, corporation, or other association in which such interest is held or does not otherwise interfere with the duties and responsibilities of the employee who holds such an interest.

(3) Rules established under division (D)(1) of this section may include other provisions at the discretion of the college or university board of trustees.

(E) Notwithstanding division (D) of this section, the Ohio ethics commission retains authority to provide assistance to a college or university board of trustees in the implementation of
division (D)(2) of this section and to address any matter that is outside the scope of the exception to division (B) of this section as set forth in division (D) of this section or as set forth in rules established under division (D) of this section.

Sec. 3345.32. (A) As used in this section:

(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code and the northeast Ohio medical university.

(2) "Resident" has the meaning specified by rule of the chancellor of higher education.

(3) "Statement of selective service status" means a statement certifying one of the following:

(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended;

(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons:

(i) The individual is under eighteen or over twenty-six years of age.

(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit.

(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a)(15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended.

(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific
Islands or the Northern Mariana Islands.

(4) "Institution of higher education" means any eligible institution approved by the United States department of education pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as amended, or any institution whose students are eligible for financial assistance under any of the programs described by division (E) of this section.

(B) The chancellor shall, by rule, specify the form of statements of selective service status to be filed in compliance with divisions (C) to (E) of this section. Each statement of selective service status shall contain a section wherein a male student born after December 31, 1959, certifies that the student has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended. For those students not required to register with the selective service, as specified in divisions (A)(2)(b)(i) to (iv) of this section, a section shall be provided on the statement of selective service status for the certification of nonregistration and for an explanation of the reason for the exemption. The chancellor may require that such statements be accompanied by documentation specified by rule of the chancellor.

(C) A state university or college that enrolls in any course, class, or program a male student born after December 31, 1959, who has not filed a statement of selective service status with the university or college shall, regardless of the student's residency, charge the student any tuition surcharge charged students who are not residents of this state.

(D) No male born after December 31, 1959, shall be eligible to receive any loan, grant, scholarship, or other financial assistance for educational expenses granted under section 3315.33, 3333.12, 3333.122, 3333.125, 3333.21, 3333.22, 3333.26, 3333.391, 5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an
award under the choose Ohio first scholarship program established under section 3333.61 of the Revised Code, or financed by an award under the Ohio co-op/internship program established under section 3333.72 of the Revised Code, unless that person has filed a statement of selective service status with that person's institution of higher education.

(E) If an institution of higher education receives a statement from an individual certifying that the individual has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended, or that the individual is exempt from registration for a reason other than that the individual is under eighteen years of age, the institution shall not require the individual to file any further statements. If it receives a statement certifying that the individual is not required to register because the individual is under eighteen years of age, the institution shall require the individual to file a new statement of selective service status each time the individual seeks to enroll for a new academic term or makes application for a new loan or loan guarantee or for any form of financial assistance for educational expenses, until it receives a statement certifying that the individual has registered with the selective service system or is exempt from registration for a reason other than that the individual is under eighteen years of age.

Sec. 3345.57. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) A state institution of higher education may establish a program under which an employee of the institution may donate that employee's accrued but unused paid leave to another employee of the institution who has no accrued but unused paid leave and who
has a critical need for it because of circumstances such as a serious illness or the serious illness of a member of the employee's immediate family. If a state institution of higher education establishes a leave donation program under this section, the institution shall adopt rules in accordance with section 111.15 of the Revised Code to provide for the administration of the program. These rules shall include, but not be limited to, provisions that identify the circumstances under which leave may be donated and that specify the amount, types, and value of leave that may be donated.

Sec. 3345.60. (A) As used in this section, "institution of higher education" includes all of the following:

(1) A state institution of higher education as defined in section 3345.011 of the Revised Code;

(2) A private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(3) A career college or school that holds a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code.

(B) Each institution of higher education shall do both of the following:

(1) Make explicitly clear on its web site that a student has a right to access a transcript for purposes of seeking employment regardless of whether that student owes an institutional debt;

(2) Post a list of resources available to students who owe an
in institutional debt, including payment plans, opportunities for settlement, and any other programs that work to prevent students from dropping out.

Sec. 3345.69. (A) As used in this section:

(1) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(2) "Board of trustees of a state institution of higher education" has the same meaning as in section 3345.61 of the Revised Code.

(B) The chairperson of the interuniversity council of Ohio and the secretary of the Ohio association of community colleges shall assist in coordinating the organization and operation of a committee to carry out this section. The committee shall be comprised of the presidents of the state institutions of higher education or their designees. The committee, in consultation with the Ohio facilities construction commission, shall develop guidelines for the board of trustees of each state institution of higher education to use in ensuring energy efficiency and conservation in on- and off-campus buildings. At a minimum, guidelines under this section shall do all of the following:

(1) Include a goal to reduce on- and off-campus building energy consumption by at least twenty per cent by 2014, using calendar year 2004 as the benchmark year, while recognizing the diverse nature and different energy demands and uses of such buildings and measures already taken to increase building energy efficiency and conservation;

(2) Prescribe minimum energy efficiency and conservation standards for any new, on- or off-campus capital improvement project with a construction cost of one hundred thousand dollars or more, which standards shall be based on general building type
and cost-effectiveness;

(3) Prescribe minimum energy efficiency and conservation standards for the leasing of an off-campus space of at least twenty-thousand square feet;

(4) Incorporate best practices into energy efficiency and conservation standards and plans;

(5) Provide that each board develop its own fifteen-year plan for phasing in energy efficiency and conservation projects;

(6) Provide that project impact assessments include the fiscal effects of energy efficiency and conservation recommendations and plans;

(7) Establish mechanisms for each board to report periodically to the committee on its progress relative to the guidelines.

(C) The board of trustees of a state institution of higher education shall adopt rules under section 111.15 of the Revised Code to carry out the guidelines established pursuant to division (B) of this section, including in the execution of the board's authority under sections 3345.62 to 3345.66 of the Revised Code.

Sec. 3354.121. (A)(1) Each community college district may acquire, by purchase, lease, lease-purchase, lease with option to purchase, or otherwise, construct, equip, furnish, reconstruct, alter, enlarge, remodel, renovate, rehabilitate, improve, maintain, repair, and operate, and lease to or from others, auxiliary facilities or education facilities, except housing and dining facilities, and may pay for the facilities out of available receipts of such district. To pay all or part of the costs of auxiliary facilities or education facilities, except housing and dining facilities, and any combination of them, and to refund obligations previously issued for such purpose, each community
college district may issue obligations in the manner provided by and subject to the applicable provisions of section 3345.12 of the Revised Code.

(2) A community college district that is located either within one mile of a four-year private, nonprofit institution of higher education in the state or within one-quarter mile of a facility that, on January 1, 2023, rented at least seventy-five rooms to students at such district, may acquire, by purchase, lease, lease-purchase, lease with option to purchase, or otherwise, construct, equip, furnish, reconstruct, alter, enlarge, remodel, renovate, rehabilitate, improve, maintain, repair, and operate, and lease to or from others, housing and dining facilities, and may pay for the facilities out of the available receipts of such district. To pay all or part of the costs of the housing and dining facilities, and to refund obligations previously issued for such purpose, the community college district may issue obligations in the manner provided by and subject to the applicable provisions of section 3345.12 of the Revised Code.

(B) Except as otherwise provided in this section, the definitions set forth in section 3345.12 of the Revised Code apply to this section.

(C) Fee variations provided for in division (G) of section 3354.09 of the Revised Code need not be applied to fees pledged to secure obligations.

(D) The obligations authorized by this section are not bonded indebtedness of the community college district, shall not constitute general obligations or the pledge of the full faith and credit of such district, and the holders or owners thereof shall have no right to require the board to levy or collect any taxes for the payment of bond service charges, but they shall have the right to payment thereof solely from the available receipts and funds pledged for such payment as authorized by section 3345.12 of the Revised Code.
the Revised Code and this section.

   The bond proceedings may provide the method whereby the general administrative overhead expense of the district shall be allocated among the several operations and facilities of the district for purposes of determining any operating and maintenance expenses payable from the pledged available receipts prior to the provision for payment of bond service charges, and for other purposes of the bond proceedings.

   (E) The powers granted in this section are in addition to any other powers at any time granted by the Constitution and laws of the state, and not in derogation thereof or restrictions thereon.

Sec. 3365.07. The department of education shall calculate and pay state funds to colleges for participants in the college credit plus program under division (B) of section 3365.06 of the Revised Code pursuant to this section. For a nonpublic secondary school participant, a nonchartered nonpublic secondary school participant, or a home-instructed participant, the department shall pay state funds pursuant to this section only if that participant is awarded funding according to rules adopted by the chancellor of higher education, in consultation with the superintendent of public instruction, pursuant to section 3365.071 of the Revised Code. The program shall be the sole mechanism by which state funds are paid to colleges for students to earn transcripted credit for college courses while enrolled in both a secondary school and a college, with the exception of state funds paid to colleges according to an agreement described in division (A)(1) of section 3365.02 of the Revised Code.

   (A) For each public or nonpublic secondary school participant enrolled in a public college:

   (1) If no agreement has been entered into under division (A)(2) of this section, both of the following shall apply:
(a) The department shall pay to the college the applicable amount as follows:

(i) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the lesser of the default ceiling amount or the college's standard rate;

(ii) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, the lesser of fifty per cent of the default ceiling amount or the college's standard rate;

(iii) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, the default floor amount.

(b) The participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments for each participant made by the department shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less. The chancellor may approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality. If no agreement is entered into under division (A)(2) of this section, both of the following shall apply:
(a) The department shall pay to the college the applicable default amounts prescribed by division (A)(1)(a) of this section, depending upon the method of delivery and instruction.

(b) In accordance with division (A)(1)(b) of this section, the participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(3) No participant that is enrolled in a public college shall be charged for any tuition, textbooks, or other fees related to participation in the program.

(B) For each public secondary school participant enrolled in a private college:

(1) If no agreement has been entered into under division (B)(2) of this section, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less.

If an agreement is entered into under division (B)(2) of this section, both of the following shall apply:

(a) The department shall make a payment to the college for each participant that is equal to the default floor amount, unless approved by the chancellor to pay an amount below the default floor amount. The chancellor may approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of
this chapter to ensure program quality.

(b) Payment for costs for the participant that exceed the amount paid by the department pursuant to division (B)(2)(a) of this section shall be negotiated by the school and the college. The agreement may include a stipulation permitting the charging of a participant.

However, under no circumstances shall:

(i) Payments for a participant made by the department under division (B)(2) of this section exceed the lesser of the default ceiling amount or the college's standard rate;

(ii) The amount charged to a participant under division (B)(2) of this section exceed the difference between the maximum per participant charge amount and the default floor amount;

(iii) The sum of the payments made by the department for a participant and the amount charged to that participant under division (B)(2) of this section exceed the following amounts, as applicable:

(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount;

(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars;

(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, one hundred dollars.

(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be
charged under division (B)(2) of this section for any tuition, textbooks, or other fees related to participation in the program.

(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the governing body of the nonpublic secondary school and the college.

However, under no circumstances shall:

(1) The payments for a participant made by the department under this division exceed the lesser of the default ceiling amount or the college's standard rate.

(2) Any nonpublic secondary school participant, who is enrolled in that secondary school with a scholarship awarded under either the educational choice scholarship pilot program, as prescribed by sections 3310.01 to 3310.17, or the pilot project scholarship program, as prescribed by sections 3313.974 to 3313.979 of the Revised Code, and who qualifies as a low-income student under either of those programs, be charged for any tuition, textbooks, or other fees related to participation in the college credit plus program.

(D) For each nonchartered nonpublic secondary school participant and each home-instructed participant enrolled in a public, private, or eligible out-of-state college, the department shall pay to the college the lesser of the default ceiling amount or the college's standard rate, if that participant is enrolled in a college course delivered on the college campus, at another location operated by the college, or online.

(E) Not later than thirty days after the end of each term, each college expecting to receive payment for the costs of a
participant under this section shall notify the department of the 47077
number of enrolled credit hours for each participant. 47078

(F) The department shall make the applicable payments under 47079
this section to each college, which provided proper notification 47080
to the department under division (E) of this section, for the 47081
number of enrolled credit hours for participants enrolled in the 47082
college under division (B) of section 3365.06 of the Revised Code. 47083
Except in cases involving incomplete participant information or a 47084
dispute of participant information, payments shall be made by the 47085
last day of January for participants who were enrolled during the 47086
fall term and by the last day of July for participants who were 47087
enrolled during the spring term. The department shall not make any 47088
payments to a college under this section if a participant withdrew 47089
from a course prior to the date on which a withdrawal from the 47090
course would have negatively affected the participant's 47091
transcribed grade, as prescribed by the college's established 47092
withdrawal policy.

(1) Payments made for public secondary school participants 47093
under this section shall be deducted as follows: 47094

(a) For a participant enrolled in a school district, from the 47095
school foundation payments made to the participant's school 47096
district. If the participant is enrolled in a joint vocational 47097
school district, a portion of the amount shall be deducted from 47098
the payments to the joint vocational school district and a portion 47099
shall be deducted from the payments to the participant's city, 47100
local, or exempted village school district in accordance with the 47101
full-time equivalency of the student's enrollment in each 47102
district.

(b) For a participant enrolled in a community school 47103
established under Chapter 3314. of the Revised Code, from the 47104
payments made to that school under section 3317.022 of the Revised 47105
Code; 47106
(c) For a participant enrolled in a STEM school, from the payments made to that school under section 3317.022 of the Revised Code;

(d) For a participant enrolled in a college-preparatory boarding school, from the payments made to that school under section 3328.34 of the Revised Code;

(e) For a participant enrolled in the state school for the deaf or the state school for the blind, from the amount paid to that school with funds appropriated by the general assembly for support of that school Ohio deaf and blind education services;

(f) For a participant enrolled in an institution operated by the department of youth services, from the amount paid to that institution with funds appropriated by the general assembly for support of that institution.

Amounts deducted under divisions (F)(1)(a) to (f) of this section shall be calculated in accordance with rules adopted by the chancellor, in consultation with the state superintendent, pursuant to division (B) of section 3365.071 of the Revised Code.

(2) Payments made for nonpublic secondary school participants, nonchartered nonpublic secondary school participants, and home-instructed participants under this section shall be deducted from moneys appropriated by the general assembly for such purpose. Payments shall be allocated and distributed in accordance with rules adopted by the chancellor, in consultation with the state superintendent, pursuant to division (A) of section 3365.071 of the Revised Code.

(G) Any public college that enrolls a student under division (B) of section 3365.06 of the Revised Code may include that student in the calculation used to determine its state share of instruction funds appropriated to the department of higher education by the general assembly.
Sec. 3365.131. One or more public or nonpublic colleges, in collaboration with one or more industry partners, may submit to the chancellor of higher education a proposal to establish a statewide innovative waiver pathway. Under a pathway established under this section, a student who does not otherwise meet traditional college readiness standards may participate in the college credit plus program. Upon completing a pathway, a student shall receive an industry-recognized credential or a certificate aligned with an in-demand job, as defined in section 3333.94 of the Revised Code.

The chancellor may approve a statewide innovative waiver pathway. Any public or nonpublic secondary school or public or nonpublic college may use an approved statewide innovative waiver pathway.

The chancellor, in consultation with the superintendent of public instruction, may adopt guidelines and procedures regarding statewide innovative waiver pathways.

Sec. 3375.41. When a board of library trustees appointed pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, or 3375.30 of the Revised Code determines to construct, demolish, alter, repair, or reconstruct a library or make any improvements or repairs, the cost of which will exceed fifty thousand dollars the amount specified in section 9.17 of the Revised Code, except in cases of urgent necessity or for the security and protection of library property, it shall proceed as follows:

(A) The board shall advertise for a period of two weeks for sealed bids in a newspaper of general circulation in the district or as provided in section 7.16 of the Revised Code. If no newspaper has a general circulation in the district, the board shall post the advertisement in three public places in the
district. The advertisement shall be entered in full by the fiscal officer on the record of proceedings of the board.

(B) The sealed bids shall be filed with the fiscal officer by twelve noon of the last day stated in the advertisement.

(C) The sealed bids shall be opened at the next meeting of the board, shall be publicly read by the fiscal officer, and shall be entered in full on the records of the board; provided that the board, by resolution, may provide for the public opening and reading of the bids by the fiscal officer, immediately after the time for their filing has expired, at the usual place of meeting of the board, and for the tabulation of the bids and a report of the tabulation to the board at its next meeting.

(D) Each sealed bid shall contain the name of every person interested in it and shall meet the requirements of section 153.54 of the Revised Code.

(E) When both labor and materials are embraced in the work bid for, the board may require that each be separately stated in the sealed bid, with their price, or may require that bids be submitted without the separation.

(F) None but the lowest responsible bid shall be accepted. The board may reject all the bids or accept any bid for both labor and material for the improvement or repair that is the lowest in the aggregate.

(G) The contract shall be between the board and the bidders. The board shall pay the contract price for the work in cash at the times and in the amounts as provided by sections 153.12, 153.13, and 153.14 of the Revised Code.

(H) When two or more bids are equal, in whole or in part, and are lower than any others, either may be accepted, but in no case shall the work be divided between these bidders.
(I) When there is reason to believe there is collusion or combination among the bidders, the bids of those concerned in the collusion or combination shall be rejected.

(J) No project subject to this section shall be divided into component parts, separate projects, or items of work in order to avoid the requirements of this section.

Sec. 3501.01. As used in the sections of the Revised Code relating to elections and political communications:

(A) "General election" means the election held on the first Tuesday after the first Monday in each November.

(B) "Regular municipal election" means the election held on the first Tuesday after the first Monday in November in each odd-numbered year.

(C) "Regular state election" means the election held on the first Tuesday after the first Monday in November in each even-numbered year.

(D) "Special election" means any election other than those elections defined in other divisions of this section. A special election may be held only on the first Tuesday after the first Monday in May or November, on the first Tuesday after the first Monday in August in accordance with section 3501.022 of the Revised Code, or on the day authorized by a particular municipal or county charter for the holding of a primary election, except that in any year in which a presidential primary election is held, no special election shall be held in May, except as authorized by a municipal or county charter, but may be held on the third Tuesday after the first Monday in March.

(E)(1) "Primary" or "primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing
persons as members of the controlling committees of political
parties and as delegates and alternates to the conventions of
political parties. Primary elections shall be held on the first
Tuesday after the first Monday in May of each year except in years
in which a presidential primary election is held.

(2) "Presidential primary election" means a primary election
as defined by division (E)(1) of this section at which an election
is held for the purpose of choosing delegates and alternates to
the national conventions of the major political parties pursuant
to section 3513.12 of the Revised Code. Unless otherwise
specified, presidential primary elections are included in
references to primary elections. In years in which a presidential
primary election is held, all primary elections shall be held on
the third Tuesday after the first Monday in March except as
otherwise authorized by a municipal or county charter.

(F) "Political party" means any group of voters meeting the
requirements set forth in section 3517.01 of the Revised Code for
the formation and existence of a political party.

(1) "Major political party" means any political party
organized under the laws of this state whose candidate for
governor or nominees for presidential electors received not less
than twenty per cent of the total vote cast for such office at the
most recent regular state election.

(2) "Minor political party" means any political party
organized under the laws of this state that meets either of the
following requirements:

(a) Except as otherwise provided in this division, the
political party's candidate for governor or nominees for
presidential electors received less than twenty per cent but not
less than three per cent of the total vote cast for such office at
the most recent regular state election. A political party that
meets the requirements of this division remains a political party
for a period of four years after meeting those requirements.

(b) The political party has filed with the secretary of state, subsequent to its failure to meet the requirements of division (F)(2)(a) of this section, a petition that meets the requirements of section 3517.01 of the Revised Code.

A newly formed political party shall be known as a minor political party until the time of the first election for governor or president which occurs not less than twelve months subsequent to the formation of such party, after which election the status of such party shall be determined by the vote for the office of governor or president.

(G) "Dominant party in a precinct" or "dominant political party in a precinct" means that political party whose candidate for election to the office of governor at the most recent regular state election at which a governor was elected received more votes than any other person received for election to that office in such precinct at such election.

(H) "Candidate" means any qualified person certified in accordance with the provisions of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, or any qualified person who claims to be a write-in candidate, or who knowingly assents to being represented as a write-in candidate by another at either a primary, general, or special election to be held in this state.

(I) "Independent candidate" means any candidate who claims not to be affiliated with a political party, and whose name has been certified on the office-type ballot at a general or special election through the filing of a statement of candidacy and nominating petition, as prescribed in section 3513.257 of the Revised Code.
(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judge of a municipal court, county court, or court of common pleas, for member of any board of education, for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices.

(K) "Party candidate" means any candidate who claims to be a member of a political party and who has been certified to appear on the office-type ballot at a general or special election as the nominee of a political party because the candidate has won the primary election of the candidate's party for the public office the candidate seeks, has been nominated under section 3517.012, or is selected by party committee in accordance with section 3513.31 of the Revised Code.

(L) "Officer of a political party" includes, but is not limited to, any member, elected or appointed, of a controlling committee, whether representing the territory of the state, a district therein, a county, township, a city, a ward, a precinct, or other territory, of a major or minor political party.

(M) "Question or issue" means any question or issue certified in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state.

(N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote.

(O) "Voter" means an elector who votes at an election.

(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.
(Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place.

(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.

(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.

(T) "Political subdivision" means a county, township, city, village, or school district.

(U) "Election officer" or "election official" means any of the following:

1. Secretary of state;
2. Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;
3. Director of a board of elections;
4. Deputy director of a board of elections;
5. Member of a board of elections;
6. Employees of a board of elections;
7. Precinct election officials;
8. Employees appointed by the boards of elections on a temporary or part-time basis.

(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who
wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.

(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.

(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health and addiction services, the department of developmental disabilities, the opportunities for Ohioans with disabilities agency, and any other agency the secretary of state designates. "Designated agency" does not include public high schools and vocational schools, public libraries, or the office of a county treasurer.


(AA)(1) "Photo identification" means one of the following
documents that includes the individual's name and photograph and is not expired:

(a) An Ohio driver's license, state identification card, or interim identification form issued by the registrar of motor vehicles or a deputy registrar under Chapter 4506. or 4507. of the Revised Code;

(b) A United States passport or passport card;

(c) A United States military identification card, Ohio national guard identification card, or United States department of veterans affairs identification card.

(2) A "copy" of an individual's photo identification means images of both the front and back of a document described in division (AA)(1) of this section, except that if the document is a United States passport, a copy of the photo identification means an image of the passport's identification page that includes the individual's name, photograph, and other identifying information and the passport's expiration date.

(BB) "Driver's license" means a license or permit issued by the registrar or a deputy registrar under Chapter 4506. or 4507. of the Revised Code that authorizes an individual to drive. "Driver's license" includes a driver's license, commercial driver's license, probationary license, restricted license, motorcycle operator's license, or temporary instruction permit identification card. "Driver's license" does not include a nonrenewable limited term license issued under section 4507.09 of the Revised Code.

(CC) "State identification card" means a card issued by the registrar or a deputy registrar under sections 4507.50 to 4507.52 of the Revised Code.

(DD) "Interim identification form" means the document issued by the registrar or a deputy registrar to an applicant for a
driver's license or state identification card that contains all of the information otherwise found on the license or card and that an applicant may use as a form of identification until the physical license or card arrives in the mail.

Sec. 3501.27. (A) All precinct election officials shall complete a program of instruction pursuant to division (B) of this section. No person who has been convicted of a felony or any violation of the election laws, who is unable to read and write the English language readily, or who is a candidate for an office to be voted for by the voters of the precinct in which the person is to serve shall serve as an election officer. A person when appointed as an election officer shall receive from the board of elections a certificate of appointment that may be revoked at any time by the board for good and sufficient reasons. The certificate shall be in the form the board prescribes and shall specify the precinct, ward, or district in and for which the person to whom it is issued is appointed to serve, the date of appointment, and the expiration of the person's term of service.

(B) Each board shall establish a program as prescribed by the secretary of state for the instruction of election officers in the rules, procedures, and law relating to elections. In each program, the board shall use training materials prepared by the secretary of state and may use additional materials prepared by or on behalf of the board. The board may use the services of unpaid volunteers in conducting its program and may reimburse those volunteers for necessary and actual expenses incurred in participating in the program.

The board shall train each new election officer before the new officer participates in the first election in that capacity. The board shall instruct election officials who have been trained previously only when the board or secretary of state considers
that instruction necessary, but the board shall reinstruct such
persons, other than voting location managers, at least once in
every three years and shall reinstruct voting location managers
before the primary election in even-numbered years. The board
shall schedule any program of instruction within sixty days prior
to the election in which the officials to be trained will
participate.

(C) The duties of a precinct election official in each
polling place shall be performed only by an individual who has
successfully completed the requirements of the program, unless
such an individual is unavailable after reasonable efforts to
obtain such services.

(D) The secretary of state shall establish a program for the
instruction of members of boards of elections and employees of
boards in the rules, procedures, and law relating to elections.
Each member and employee shall complete the training program
within six months after the member's or employee's original
appointment or employment, and thereafter each member and employee
shall complete a training program to update their knowledge once
every four years or more often as determined by the secretary of
state.

(E) The secretary of state shall reimburse each county for
make grants to the boards of elections to pay the cost of programs
established pursuant to division (B) of this section, once the
secretary of state has received an itemized statement of expenses
for such instruction programs from the county. The itemized
statement shall be in a form prescribed by the secretary of state.

Sec. 3509.05. (A) When an elector receives an absent voter's
ballot pursuant to the elector's application or request, the
elector shall, before placing any marks on the ballot, note
whether there are any voting marks on it. If there are any voting
marks, the ballot shall be returned immediately to the board of elections; otherwise, the elector shall cause the ballot to be marked, folded in a manner that the stub on it and the indorsements and facsimile signatures of the members of the board of elections on the back of it are visible, and placed and sealed within the identification envelope received from the board of elections for that purpose. Then, the elector shall cause the statement of voter on the outside of the identification envelope to be completed and signed, under penalty of election falsification.

(B) The elector shall provide one of the following:

(1) The elector's Ohio driver's license or state identification card number on the statement of voter on the identification envelope;

(2) The last four digits of the elector's social security number on the statement of voter on the identification envelope;

(3) A copy of the elector's photo identification in the return envelope with the identification envelope.

(C)(1) The elector shall mail the identification envelope to the office of the board of elections in the return envelope, postage prepaid, or the elector may personally deliver it to the office of the board, or the spouse of the elector, the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother, or sister of the whole or half blood, or the son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece of the elector may deliver it to the office of the board. The return envelope shall be returned by no other person, in no other manner, and to no other location, except as otherwise provided in section 3509.08 of the Revised Code.

(2) If the board maintains multiple offices in the county, as
permitted under division (C) of section 3501.10 of the Revised Code, the board may designate any of its offices for the return of absent voter's ballots under this section, provided that the board shall designate only one office to which absent voter's ballots shall be returned under this section.

(3)(a) The board of elections may place not more than one secure receptacle outside the office of the board, on the property on which the office of the board is located, for the purpose of receiving absent voter's ballots under this section.

(b) A secure receptacle shall be open to receive ballots only during the period beginning on the first day after the close of voter registration before the election and ending at seven-thirty p.m. on the day of the election. The receptacle shall be open to receive ballots at all times during that period.

(c) A secure receptacle shall be monitored by recorded video surveillance at all times. The video recordings are a public record. The board shall do one of the following:

(i) Make the video recordings available for inspection immediately upon request, notwithstanding any contrary provision of in accordance with section 149.43 of the Revised Code.

(ii) Make each day's video recording available to the public on the internet for streaming or download without charge within twenty-four hours after the recording ends and make the video recordings available to the public upon request in accordance with section 149.43 of the Revised Code.

(d) Only a bipartisan team of election officials may open a secure receptacle or handle its contents. A bipartisan team of election officials shall collect the contents of each secure receptacle and deliver them to the board for processing at least once each day and at seven-thirty p.m. on the day of the election. If, at seven-thirty p.m. on the day of the election, there are...
persons waiting in line to deposit absent voter's ballots in a receptacle, those persons shall be permitted to deposit the ballots.

(4)(a) During the period beginning on the forty-fifth day before election day and ending on the day after election day, on each day the office of the board of elections is open for business, the board shall report to the secretary of state all of the following information concerning the previous business day:

(i) The number of return envelopes purporting to contain absent voter's ballots or uniformed services or overseas absent voter's ballots the board received by personal delivery, other than to a receptacle described in division (C)(3) of this section;

(ii) If the board has placed a secure receptacle outside the office of the board under division (C)(3) of this section, the number of return envelopes purporting to contain absent voter's ballots or uniformed services or overseas absent voter's ballots the board received in the receptacle.

(b) As soon as practicable after receiving a report under division (C)(4)(a) of this section, the secretary of state shall make the information in the report available to the public on the secretary of state's official web site.

(D)(1) Except as otherwise provided in division (D)(2) of this section, all envelopes containing marked absent voter's ballots shall be delivered to the office of the board not later than the close of the polls on the day of an election. Absent voter's ballots delivered to the office of the board later than the times specified shall not be counted, but shall be kept by the board in the sealed identification envelopes in which they are delivered, until the time provided by section 3505.31 of the Revised Code for the destruction of all other ballots used at the election for which ballots were provided, at which time they shall
be destroyed.

(2)(a) Except as otherwise provided in division (D)(2)(b) of this section, any return envelope that is postmarked prior to the day of the election shall be delivered to the director prior to the fifth day after the election. Ballots delivered in envelopes postmarked prior to the day of the election that are received after the close of the polls on election day through the fourth day thereafter shall be counted on the fifth day at the board of elections in the manner provided in divisions (C) and (D) of section 3509.06 of the Revised Code or in the manner provided in division (E) of that section, as applicable. Any such ballots that are received by the director later than the fourth day following the election shall not be counted, but shall be kept by the board in the sealed identification envelopes as provided in division (A) of this section.

(b) Division (D)(2)(a) of this section shall not apply to any mail that is postmarked using a postage evidencing system, including a postage meter, as defined in 39 C.F.R. 501.1.

Sec. 3517.02. (A)(1) All members of controlling committees of a major political party shall be elected by direct vote of the members of the party, except as otherwise provided in section 3517.05 of the Revised Code. Their names shall be placed upon the official ballot, and, notwithstanding division (B) of section 3513.23 of the Revised Code, the persons receiving the highest number of votes for committeepersons shall be the members of those controlling committees. Each

(2) Each member of a controlling committee shall be a resident and qualified elector of this state and, except as otherwise provided in division (A)(3) of this section, shall be a resident and qualified elector of the district, ward, or precinct that the member is elected to represent. All
(3) A county controlling committee may adopt a bylaw specifying that a person who is appointed to fill a vacancy on the committee under section 3517.05 of the Revised Code is not required to be a resident of the precinct the person is to represent, so long as the person is a resident of the township or municipal corporation in which the precinct is located. A member of a county controlling committee who is appointed pursuant to such a bylaw shall have the same duties and privileges as a member of the committee who resides in the precinct the member represents. A county controlling committee that adopts such a bylaw shall file a copy of its updated constitution and bylaws with the board of elections.

(B) All members of controlling committees of a minor political party shall be determined in accordance with party rules.

(C) Each political party shall file with the office of the secretary of state a copy of its constitution and bylaws, if any, within thirty days of adoption or amendment. Each party shall also file with the office of the secretary of state a list of members of its controlling committees and other party officials within thirty days of their election or appointment.

Sec. 3517.03. The controlling committees of each major political party or organization shall be a state central committee consisting of two members, one a man and one a woman, representing either each congressional district in the state or each senatorial district in the state, as the outgoing committee determines; a county central committee consisting of one member from representing each election precinct in the county, or of one member from representing each ward in each city and from representing each township in the county, as the outgoing committee determines; and such district, city, township, or other
committees as the rules of the party provide.

All the members of such committees shall be members of the party and shall be elected for terms of either two or four years, as determined by party rules, by direct vote at the primary held in an even-numbered year. Except as otherwise provided in section 3517.02 of the Revised Code, candidates for election as state central committee members shall be elected at primaries in the same manner as provided in sections 3513.01 to 3513.32 of the Revised Code for the nomination of candidates for office in a county. Candidates for election as members of the county central committee shall be elected at primaries in the same manner as provided in those sections for the nomination of candidates for county offices, except as otherwise provided in sections 3513.051 and 3517.02 of the Revised Code.

Each major party controlling committee shall elect an executive committee that shall have the powers granted to it by the party controlling committee, and provided to it by law. When a judicial, senatorial, or congressional district is comprised of more than one county, the chairperson and secretary of the county central committee from each county in that district shall constitute the judicial, senatorial, or congressional committee of the district. When a judicial, senatorial, or congressional district is included within a county, the county central committee shall constitute the judicial, senatorial, or congressional committee of the district.

A minor political party may elect controlling committees at a primary election in the even-numbered year by filing a plan for party organization with the secretary of state on or before the ninetieth day before the day of the primary election. The plan shall specify which offices are to be elected and provide the procedure for qualification of candidates for those offices. Candidates to be elected pursuant to the plan shall be designated.
and qualified on or before the ninetieth day before the day of the election. Such parties may, in lieu of electing a controlling committee or other officials, choose such committee or other officials in accordance with party rules. Each such party shall file the names and addresses of members of its controlling committee and party officers with the secretary of state.

Sec. 3701.021. (A) The director of health shall adopt, in accordance with Chapter 119. of the Revised Code, such rules as are necessary to carry out sections 3701.021 to 3701.0210 of the Revised Code, including, but not limited to, rules to establish the following:

(1) Subject to division (D) of this section, medical and financial eligibility requirements for the program for medically handicapped children and youth with special health care needs;

(2) Subject to division (C) of this section, eligibility requirements for providers who provide goods and services for the program for medically handicapped children and youth with special health care needs;

(3) Procedures to be followed by the department of health in disqualifying providers for violating requirements adopted under division (A)(2) of this section;

(4) Procedures to be used by the department regarding application for diagnostic services under division (B) of section 3701.023 of the Revised Code and payment for those services under division (E) of that section;

(5) Standards for the provision of service coordination by the department of health and city and general health districts;

(6) Procedures for the department to use to determine the amount to be paid annually by each county for services for medically handicapped children and youth with special health care needs;
needs and to allow counties to retain funds under divisions (A)(2) and (3) of section 3701.024 of the Revised Code;

(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;

(8) Criteria for payment of approved providers who provide goods and services for medically handicapped children and youth with special health care needs;

(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for medically handicapped children and youth with special health care needs is cost-effective;

(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;

(11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code;

(12) Eligibility requirements for the hemophilia program, including income and hardship requirements;

(13) If a manufacturer discount program is established under division (J)(1) of section 3701.023 of the Revised Code, procedures for administering the program, including criteria and other requirements for participation in the program by manufacturers of drugs and nutritional formulas.

(B) The department of health shall develop a manual of operational procedures and guidelines for the program for medically handicapped children and youth with special health care needs to implement sections 3701.021 to 3701.0210 of the Revised Code.
Code.

(C) A medicaid provider, as defined in section 5164.01 of the Revised Code, is eligible to be a provider of the same goods and services for the program for medically handicapped children and youth with special health care needs that the provider is approved to provide for the medicaid program and the director shall approve such a provider for participation in the program for medically handicapped children and youth with special health care needs.

(D) In establishing medical and financial eligibility requirements for the program for medically handicapped children and youth with special health care needs, the director of health shall not specify an age restriction that excludes from eligibility an individual who is either of the following:

(1) Beginning on July 1, 2021, less than twenty-two years of age;

(2) Beginning on July 1, 2022, less than twenty-three years of age.

Sec. 3701.022. As used in sections 3701.021 to 3701.0210 of the Revised Code:

(A) "Medically handicapped child or youth with special health care needs" means an Ohio resident who meets the age requirements set forth in division (D) of section 3701.021 of the Revised Code who suffers primarily from has an organic disease, defect, or a congenital or acquired physically handicapping and associated medical condition that may hinder the achievement of normal growth and development.

(B) "Provider" means a health professional, hospital, medical equipment supplier, and any individual, group, or agency that is approved by the department of health pursuant to division (C) of section 3701.023 of the Revised Code and that provides or intends
to provide goods or services to a child who is eligible for the program for medically handicapped children and youth with special health care needs.

(C) "Service coordination" means case management services provided to medically handicapped children and youth with special health care needs that promote effective and efficient organization and utilization of public and private resources and ensure that care rendered is family-centered, community-based, and coordinated.

(D)(1) "Third party" means any person or government entity other than the following:

(a) A medically handicapped child or youth with special health care needs participating in the program for medically handicapped children and youth with special health care needs or the child's or youth's parent or guardian;

(b) The department or any program administered by the department, including the "Maternal and Child Health Block Grant," Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended;

(c) The "caring program for children" operated by the nonprofit community mutual insurance corporation.

(2) "Third party" includes all of the following:

(a) Any trust established to benefit a medically handicapped child or youth with special health care needs participating in the program or the child's or youth's family or guardians, if the trust was established after the date the medically handicapped child or youth with special health care needs applied to participate in the program;

(b) That portion of a trust designated to pay for the medical and ancillary care of a medically handicapped child or youth with
special health care needs, if the trust was established on or before the date the medically handicapped child or youth with special health care needs applied to participate in the program;

(c) The program awarding reparations to victims of crime established under sections 2743.51 to 2743.72 of the Revised Code.

(E) "Third-party benefits" means any and all benefits paid by a third party to or on behalf of a medically handicapped child or youth with special health care needs participating in the program or the child's child or youth's parent or guardian for goods or services that are authorized by the department pursuant to division (B) or (D) of section 3701.023 of the Revised Code.

(F) "Hemophilia program" means the hemophilia program the department of health is required to establish and administer under section 3701.029 of the Revised Code.

Sec. 3701.023. (A) The department of health shall review applications for eligibility for the program for medically handicapped children and youth with special health care needs that are submitted to the department by city and general health districts and physician providers approved in accordance with division (C) of this section. The department shall determine whether the applicants meet the medical and financial eligibility requirements established by the director of health pursuant to division (A)(1) of section 3701.021 of the Revised Code, and by the department in the manual of operational procedures and guidelines for the program for medically handicapped children and youth with special health care needs developed pursuant to division (B) of that section. Referrals of potentially eligible children and youth for the program may be submitted to the department on behalf of the child or youth by parents, guardians, public health nurses, or any other interested person. The department of health may designate other agencies to refer...
applicants to the department of health.

(B) In accordance with the procedures established in rules adopted under division (A)(4) of section 3701.021 of the Revised Code, the department of health shall authorize a provider or providers to provide to any Ohio resident under twenty-one years of age, without charge to the resident or the resident's family and without restriction as to the economic status of the resident or the resident's family, diagnostic services necessary to determine whether the resident has a medically handicapping medical diagnosis resulting in, or potentially medically handicapping condition resulting in, special health care needs.

(C) The department of health shall review the applications of health professionals, hospitals, medical equipment suppliers, and other individuals, groups, or agencies that apply to become providers. The department shall enter into a written agreement with each applicant who is determined, pursuant to the requirements set forth in rules adopted under division (A)(2) of section 3701.021 of the Revised Code, to be eligible to be a provider in accordance with the provider agreement required by the medicaid program. No provider shall charge a medically handicapped child or youth with special health care needs or the child's child or youth's parent or guardian for services authorized by the department under division (B) or (D) of this section.

The department, in accordance with rules adopted under division (A)(3) of section 3701.021 of the Revised Code, may disqualify any provider from further participation in the program for violating any requirement set forth in rules adopted under division (A)(2) of that section. The disqualification shall not take effect until a written notice, specifying the requirement violated and describing the nature of the violation, has been delivered to the provider and the department has afforded the provider an opportunity to appeal the disqualification under
division (H) of this section.

(D) The department of health shall evaluate applications from city and general health districts and approved physician providers for authorization to provide treatment services, service coordination, and related goods to children or youth determined to be eligible for the program for medically handicapped children and youth with special health care needs pursuant to division (A) of this section. The department shall authorize necessary treatment services, service coordination, and related goods for each eligible child or youth in accordance with an individual plan of treatment for the child or youth. As an alternative, the department may authorize payment of health insurance premiums on behalf of eligible children or youth when the department determines, in accordance with criteria set forth in rules adopted under division (A)(9) of section 3701.021 of the Revised Code, that payment of the premiums is cost-effective.

(E) The department of health shall pay, from appropriations to the department, any necessary expenses, including but not limited to, expenses for diagnosis, treatment, service coordination, supportive services, transportation, and accessories and their upkeep, provided to medically handicapped children and youth with special health care needs, provided that the provision of the goods or services is authorized by the department under division (B) or (D) of this section. Money appropriated to the department of health may also be expended for reasonable administrative costs incurred by the program. The department of health also may purchase liability insurance covering the provision of services under the program for medically handicapped children and youth with special health care needs by physicians and other health care professionals.

Payments made to providers by the department of health pursuant to this division for inpatient hospital care, outpatient
care, and all other medical assistance furnished to eligible  
recipients shall be made in accordance with rules adopted by the  
director of health pursuant to division (A) of section 3701.021 of  
the Revised Code.

The departments of health and medicaid shall jointly  
implement procedures to ensure that duplicate payments are not  
made under the program for medically handicapped children and  
youth with special health care needs and the medicaid program and  
to identify and recover duplicate payments.

(F) At the time of applying for participation in the program  
for medically handicapped children and youth with special health  
care needs, a medically handicapped child or youth with special  
health care needs or the child's child or youth's parent or  
guardian shall disclose the identity of any third party against  
whom the child or youth or the child's child or youth's parent or  
guardian has or may have a right of recovery for goods and  
services provided under division (B) or (D) of this section. The  
department of health shall require a medically handicapped  
child or youth with special health care needs who receives services from  
the program or the child's child or youth's parent or guardian to  
apply for all third-party benefits for which the child or youth  
may be eligible and require the child or youth, parent, or  
guardian to apply all third-party benefits received to the amount  
determined under division (E) of this section as the amount  
payable for goods and services authorized under division (B) or  
(D) of this section. The department is the payer of last resort  
and shall pay for authorized goods or services, up to the amount  
determined under division (E) of this section for the authorized  
goods or services, only to the extent that payment for the  
authorized goods or services is not made through third-party  
benefits. When a third party fails to act on an application or  
claim for benefits by a medically handicapped child or youth with
special health care needs or the child's child or youth's parent or guardian, the department shall pay for the goods or services only after ninety days have elapsed since the date the child or youth, parents, or guardians made an application or claim for all third-party benefits. Third-party benefits received shall be applied to the amount determined under division (E) of this section. Third-party payments for goods and services not authorized under division (B) or (D) of this section shall not be applied to payment amounts determined under division (E) of this section. Payment made by the department shall be considered payment in full of the amount determined under division (E) of this section. Medicaid payments for persons eligible for the medicaid program shall be considered payment in full of the amount determined under division (E) of this section.

(G) The department of health shall administer a program to provide services to Ohio residents who are twenty-one or more years of age who have cystic fibrosis and who meet the eligibility requirements established in rules adopted by the director of health pursuant to division (A)(7) of section 3701.021 of the Revised Code, subject to all provisions of this section, but not subject to section 3701.024 of the Revised Code.

(H) The department of health shall provide for appeals, in accordance with rules adopted under section 3701.021 of the Revised Code, of denials of applications for the program for medically handicapped children and youth with special health care needs under division (A) or (D) of this section, disqualification of providers, or amounts paid under division (E) of this section. Appeals under this division are not subject to Chapter 119. of the Revised Code.

The department may designate ombudspersons to assist medically handicapped children and youth with special health care needs or their parents or guardians, upon the request of the
children or youth, parents, or guardians, in filing appeals under this division and to serve as children's children or youth's parents', or guardians' advocates in matters pertaining to the administration of the program for medically handicapped children and youth with special health care needs and eligibility for program services. The ombudspersons shall receive no compensation but shall be reimbursed by the department, in accordance with rules of the office of budget and management, for their actual and necessary travel expenses incurred in the performance of their duties.

(I) The department of health, and city and general health districts providing service coordination pursuant to division (A)(2) of section 3701.024 of the Revised Code, shall provide service coordination in accordance with the standards set forth in the rules adopted under section 3701.021 of the Revised Code, without charge, and without restriction as to economic status.

(J)(1) The department of health may establish a manufacturer discount program under which a manufacturer of a drug or nutritional formula is permitted to enter into an agreement with the department to provide a discount on the price of the drug or nutritional formula distributed to medically handicapped children and youth with special health care needs participating in the program for medically handicapped children and youth with special health care needs. The program shall be administered in accordance with rules adopted under section 3701.021 of the Revised Code.

(2) If a manufacturer enters into an agreement with the department as described in division (J)(1) of this section, the manufacturer and the department may negotiate the amount and terms of the discount.

(3) In lieu of establishing a discount program as described in division (J)(1) of this section, the department and a manufacturer of a drug or nutritional formula may discuss a
donation of drugs, nutritional formulas, or money by the manufacturer to the department.

(K) As used in this division "209(b) option" has the same meaning as in section 5166.01 of the Revised Code.

The program for medically handicapped children and youth with special health care needs and the program the department of health administers pursuant to division (G) of this section shall continue to assist individuals who have cystic fibrosis and are enrolled in those programs in qualifying for medicaid under the spenddown process in the same manner it assists such individuals on the effective date of this amendment September 29, 2015, regardless of whether the department of medicaid continues to implement the 209(b) option.

Sec. 3701.024. (A)(1) Under a procedure established in rules adopted under section 3701.021 of the Revised Code, the department of health shall determine the amount each county shall provide annually for the program for medically handicapped children and youth with special health care needs, based on a proportion of the county's total general property tax duplicate, not to exceed one-tenth of a mill, and charge the county for any part of expenses incurred under the program for treatment services on behalf of medically handicapped children and youth with special health care needs having legal settlement in the county that is not paid from federal funds or through the medicaid program. The department shall not charge the county for expenses exceeding the difference between the amount determined under division (A)(1) of this section and any amounts retained under divisions (A)(2) and (3) of this section.

All amounts collected by the department under division (A)(1) of this section shall be deposited into the state treasury to the credit of the medically handicapped children county...
youth with special health care needs-county assessment fund, which is hereby created. The fund shall be used by the department to comply with sections 3701.021 to 3701.028 of the Revised Code.

(2) The department, in accordance with rules adopted under section 3701.021 of the Revised Code, may allow each county to retain up to ten per cent of the amount determined under division (A)(1) of this section to provide funds to city or general health districts of the county with which the districts shall provide service coordination, public health nursing, or transportation services for medically handicapped children and youth with special health care needs.

(3) In addition to any amount retained under division (A)(2) of this section, the department, in accordance with rules adopted under section 3701.021 of the Revised Code, may allow counties that it determines have significant numbers of potentially eligible medically handicapped children and youth with special health care needs to retain an amount equal to the difference between:

(a) Twenty-five per cent of the amount determined under division (A)(1) of this section;

(b) Any amount retained under division (A)(2) of this section.

Counties shall use amounts retained under division (A)(3) of this section to provide funds to city or general health districts of the county with which the districts shall conduct outreach activities to increase participation in the program for medically handicapped children and youth with special health care needs.

(4) Prior to any increase in the millage charged to a county, the director of health shall hold a public hearing on the proposed increase and shall give notice of the hearing to each board of county commissioners that would be affected by the increase at
least thirty days prior to the date set for the hearing. Any
county commissioner may appear and give testimony at the hearing.
Any increase in the millage any county is required to provide for
the program for medically handicapped children and youth with
special health care needs shall be determined, and notice of the
amount of the increase shall be provided to each affected board of
county commissioners, no later than the first day of June of the
fiscal year next preceding the fiscal year in which the increase
will take effect.

(B) Each board of county commissioners shall establish a
medically handicapped children's medical advisory council fund and shall appropriate thereto an amount,
determined in accordance with division (A)(1) of this section, for
the county's share in providing medical, surgical, and other aid
to medically handicapped children and youth with special health
care needs residing in such county and for the purposes specified
in divisions (A)(2) and (3) of this section. Each county shall use
money retained under divisions (A)(2) and (3) of this section only
for the purposes specified in those divisions.

Sec. 3701.025. There is hereby created the medically
handicapped children's medical advisory council consisting of twenty-one members to
be appointed by the director of health for terms set in accordance
with rules adopted by the director under division (A)(11) of
section 3701.021 of the Revised Code. The medically handicapped
children's medical advisory council shall advise the director regarding the
administration of the program for medically handicapped
children and youth with special health care needs, the suitable quality of
medical practice for providers, and the requirements for medical
eligibility for the program.
All members of the council shall be licensed physicians, surgeons, dentists, and other professionals in the field of medicine, representative of the various disciplines involved in the treatment of children and youth with medically handicapping conditions, and representative of the treatment facilities involved, such as hospitals, private and public health clinics, and private physicians' offices, and shall be eligible for the program.

Members of the council shall receive no compensation, but shall receive their actual and necessary travel expenses incurred in the performance of their official duties in accordance with the rules of the office of budget and management.

Sec. 3701.026. (A) The acceptance of assistance under the program for medically handicapped children and youth with special health care needs gives a right of subrogation to the department of health against the liability of a third party for the costs of goods or services paid by the department under division (E) of section 3701.023 of the Revised Code. The department's subrogation claim shall not exceed the total cost of the goods and services paid under division (E) of section 3701.023 of the Revised Code.

(B) To enforce its subrogation rights, the department may do any of the following:

(1) Intervene or join in any action or proceeding brought by a medically handicapped child or youth with special health care needs or the child or youth's parent or guardian against any third party who may be liable for the cost of goods and services paid under division (E) of section 3701.023 of the Revised Code;

(2) Institute and pursue legal proceedings against any third party who may be liable for the cost of goods and services paid under division (E) of section 3701.023 of the Revised Code;
(3) Initiate legal proceedings in conjunction with a medically handicapped child or youth with special health care needs or his the child or youth's parent or guardian against any third party who may be liable for the cost of goods and services paid under division (E) of section 3701.023 of the Revised Code.

(C) When an action or claim is brought against a third party by a medically handicapped child or youth with special health care needs participating in the program or his the child or youth's parent or guardian, the entire amount of any settlement or compromise of the action or claim, or any court award or judgment, is subject to the subrogation right of the department. If all or part of settlement, compromise, award, or judgment is established in the form of a trust to benefit the child or youth or his the child or youth's family or guardians, the department may waive its right of subrogation against all or part of the trust. Any settlement, compromise, award, or judgment that excludes the costs of goods and services paid under division (E) of section 3701.023 of the Revised Code shall not preclude the department from enforcing its subrogation right under this section.

(D) No settlement, compromise, judgment, or award or any recovery in any action or claim by a medically handicapped child or youth with special health care needs or his the child or youth's parent or guardian when the department has a right of subrogation shall be made final without first giving the department notice and the opportunity to perfect its right of subrogation. If the department is not given notice, the child or youth, parent, or guardian is liable to reimburse the department for the cost of goods and services paid under division (E) of section 3701.023 of the Revised Code out of any recovery received. The third party becomes liable to the department as soon as the third party is notified in writing of the valid claims for subrogation under this section.
(E) Subrogation does not apply to that portion of any judgment, award, settlement, or compromise of a claim, to the extent that attorney's fees, costs, or other expenses are incurred by a medically handicapped child or youth with special health care needs or his the child or youth's parent or guardian in securing the judgment, award, settlement, or compromise, or to the extent that the cost of goods and services specified in divisions (B) and (D) of section 3701.023 of the Revised Code are paid by the child or youth, parent, or guardian. Attorney's fees and costs or other expenses in securing any recovery shall not be assessed against any subrogated claim of the department.

Sec. 3701.027. The department of health shall administer funds received from the "Maternal and Child Health Block Grant," Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended, for programs including the program for medically handicapped children and youth with special health care needs, and to provide technical assistance and consultation to city and general health districts and local health planning organizations in implementing local, community-based, family-centered, coordinated systems of care for medically handicapped children and youth with special health care needs. The department may make grants to persons and other entities for the provision of services with the funds. In addition, the department may use the funds to purchase liability insurance covering the provision of services under the programs by physicians and other health care professionals, and to pay health insurance premiums on behalf of medically handicapped children and youth with special health care needs participating in the program for medically handicapped children and youth with special health care needs when the department determines, in accordance with criteria set forth in rules adopted under division (A)(9) of section 3701.021 of the Revised Code, that payment of the premiums is cost effective.
In determining eligibility for services provided with funds received from the "Maternal and Child Health Block Grant," the department may use the application form established under section 5163.40 of the Revised Code. The department may require applicants to furnish their social security numbers. Funds from the "Maternal and Child Health Block Grant" that are administered for the purpose of providing family planning services shall be distributed in accordance with section 3701.033 of the Revised Code.

Sec. 3701.028. (A) The following records of the program for medically handicapped children and youth with special health care needs and of programs funded with funds received from the "Maternal and Child Health Block Grant," Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended, are confidential and are not public records within the meaning of section 149.43 of the Revised Code:

(1) Records that pertain to medical history, diagnosis, treatment, or medical condition;

(2) Reports of psychological diagnosis and treatment and reports of social workers;

(3) Reports of public health nurses.

(B) The department of health shall not release any records specified in division (A) of this section without consent of the subject of the record or, if the subject is a minor, his the minor's parent or guardian, except as necessary to do any of the following:

(1) Administer the program for medically handicapped children and youth with special health care needs or other programs funded with funds received from the "Maternal and Child Health Block Grant";

(2) Coordinate the provision of services under the programs.
with other state agencies and city and general health districts; 48190

(3) Coordinate payment of providers. 48191

No person or government entity to whom the director, for the
purposes specified in this division, releases records described in
division (A) of this section shall release those records without
consent of the subject of the record or, if the subject is a
minor, his the minor's parent or guardian, except as necessary for
any of the reasons described in this division. 48192

Sec. 3701.0210. The medically handicapped children's children
and youth with special health care needs medical advisory council
shall appoint a hemophilia advisory subcommittee to advise the
director of health and council on all matters pertaining to the
care and treatment of persons with hemophilia. The duties of the
subcommittee include, but are not limited to, the monitoring of
care and treatment of children and adults who suffer from
hemophilia or from other similar blood disorders. 48193

The subcommittee shall consist of not fewer than fifteen
members, each of whom shall be appointed to terms of four years.
The members of the subcommittee shall elect a chairperson from
among the appointed membership to serve a term of two years.
Members of the subcommittee shall serve without compensation,
except that they may be reimbursed for travel expenses to and from
meetings of the subcommittee. 48194

Members shall be appointed to represent all geographic areas
of this state. Not fewer than five members of the subcommittee
shall be persons with hemophilia or family members of persons with
hemophilia. Not fewer than five members shall be providers of
health care services to persons with hemophilia. Not fewer thanive members shall be experts in fields of importance to treatment
of persons with hemophilia, including experts in infectious
diseases, insurance, and law. 48195
Notwithstanding section 101.83 of the Revised Code, that section does not apply to the medically handicapped children's council hemophilia advisory subcommittee, and the subcommittee shall not expire under that section.

Sec. 3701.25. (A) As used in sections 3701.25 to 3701.255 of the Revised Code:

(1) "Certified nurse practitioner" and "clinical nurse specialist" have the same meanings as in section 4723.01 of the Revised Code.

(2) "Hospital" has the same meaning as in section 3722.01 of the Revised Code.

(3) "Parkinson's disease" means a chronic and progressive neurological disorder resulting from a deficiency of the neurotransmitter dopamine as the consequence of specific degenerative changes in the area of the brain called the basal ganglia. It is characterized by tremor at rest, slow movements, muscle rigidity, stooped posture, and unsteady or shuffling gait.

(4) "Parkinsonisms" means conditions related to Parkinson's disease that cause a combination of the movement abnormalities seen in Parkinson's disease, such as tremor at rest, slow movement, muscle rigidity, impaired speech, or muscle stiffness, which often overlap with and can evolve from what appears to be Parkinson's disease. Examples of Parkinsonisms include:

(a) Multiple system atrophy;

(b) Dementia with Lewy bodies;

(c) Corticobasal degeneration;

(d) Progressive supranuclear palsy;

(5) "Physician" means an individual authorized under Chapter
4731. of the Revised Code to practice medicine and surgery or
osteopathic medicine and surgery.

(6) "Physician assistant" means an individual authorized
under Chapter 4730. of the Revised Code to practice as a physician
assistant.

(B) Within one year of the effective date of this section,
the director of health shall establish and maintain a Parkinson's
disease registry for the collection and monitoring of the
incidence of Parkinson's disease in Ohio.

(C) The director shall supervise the registry and the
collection and dissemination of data included in the registry. The
director may enter into contracts, grants, or other agreements as
necessary to maintain the registry, including data sharing
contracts with data reporting entities and their associated
electronic medical record systems vendors. The director shall
include the data collected by the registry in the Ohio public
health information warehouse.

(D) Within thirty days of the establishment of the registry
and at least quarterly thereafter, each individual case of
Parkinson's disease or a Parkinsonism shall be reported to the
registry in a format specified by the director by one of the
following:

(1) The certified nurse practitioner, clinical nurse
specialist, physician, or physician assistant who diagnosed or
treated the individual's Parkinson's disease or Parkinsonism;

(2) The group practice, hospital, or other health care
facility that employs or contracts with the medical professional
described in division (D)(1) of this section.

(E) Each medical professional or health care facility
specified in division (D) of this section shall inform patients
diagnosed with Parkinson's disease or a Parkinsonism at the time
of diagnosis or treatment of the Parkinson's disease registry and of the patient's right not to participate. If a patient chooses not to participate in the registry, the medical professional or health care facility shall report to the registry only the existence of the Parkinson's disease or Parkinsonism case and no other information.

(F) The director or a representative of a director may inspect upon reasonable notice a representative sample of the medical records of patients with Parkinson's disease diagnosed, treated, or admitted at a group practice, hospital, or other health care facility.

(G) Each medical professional or health care facility specified in division (D) of this section who in good faith submits a Parkinson's disease report to the registry is not liable in any cause of action arising from the submission of the report.

(H) Nothing in sections 3701.25 to 3701.255 of the Revised Code shall be deemed to compel any individual to submit to any medical examination or supervision by the department of health, any of its authorized representatives, or an approved researcher.

No individual who seeks information from or obtains registry data pursuant to section 3701.251 of the Revised Code shall contact a patient in the registry or a patient's family unless the director has first obtained the permission of the patient or the patient's family. The director shall coordinate its activities with the individual requesting such contact and may authorize the individual to perform these contacts under the direction of the director.

(I) Facilities or individuals providing diagnostic or treatment services to patients with Parkinson's disease may maintain separate facility-based Parkinson's disease registries.

(J) Within thirty days of the effective date of this section,
the director shall publish the reporting requirements established by this section on the department of health's internet web site. The director also may notify professional associations representing health care providers and hospitals of the reporting requirements.

Sec. 3701.251. (A) Except as otherwise provided in this section, all data collected by the Parkinson's disease registry is confidential. Notwithstanding any other law to the contrary, any disclosure of confidential data authorized by this section shall include only the data necessary for the stated purpose of the requested disclosure, shall be used only for the approved purpose, and shall not be further disclosed.

(B) The director of health may enter into agreements to furnish data collected in the Parkinson's disease registry to other states' Parkinson's disease registries, federal Parkinson's disease control agencies, local health officers, and local health researchers. Before confidential data is disclosed to an out-of-state registry, federal agency, health officer, or researcher, the requesting entity shall agree in writing to maintain the confidentiality of that information. Researchers also shall do the following:

(1) Obtain approval of their institutional review board in accordance with federal requirements for the protection of human subjects established in 45 C.F.R. 46, and, as applicable, 21 C.F.R. 56, the HIPAA privacy rule as defined in section 3798.01 of the Revised Code, and other relevant federal regulations, state laws, and policies of the institution where the research will be conducted;

(2) Provide documentation to the director that demonstrates to the director's satisfaction that the researcher has established the procedures and ability to maintain the confidentiality of the
information.

(C) The director shall maintain an accurate record of all individuals who are given access to confidential data. The record shall include the following:

(1) Name of the department of health employee authorizing access;

(2) Name, title, address, and organizational affiliation of the individual given access;

(3) Dates of access;

(4) Specific purpose for which the data will be used.

Records of access shall be open to public inspection during the normal operating hours of the department.

(D) Notwithstanding any other law to the contrary, confidential data shall not be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding. Confidential data shall not be deemed admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason.

(E) This section does not prohibit the publication of reports and aggregate statistical data by the director that do not identify individual cases or individual sources of data.

(F) The patient or the patient's guardian to whom the information pertains shall have access to the patient's own data.

Sec. 3701.252. (A) There is hereby created the Parkinson's disease registry advisory committee. The committee shall consist of the director of health and the following members appointed by the director:

(1) A neurologist;

(2) A movement disorder specialist;
(3) A primary care provider;

(4) A physician informaticist;

(5) A public health professional;

(6) A population health researcher familiar with disease registries;

(7) A Parkinson's disease researcher;

(8) A patient living with Parkinson's disease;

(9) Any other members the director deems necessary.

(B) The committee shall do all of the following:

(1) Assist the director of health in the development and implementation of the Parkinson's disease registry;

(2) Determine what data shall be collected based on the following four core categories of data:

(a) Patient demographics;

(b) Geography;

(c) Diagnosis;

(d) Information that enables de-duplication of patient records in the registry.

(3) Determine the information to be included on the department of health's Ohio Parkinson's research registry internet web site established pursuant to section 3701.254 of the Revised Code;

(4) Advise the director on maintaining and improving the registry;

(5) Conduct a review of the registry within five years of the effective date of this section, including how it is being used and whether it is fulfilling its intended purpose, and recommend any necessary changes to update the registry.
(C) The director shall serve as the chairperson of the committee.

(D) Each member shall serve without compensation except to the extent that serving on the committee is considered part of the member's regular duties of employment.

(E) The committee shall meet at the call of the chairperson but not less than twice annually. The committee's first meeting shall occur within ninety days of the effective date of this section. Meetings may take place in-person or virtually at the discretion of the chairperson.

(F) The department of health shall provide meeting space and other administrative support for the committee.

Sec. 3701.253. Within six months of the establishment of the Parkinson's disease registry, and annually thereafter, the director of health shall submit a report to the general assembly in accordance with section 101.68 of the Revised Code summarizing the following:

(A) The incidence and rates of Parkinson's disease in Ohio by county;

(B) The number of new cases reported to the Parkinson's disease registry in the previous year;

(C) Demographic information including age, gender, and race.

Sec. 3701.254. (A) Within one year of the effective date of this section, the director of health shall create and maintain the Ohio Parkinson's research registry internet web site.

(B) The web site shall describe the registry and provide any relevant or helpful information as determined by the Parkinson's disease registry advisory committee pursuant to section 3701.252 of the Revised Code.
(C) The director shall publish the annual report described in section 3701.253 of the Revised Code on the web site.

Sec. 3701.255. (A) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following regarding the Parkinson's disease registry:

(1) Specify the data to be collected and the format in which it is to be submitted to the registry, in collaboration with the Parkinson's disease registry advisory committee established pursuant to section 3701.252 of the Revised Code;

(2) Develop guidelines and procedures for requesting access to data, reviewing data access requests, and approving data access requests;

(3) Create a coding system to remove individually identifying information from the data collected in the registry.

(B) The director shall periodically review and revise data collection requirements to adapt to new knowledge and technology regarding Parkinson's disease and health data collection.

(C) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 3701.501. (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules adopted pursuant to this section.

(2) Division (A)(1) of this section does not apply in any of the following circumstances:

(a) If the parents of the child object to the screening on the grounds that it conflicts with their religious tenets and
practices;

(b) With respect to the screening for Krabbe disease described in division (C)(1)(b) of this section, if the parents of the child communicate their decision to forgo the screening;

(c) If appropriate laboratory equipment is not available.

(B) There is hereby created the newborn screening advisory council to advise the director of health regarding the screening of newborn children for genetic, endocrine, and metabolic disorders. The council shall engage in an ongoing review of the newborn screening requirements established under this section and shall provide recommendations and reports to the director as the director requests and as the council considers necessary. The director may assign other duties to the council, as the director considers appropriate.

The council shall consist of fourteen members appointed by the director. In making appointments, the director shall select individuals and representatives of entities with interest and expertise in newborn screening, including such individuals and entities as health care professionals, hospitals, children's hospitals, regional genetic centers, regional sickle cell centers, newborn screening coordinators, and members of the public.

The department of health shall provide meeting space, staff services, and other technical assistance required by the council in carrying out its duties. Members of the council shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in attending meetings of the council or performing assignments for the council.

The council is not subject to sections 101.82 to 101.87 of the Revised Code.

(C)(1)(a) Subject to division (C)(1)(b) of this section, the director of health shall adopt rules in accordance with Chapter 49.03 of the Revised Code.
of the Revised Code specifying the disorders for which each newborn child must be screened.

(b) In adopting the rules, all of the following apply:

(i) The director shall specify Krabbe disease as a disorder for which a newborn child who is born on or after July 1, 2016, must be screened.

(ii) The director shall specify spinal muscular atrophy and X-linked adrenoleukodystrophy as disorders for which a newborn child who is born on or after the date that is two hundred forty days after the effective date of this amendment May 28, 2022, must be screened.

(iii) The director shall specify Duchenne muscular dystrophy as a disorder for which a newborn child who is born on or after the date that is two hundred forty days after the effective date of this amendment must be screened.

(iv) Not later than six months after receiving a recommendation as described in division (C)(3)(b) of this section, the director shall specify for screening a disorder recommended as described in division (C)(3)(b) of this section, with such screening to begin not later than one year after the date that the rule specifying the disorder for screening becomes effective.

(2) The newborn screening advisory council shall evaluate genetic, metabolic, and endocrine disorders to assist the director in determining which disorders should be included in the screenings required under this section. In determining whether a disorder should be included, the council shall consider all of the following:

(a) The disorder's incidence, mortality, and morbidity;

(b) Whether the disorder causes disability if diagnosis, treatment, and early intervention are delayed;
(c) The potential for successful treatment of the disorder;

(d) The expected benefits to children and society in relation to the risks and costs associated with screening for the disorder;

(e) Whether a screening for the disorder can be conducted without taking an additional blood sample or specimen;

(f) Whether the secretary of the United States department of health and human services has included the disorder in the federal recommended uniform screening panel.

(3)(a) Based on the considerations specified in division (C)(2) of this section, the council shall make recommendations to the director of health for the adoption of rules under division (C)(1) of this section.

(b) In the case of a disorder included within the federal recommended uniform screening panel, the council shall determine not later than six months after the date of the disorder's inclusion on the federal panel whether or not to recommend to the director that each newborn child be screened for the disorder. If the council recommends screening for the disorder, the council shall submit to the director as soon as practicable a recommendation for such screening.

(c) The director shall promptly and thoroughly review each recommendation the council submits.

(D) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the screenings required by this section. The rules shall include standards and procedures for all of the following:

(1) Causing rescreenings to be performed when initial screenings have abnormal results;

(2) Designating the person or persons who will be responsible for causing screenings and rescreenings to be performed;
(3) Giving to the parents of a child notice of the required initial screening and the possibility that rescreenings may be necessary;

(4) Communicating to the parents of a child the results of the child's screening and any rescreenings that are performed;

(5) Giving notice of the results of an initial screening and any rescreenings to the person who caused the child to be screened or rescreened, or to another person or government entity when the person who caused the child to be screened or rescreened cannot be contacted;

(6) Referring children who receive abnormal screening or rescreening results to providers of follow-up services, including the services made available through funds disbursed under division (F) of this section.

(E)(1) Except as provided in divisions (E)(2) and (3) of this section, all newborn screenings required by this section shall be performed by the public health laboratory authorized under section 3701.22 of the Revised Code.

(2) If the director determines that the public health laboratory is unable to perform screenings for all of the disorders specified in the rules adopted under division (C) of this section, the director shall select another laboratory to perform the screenings. The director shall select the laboratory by issuing a request for proposals. The director may accept proposals submitted by laboratories located outside this state. At the conclusion of the selection process, the director shall enter into a written contract with the selected laboratory. If the director determines that the laboratory is not complying with the terms of the contract, the director shall immediately terminate the contract and another laboratory shall be selected and contracted with in the same manner.
(3) Any rescreening caused to be performed pursuant to this section may be performed by the public health laboratory or one or more other laboratories designated by the director. Any laboratory the director considers qualified to perform rescreenings may be designated, including a laboratory located outside this state. If more than one laboratory is designated, the person responsible for causing a rescreening to be performed is also responsible for selecting the laboratory to be used.

(F)(1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee that shall be charged and collected in addition to or in conjunction with any laboratory fee that is charged and collected for performing the screenings required by this section. The fee, which shall be not less than fourteen dollars, shall be disbursed as follows:

(a) Not less than ten dollars and twenty-five cents shall be deposited in the state treasury to the credit of the genetics services fund, which is hereby created. Not less than seven dollars and twenty-five cents of each fee credited to the genetics services fund shall be used to defray the costs of the programs authorized by section 3701.502 of the Revised Code. Not less than three dollars from each fee credited to the genetics services fund shall be used to defray costs of phenylketonuria programs.

(b) Not less than three dollars and seventy-five cents shall be deposited into the state treasury to the credit of the sickle cell fund, which is hereby created. Money credited to the sickle cell fund shall be used to defray costs of programs authorized by section 3701.131 of the Revised Code.

(2) In adopting rules under division (F)(1) of this section, the director shall not establish a fee that differs according to whether a screening is performed by the public health laboratory or by another laboratory selected by the director pursuant to division (E)(2) of this section.
Sec. 3701.507. (A) To assist in implementing sections 3701.503 to 3701.509 of the Revised Code, the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code shall appoint a permanent infant hearing screening subcommittee. The subcommittee shall consist of the following members:

1. One otolaryngologist;
2. One neonatologist;
3. One pediatrician;
4. One neurologist;
5. One hospital administrator;
6. Two or more audiologists who are experienced in infant hearing screening and evaluation;
7. One speech-language pathologist licensed under section 4753.07 of the Revised Code;
8. Two persons who are each a parent of a hearing-impaired child;
9. One geneticist;
10. One epidemiologist;
11. One adult who is deaf or hearing impaired;
12. One representative from an organization for persons who are deaf or hearing impaired;
13. One family advocate;
14. One nurse from a well-baby neonatal nursery;
15. One nurse from a special care neonatal nursery;
16. One teacher of persons who are deaf who works with
infants and toddlers;

(17) One representative of the health insurance industry;

(18) One representative of the program for children and youth with medical handicaps program special health care needs;

(19) One representative of the department of education;

(20) One representative of the department of medicaid;

(21) Any other person the advisory council appoints.

(B) The infant hearing subcommittee shall:

(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;

(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;

(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following:

(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;

(b) Identification of locations where hearing evaluations may be conducted;

(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;

(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;

(e) Maintenance of a register of newborns and infants who do
not pass the hearing screening;

(f) Preparation of the information required by section 3701.506 of the Revised Code.

Sec. 3701.508. (A) The director of health shall adopt rules governing the statewide hearing screening, tracking, and early intervention program established under section 3701.504 of the Revised Code, including rules that do all of the following:

(1) Specify how hospitals and freestanding birthing centers are to comply with the requirements of section 3701.505 of the Revised Code, including methods to be used for hearing screening, except that with regard to the physiologic equipment to be used for hearing screening, the rules may require only that the equipment be capable of giving reliable results and may not specify particular equipment or a particular type of equipment;

(2) Provide that no newborn or infant shall be required to undergo a hearing screening if the parent, guardian, or custodian of the newborn or infant objects on the grounds that the screening conflicts with the parent's, guardian's, or custodian's religious tenets and practices;

(3) Provide for situations in which the parent, guardian, or custodian of a newborn or infant objects to a hearing screening for reasons other than religious tenets and practices;

(4) Specify how the department of health will determine whether a person is financially unable to pay for a hearing screening and define "third-party payer" for the purpose of reimbursement of hearing screening by the department under section 3701.505 of the Revised Code;

(5) Specify an inexpensive and efficient format and procedures for the submission of hearing screening information from hospitals and freestanding birthing centers to the department.
of health;

(6) Specify a procedure whereby the department may conduct timely reviews of hearing screening information submissions for purposes of quality assurance, training, and disease prevention and control;

(7) Specify any additional information that hospitals and freestanding birthing centers are to provide to the medically handicapped children's medical advisory council's infant hearing screening subcommittee under section 3701.509 of the Revised Code.

(B) In addition to the rules adopted under division (A) of this section, the director shall adopt rules that specify the training that must be completed by persons who will conduct hearing screenings. In adopting these rules, the director shall consider incorporating cost-saving training methods, including computer-assisted learning and on-site training. Neither the rules nor the director of health may establish a minimum educational level for persons conducting hearing screenings.

(C) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and shall be adopted so as to take effect not later than six months after August 1, 2002.

Sec. 3701.509. (A) The department of health shall develop a mechanism to analyze and interpret the hearing screening information to be reported under division (B) of this section. The department shall notify all hospitals and freestanding birthing centers subject to the reporting requirements of the date the department anticipates that the mechanism will be complete. After the mechanism is complete, the department shall notify each hospital and freestanding birthing center subject to the reporting requirement of the date by which the hospital or center must
submit its first report.

(B) Subject to division (A) of this section and in accordance with rules adopted by the director of health under section 3701.508 of the Revised Code, each hospital and freestanding birthing center that has conducted a hearing screening required by section 3701.505 of the Revised Code shall provide to the department of health for use by the medically handicapped children's children and youth with special health care needs medical advisory council's infant hearing screening subcommittee information specifying all of the following:

1. The number of newborns born in the hospital or freestanding birthing center and the number of newborns and infants not screened because they were transferred to another hospital;

2. The number of newborns and infants referred to the hospital or freestanding birthing center for a hearing screening and the number of those newborns and infants who received a hearing screening;

3. The number of newborns and infants who did not pass the hearing screenings conducted by the hospital or freestanding birthing center;

4. Any other information concerning the program established under section 3701.504 of the Revised Code.

(C) The department of health shall conduct a timely review of the information submitted by hospitals and freestanding birthing centers in accordance with rules adopted by the director under section 3701.508 of the Revised Code.

(D) The infant hearing screening subcommittee, with the support of the department of health, shall compile and summarize the information submitted to the department by hospitals and
freestanding birthing centers under division (B) of this section. 

Beginning with the first year after the mechanism developed under division (A) of this section is complete, the subcommittee shall annually prepare and transmit a report to the director of health, the speaker of the house of representatives, and the president of the senate. The council shall make the report available to the public.

(E) The department and all members of the subcommittee shall maintain the confidentiality of patient-identifying information submitted under division (B) of this section and section 3701.505 of the Revised Code. The information is not a public record under section 149.43 of the Revised Code, except to the extent that the information is used in preparing reports under this section.

Nothing in this division prohibits the department from providing patient-identifying information to other entities as it considers necessary to implement the statewide tracking and early intervention components of the program established under section 3701.504 of the Revised Code. Any entity that receives patient-identifying information from the department shall maintain the confidentiality of the information.

Sec. 3701.741. (A) Each health care provider and medical records company shall provide copies of medical records in accordance with this section.

(B) Except as provided in divisions (C) and (E) of this section, a health care provider or medical records company that receives a request for a copy of a patient's medical record shall charge not more than the amounts set forth in this section.

(1) Except as provided in division (B)(1)(b) of this section, if the request is made by the patient or the patient's personal representative, or a person who holds a power of attorney or other written authorization to act on the patient's
behalf regarding access to the patient's medical records, total

costs for copies and all services related to those copies shall

not exceed the sum of the following:

(a) Except as provided in division (B)(1)(b) of this section, with

respect to data recorded on paper or electronically, the

following amounts adjusted in accordance with section 3701.742 of

the Revised Code:

(i) Two dollars and seventy-four cents per page for the first

ten pages;

(ii) Fifty-seven cents per page for pages eleven through

fifty;

(iii) Twenty-three cents per page for pages fifty-one and

higher;

(b) With respect to data resulting from an x-ray, magnetic

resonance imaging (MRI), or computed axial tomography (CAT) scan

and recorded on paper or film, one dollar and eighty-seven cents

per page;

(c) The actual cost of any related postage incurred by the

health care provider or medical records company be reasonable and

cost-based and shall include only costs that are authorized under

federal laws and regulations.

(b) If the request is made by a person identified in division

(B)(1)(a) of this section and the request is for access to digital

records or electronically transmitted records, the total cost for

that access or for the electronic transmission, and all related

services, shall not exceed fifty dollars.

(2) If the request is made other than by the patient or the

patient's personal representative anyone other than a person

identified in division (B)(1)(a) of this section, total costs for

copies and all services related to those copies shall not exceed
the sum of the following:

(a) An initial fee of sixteen dollars and eighty-four cents adjusted in accordance with section 3701.742 of the Revised Code, which shall compensate for the records search;

(b) Except as provided in division (B)(2)(c) of this section, with respect to data recorded on paper or electronically, the following amounts adjusted in accordance with section 3701.742 of the Revised Code:

(i) One dollar and eleven cents per page for the first ten pages;

(ii) Fifty-seven cents per page for pages eleven through fifty;

(iii) Twenty-three cents per page for pages fifty-one and higher.

(c) With respect to data resulting from an x-ray, magnetic resonance imaging (MRI), or computed axial tomography (CAT) scan and recorded on paper or film, one dollar and eighty-seven cents per page;

(d) The actual cost of any related postage incurred by the health care provider or medical records company.

(C)(1) On request, a health care provider or medical records company shall provide one copy of the patient's medical record and one copy of any records regarding treatment performed subsequent to the original request, not including copies of records already provided, without charge to the following:

(a) The bureau of workers' compensation, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;

(b) The industrial commission, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under
those chapters;

   (c) The department of medicaid or a county department of job and family services, in accordance with Chapters 5160., 5161.,
      5162., 5163., 5164., 5165., 5166., and 5167. of the Revised Code and the rules adopted under those chapters;

   (d) The attorney general, in accordance with sections 2743.51 to 2743.72 of the Revised Code and any rules that may be adopted
      under those sections;

   (e) A patient, patient's personal representative, or authorized person if the medical record is necessary to support a claim under Title II or Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the request is accompanied by documentation that a claim has been
      filed.

(2) Nothing in division (C)(1) of this section requires a health care provider or medical records company to provide a copy without charge to any person or entity not listed in division (C)(1) of this section.

(D) Division (C) of this section shall not be construed to supersede any rule of the bureau of workers' compensation, the industrial commission, or the department of medicaid.

(E) A health care provider or medical records company may enter into a contract with either of the following for the copying of medical records at a fee other than as provided in division (B) of this section:

   (1) A patient, a patient's personal representative, or an authorized person;

   (2) An insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state or health insuring corporations holding a certificate of
authority under Chapter 1751. of the Revised Code.

(F) This section does not apply to medical records the copying of which is covered by section 173.20 of the Revised Code or by 42 C.F.R. 483.10.

Sec. 3701.78. (A) There is hereby created the commission on minority health, consisting of twenty-one to twenty-two members. The governor shall appoint to the commission nine members from among health researchers, health planners, and health professionals. The governor also shall appoint two members who are representatives of the lupus awareness and education program. The speaker of the house of representatives shall appoint to the commission two members of the house of representatives, not more than one of whom is a member of the same political party, and the president of the senate shall appoint to the commission two members of the senate, not more than one of whom is a member of the same political party. The following shall be members of the commission: the directors of health, mental health and addiction services, developmental disabilities, aging, and job and family services, or their designees; the medicaid director, or the director's designee; and the superintendent of public instruction, or the superintendent's designee.

The commission shall elect a chairperson from among its members.

Of the members appointed by the governor, five shall be appointed to initial terms of one year, and four shall be appointed to initial terms of two years. Thereafter, all members appointed by the governor shall be appointed to terms of two years. All members of the commission appointed by the speaker of the house of representatives or the president of the senate shall be nonvoting members of the commission and be appointed within thirty days after the commencement of the first regular session of
each general assembly, and shall serve until the expiration of the
session of the general assembly during which they were appointed.

Members of the commission shall serve without compensation,
but shall be reimbursed for the actual and necessary expenses they
incur in the performance of their official duties.

(B) The commission shall promote health and the prevention of
disease among members of minority groups. Each year the commission
shall distribute grants from available funds to community-based
health groups to be used to promote health and the prevention of
disease among members of minority groups. As used in this
division, "minority group" means any of the following economically
disadvantaged groups: Blacks, American Indians, Hispanics, and
Orientals. The commission shall adopt and maintain rules pursuant
to Chapter 119. of the Revised Code to provide for the
distribution of these grants. No group shall qualify to receive a
grant from the commission unless it receives at least twenty per
cent of its funds from sources other than grants distributed under
this section.

(C) The commission may appoint such employees as it considers
necessary to carry out its duties under this section. The
department of health shall provide office space for the
commission.

(D) The commission shall meet at the call of its chairperson
to conduct its official business. A majority of the voting members
of the commission constitute a quorum. The votes of at least eight
voting members of the commission are necessary for the commission
to take any official action or to approve the distribution of
grants under this section.

Sec. 3701.953. (A) The department of health shall create an
infant mortality scorecard. The scorecard shall report all of the
following:
(1) The state's performance on population health measures, including the infant mortality rate, preterm birth rate, and low birth weight rate, delineated by race, ethnic group, region of the state, and the state as a whole;

(2) Preliminary data the department possesses on the state's unexpected infant death rate;

(3) To the extent such information is available, the state's performance on outcome measures identified by the department that are related to preconception health, reproductive health, prenatal care, labor and delivery, smoking, infant safe sleep practices, breastfeeding, and behavioral health, delineated by race, ethnic group, region of the state, and the state as a whole;

(4) A comparison of the state's performance on the population health measures specified in division (A)(1) of this section and, to the extent such information is available, the state's performance on outcome measures specified in division (A)(3) of this section with the targets for the measures, or the targets for the objectives similar to the measures, established by the United States department of health and human services through the healthy people 2020 initiative or a subsequent initiative;

(5) Any other information on maternal and child health that the department considers appropriate.

(B) The scorecard shall be updated each calendar quarter and made available on the department's internet web site built and automated to refresh data in real time on a data dashboard to be made publicly available.

(C) The scorecard shall include a description of the data sources and methodology used to complete the scorecard.

Sec. 3702.511. (A) Except as provided in division (B) of this section and section 3702.512 of the Revised Code, the following...
activities are reviewable under sections 3702.51 to 3702.62 of the Revised Code:

(1) Establishment, development, or construction of a new long-term care facility;

(2) Replacement of an existing long-term care facility;

(3) Renovation of or addition to a long-term care facility that involves a capital expenditure of four million dollars or more, not including expenditures for equipment, staffing, or operational costs;

(4) An increase in long-term care bed capacity;

(5) A relocation of long-term care beds from one physical facility or site to another, excluding relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site;

(6) Expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long-term care beds;

(7) Any failure to conduct a reviewable activity in substantial accordance with the approved application for which a certificate of need was granted, including a change in the site, if the failure occurs within five years after implementation of the reviewable activity for which the certificate was granted.

(B) The following activities are not subject to review under sections 3702.51 to 3702.62 of the Revised Code:

(1) Acquisition of computer hardware or software;

(2) Acquisition of a telephone system;

(3) Construction or acquisition of parking facilities;

(4) Correction of cited deficiencies that constitute an imminent threat to public health or safety and are in violation of
federal, state, or local fire, building, or safety statutes, ordinances, rules, or regulations;

(5) Acquisition of an existing long-term care facility that does not involve a change in the number of the beds;

(6) Mergers, consolidations, or other corporate reorganizations of long-term care facilities that do not involve a change in the number of beds;

(7) Construction, repair, or renovation of bathroom facilities;

(8) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices, and portions of medical office buildings used exclusively for physician services;

(9) Removal of asbestos from a health care facility.

Only that portion of a project that is described in this division is not reviewable.

Sec. 3702.52. The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. Administration of the program shall include both a standard review process and an expedited review process.

(A) The director shall issue rulings on whether a particular proposed project is a reviewable activity. The director shall issue a ruling not later than forty-five days after receiving a request for a ruling accompanied by the information needed to make the ruling, except that if an expedited review is requested, the ruling shall be issued not later than thirty days after receiving the request for a ruling accompanied by the information needed to make the ruling. If the director does not issue a ruling in the required time, the project shall be considered to have been ruled
not a reviewable activity.

(B)(1) Each application for a certificate of need shall be submitted to the director on forms and in the manner prescribed by the director. An application for which expedited review is requested must meet the same requirements as all other applications.

Each application shall include a plan for obligating the capital expenditures or implementing the proposed project on a timely basis in accordance with section 3702.524 of the Revised Code. Each application shall also include all other information required by rules adopted under division (B) of section 3702.57 of the Revised Code.

(2) Each application shall be accompanied by the application fee established in rules adopted under division (G) of section 3702.57 of the Revised Code. Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections 3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. An application fee is nonrefundable unless the director determines that the application cannot be accepted.

(3) The director shall review applications for certificates of need. As part of a review, the director shall determine whether an application is complete. The director shall not consider an application to be complete unless the application meets all criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code. For an application being considered under the standard review process, the director shall mail to the applicant a written notice that the application is complete, or a written request for additional information, not later than thirty days after receiving an application or a
response to an earlier request for information. For an application
for which expedited review is requested, the director's notice or
request shall be mailed not later than fourteen days after the
director receives the application or a response to an earlier
request for information. Except as provided in section 3702.522 of
the Revised Code, the director shall not make more than two
requests for additional information. For either the standard or
expedited review process, the director shall make a final
determination regarding an application's completeness and issue a
notice of the determination not later than one hundred eighty days
after the date the director received the initial application.

The director's determination that an application is not
complete is final and not subject to appeal.

(4) Except as necessary to comply with a subpoena issued
under division (F) of this section, after a notice of completeness
has been received, no person shall make revisions to information
that was submitted to the director before the director mailed the
notice of completeness or knowingly discuss in person or by
telephone the merits of the application with the director. A
person may supplement an application after a notice of
completeness has been received by submitting clarifying
information to the director.

(C) All of the following apply to the process of granting or
denying a certificate of need:

(1) If the project proposed in a certificate of need
application meets all of the applicable certificate of need
criteria for approval under sections 3702.51 to 3702.62 of the
Revised Code and the rules adopted under those sections, the
director shall grant a certificate of need for all or part of the
project that is the subject of the application by the applicable
deadline specified in division (C)(4) of this section or any
extension of it under division (C)(5) of this section.
(2) The director's grant of a certificate of need does not
affect, and sets no precedent for, the director's decision to
grant or deny other applications for similar reviewable
activities.

(3) Any affected person may submit written comments regarding
an application. The director shall consider all written comments
received by the forty-fifth day after the application is submitted
to the director, except that to be considered in an expedited
review, written comments must be received by the twenty-first day
after the application is submitted.

(4) Except as provided in division (C)(5) of this section,
the director shall grant or deny certificate of need applications
not later than sixty days after mailing the notice of completeness
unless the application is receiving expedited review. If the
application is receiving expedited review, the director shall
grant or deny the application not later than forty-five days after
mailing the notice of completeness.

(5) Except as provided in division (C)(6) of this section,
the director or the applicant may extend the deadline prescribed
in division (C)(4) of this section once, for no longer than thirty
days, by written notice before the end of the deadline prescribed
by division (C)(4) of this section. An extension by the director
under division (C)(5) of this section shall apply to all
applications that are in comparative review.

(6) No applicant in a comparative review may extend the
deadline specified in division (C)(4) of this section.

(7) If the director does not grant or deny the certificate by
the applicable deadline specified in division (C)(4) of this
section or any extension of it under division (C)(5) of this
section, the certificate shall be considered to have been granted.

(8) In granting a certificate of need, the director shall
specify as the maximum capital expenditure the certificate holder may obligate under the certificate a figure equal to one hundred ten per cent of the approved project cost.

(9) In granting a certificate of need, the director may grant the certificate with conditions that must be met by the holder of the certificate.

(D) When a certificate of need is granted for a project under which beds are to be relocated, upon completion of the project for which the certificate of need was granted a number of beds equal to the number of beds relocated shall cease to be operated in the long-term care facility from which they are relocated, except that the beds may continue to be operated for not more than fifteen days to allow relocation of residents to the facility to which the beds have been relocated. Notwithstanding section 3721.03 of the Revised Code, if the relocated beds are in a home licensed under Chapter 3721. of the Revised Code, the facility's license is automatically reduced by the number of beds relocated effective fifteen days after the beds are relocated. If the beds are in a facility that is certified as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," the certification for the beds shall be surrendered. If the beds are registered under section 3701.07 of the Revised Code as skilled nursing beds or long-term care beds, the director shall remove the beds from registration not later than fifteen days after the beds are relocated.

(E) During the period beginning with the granting of a certificate of need and ending five years after implementation of the reviewable activity for which the certificate was granted, the director shall monitor the activities of the person granted the certificate to determine whether the reviewable activity is conducted in substantial accordance with the certificate. A reviewable activity shall not be determined to be not in...
substantial accordance with the certificate of need solely because of either of the following:

(1) A decrease in bed capacity;

(2) A change in the owner or operator of the facility unless any of the circumstances specified in division (B) of section 3702.59 of the Revised Code apply to the new owner or operator.

(F) When reviewing applications for certificates of need, considering appeals under section 3702.60 of the Revised Code, or monitoring activities of persons granted certificates of need, the director may issue and enforce, in the manner provided in section 119.09 of the Revised Code, subpoenas and subpoenas duces tecum to compel a person to testify and produce documents relevant to review of the application, consideration of the appeal, or monitoring of the activities. In addition, the director or the director's designee may visit the sites where the activities are or will be conducted.

(G) The director may withdraw certificates of need.

(H) All long-term care facilities shall submit to the director, upon request, any information prescribed by rules adopted under division (H) (G) of section 3702.57 of the Revised Code that is necessary to conduct reviews of certificate of need applications and to develop criteria for reviews.

(I) Any decision to grant or deny a certificate of need shall consider the special needs and circumstances resulting from moral and ethical values and the free exercise of religious rights of long-term care facilities administered by religious organizations, and the special needs and circumstances of inner city and rural communities.

Sec. 3702.532. When the director of health determines that a person has violated section 3702.53 of the Revised Code, the
director shall send a notice to the person by certified mail, return receipt requested, specifying the activity constituting the violation and the penalties imposed under section 3702.54 or 3702.541 of the Revised Code.

**Sec. 3702.54.** Except as provided in section 3702.541 of the Revised Code, divisions (A) and (B) of this section apply when the director of health determines that a person has violated section 3702.53 of the Revised Code.

(A) The director shall impose a civil penalty on the person in an amount equal to the greatest of the following:

(1) Three thousand dollars;

(2) Five per cent of the operating cost of the activity that constitutes the violation during the period of time it was conducted in violation of section 3702.53 of the Revised Code;

(3) If a certificate of need was granted, two per cent of the total approved capital cost associated with implementation of the activity for which the certificate of need was granted.

In no event, however, shall the penalty exceed two hundred fifty thousand dollars.

(B)(1) Notwithstanding section 3702.52 of the Revised Code, the director shall refuse to accept for review any application for a certificate of need filed by or on behalf of the person, or any successor to the person or entity related to the person, for a period of not less than one year and not more than three years after the director mails the notice of the director's determination under section 3702.532 of the Revised Code or, if the determination is appealed under section 3702.60 of the Revised Code, the issuance of the order upholding the determination that is not subject to further appeal. In determining the length of time during which applications will not be accepted, the director
may consider any of the following:

(a) The nature and magnitude of the violation;

(b) The ability of the person to have averted the violation;

(c) Whether the person disclosed the violation to the director before the director commenced his investigation of the violation;

(d) The person's history of compliance with sections 3702.51 to 3702.62 and the rules adopted under section 3702.57 of the Revised Code;

(e) Any community hardship that may result from refusing to accept future applications from the person.

(2) Notwithstanding the one-year minimum imposed by division (B)(1) of this section, the director may establish a period of less than one year during which the director will refuse to accept certificate of need applications if, after reviewing all information available to the director, the director determines and expressly indicates in the notice mailed under section 3702.532 of the Revised Code that refusing to accept applications for a longer period would result in hardship to the community in which the person provides long-term care services. The director's finding of community hardship shall not affect the granting or denial of any future certificate of need application filed by the person.

Sec. 3702.544. Each person required by section 3702.54 or 3702.541 of the Revised Code to pay a civil penalty shall do so not later than sixty days after receiving the notice mailed under section 3702.532 of the Revised Code or, if the person appeals under section 3702.60 of the Revised Code the director of health's determination that a violation has occurred, not later than sixty days after the issuance of an order upholding the director's determination that is not subject to further appeal. The civil
penalties shall be paid to the director. The director shall deposit them into the certificate of need fund created by section 3702.52 of the Revised Code.

**Sec. 3702.55.** A person that the director of health determines has violated section 3702.53 of the Revised Code shall cease conducting the activity that constitutes the violation or utilizing the facility resulting from the violation not later than thirty days after the person receives the notice mailed under section 3702.532 of the Revised Code or, if the person appeals the director's determination under section 3702.60 of the Revised Code, thirty days after the person receives an order upholding the director's determination that is not subject to further appeal.

If any person determined to have violated section 3702.53 of the Revised Code fails to cease conducting an activity or using a facility as required by this section or if the person continues to seek payment or reimbursement for services rendered or costs incurred in conducting the activity as prohibited by section 3702.56 of the Revised Code, in addition to the penalties imposed under section 3702.54 or 3702.541 of the Revised Code:

(A) The director of health may refuse to include any beds involved in the activity in the bed capacity of a hospital for purposes of registration under section 3701.07 of the Revised Code;

(B) The director of health may refuse to license, or may revoke a license or reduce bed capacity previously granted to, a hospice care program under section 3712.04 of the Revised Code; a nursing home, residential care facility, or home for the aging under section 3721.02 of the Revised Code; or any beds within any of those facilities that are involved in the activity;

(C) A political subdivision certified under section 3721.09 of the Revised Code may refuse to license, or may revoke a license.
or reduce bed capacity previously granted to, a nursing home, residential care facility, or home for the aging, or any beds within any of those facilities that are involved in the activity;

(D) The director of mental health and addiction services may refuse to license under section 5119.33 of the Revised Code, or may revoke a license or reduce bed capacity previously granted to, a hospital receiving mentally ill persons or beds within such a hospital that are involved in the activity;

(E) The department of medicaid may refuse to enter into a provider agreement that includes a facility, beds, or services that result from the activity.

Sec. 3702.57. (A) The director of health shall adopt rules establishing procedures and criteria for reviews of applications for certificates of need and issuance, denial, or withdrawal of certificates.

(1) In adopting rules that establish criteria for reviews of applications of certificates of need, the director shall consider the availability of and need for long-term care beds to provide care and treatment to persons diagnosed as having traumatic brain injuries and shall prescribe criteria for reviewing applications that propose to add long-term care beds to provide care and treatment to persons diagnosed as having traumatic brain injuries.

(2) The criteria for reviews of applications for certificates of need shall relate to the need for the reviewable activity and shall pertain to all of the following matters:

(a) The impact of the reviewable activity on the cost and quality of long-term care services in the relevant service area, including, but not limited, to the historical and projected utilization of the services to which the application pertains and the effect of the reviewable activity on utilization of other
providers of similar services;

(b) The quality of the services to be provided as the result
of the activity, as evidenced by the historical performance of the
persons that will be involved in providing the services and by the
provisions that are proposed in the application to ensure quality,
including but not limited to adequate available personnel,
available ancillary and support services, available equipment,
size and configuration of physical plant, and relations with other
providers;

(c) The impact of the reviewable activity on the availability
and accessibility of the type of services proposed in the
application to the population of the relevant service area, and
the level of access to the services proposed in the application
that will be provided to medically underserved individuals such as
recipients of public assistance and individuals who have no health
insurance or whose health insurance is insufficient;

(d) The activity's short- and long-term financial feasibility
and cost-effectiveness, the impact of the activity on the
applicant's costs and charges, and a comparison of the applicant's
costs and charges with those of providers of similar services in
the applicant's proposed service area;

(e) The advantages, disadvantages, and costs of alternatives
to the reviewable activity;

(f) The impact of the activity on all other providers of
similar services in the relevant service area, including the
impact on their utilization, market share, and financial status;

(g) The historical performance of the applicant and related
or affiliated parties in complying with previously granted
certificates of need and any applicable certification,
accreditation, or licensure requirements;

(h) The historical performance of the applicant and related
or affiliated parties in providing cost-effective long-term care services;

(i) The special needs and circumstances of the applicant or population proposed to be served by the proposed project, including research activities, prevalence of particular diseases, unusual demographic characteristics, cost-effective contractual affiliations, and other special circumstances;

(j) The appropriateness of the zoning status of the proposed site of the activity;

(k) The participation by the applicant in research conducted by the United States food and drug administration or clinical trials sponsored by the national institutes of health.

(3) The criteria for reviews of applications shall include a formula for determining each county's long-term care bed need for purposes of section 3702.593 of the Revised Code and may include other formulas for determining need for beds.

Any rules prescribing criteria that establish ratios of beds to population shall specify the bases for establishing the ratios or mitigating factors or exceptions to the ratios.

(B) The director shall adopt rules specifying all of the following:

(1) Information that must be provided in applications for certificates of need;

(2) Procedures for reviewing applications for completeness of information;

(3) Criteria for determining that the application is complete;

(4) Procedures for making a final determination regarding an application's completeness and issuing a notice of the determination within the one-hundred-eighty-day time frame.
specified in division (B)(3) of section 3702.52 of the Revised Code.

(C) The director shall adopt rules specifying requirements that holders of certificates of need must meet in order for the certificates to remain valid and establishing definitions and requirements for obligation of capital expenditures and implementation of projects authorized by certificates of need.

The rules shall not specify a maximum capital expenditure that a certificate holder may obligate under a certificate of need.

(D) The director shall adopt rules establishing criteria and procedures under which the director of health may withdraw a certificate of need if the holder fails to meet requirements for continued validity of the certificate.

(E) The director shall adopt rules establishing procedures under which the department of health shall monitor project implementation activities of holders of certificates of need. The rules adopted under this division also may establish procedures for monitoring implementation activities of persons that have received nonreviewability rulings.

(F) The director shall adopt rules establishing procedures under which the director of health shall review certificates of need whose holders exceed or appear likely to exceed an expenditure maximum specified in a certificate.

(G) The director shall adopt rules establishing certificate of need application fees sufficient to pay the costs incurred by the department for administering sections 3702.51 to 3702.62 of the Revised Code. Unless rules are adopted under this division establishing different application fees, the application fee for a project not involving a capital expenditure shall be three thousand dollars and the application fee for a project involving a
capital expenditure shall be nine-tenths of one per cent of the
capital expenditure proposed subject to a minimum of three
thousand dollars and a maximum of twenty thousand dollars.

(G) The director shall adopt rules specifying information
that is necessary to conduct reviews of certificate of need
applications and to develop criteria for reviews that long-term
care facilities are to submit to the director under division (H)
of section 3702.52 of the Revised Code.

(H) The director shall adopt rules defining "affiliated
person," "related person," and "ultimate controlling interest" for
purposes of section 3702.523 of the Revised Code.

(I) The director shall adopt rules prescribing
requirements for holders of certificates of need to demonstrate to
the director under section 3702.525 of the Revised Code that
reasonable progress is being made toward completion of the
reviewable activity and establishing standards by which the
director shall determine whether reasonable progress is being
made.

(J) The director shall adopt all rules under divisions (A) to
(I) of this section in accordance with Chapter 119. of the
Revised Code. The director may adopt other rules as necessary to
carry out the purposes of sections 3702.51 to 3702.62 of the
Revised Code.

Sec. 3702.60. (A) The applicant for a certificate of need may
appeal to the director of health a decision issued by the director
to grant or deny a certificate of need application. The person
that requested a reviewability ruling may appeal to the director
with respect to the resulting ruling issued by the director.

The appeal by the applicant or person shall be made in
accordance with Chapter 119. of the Revised Code, and the director shall provide an adjudication hearing in accordance with that chapter. In the appeal, the applicant or person must prove by a preponderance of the evidence that the director's decision or ruling is not in accordance with sections 3702.52 to 3702.62 of the Revised Code or rules adopted under those sections.

The applicant or person that was a party to and participated in an adjudication hearing conducted under this division may appeal to the tenth district court of appeals the decision issued by the director following the adjudication hearing.

(B) The holder of a certificate of need may appeal to the director in accordance with Chapter 119. of the Revised Code a decision issued by the director under section 3702.52 or 3702.525 of the Revised Code to withdraw a certificate of need, and the director shall provide an adjudication hearing in accordance with that chapter. The person may appeal the director's ruling in the adjudication hearing to the tenth district court of appeals.

(C) Any person determined by the director to have violated section 3702.53 of the Revised Code may appeal that determination, or the penalties imposed under section 3702.54 or 3702.541 of the Revised Code, to the director in accordance with Chapter 119. of the Revised Code, and the director shall provide an adjudication hearing in accordance with that chapter. The person may appeal the director's ruling in the adjudication hearing to the tenth district court of appeals.

(D) Each person appealing under this section to the director shall file with the director, not later than thirty days after the decision, ruling, or determination of the director was mailed, a notice of appeal designating the decision, ruling, or determination appealed from.

(E) Each person appealing under this section to the tenth
district court of appeals shall file with the court, not later than thirty days after the date the director's adjudication order was mailed, a notice of appeal designating the order appealed from. The appellant also shall file notice with the director not later than thirty days after the date the order was mailed.

(1) Not later than thirty days after receipt of the notice of appeal, the director shall prepare and certify to the court the complete record of the proceedings out of which the appeal arises. The expense of preparing and transcribing the record shall be taxed as part of the costs of the appeal. In the event that the record or a part thereof is not certified within the time prescribed by this division, the appellant may apply to the court for an order that the record be certified.

(2) In hearing the appeal, the court shall consider only the evidence contained in the record certified to it by the director. The court may remand the matter to the director for the admission of additional evidence on a finding that the additional evidence is material, newly discovered, and could not with reasonable diligence have been ascertained before the hearing before the director. Except as otherwise provided by statute, the court shall give the hearing on the appeal preference over all other civil matters, irrespective of the position of the proceedings on the calendar of the court.

(3) The court shall affirm the director's order if it finds, upon consideration of the entire record and any additional evidence admitted under division (E)(2) of this section, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such a finding, it shall reverse, vacate, or modify the order.

(4) If the court determines that the director committed material procedural error, the court shall remand the matter to the director for further consideration or action.
Sec. 3702.61. In addition to the sanctions imposed under sections 3702.54, 3702.541, and 3702.55 of the Revised Code, if any person violates section 3702.53 of the Revised Code, the attorney general may commence necessary legal proceedings in the court of common pleas of Franklin county to enjoin the person from such violation until the requirements of sections 3702.51 to 3702.62 of the Revised Code have been satisfied. At the request of the director of health, the attorney general shall commence any necessary proceedings. The court has jurisdiction to grant and, on a showing of a violation, shall grant appropriate injunctive relief.

Sec. 3704.14. (A)(1) If the director of environmental protection determines that implementation of a motor vehicle inspection and maintenance program is necessary for the state to effectively comply with the federal Clean Air Act after June 30, 2019, the director may provide for the implementation of the program in those counties in this state in which such a program is federally mandated. Upon making such a determination, the director of environmental protection may request the director of administrative services to extend the terms of the contract that was entered into under the authority of Am. Sub. H.B. 64 of the 131st general assembly. Upon receiving the request, the director of administrative services shall extend the contract, beginning on July 1, 2019, in accordance with this section. The contract shall be extended for a period of up to twenty-four months with the contractor who conducted the motor vehicle inspection and maintenance program under that contract.

(2) Prior to the expiration of the contract extension that is authorized by division (A)(1) of this section, the director of
environmental protection shall request the director of administrative services to enter into a contract with a vendor to operate a decentralized motor vehicle inspection and maintenance program in each county in this state in which such a program is federally mandated through June 30, 2023, with an option for the state to renew the contract for a period of up to twenty-four months through June 30, 2027. The contract shall ensure that the decentralized motor vehicle inspection and maintenance program achieves at least the same emission reductions as achieved by the program operated under the authority of the contract that was extended under division (A)(1) of this section. The director of administrative services shall select a vendor through a competitive selection process in compliance with Chapter 125. of the Revised Code.

(3) Notwithstanding any law to the contrary, the director of administrative services shall ensure that a competitive selection process regarding a contract to operate a decentralized motor vehicle inspection and maintenance program in this state incorporates the following, which shall be included in the contract:

(a) For purposes of expanding the number of testing locations for consumer convenience, a requirement that the vendor utilize established local businesses, auto repair facilities, or leased properties to operate state-approved inspection and maintenance testing facilities;

(b) A requirement that the vendor selected to operate the program provide notification of the program's requirements to each owner of a motor vehicle that is required to be inspected under the program. The contract shall require the notification to be provided not later than sixty days prior to the date by which the owner of the motor vehicle is required to have the motor vehicle inspected. The director of environmental protection and the vendor
shall jointly agree on the content of the notice. However, the notice shall include at a minimum the locations of all inspection facilities within a specified distance of the address that is listed on the owner's motor vehicle registration;

(c) A requirement that the vendor comply with testing methodology and supply the required equipment approved by the director of environmental protection as specified in the competitive selection process in compliance with Chapter 125. of the Revised Code.

(4) A decentralized motor vehicle inspection and maintenance program operated under this section shall comply with division (B) of this section. The director of environmental protection shall administer the decentralized motor vehicle inspection and maintenance program operated under this section.

(B) The decentralized motor vehicle inspection and maintenance program authorized by this section, at a minimum, shall do all of the following:

(1) Comply with the federal Clean Air Act;

(2) Provide for the issuance of inspection certificates;

(3) Provide for a new car exemption for motor vehicles four years old or newer and provide that a new motor vehicle is exempt for four years regardless of whether legal title to the motor vehicle is transferred during that period;

(4) Provide for an exemption for battery electric motor vehicles.

(C) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that the director determines are necessary to implement this section. The director may continue to implement and enforce rules pertaining to the motor vehicle inspection and maintenance program previously adopted by the director.
implemented under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th general assembly, provided that the rules do not conflict with this section.

(D) There is hereby created in the state treasury the auto emissions test fund, which shall consist of money received by the director from any cash transfers, state and local grants, and other contributions that are received for the purpose of funding the program established under this section. The director of environmental protection shall use money in the fund solely for the implementation, supervision, administration, operation, and enforcement of the motor vehicle inspection and maintenance program established under this section. Money in the fund shall not be used for either of the following:

1. To pay for the inspection costs incurred by a motor vehicle dealer so that the dealer may provide inspection certificates to an individual purchasing a motor vehicle from the dealer when that individual resides in a county that is subject to the motor vehicle inspection and maintenance program;

2. To provide payment for more than one free passing emissions inspection or a total of three emissions inspections for a motor vehicle in any three-hundred-sixty-five-day period. The owner or lessee of a motor vehicle is responsible for inspection fees that are related to emissions inspections beyond one free passing emissions inspection or three total emissions inspections in any three-hundred-sixty-five-day period. Inspection fees that are charged by a contractor conducting emissions inspections under a motor vehicle inspection and maintenance program shall be approved by the director of environmental protection.

(E) The motor vehicle inspection and maintenance program established under this section expires upon the termination of all contracts entered into under this section and shall not be


implemented beyond the final date on which termination occurs. 49619

(F) As used in this section "battery electric motor vehicle" has the same meaning as in section 4501.01 of the Revised Code. 49620

Sec. 3705.091. (A) If the natural mother and alleged father of a child sign an acknowledgment of paternity affidavit prepared pursuant to section 3111.31 of the Revised Code with respect to that child at the office of the local registrar, the local registrar shall provide a notary public to notarize, or witnesses to witness, the acknowledgment. The local registrar shall send a signed and notarized or witnessed acknowledgment of paternity to the office of child support in the department of job and family services pursuant to section 3111.22 of the Revised Code. The local registrar shall send the acknowledgment no later than ten days after it has been signed and notarized or witnessed. If the local registrar knows a man is presumed under section 3111.03 of the Revised Code to be the father of the child and that the presumed father is not the man who signed or is attempting to sign an acknowledgment with respect to the child, the local registrar shall not notarize, witness, or send the acknowledgment pursuant to this section. 49626

(B) The local registrar of vital statistics shall provide an acknowledgment of paternity affidavit described in division (A) of this section to any person that requests it. 49627

(C) The department of health shall store all acknowledgments of paternity affidavits it receives pursuant to section 3111.24 of the Revised Code. The department of health shall send to the office any acknowledgment the department is storing that the office requests. The department of health shall adopt rules pursuant to Chapter 119. of the Revised Code to govern the method of storage of the acknowledgments and to implement this section. 49630

(D) The department of health and the department of job and
family services shall enter into an agreement regarding expenses incurred by the department of health in comparing acknowledgment of paternity affidavits to birth records and storage of acknowledgment of paternity affidavits.

**Sec. 3705.17.** The body of a person whose death occurs in this state shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of by a funeral director until a burial permit is issued by a local registrar or sub-registrar of vital statistics. No such permit shall be issued by a local registrar or sub-registrar until a satisfactory death, fetal death, or provisional death certificate is filed with the local registrar or sub-registrar. When the medical certification as to the cause of death cannot be provided by the attending physician or coroner prior to burial, for sufficient cause, as determined by rule of the director of health, the funeral director may file a provisional death certificate with the local registrar or sub-registrar for the purpose of securing a burial or burial-transit permit. When the funeral director files a provisional death certificate to secure a burial or burial-transit permit, the funeral director shall file a satisfactory and complete death certificate within five days after the date of death. The director of health, by rule, may provide additional time for filing a satisfactory death certificate. A burial permit authorizing cremation shall not be issued upon the filing of a provisional certificate of death.

When a funeral director or other person obtains a burial permit from a local registrar or sub-registrar, the registrar or sub-registrar shall charge a fee of three dollars for the issuance of the burial permit. Two dollars and fifty cents of each fee collected for a burial permit shall be paid into the state treasury to the credit of the division of real estate in the department of commerce.
section 4767.03 of the Revised Code to be used by the division of real estate and professional licensing in the department of commerce in discharging its duties prescribed in Chapter 4767. of the Revised Code and the Ohio cemetery dispute resolution commission created by section 4767.05 of the Revised Code. A local registrar or sub-registrar shall transmit payments of that portion of the amount of each fee collected under this section to the treasurer of state on a quarterly basis or more frequently, if possible. The director of health, by rule, shall provide for the issuance of a burial permit without the payment of the fee required by this section if the total cost of the burial will be paid by an agency or instrumentality of the United States, the state or a state agency, or a political subdivision of the state.

The director of commerce may by rule adopted in accordance with Chapter 119. of the Revised Code reduce the total amount of the fee required by this section and that portion of the amount of the fee required to be paid to the credit of the division of real estate and professional licensing for the use of the division and the Ohio cemetery dispute resolution commission, if the director determines that the total amount of funds the fee is generating at the amount required by this section exceeds the amount of funds the division of real estate and professional licensing and the commission need to carry out their powers and duties prescribed in Chapter 4767. of the Revised Code.

No person in charge of any premises in which interments or cremations are made shall inter or cremate or otherwise dispose of a body, unless it is accompanied by a burial permit. Each person in charge of a cemetery, crematory, or other place of disposal shall indorse upon a burial permit the date of interment, cremation, or other disposal and shall retain such permits for a period of at least five years. The person in charge shall keep an accurate record of all interments, cremations, or other disposal.
of dead bodies, made in the premises under the person's charge, stating the name of the deceased person, place of death, date of burial, cremation, or other disposal, and name and address of the funeral director. Such record shall at all times be open to public inspection.

Sec. 3706.01. As used in this chapter:

(A) "Governmental agency" means a department, division, or other unit of state government, a municipal corporation, county, township, and other political subdivision, or any other public corporation or agency having the power to acquire, construct, or operate air quality facilities, the United States or any agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.

(B) "Person" means any individual, firm, partnership, association, or corporation, or any combination thereof.

(C) "Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or odorous substance, or any combination thereof.

(D) "Air pollution" means the presence in the ambient air of one or more air contaminants in sufficient quantity and of such characteristics and duration as to injure human health or welfare, plant or animal life, or property, or that unreasonably interferes with the comfortable enjoyment of life or property.

(E) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts that surrounds human, plant, or animal life, or property.

(F) "Emission" means the release into the outdoor atmosphere of an air contaminant.

(G) "Air quality facility" means any of the following:

(1) Any method, modification or replacement of property,
process, device, structure, or equipment that removes, reduces, prevents, contains, alters, conveys, stores, disperses, or disposes of air contaminants or substances containing air contaminants, or that renders less noxious or reduces the concentration of air contaminants in the ambient air, including, without limitation, facilities and expenditures that qualify as air pollution control facilities under section 103 (C)(4)(F) of the Internal Revenue Code of 1954, as amended, and regulations adopted thereunder;

(2) Motor vehicle inspection stations operated in accordance with, and any equipment used for motor vehicle inspections conducted under, section 3704.14 of the Revised Code and rules adopted under it;

(3) Ethanol or other biofuel facilities, including any equipment used at the ethanol or other biofuel facility for the production of ethanol or other biofuels;

(4) Any property or portion thereof used for the collection, storage, treatment, utilization, processing, or final disposal of a by-product or solid waste resulting from any method, process, device, structure, or equipment that removes, reduces, prevents, contains, alters, conveys, stores, disperses, or disposes of air contaminants, or that renders less noxious or reduces the concentration of air contaminants in the ambient air;

(5) Any property, device, or equipment that promotes the reduction of emissions of air contaminants into the ambient air through improvements in the efficiency of energy utilization or energy conservation;

(6) Any coal research and development project conducted under Chapter 1555. of the Revised Code;

(7) As determined by the director of the Ohio coal development office, any property or portion thereof that is used
for the collection, storage, treatment, utilization, processing, or final disposal of a by-product resulting from a coal research and development project as defined in section 1555.01 of the Revised Code or from the use of clean coal technology, excluding any property or portion thereof that is used primarily for other subsequent commercial purposes;

(8) Any property or portion thereof that is part of the FutureGen project of the United States department of energy or related to the siting of the FutureGen project;

(9) Any property, device, or equipment that promotes the reduction of emissions of air contaminants into the ambient air through the generation of clean, renewable energy with renewable energy resources or advanced energy resources as defined in section 3706.25 of the Revised Code;

(10) Any property, device, structure or equipment necessary for the manufacture and production of equipment described as an air quality facility under this chapter;

(11) Any property, device, or equipment related to the recharging or refueling of vehicles that promotes the reduction of emissions of air contaminants into the ambient air through the use of an alternative fuel as defined in section 125.831 of the Revised Code or the use of a renewable energy resource as defined in section 3706.25 of the Revised Code;

(12) Any special energy improvement project, as defined in section 1710.01 of the Revised Code, that promotes the reduction of emissions of air contaminants into the ambient air.

"Air quality facility" further includes any property or system to be used in whole or in part for any of the purposes in divisions (G)(1) to (11) (12) of this section, whether another purpose is also served, and any property or system incidental to or that has to do with, or the end purpose of which is, any of the...
foregoing. Air quality facilities that are defined in this division for industry, commerce, distribution, or research, including public utility companies, are hereby determined to be those that qualify as facilities for the control of air pollution and thermal pollution related to air under Section 13 of Article VIII, Ohio Constitution.

(H) "Project" or "air quality project" means any air quality facility, including undivided or other interests therein, acquired or to be acquired or constructed or to be constructed by the Ohio air quality development authority under this chapter, or acquired or to be acquired or constructed or to be constructed by a governmental agency or person with all or a part of the cost thereof being paid from a loan or grant from the authority under this chapter or otherwise paid from the proceeds of air quality revenue bonds, including all buildings and facilities that the authority determines necessary for the operation of the project, together with all property, rights, easements, and interests that may be required for the operation of the project.

(I) "Cost" as applied to an air quality project means the cost of acquisition and construction, the cost of acquisition of all land, rights-of-way, property rights, easements, franchise rights, and interests required for such acquisition and construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of acquiring or constructing and equipping a principal office and sub-offices of the authority, the cost of diverting highways, interchange of highways, and access roads to private property, including the cost of land or easements for such access roads, the cost of public utility and common carrier relocation or duplication, the cost of all machinery, furnishings, and equipment, financing charges, interest prior to and during
construction and for no more than eighteen months after completion of construction, engineering, expenses of research and development with respect to air quality facilities, the cost of any commodity contract, including fees and expenses related thereto, legal expenses, plans, specifications, surveys, studies, estimates of cost and revenues, working capital, other expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing such project, administrative expense, and such other expense as may be necessary or incident to the acquisition or construction of the project, the financing of such acquisition or construction, including the amount authorized in the resolution of the authority providing for the issuance of air quality revenue bonds to be paid into any special funds from the proceeds of such bonds, and the financing of the placing of such project in operation. Any obligation, cost, or expense incurred by any governmental agency or person for surveys, borings, preparation of plans and specifications, and other engineering services, or any other cost described above, in connection with the acquisition or construction of a project may be regarded as a part of the cost of that project and may be reimbursed out of the proceeds of air quality revenue bonds as authorized by this chapter.

(J) "Owner" includes an individual, copartnership, association, or corporation having any title or interest in any property, rights, easements, or interests authorized to be acquired by this chapter.

(K) "Revenues" means all rentals and other charges received by the authority for the use or services of any air quality project, any gift or grant received with respect to any air quality project, any moneys received with respect to the lease, sublease, sale, including installment sale or conditional sale, or other disposition of an air quality project, moneys received in
repayment of and for interest on any loans made by the authority
to a person or governmental agency, whether from the United States
or any department, administration, or agency thereof, or
otherwise, proceeds of such bonds to the extent that use thereof
for payment of principal of, premium, if any, or interest on the
bonds is authorized by the authority, amounts received or
otherwise derived from a commodity contract or from the sale of
the related commodity under such a contract, proceeds from any
insurance, condemnation, or guaranty pertaining to a project or
property mortgaged to secure bonds or pertaining to the financing
of the project, and income and profit from the investment of the
proceeds of air quality revenue bonds or of any revenues.

(L) "Public roads" includes all public highways, roads, and
streets in the state, whether maintained by the state, county,
city, township, or other political subdivision.

(M) "Public utility facilities" includes tracks, pipes,
mains, conduits, cables, wires, towers, poles, and other equipment
and appliances of any public utility.

(N) "Construction," unless the context indicates a different
meaning or intent, includes reconstruction, enlargement,
improvement, or providing furnishings or equipment.

(O) "Air quality revenue bonds," unless the context indicates
a different meaning or intent, includes air quality revenue notes,
air quality revenue renewal notes, and air quality revenue
refunding bonds, except that notes issued in anticipation of the
issuance of bonds shall have a maximum maturity of five years as
provided in section 3706.05 of the Revised Code and notes or
renewal notes issued as the definitive obligation may be issued
maturing at such time or times with a maximum maturity of forty
years from the date of issuance of the original note.

(P) "Solid waste" means any garbage; refuse; sludge from a
waste water treatment plant, water supply treatment plant, or air
pollution control facility; and other discarded material,
including solid, liquid, semisolid, or contained gaseous material
resulting from industrial, commercial, mining, and agricultural
operations, and from community activities, but not including solid
or dissolved material in domestic sewage, or solid or dissolved
material in irrigation return flows or industrial discharges that
are point sources subject to permits under section 402 of the
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or
byproduct material as defined by the "Atomic Energy Act of 1954,"

(Q) "Sludge" means any solid, semisolid, or liquid waste,
other than a recyclable by-product, generated from a municipal,
commercial, or industrial waste water treatment plant, water
supply plant, or air pollution control facility or any other such
wastes having similar characteristics and effects.

(R) "Ethanol or other biofuel facility" means a plant at
which ethanol or other biofuel is produced.

(S) "Ethanol" means fermentation ethyl alcohol derived from
agricultural products, including potatoes, cereal, grains, cheese
whey, and sugar beets; forest products; or other renewable or
biomass resources, including residue and waste generated from the
production, processing, and marketing of agricultural products,
forest products, and other renewable or biomass resources, that
meets all of the specifications in the American society for
testing and materials (ASTM) specification D 4806-88 and is
denatured as specified in Parts 20 and 21 of Title 27 of the Code
of Federal Regulations.

(T) "Biofuel" means any fuel that is made from cellulosic
biomass resources, including renewable organic matter, crop waste
residue, wood, aquatic plants and other crops, animal waste, solid
waste, or sludge, and that is used for the production of energy for transportation or other purposes.

(U) "FutureGen project" means the buildings, equipment, and real property and functionally related buildings, equipment, and real property, including related research projects that support the development and operation of the buildings, equipment, and real property, designated by the United States department of energy and the FutureGen industrial alliance, inc., as the coal-fueled, zero-emissions power plant designed to prove the technical and economic feasibility of producing electricity and hydrogen from coal and nearly eliminating carbon dioxide emissions through capture and permanent storage.

(V) "Commodity contract" means a contract or series of contracts entered into in connection with the acquisition or construction of air quality facilities for the purchase or sale of a commodity that is eligible for prepayment with the proceeds of federally tax exempt bonds under sections 103, 141, and 148 of the Internal Revenue Code of 1986, as amended, and regulations adopted under it.

**Sec. 3706.051.** (A) The Ohio air quality development authority may enter into an agreement with the legislative authority of a municipal corporation or a board of township trustees that provides for all of the following:

(1) The authority may issue revenue bonds or notes under section 3706.05 of the Revised Code for the purpose of paying any part of the cost of an air quality facility described under division (G)(12) of section 3706.01 of the Revised Code.

(2) The municipal corporation or township may levy a special assessment under section 503.59 or 727.01 of the Revised Code upon property specially benefited by that air quality facility.
(3) The municipal corporation or township shall pledge special assessments levied under division (A)(2) of this section for the payment of bonds or notes issued under division (A)(1) of this section.

(B) If the municipal corporation or township is a participating political subdivision of a special improvement district organized under Chapter 1710. of the Revised Code for the purpose of developing and implementing plans for special energy improvement projects, the municipal corporation or township shall provide notice to the special improvement district of the following:

(1) The agreement entered into under division (A) of this section;

(2) The air quality facility for which property is to be assessed pursuant to that division.

Sec. 3706.12. The Ohio air quality development authority may charge, alter, and collect rentals or other charges for the use or services of any air quality project and contract in the manner provided by this section with one or more persons, one or more governmental agencies, or any combination thereof, desiring the use or services of such project, and fix the terms, conditions, rentals, or other charges for such use or services. Such rentals or other charges shall not be subject to supervision or regulation by any other authority, commission, board, bureau, or agency of the state and such contract may provide for acquisition by such person or governmental agency of all or any part of such air quality project for such consideration payable over the period of the contract or otherwise as the authority in its sole discretion determines to be appropriate, but subject to the provisions of any resolution authorizing the issuance of air quality revenue bonds or notes or air quality revenue refunding bonds of the authority.
or any trust agreement securing the same. Any governmental agency that has power to construct, operate, and maintain air quality facilities may enter into a contract or lease with the authority whereby the use or services of any air quality project of the authority will be made available to such governmental agency and may pay for such use or services such rentals or other charges as may be agreed to by the authority and such governmental agency.

Any governmental agency or combination of governmental agencies may cooperate with the authority in the acquisition or construction of an air quality project and shall enter into such agreements with the authority as may be necessary, with a view to effective cooperative action and safeguarding of the respective interests of the parties thereto, which agreements shall provide for such contributions by the parties thereto in such proportion as may be agreed upon and such other terms as may be mutually satisfactory to the parties including without limitation the authorization of the construction of the project by one of the parties acting as agent for all of the parties and the ownership and control of the project by the authority to the extent necessary or appropriate for purposes of the issuance of air quality revenue bonds by the authority. Any governmental agency may provide the funds for the payment of such contribution as is required under such agreements by the levy of taxes, assessments or rentals and other charges for the use of the utility system of which the air quality project is a part or to which it is connected, if otherwise authorized by the laws governing such governmental agency in the construction of the type of air quality project provided for in the agreements, and may pay the proceeds from the collection of such taxes, assessments, utility rentals, or other charges to the authority pursuant to such agreements; or the governmental agency may issue bonds or notes, if authorized by such laws, in anticipation of the collection of such taxes, assessments, utility rentals, or other charges and may pay the
proceeds of such bonds or notes to the authority pursuant to such agreements. In addition any governmental agency may provide the funds for the payment of such contribution by the appropriation of money or, if otherwise authorized by law, by the issuance of bonds or notes and may pay such appropriated money or the proceeds of such bonds or notes to the authority pursuant to such agreements. The agreement by the governmental agency to provide such contribution, whether from appropriated money or from the proceeds of such taxes, assessments, utility rentals, or other charges, or such bonds or notes, or any combination thereof, shall not be subject to Chapter 133. of the Revised Code or any regulations or limitations contained therein. The proceeds from the collection of such taxes or assessments, and any interest earned thereon, shall be paid into a special fund immediately upon the collection thereof by the governmental agency for the purpose of providing such contribution at the times required under such agreements.

When the contribution of any governmental agency is to be made over a period of time from the proceeds of the collection of special assessments, the interest accrued and to accrue before the first installment of such assessments shall be collected which is payable by such governmental agency on such contribution under the terms and provisions of such agreements shall be treated as part of the cost of the improvement for which such assessments are levied, and that portion of such assessments as are collected in installments shall bear interest at the same rate as such governmental agency is obligated to pay on such contribution under the terms and provisions of such agreements and for the same period of time as the contribution is to be made under such agreements. If the assessment or any installment thereof is not paid when due, it shall bear interest until the payment thereof at the same rate as such contribution and the county auditor shall annually place on the tax list and duplicate the interest applicable to such assessment and the penalty and additional
interest thereon as otherwise authorized by law.

Any governmental agency, pursuant to a favorable vote of the electors in an election held before or after June 1, 1970, for the purpose of issuing bonds to provide funds to acquire, construct, or equip, or provide real estate and interests in real estate for, an air quality facility, whether or not such governmental agency, at the time of such election, had the authority to pay the proceeds from such bonds or notes issued in anticipation thereof to the authority as provided in this section, may issue such bonds or notes in anticipation of the issuance thereof and pay the proceeds thereof to the authority in accordance with its agreement with the authority; provided, that the legislative authority of the governmental agency find and determine that the air quality project to be acquired or constructed by the authority in cooperation with such governmental agency will serve the same public purpose and meet substantially the same public need as the facility otherwise proposed to be acquired or constructed by the governmental agency with the proceeds of such bonds or notes.

The authority may enter into an agreement under this section with a municipal corporation, a township, or a special improvement district created under Chapter 1710. of the Revised Code pursuant to which the authority issues air quality revenue bonds or notes under section 3706.05 of the Revised Code and remits the proceeds to the municipal corporation, township, district, or other party to the transaction to pay any part of the cost of an air quality facility described in division (G)(12) of section 3706.01 of the Revised Code. Under the agreement, the municipal corporation, township, or district shall assign and remit the proceeds of a special assessment levied under Chapter 727. or section 1710.06 of the Revised Code for paying the costs of that air quality facility to the authority, or its agents or assignees, for the purpose of servicing those bonds and notes.
Sec. 3711.14. (A) In accordance with Chapter 119. of the Revised Code, the director of health may do any of the following:

(1) Impose a civil penalty of not less than one thousand dollars and not more than two hundred fifty thousand dollars on a person who violates a provision of this chapter or the rules adopted under it;

(2) Summarily suspend, in accordance with division (B) of this section, a license issued under this chapter if the director believes there is clear and convincing evidence that the continued operation of a maternity unit, newborn care nursery, or maternity home presents a danger of immediate and serious harm to the public;

(3) Revoke a license issued under this chapter if the director determines that a violation of a provision of this chapter or the rules adopted under it has occurred in such a manner as to pose an imminent threat of serious physical or life-threatening danger.

(B) If the director suspends a license under division (A)(2) of this section, the director shall issue serve a written order of suspension and cause it to be delivered by certified mail or in person in accordance with section sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court while an appeal filed under section 119.12 of the Revised Code is pending. If the individual subject to the suspension requests an adjudication, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the individual makes the request, unless another date is agreed to by both the individual and the director. The summary suspension shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code.
becomes effective.

The director shall issue a final adjudication order not later than ninety days after completion of the adjudication. If the director does not issue a final order within the ninety-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the ninety-day period shall not be affected.

(C) If the director issues an order revoking or suspending a license issued under this chapter and the license holder continues to operate a maternity unit, newborn care nursery, or maternity home, the director may ask the attorney general to apply to the court of common pleas of the county in which the person is located for an order enjoining the person from operating the unit, nursery, or home. The court shall grant the order on a showing that the person is operating the unit, nursery, or home.

Sec. 3714.073. (A) In addition to the fee levied under division (A)(1) of section 3714.07 of the Revised Code, beginning July 1, 2005, there is hereby levied on the disposal of construction and demolition debris at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code and on the disposal of asbestos or asbestos-containing materials or products at a construction and demolition debris facility that is licensed under this chapter or at a solid waste facility that is licensed under Chapter 3734. of the Revised Code the following fees:

(1) A fee of twelve and one-half cents per cubic yard or twenty-five cents per ton, as applicable, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code;
(2) A fee of thirty-seven and one half thirty-five cents per cubic yard or seventy-five seventy cents per ton, as applicable, the proceeds of which shall be deposited in the state treasury to the credit of the recycling and litter prevention fund created in section 3736.03 of the Revised Code;

(3) A fee of two and one-half cents per cubic yard or five cents per ton, as applicable, the proceeds of which shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code.

(B) The owner or operator of a construction and demolition debris facility or a solid waste facility, as a trustee of the state, shall calculate the amount of money generated from the fees levied under this section and remit the money from the fees in the manner that is established in divisions (A)(2) and (3) of section 3714.07 of the Revised Code for the fee that is levied under division (A)(1) of that section and may enter into an agreement for the quarterly payment of money generated from the fees in the manner established in division (B) of that section for the quarterly payment of money generated from the fee that is levied under division (A)(1) of that section.

(C) The amount of money that is calculated by the owner or operator of a construction and demolition debris facility or a solid waste facility and remitted to a board of health or the director of environmental protection, as applicable, pursuant to this section shall be transmitted by the board or director to the treasurer of state not later than forty-five days after the receipt of the money to be credited to the soil and water conservation district assistance fund or the recycling and litter prevention fund, as applicable.

(D) This section does not apply to the disposal of construction and demolition debris at a solid waste facility that is licensed under Chapter 3734. of the Revised Code if the owner
or operator of the facility chooses to collect fees on the
disposal of the construction and demolition debris and asbestos or
asbestos-containing materials or products that are identical to
the fees that are collected under Chapters 343. and 3734. of the
Revised Code on the disposal of solid wastes at that facility.

(E) This section does not apply to the disposal of source
separated materials that are exclusively composed of reinforced or
nonreinforced concrete, asphalt, clay tile, building or paving
brick, or building or paving stone at a construction and
demolition debris facility that is licensed under this chapter
when either of the following applies:

(1) The materials are placed within the limits of
construction and demolition debris placement at the facility as
specified in the license issued to the facility under section
3714.06 of the Revised Code, are not placed within the unloading
zone of the facility, and are used as a fire prevention measure in
accordance with rules adopted by the director under section
3714.02 of the Revised Code.

(2) The materials are not placed within the unloading zone of
the facility or within the limits of construction and demolition
debri placement at the facility as specified in the license
issued to the facility under section 3714.06 of the Revised Code,
but are used as fill material, either alone or in conjunction with
clean soil, sand, gravel, or other clean aggregates, in legitimate
fill operations for construction purposes at the facility or to
bring the facility up to a consistent grade.

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and
3721.99 of the Revised Code:

(1) (a) "Home" means an institution, residence, or facility
that provides, for a period of more than twenty-four hours,
whether for a consideration or not, accommodations to three or
more unrelated individuals who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, and a veterans' home operated under Chapter 5907 of the Revised Code.

(b) "Home" also means both of the following:

(i) Any facility that a person, as defined in section 3702.51 of the Revised Code, proposes for certification as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and for which a certificate of need, other than a certificate to recategorize hospital beds as described in section 3702.521 of the Revised Code or division (R)(7)(d) of the version of section 3702.51 of the Revised Code in effect immediately prior to April 20, 1995, has been granted to the person under sections 3702.51 to 3702.62 of the Revised Code after August 5, 1989;

(ii) A county home or district home that is or has been licensed as a residential care facility.

(c) "Home" does not mean any of the following:

(i) Except as provided in division (A)(1)(b) of this section, a public hospital or hospital as defined in section 3701.01 or 5122.01 of the Revised Code;

(ii) A residential facility as defined in section 5119.34 of the Revised Code;

(iii) A residential facility as defined in section 5123.19 of the Revised Code;

(iv) A community addiction services provider as defined in section 5119.01 of the Revised Code;

(v) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program;

(vi) A facility providing services under contract with the
(vii) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;

(viii) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code that is used exclusively for the care of pediatric respite care patients or a location operated by a pediatric transition care program registered under section 3712.042 of the Revised Code that is used exclusively for the care of pediatric transition care patients;

(ix) A facility, infirmary, or other entity that is operated by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and does not participate in the medicare program or the medicaid program if on January 1, 1994, the facility, infirmary, or entity was providing care exclusively to members of the religious order;

(x) A county home or district home that has never been licensed as a residential care facility.

(2) "Unrelated individual" means one who is not related to the owner or operator of a home or to the spouse of the owner or operator as a parent, grandparent, child, grandchild, brother, sister, niece, nephew, aunt, uncle, or as the child of an aunt or uncle.

(3) "Mental impairment" does not mean mental illness, as defined in section 5122.01 of the Revised Code, or developmental disability, as defined in section 5123.01 of the Revised Code.

(4) "Skilled nursing care" means procedures that require technical skills and knowledge beyond those the untrained person
possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. "Skilled nursing care" includes, but is not limited to, the following:

(a) Irrigations, catheterizations, application of dressings, and supervision of special diets;

(b) Objective observation of changes in the patient's condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;

(c) Special procedures contributing to rehabilitation;

(d) Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication;

(e) Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.

(5)(a) "Personal care services" means services including, but not limited to, the following:

(i) Assisting residents with activities of daily living;

(ii) Assisting residents with self-administration of medication, in accordance with rules adopted under section 3721.04 of the Revised Code;

(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under section 3721.04 of the Revised Code.

(b) "Personal care services" does not include "skilled nursing care" as defined in division (A)(4) of this section. A facility need not provide more than one of the services listed in division (A)(5)(a) of this section to be considered to be
providing personal care services.

(6) "Nursing home" means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care.

(7) "Residential care facility" means a home that provides either of the following:

(a) Accommodations for seventeen or more unrelated individuals and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment;

(b) Accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and, to at least one of those individuals, any of the skilled nursing care authorized by section 3721.011 of the Revised Code.

(8) "Home for the aging" means a home that provides services as a residential care facility and a nursing home, except that the home provides its services only to individuals who are dependent on the services of others by reason of both age and physical or mental impairment.

The part or unit of a home for the aging that provides services only as a residential care facility is licensed as a residential care facility. The part or unit that may provide skilled nursing care beyond the extent authorized by section 3721.011 of the Revised Code is licensed as a nursing home.

(9) "County home" and "district home" mean a county home or district home operated under Chapter 5155. of the Revised Code.
(10) "Change of operator" has the same meaning as in section 5165.01 of the Revised Code.

(11) "Related party" has the same meaning as in section 5165.01 of the Revised Code.

(12) "SFF list" means the list of nursing facilities created by the United States department of health and human services under the special focus facility program.

(13) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to section 1919(f)(10) of the "Social Security Act," 42 U.S.C. 1396r(f)(10).

(B) The director of health may further classify homes. For the purposes of this chapter, any residence, institution, hotel, congregate housing project, or similar facility that meets the definition of a home under this section is such a home regardless of how the facility holds itself out to the public.

(C) For purposes of this chapter, personal care services or skilled nursing care shall be considered to be provided by a facility if they are provided by a person employed by or associated with the facility or by another person pursuant to an agreement to which neither the resident who receives the services nor the resident's sponsor is a party.

(D) Nothing in division (A)(4) of this section shall be construed to permit skilled nursing care to be imposed on an individual who does not require skilled nursing care.

Nothing in division (A)(5) of this section shall be construed to permit personal care services to be imposed on an individual who is capable of performing the activity in question without assistance.

(E) Division (A)(1)(c)(ix) of this section does not prohibit
a facility, infirmary, or other entity described in that division from seeking licensure under sections 3721.01 to 3721.09 of the Revised Code or certification under Title XVIII or XIX of the "Social Security Act." However, such a facility, infirmary, or entity that applies for licensure or certification must meet the requirements of those sections or titles and the rules adopted under them and obtain a certificate of need from the director of health under section 3702.52 of the Revised Code.

(F) Nothing in this chapter, or rules adopted pursuant to it, shall be construed as authorizing the supervision, regulation, or control of the spiritual care or treatment of residents or patients in any home who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any recognized church or religious denomination.

Sec. 3721.026. (A) If the operation of a nursing home is assigned or transferred to a different person, the person to whom the operation is assigned or transferred must undergo a change of operator, all of the following requirements must be satisfied before the director of health may issue a license authorizing the person to operate the nursing home, submit to the director documentation showing that the person meets all of the following requirements:

(1) Unless the assignment or transfer is in the form of a lease of the nursing home, the person has financial resources that the director determines are sufficient to cover any reasonably anticipated revenue shortfall for at least twelve months after the assignment or transfer. The person completes a change of operator license application on a form prescribed by the director and pays the applicable fee as determined by the director. The director shall make the application available on the department of health's publicly available web site.
The change of operator license application established under this section shall include all of the following:

(a) Full and complete disclosure of all direct and indirect owners owning at least five per cent of each of the following:

(i) The applicant, if the applicant is an entity;

(ii) The owner of the nursing home, if the owner is a different person from the applicant;

(iii) The manager of the nursing home, if the manager is a different person from the applicant;

(iv) Each related party that provides or will provide services to the nursing home, whether through contracts with the applicant, owner, or manager of the nursing home.

(b) Full and complete disclosure of the direct or indirect ownership interest of each individual identified in division (A)(1)(a) of this section in a current or previously licensed nursing home in this state or another state, including disclosure of whether any of the following occurred with respect to an identified nursing home within the five years immediately proceeding the date of application:

(i) Voluntary or involuntary closure of the nursing home;

(ii) Voluntary or involuntary bankruptcy proceedings;

(iii) Voluntary or involuntary receivership proceedings;

(iv) License suspension, denial, or revocation;

(v) Injunction proceedings initiated by a regulatory agency;

(vi) The nursing home is listed in table A, table B, or table D on the SFF list under the special focus facility program;

(vii) A civil or criminal action was filed against it by a state or federal entity.

(c) Submission of all fully executed contracts with related
parties, lease agreements, and management agreements pertaining to
the nursing home;

(d) Any additional information that the director considers
necessary to determine the ownership, operation, management, and
control of the nursing home.

(2) If the assignment or transfer is in the form of a lease
of the nursing home, either of the following applies to the
person: The application fee required under division (A)(1) of this
section is credited to the general operations fund established
under section 3701.83 of the Revised Code.

(a) The person has obtained (3)(a) Except for applications
that meet the requirements specified in division (A)(3)(b) of this
section, the applicant submits evidence of a bond that has a term
of at least twelve months, has an annual renewal, and is or other
financial security reasonably acceptable to the director for an
amount not less than one million the product of the number of
licensed beds in the nursing home, as reflected in the
application, multiplied by ten thousand dollars.

(i) The bond or other financial security shall be renewed or
maintained for five years after the effective date of the change
of operator. If the bond or other financial security is not
renewed or maintained in accordance with this division, the
director shall revoke the nursing home operator's license.

(b) If the person is unable to obtain a bond that meets the
requirements of division (A)(2)(a) of this section at a cost the
director determines to be reasonable or operates other nursing
homes in this state, the person has financial resources that the
director determines are sufficient to cover any reasonably
anticipated revenue shortfall for at least twelve months after the
assignment or transfer (ii) The director may utilize the bond or
other financial security required under division (A)(3)(a)(i) of
this section if any of the following occur during the five-year period for which the bond or other financial security is required:

(I) The nursing home is voluntarily or involuntarily closed.

(II) The nursing home or its owner or operator is the subject of voluntary or involuntary bankruptcy proceedings.

(III) The nursing home or its owner or operator is the subject of voluntary or involuntary receivership proceedings.

(IV) The license to operate the nursing home is suspended, denied, or revoked.

(V) The nursing home undergoes a change of operator, unless the new applicant submits a bond or other financial security in accordance with this section.

(VI) The nursing home appears in table A, table B, or table D on the SFF list under the special focus facility program.

(b) An applicant who meets both of the following conditions is not required to provide evidence of the bond or other financial security required under division (A)(3)(a) of this section:

(i) The applicant owns at least fifty per cent of the nursing home and its assets or at least fifty per cent of the entity that owns the nursing home and its assets.

(ii) The applicant has operated a nursing home in this state for at least sixty consecutive months.

(3) The person (4) A person who is a direct or indirect owner of fifty per cent or more of the applicant is an individual who has at least five years of experience as an operator, manager, or either of the following:

(a) An administrator of a nursing home located in this state or another state;

(b) A direct or indirect owner of at least five per cent in
either of the following:

(i) An operator of a nursing home located in this state or another state;

(ii) A manager of a nursing home located in this state or another state.

(4)(5) The person has applicant submits copies of the nursing home's policies and procedures, including plans for quality assurance and risk management that are required for the operation of the nursing home.

(5)(6) The person has applicant submits general and professional liability insurance coverage that provides coverage of at least one million dollars per occurrence and three million dollars aggregate.

(7) The applicant demonstrates that sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of nursing home residents.

(B) The documentation required by divisions (A)(1) and (2)(b) of this section shall include projected financial statements for the nursing home for the twelve-month period after the assignment or transfer of the operation of the nursing home.

The documentation required by division (A)(3) of this section shall include a list of each currently or previously licensed nursing home located in this or another state in which the person has or previously had any percentage of ownership. The percentage of ownership may have been in the operation, real property, or both of the nursing home.

(C) The requirements established by this section are in addition to the other requirements established by this chapter and the rules adopted under it for a license to operate a nursing home. If any of the requirements established by this section are
not satisfied, the director shall deny a change of operator license application. An applicant may appeal the denial of a change of operator license application in accordance with Chapter 119. of the Revised Code.

(C) An applicant shall notify the director within ten days of any change in the information or documentation required by this section, whether the change occurs before or after the effective date of the change of operator. If an applicant fails to notify the director in accordance with this division, the director shall impose a civil penalty of two thousand dollars for each day of noncompliance.

(D) If the director becomes aware that a change of operator has occurred and the entering operator failed to submit an application in accordance with this section, or an application was filed but the information provided was fraudulent, the director shall impose a civil penalty of two thousand dollars for each day of noncompliance after the date the director becomes aware that the change of operator has occurred. If the entering operator fails to submit an application or new application in accordance with this section within sixty days of the director becoming aware of the change of operator, the director shall begin the process of revoking a nursing home license as specified in section 3721.03 of the Revised Code.

(E) It is the intent of the general assembly in amending this section to require full and complete disclosure and transparency with respect to the ownership, operation, and management of each licensed nursing home located in this state. The director may adopt rules as necessary to implement this section. Any rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 3721.13. (A) The rights of residents of a home shall
include, but are not limited to, the following:

(1) The right to a safe and clean living environment pursuant to the medicare and medicaid programs and applicable state laws and rules adopted by the director of health;

(2) The right to be free from physical, verbal, mental, and emotional abuse and to be treated at all times with courtesy, respect, and full recognition of dignity and individuality;

(3) Upon admission and thereafter, the right to adequate and appropriate medical treatment and nursing care and to other ancillary services that comprise necessary and appropriate care consistent with the program for which the resident contracted. This care shall be provided without regard to considerations such as race, color, religion, national origin, age, or source of payment for care.

(4) The right to have all reasonable requests and inquiries responded to promptly;

(5) The right to have clothes and bed sheets changed as the need arises, to ensure the resident's comfort or sanitation;

(6) The right to obtain from the home, upon request, the name and any specialty of any physician or other person responsible for the resident's care or for the coordination of care;

(7) The right, upon request, to be assigned, within the capacity of the home to make the assignment, to the staff physician of the resident's choice, and the right, in accordance with the rules and written policies and procedures of the home, to select as the attending physician a physician who is not on the staff of the home. If the cost of a physician's services is to be met under a federally supported program, the physician shall meet the federal laws and regulations governing such services.

(8) The right to participate in decisions that affect the
resident's life, including the right to communicate with the physician and employees of the home in planning the resident's treatment or care and to obtain from the attending physician complete and current information concerning medical condition, prognosis, and treatment plan, in terms the resident can reasonably be expected to understand; the right of access to all information in the resident's medical record; and the right to give or withhold informed consent for treatment after the consequences of that choice have been carefully explained. When the attending physician finds that it is not medically advisable to give the information to the resident, the information shall be made available to the resident's sponsor on the resident's behalf, if the sponsor has a legal interest or is authorized by the resident to receive the information. The home is not liable for a violation of this division if the violation is found to be the result of an act or omission on the part of a physician selected by the resident who is not otherwise affiliated with the home.

(9) The right to withhold payment for physician visitation if the physician did not visit the resident;

(10) The right to confidential treatment of personal and medical records, and the right to approve or refuse the release of these records to any individual outside the home, except in case of transfer to another home, hospital, or health care system, as required by law or rule, or as required by a third-party payment contract;

(11) The right to privacy during medical examination or treatment and in the care of personal or bodily needs;

(12) The right to refuse, without jeopardizing access to appropriate medical care, to serve as a medical research subject;

(13) The right to be free from physical or chemical restraints or prolonged isolation except to the minimum extent
necessary to protect the resident from injury to self, others, or to property and except as authorized in writing by the attending physician for a specified and limited period of time and documented in the resident's medical record. Prior to authorizing the use of a physical or chemical restraint on any resident, the attending physician shall make a personal examination of the resident and an individualized determination of the need to use the restraint on that resident.

Physical or chemical restraints or isolation may be used in an emergency situation without authorization of the attending physician only to protect the resident from injury to self or others. Use of the physical or chemical restraints or isolation shall not be continued for more than twelve hours after the onset of the emergency without personal examination and authorization by the attending physician. The attending physician or a staff physician may authorize continued use of physical or chemical restraints for a period not to exceed thirty days, and at the end of this period and any subsequent period may extend the authorization for an additional period of not more than thirty days. The use of physical or chemical restraints shall not be continued without a personal examination of the resident and the written authorization of the attending physician stating the reasons for continuing the restraint.

If physical or chemical restraints are used under this division, the home shall ensure that the restrained resident receives a proper diet. In no event shall physical or chemical restraints or isolation be used for punishment, incentive, or convenience.

(14) The right to the pharmacist of the resident's choice and the right to receive pharmaceutical supplies and services at reasonable prices not exceeding applicable and normally accepted prices for comparably packaged pharmaceutical supplies and
services within the community;

(15) The right to exercise all civil rights, unless the resident has been adjudicated incompetent pursuant to Chapter 2111. of the Revised Code and has not been restored to legal capacity, as well as the right to the cooperation of the home's administrator in making arrangements for the exercise of the right to vote;

(16) The right of access to opportunities that enable the resident, at the resident's own expense or at the expense of a third-party payer, to achieve the resident's fullest potential, including educational, vocational, social, recreational, and habilitation programs;

(17) The right to consume a reasonable amount of alcoholic beverages at the resident's own expense, unless not medically advisable as documented in the resident's medical record by the attending physician or unless contradictory to written admission policies;

(18) The right to use tobacco at the resident's own expense under the home's safety rules and under applicable laws and rules of the state, unless not medically advisable as documented in the resident's medical record by the attending physician or unless contradictory to written admission policies;

(19) The right to retire and rise in accordance with the resident's reasonable requests, if the resident does not disturb others or the posted meal schedules and upon the home's request remains in a supervised area, unless not medically advisable as documented by the attending physician;

(20) The right to observe religious obligations and participate in religious activities; the right to maintain individual and cultural identity; and the right to meet with and participate in activities of social and community groups at the
residents or the group's initiative;

(21) The right upon reasonable request to private and unrestricted communications with the resident's family, social worker, and any other person, unless not medically advisable as documented in the resident's medical record by the attending physician, except that communications with public officials or with the resident's attorney or physician shall not be restricted. Private and unrestricted communications shall include, but are not limited to, the right to:

(a) Receive, send, and mail sealed, unopened correspondence;

(b) Reasonable access to a telephone for private communications;

(c) Private visits at any reasonable hour.

(22) The right to assured privacy for visits by the spouse, or if both are residents of the same home, the right to share a room within the capacity of the home, unless not medically advisable as documented in the resident's medical record by the attending physician;

(23) The right upon reasonable request to have room doors closed and to have them not opened without knocking, except in the case of an emergency or unless not medically advisable as documented in the resident's medical record by the attending physician;

(24) The right to retain and use personal clothing and a reasonable amount of possessions, in a reasonably secure manner, unless to do so would infringe on the rights of other residents or would not be medically advisable as documented in the resident's medical record by the attending physician;

(25) The right to be fully informed, prior to or at the time of admission and during the resident's stay, in writing, of the
basic rate charged by the home, of services available in the home, and of any additional charges related to such services, including charges for services not covered under the medicare or medicaid program. The basic rate shall not be changed unless thirty days' notice is given to the resident or, if the resident is unable to understand this information, to the resident's sponsor.

(26) The right of the resident and person paying for the care to examine and receive a bill at least monthly for the resident's care from the home that itemizes charges not included in the basic rates;

(27)(a) The right to be free from financial exploitation;

(b) The right to manage the resident's own personal financial affairs, or, if the resident has delegated this responsibility in writing to the home, to receive upon written request at least a quarterly accounting statement of financial transactions made on the resident's behalf. The statement shall include:

(i) A complete record of all funds, personal property, or possessions of a resident from any source whatsoever, that have been deposited for safekeeping with the home for use by the resident or the resident's sponsor;

(ii) A listing of all deposits and withdrawals transacted, which shall be substantiated by receipts which shall be available for inspection and copying by the resident or sponsor.

(28) The right of the resident to be allowed unrestricted access to the resident's property on deposit at reasonable hours, unless requests for access to property on deposit are so persistent, continuous, and unreasonable that they constitute a nuisance;

(29) The right to receive reasonable notice before the resident's room or roommate is changed, including an explanation of the reason for either change.
(30) The right not to be transferred or discharged from the home unless the transfer is necessary because of one of the following:

(a) The welfare and needs of the resident cannot be met in the home.

(b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home.

(c) The safety of individuals in the home is endangered.

(d) The health of individuals in the home would otherwise be endangered.

(e) The resident has failed, after reasonable and appropriate notice, to pay or to have the medicare or medicaid program pay on the resident's behalf, for the care provided by the home. A resident shall not be considered to have failed to have the resident's care paid for if the resident has applied for medicaid, unless both of the following are the case:

(i) The resident's application, or a substantially similar previous application, has been denied.

(ii) If the resident appealed the denial, the denial was upheld.

(f) The home's license has been revoked, the home is being closed pursuant to section 3721.08, sections 5165.60 to 5165.89, or section 5155.31 of the Revised Code, or the home otherwise ceases to operate.

(g) The resident is a recipient of medicaid, and the home's participation in the medicaid program is involuntarily terminated or denied.

(h) The resident is a beneficiary under the medicare program, and the home's participation in the medicare program is involuntarily terminated or denied.
(31) The right not to be transferred or discharged from the home to a location that is incapable of meeting the resident's health care and safety needs.

(32) The right not to be transferred or discharged from the home without adequate preparation prior to the transfer or discharge to ensure a safe and orderly transfer or discharge from the home, including proper arrangements for medication, equipment, health care services, and other necessary services.

(33) All rights provided under 42 C.F.R. 483.15 and 483.21 and any other transfer or discharge rights provided under federal law.

(34) The right to voice grievances and recommend changes in policies and services to the home's staff, to employees of the department of health, or to other persons not associated with the operation of the home, of the resident's choice, free from restraint, interference, coercion, discrimination, or reprisal. This right includes access to a residents' rights advocate, and the right to be a member of, to be active in, and to associate with persons who are active in organizations of relatives and friends of nursing home residents and other organizations engaged in assisting residents.

(35) The right to have any significant change in the resident's health status reported to the resident's sponsor. As soon as such a change is known to the home's staff, the home shall make a reasonable effort to notify the sponsor within twelve hours.

(36) The right, if the resident has requested the care and services of a hospice care program, to choose a hospice care program licensed under Chapter 3712. of the Revised Code that best meets the resident's needs.

(B) A sponsor may act on a resident's behalf to assure that
the home does not deny the residents' rights under sections 3721.10 to 3721.17 of the Revised Code.

(C) Any attempted waiver of the rights listed in division (A) of this section is void.

Sec. 3721.16. For each resident of a home, notice of all of the following apply with respect to a proposed transfer or discharge from the home: from the home:

(A)(1) The administrator of a home shall notify a resident in writing, and the resident's sponsor in writing by certified mail, return receipt requested, in advance of any proposed transfer or discharge from the home. The administrator shall send a copy of the notice to the state department of health. The notice shall be provided at least thirty days in advance of the proposed transfer or discharge, unless any of the following applies:

(a) The resident's health has improved sufficiently to allow a more immediate discharge or transfer to a less skilled level of care;

(b) The resident has resided in the home less than thirty days;

(c) An emergency arises in which the safety of individuals in the home is endangered;

(d) An emergency arises in which the health of individuals in the home would otherwise be endangered;

(e) An emergency arises in which the resident's urgent medical needs necessitate a more immediate transfer or discharge.

In any of the circumstances described in divisions (A)(1)(a) to (e) of this section, the notice shall be provided as many days in advance of the proposed transfer or discharge as is practicable.
(2) The notice required under division (A)(1) of this section shall include all of the following:

(a) The reasons for the proposed transfer or discharge;

(b) The proposed date the resident is to be transferred or discharged;

(c) Subject to division (A)(3) of this section, a proposed location to which the resident may relocate and a notice that the resident and resident's sponsor may choose another location to which the resident will relocate;

(d) Notice of the right of the resident and the resident's sponsor to an impartial hearing at the home on the proposed transfer or discharge, and of the manner in which and the time within which the resident or sponsor may request a hearing pursuant to section 3721.161 of the Revised Code;

(e) A statement that the resident will not be transferred or discharged before the date specified in the notice unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date;

(f) The address of the legal services office of the department of health;

(g) The name, address, and telephone number of a representative of the state long-term care ombudsman program and, if the resident or patient has a developmental disability or mental illness, the name, address, and telephone number of the Ohio protection and advocacy system.

(3) The proposed location to which a resident may relocate as specified pursuant to division (A)(2)(c) of this section in the proposed transfer or discharge notice shall be capable of meeting the resident's health-care and safety needs. The proposed location...
for relocation need not have accepted the resident at the time the notice is issued to the resident and resident's sponsor.

(B) No home shall transfer or discharge a resident before the date specified in the notice required by division (A) of this section unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date.

(C) Transfer or discharge actions shall be documented in the resident's medical record by the home if there is a medical basis for the action.

(D) A resident or resident's sponsor may challenge a transfer or discharge by requesting an impartial hearing pursuant to section 3721.161 of the Revised Code, unless the transfer or discharge is required because of one of the following reasons:

(1) The home's license has been revoked under this chapter;

(2) The home is being closed pursuant to section 3721.08, sections 5165.60 to 5165.89, or section 5155.31 of the Revised Code;

(3) The resident is a recipient of medicaid and the home's participation in the medicaid program has been involuntarily terminated or denied by the federal government;

(4) The resident is a beneficiary under the medicare program and the home's certification under the medicare program has been involuntarily terminated or denied by the federal government.

(E) If a resident is to be transferred or discharged pursuant to this section, the home from which the resident is being transferred proposing the transfer or discharged discharge shall provide the resident with adequate preparation prior to the transfer or discharge to ensure a safe and orderly transfer or discharge from the home, and the home or alternative setting to
which the resident is to be transferred or discharged shall have accepted the resident for transfer or discharge.

(F) At the time of a transfer or discharge of a resident who is a recipient of medicaid from a home to a hospital or for therapeutic leave, the home shall provide notice in writing to the resident and in writing by certified mail, return receipt requested, to the resident's sponsor, specifying the number of days, if any, during which the resident will be permitted under the medicaid program to return and resume residence in the home and specifying the medicaid program's coverage of the days during which the resident is absent from the home. An individual who is absent from a home for more than the number of days specified in the notice and continues to require the services provided by the facility shall be given priority for the first available bed in a semi-private room.

Sec. 3721.161. (A) Not later than thirty days after the date a resident or the resident's sponsor receives under section 3721.16 of the Revised Code a notice of a proposed transfer or discharge, whichever date of receiving the notice is later, the resident or resident's sponsor may challenge the proposed transfer or discharge by submitting a written request for a hearing to the state department of health. On receiving the request, the department shall conduct a hearing in accordance with section 3721.162 of the Revised Code to determine whether the proposed transfer or discharge complies with division divisions (A)(30) to (33) of section 3721.13 and section 3721.16 of the Revised Code.

(B) Except in the circumstances described in divisions (A)(1)(a) to (e) of section 3721.16 of the Revised Code, if a resident or the resident's sponsor submits a written hearing request not later than ten days after the date the resident or the resident's sponsor received notice of the proposed transfer or
discharge, whichever date of receiving the notice is later, the home shall not transfer or discharge the resident unless the department determines after the hearing that the transfer or discharge complies with division divisions (A)(30) to (33) of section 3721.13 and section 3721.16 of the Revised Code or the department's determination to the contrary is reversed on appeal.

(C) If a resident or the resident's sponsor does not request a hearing pursuant to division (A) of this section, the home may transfer or discharge the resident on the date specified in the notice required by division (A) of section 3721.16 of the Revised Code or thereafter, unless the home and the resident or, if the resident is not competent to make a decision, the home and the resident's sponsor, agree to an earlier date.

(D) If the a resident or the resident's sponsor requests a hearing in writing pursuant to division (A) of this section and the home transfers or discharges the resident before the department issues a hearing decision, the home shall readmit the resident in the first available bed if the department determines after the hearing that the transfer or discharge does not comply with division divisions (A)(30) to (33) of section 3721.13 and section 3721.16 of the Revised Code or the department's determination to the contrary is reversed on appeal.

Sec. 3721.162. (A) On receiving a request pursuant to section 3721.161 of the Revised Code, the department of health shall conduct hearings under this section in accordance with 42 C.F.R. 431, subpart E, to determine whether the proposed transfer or discharge of the resident from the home complies with division divisions (A)(30) to (33) of section 3721.13 and section 3721.16 of the Revised Code.

(B) The department shall employ or contract with an attorney to serve as hearing officer. The hearing officer shall conduct a
hearing in the home not later than ten days after the date the 50947
department receives a request pursuant to section 3721.161 of the 50948
Revised Code, unless the resident and the home or, if the resident 50949
is not competent to make a decision, the resident's sponsor and 50950
the home, agree otherwise. The hearing shall be recorded on 50951
audiotape, but neither the recording nor a transcript of the 50952
recording shall be part of the official record of the hearing. A 50953
hearing conducted under this section is not subject to section 50954
121.22 of the Revised Code.

(C) Unless the parties otherwise agree, the hearing officer 50956
shall issue a decision within five days of the date the hearing 50957
concludes. In all cases, a decision shall be issued not later than 50958
thirty days after the department receives a request pursuant to 50959
section 3721.161 of the Revised Code. The hearing officer's 50960
decision shall be served on the resident or resident's sponsor and 50961
the home by certified mail. The hearing officer's decision shall 50962
be considered the final decision of the department.

(D) A resident, resident's sponsor, or home may appeal the 50964
decision of the department to the court of common pleas pursuant 50965
to section 119.12 of the Revised Code. The appeal shall be 50966
governed by section 119.12 of the Revised Code, except for all of 50967
the following:

(1) The resident, resident's sponsor, or home shall file the 50969
appeal in the court of common pleas of the county in which the 50970
home is located.

(2) The resident or resident's sponsor may apply to the court 50972
for designation as an indigent and, if the court grants the 50973
application, the resident or resident's sponsor shall not be 50974
required to furnish the costs of the appeal.

(3) The appeal shall be filed with the department and the 50976
court within thirty days after the hearing officer's decision is 50977
served. The appealing party shall serve the opposing party a copy of the notice of appeal by hand-delivery or certified mail, return receipt requested. If the home is the appealing party, it shall provide a copy of the notice of appeal to both the resident and the resident's sponsor or attorney, if known.

(4) The department shall not file a transcript of the hearing with the court unless the court orders it to do so. The court shall issue such an order only if it finds that the parties are unable to stipulate to the facts of the case and that the transcript is essential to the determination of the appeal. If the court orders the department to file the transcript, the department shall do so not later than thirty days after the day the court issues the order.

(E) The court shall not require an appellant to pay a bond as a condition of issuing a stay pending its decision.

(F) The resident, resident's sponsor, home, or department may commence a civil action in the court of common pleas of the county in which the home is located to enforce the decision of the department or the court. If the court finds that the resident or home has not complied with the decision, it shall enjoin the violation and order other appropriate relief, including attorney's fees.

Sec. 3722.04. If a hospital licensed under this chapter is assigned, sold, or transferred to a new owner, within thirty days of the assignment, sale, or transfer, the new owner shall apply to the director of health for a license transfer. The application shall be submitted to the director in the form and manner prescribed in rules adopted under section 3722.06 of the Revised Code.

The new owner is responsible for compliance with any action taken or proposed by the director under section 3722.07 or 3722.08.
of the Revised Code. If a notice has been served under section 119.05 and 119.07 of the Revised Code, the new owner becomes party to the notice.

Sec. 3722.07. (A) Each hospital licensed under this chapter shall comply with the requirements of this chapter and the rules adopted under it.

(B) In accordance with Chapter 119. of the Revised Code, if the director of health finds that a license holder has violated any requirement of this chapter or the rules adopted under it, the director may do any of the following:

(1) Impose a civil penalty of not less than one thousand dollars and not more than two hundred fifty thousand dollars;

(2) Require the license holder to submit a plan to correct or mitigate the violation;

(3) Suspend a health care service or revoke a license issued under this chapter if the director determines that the license holder is not in substantial compliance with this chapter or the rules adopted under it.

(C)(1) If the director takes action under division (B)(3) of this section, the director shall give written notice of proposed action to the hospital. The notice shall specify all of the following:

(a) The nature of the conditions giving rise to the director's judgment;

(b) The measures that the director determines the hospital must take to respond to the conditions;

(c) The date, which shall be not later than thirty days after the notice is delivered, on which the director intends to suspend the health care service or revoke the license if the conditions are not corrected and the director determines that the license
holder has not come into substantial compliance with this chapter or the rules adopted under it.

(2) If the licensed hospital notifies the director, within the period of time specified in division (C)(1)(c) of this section, that the conditions giving rise to the director's determination have been corrected and that the hospital is in substantial compliance with this chapter and the rules adopted under it, the director shall conduct an inspection. The director may suspend the health care service or revoke the license if the director determines on the basis of the inspection that the conditions have not been corrected and the license holder has not come into substantial compliance with this chapter or the rules adopted under it.

(3) If the licensed hospital fails to notify the director, within the period of time specified in division (C)(1)(c) of this section, that the conditions giving rise to the director's determination have been corrected and that the hospital is in substantial compliance with this chapter and the rules adopted under it, the director may suspend the health care service or revoke the license.

(D) If the director suspends a health care service or revokes a license under division (C) of this section, the director shall issue serve a written order of suspension or revocation and cause it to be delivered by certified mail or in person in accordance with section sections 119.05 and 119.07 of the Revised Code. If the license holder subject to the suspension or revocation requests an adjudication, the date set for the adjudication shall be within seven days after the license holder makes the request, unless another date is agreed to by both the individual and the director. The suspension or revocation shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119.
of the Revised Code becomes effective.

The director shall issue a final adjudication order not later than fourteen days after completion of the adjudication. If the director does not issue a final order within the fourteen-day period, the suspension or revocation is void, but any final adjudication order issued subsequent to the fourteen-day period shall not be affected.

(E) If the director issues a final adjudication order suspending a health care service or suspending or revoking a license issued under this chapter and the license holder continues to operate a hospital, the director may ask the attorney general to apply to the court of common pleas of the county in which the hospital is located for an order enjoining the license holder from operating the hospital.

Sec. 3727.11. A hospital shall not represent itself as a comprehensive stroke center, thrombectomy-capable stroke center, primary stroke center, or acute stroke ready hospital unless it is recognized as such by the department of health under section 3727.13 of the Revised Code.

This section does not prohibit a hospital from representing itself as having a relationship or affiliation with a hospital recognized by the department of health under section 3727.13 of the Revised Code or a hospital in another state that is certified as a comprehensive stroke center, thrombectomy-capable stroke center, primary stroke center, or acute stroke ready hospital by an accrediting organization approved by the federal centers for medicare and medicaid services.

Sec. 3727.12. (A) A person or government entity seeking recognition of a hospital as a comprehensive stroke center, thrombectomy-capable stroke center, primary stroke center, or
acute stroke ready hospital by the department of health under section 3727.13 of the Revised Code shall file with the department an application for recognition. The application shall be submitted in the manner prescribed by the department.

(B)(1) To be eligible for recognition as a comprehensive stroke center under section 3727.13 of the Revised Code, a hospital must be certified as a comprehensive stroke center by an accrediting organization approved by the federal centers for medicare and medicaid services or an organization acceptable to the department under division (C) of this section.

(2) To be eligible for recognition as a thrombectomy-capable stroke center under section 3727.13 of the Revised Code, a hospital must be certified as a thrombectomy-capable stroke center by an accrediting organization approved by the federal centers for medicare and medicaid services or an organization acceptable to the department under division (C) of this section.

(3) To be eligible for recognition as a primary stroke center under section 3727.13 of the Revised Code, a hospital must be certified as a primary stroke center by an accrediting organization approved by the federal centers for medicare and medicaid services or an organization acceptable to the department under division (C) of this section.

(4) To be eligible for recognition as an acute stroke ready hospital under section 3727.13 of the Revised Code, a hospital must be certified as an acute stroke ready hospital by an accrediting organization approved by the federal centers for medicare and medicaid services or an organization acceptable to the department under division (C) of this section.

(C) For purposes of division (B) of this section, to be acceptable to the department an organization must certify comprehensive stroke centers, thrombectomy-capable stroke center,
primary stroke centers, or acute stroke ready hospitals in accordance with nationally recognized certification guidelines.

**Sec. 3727.13.** (A)(1) The department of health shall recognize as a comprehensive stroke center a hospital that satisfies the requirements of division (B)(1) of section 3727.12 of the Revised Code and submits a complete application.

(2)(a) The department shall recognize as a thrombectomy-capable stroke center a hospital that satisfies the requirements of division (B)(2) of section 3727.12 of the Revised Code and submits a complete application.

(3)(a) The department shall recognize as a primary stroke center a hospital that satisfies the requirements of division (B)(2) of section 3727.12 of the Revised Code and submits a complete application.

(b) If a hospital satisfying the requirements of division (B)(2) of section 3727.12 of the Revised Code has attained supplementary levels of stroke care distinction as identified by an accrediting organization approved by the federal centers for medicare and medicaid services or an organization accepted by the department under section 3727.12 of the Revised Code, including by offering patients mechanical endovascular therapy, the department shall include that distinction in its recognition.

(3)(4) The department shall recognize as an acute stroke ready hospital a hospital that satisfies the requirements of division (B)(2) of section 3727.12 of the Revised Code and submits a complete application.

(B) The department shall end its recognition of a hospital made under division (A) of this section if the accrediting organization described in division (B) of section 3727.12 of the Revised Code that certified the hospital revokes, rescinds, or...
otherwise terminates the hospital's certification with that organization or the certification expires.

(C) Not later than the first day of January and July each year, the department shall compile and send a list of hospitals recognized under division (A) of this section to the medical director and cooperating physician advisory board of each emergency medical service organization, as defined in section 4765.01 of the Revised Code. The department also shall maintain a comprehensive list of recognized hospitals on its internet web site and update the list not later than thirty days after a hospital is recognized under division (A) of this section or its recognition ends under division (B) of this section.

Sec. 3727.131. (A)(1) In an effort to improve the quality of care for patients affected by stroke, the department of health shall establish and maintain a process for the collection, transmission, compilation, and oversight of data related to stroke care. Such data shall be collected, transmitted, compiled, and overseen in a manner prescribed by the director of health.

As part of the process and except as provided in division (A)(2) of this section, the department shall establish or utilize a stroke registry database to store information, statistics, and other data on stroke care, including information, statistics, and data that align with nationally recognized treatment guidelines and performance measures.

(2) If the department established or utilized, prior to the effective date of this section, a stroke registry database that meets the requirements of this section, then both of the following apply:

(a) Division (A)(1) of this section shall not be construed to require the department to establish or utilize another such database.
(b) The department shall maintain both the process and stroke registry database described in this section, including in the event federal moneys are no longer available to support the process or database.

(B) Not later than six months after the effective date of this section, the director of health shall adopt rules as necessary to implement this section, including rules specifying all of the following:

(1) The information, statistics, and other data to be collected, which shall do both of the following:

(a) Align with stroke consensus metrics developed and approved by both of the following: (i) The United States centers for disease control and prevention; (ii) Accreditation organizations that are approved by the United States centers for medicare and medicaid services and that certify stroke centers.

(b) Include at a minimum both of the following:

(i) Data that is consistent with nationally recognized treatment guidelines for patients with confirmed stroke;

(ii) In the case of mechanical endovasualar thrombectomy, data regarding the treatment's processes, complications, and outcomes, including data required by national certifying organizations.

(2) The manner in which the information, statistics, and other data are to be collected;

(3) The manner in which the information, statistics, and other data are to be transmitted for inclusion in the stroke registry database.

(C) When adopting rules as described in division (B) of this section, all of the following apply:

(1) The director of health shall do all of the following:
(a) Consider nationally recognized stroke care performance measures;
(b) Designate an electronic platform for the collection and transmission of data.

When designating the platform, the director shall consider nationally recognized stroke data platforms.

(c) In an effort to avoid duplication and redundancy, coordinate, to every extent possible, with hospitals recognized by the department under section 3727.13 of the Revised Code and national voluntary health organizations involved in stroke quality improvement.

(2) The director of health may specify that, of the information, statistics, or other data that is collected, only samples are to be transmitted for inclusion in the stroke registry database.

(3) The rules shall be adopted in accordance with Chapter 119 of the Revised Code.

(4) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

(D)(1) Except as provided in division (D)(2) of this section, each hospital that is recognized by the department under section 3727.13 of the Revised Code as a comprehensive stroke center, thrombectomy-capable stroke center, or primary stroke center shall do both of the following:

(a) Collect the information, statistics, and other data specified by the director in rules adopted under division (B) of this section;
(b) Transmit the information, statistics, and other data for
inclusion in the stroke registry database.

A hospital may contract with a third-party organization for the collection and transmission of the information, statistics, and other data. If a hospital contracts with a third-party organization, the organization shall collect and transmit such information, statistics, and other data for inclusion in the stroke registry database.

(2) The data described in division (B)(1)(b)(ii) of this section shall be collected and transmitted only by a hospital that is recognized by the department under section 3727.13 of the Revised Code as a thrombectomy-capable stroke center.

(3) In the case of a hospital that is recognized by the department under section 3727.13 of the Revised Code as an acute stroke ready hospital, the collection and transmission of the data described in division (B) of this section is encouraged.

(E) The information, statistics, or other data collected or transmitted as required or encouraged by this section shall not identify or tend to identify any particular patient.

(F) The department may establish an oversight committee to advise and monitor the department in implementing this section and to assist the department in developing short- and long-term goals for the stroke registry database.

If established, the membership of the committee shall consist of individuals with expertise or experience in data collection, data management, or stroke care, including both of the following:

(1) Individuals representing organizations advocating on behalf of those with stroke or cardiovascular conditions;

(2) Individuals representing hospitals recognized by the department under section 3727.13 of the Revised Code.

Sec. 3727.14. If an accrediting organization approved by the
federal centers for medicare and medicaid services or an organization that certifies hospitals in accordance with nationally recognized certification guidelines establishes a level of stroke certification that is in addition to the three four levels described in sections 3727.11 to 3727.13 of the Revised Code, the department of health shall recognize a hospital certified at that additional level.

For purposes of this section, the department and a hospital shall comply with sections 3727.11 to 3727.13 of the Revised Code as if the certification and recognition described in this section were one of the three four levels described in sections 3727.11 to 3727.13 of the Revised Code.

Sec. 3727.17. Each hospital shall provide a staff person to do all of the following:

(A) Meet with each unmarried mother who gave birth in or en route to the hospital within twenty-four hours after the birth or before the mother is released from the hospital;

(B) Attempt to meet with the father of the unmarried mother's child if possible;

(C) Explain to the unmarried mother and the father, if the father is present, the benefit to the child of establishing a parent and child relationship between the father and the child and the various proper procedures for establishing a parent and child relationship;

(D) Present to the unmarried mother and, if possible, the father, the pamphlet or statement regarding the rights and responsibilities of a natural parent prepared by the department of job and family services pursuant to section 3111.32 of the Revised Code;

(E) Provide the unmarried mother, and if possible the father,
all forms and statements necessary to voluntarily establish a parent and child relationship, including the acknowledgment of paternity form prepared by the department of job and family services pursuant to section 3111.31 of the Revised Code;

(F) Upon both the mother's and father's request, help the mother and father complete any specific form or statement necessary to establish a parent and child relationship;

(G) Present to an unmarried mother who is not a recipient of medicaid or a participant in Ohio works first an application for Title IV-D services;

(H) Mail the voluntary acknowledgment of paternity, no later than ten days after it is completed, to the office of child support in the department of job and family services.

Each hospital shall provide a notary public to notarize, or witnesses to witness, an acknowledgment of paternity signed by the mother and father. If a hospital knows or determines that a man is presumed under section 3111.03 of the Revised Code to be the father of the child described in this section and that the presumed father is not the man who signed or is attempting to sign an acknowledgment with respect to the child, the hospital shall take no further action with regard to the acknowledgment and shall not mail the acknowledgment pursuant to this section.

A hospital may contract with a person or government entity to fulfill its responsibilities under this section and sections 3111.71 to 3111.74 of the Revised Code. Services provided by a hospital under this section or pursuant to a contract under sections 3111.71 and 3111.77 of the Revised Code do not constitute the practice of law. A hospital shall not be subject to criminal or civil liability for any damage or injury alleged to result from services provided pursuant to this section or sections 3111.71 to 3111.74 of the Revised Code unless the hospital acted with
malicious purpose, in bad faith, or in a wanton or reckless manner.

**Sec. 3733.41.** As used in sections 3733.41 to 3733.49 of the Revised Code, this chapter:

(A) "Agricultural labor camp" means one or more buildings or structures, trailers, tents, or vehicles, together with any land appertaining thereto, established, operated, or used as temporary living quarters for two or more families or five or more persons intending to engage in or engaged in agriculture or related food processing, whether occupancy is by rent, lease, or mutual agreement. "Agricultural labor camp" does not include a hotel or motel, or a manufactured home park regulated pursuant to sections 4781.26 to 4781.52 of the Revised Code, and rules adopted thereunder.

(B) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code or an authorized representative of the board of health.

(C) "Director" means the director of health or the authorized representative of the director of health.

(D) "Licenser" means the director of health.

(E) "Person" means the state, any political subdivision, public or private corporation, partnership, association, trust, individual, or other entity.

(F) "State monitor advocate" means an individual appointed under 20 C.F.R. 653.108.

**Sec. 3733.43.** (A) Except as otherwise provided in this division, prior to the fifteenth day of April in each year, every
person who intends to operate an agricultural labor camp shall make application to the licensor for a license to operate such camp, effective for the calendar year in which it is issued. The licensor may accept an application on or after the fifteenth day of April. The license fees specified in this division shall be submitted to the licensor with the application for a license. No agricultural labor camp shall be operated in this state without a license. Any person operating an agricultural labor camp without a current and valid agricultural labor camp license is not excepted from compliance with sections 3733.41 to 3733.49 of the Revised Code this chapter by holding a valid and current hotel license. Each person proposing to open an agricultural labor camp shall submit with the application for a license any plans required by any rule adopted under section 3733.42 of the Revised Code. For any license issued on or after July 1, 2009, the annual license fee is one hundred fifty dollars, unless the application for a license is made on or after the fifteenth day of April in any given year, in which case the annual license fee is one hundred sixty-six dollars. For any license issued on or after July 1, 2009, an additional fee of twenty dollars per housing unit per year shall be assessed to defray the costs of enforcing sections 3733.41 to 3733.49 of the Revised Code this chapter, unless the application for a license is made on or after the fifteenth day of April in any given year, in which case an additional fee of forty-two dollars and fifty cents per housing unit shall be assessed. All fees collected under this division shall be deposited in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code and shall be used for the administration and enforcement of sections 3733.41 to 3733.49 of the Revised Code this chapter and rules adopted thereunder.

(B) Any license under this section may be denied, suspended, or revoked by the licensor for violation of sections 3733.41 to
3733.49 of the Revised Code this chapter or the rules adopted thereunder. Unless there is an immediate serious public health hazard, no denial, suspension, or revocation of a license shall be made effective until the person operating the agricultural labor camp has been given notice in writing of the specific violations and a reasonable time to make corrections. When the licensor determines that an immediate serious public health hazard exists, the licensor shall issue an order denying or suspending the license without a prior hearing.

(C) All proceedings under this section are subject to Chapter 119. of the Revised Code except as provided in section 3733.431 of the Revised Code.

(D) Every occupant of an agricultural labor camp shall keep that part of the dwelling unit, and premises thereof, that the occupant occupies and controls in a clean and sanitary condition.

Sec. 3733.431. Chapter 119. of the Revised Code applies to all adjudications under sections 3733.41 to 3733.49 of the Revised Code this chapter except that:

(A) The director of health shall notify a licensee that he the licensee is entitled to a hearing if he the licensee requests it within ten days of the time the notice informing him the licensee of his the licensee's right to a hearing was mailed;

(B) If the licensee requests a hearing, the date set for the hearing shall be within ten days after the licensee has requested a hearing;

(C) The director shall not apply for a postponement or continuation of an adjudication hearing. If the licensee requests a postponement or continuation of an adjudication hearing, it shall not be granted unless the licensee demonstrates that an unusual hardship will be incurred in meeting the hearing date. If
the director grants a postponement or continuation on the grounds of an unusual hardship to the licensee, the record shall document the nature and cause of the unusual hardship.

(D) If the director of health appoints a referee or examiner to conduct the hearing:

(1) A copy of the written adjudication report and recommendation of the referee or examiner shall be served by certified mail upon the director and the licensee or his attorney or other representative of record within three working days of the conclusion of the hearing;

(2) The licensee is not entitled to file written objections to the report;

(3) The director shall approve, modify, or disapprove of the report and recommendations within three working days of receiving the report.

(E) A notice of appeal of an adverse adjudication decision shall be filed within fifteen days of the mailing of the director's order;

(F) The court shall not suspend an adjudication order pending disposition of the appeal. Any adjudication order issued by the director shall remain in force pending final disposition of the appeal.

Sec. 3733.45. (A) The licensor shall inspect all agricultural labor camps and shall require compliance with sections 3733.41 to 3733.49 of the Revised Code of this chapter and the rules adopted thereunder prior to the issuance of a license. Upon receipt of a complaint from the migrant agricultural ombudsperson state monitor advocate or upon the basis of a licensor's own information that an agricultural labor camp is operating without a license, the licensor shall inspect the camp. If the camp is operating without
a license, the licensor shall require the camp to comply with sections 3733.41 to 3733.49 of the Revised Code this chapter and the rules adopted under those sections this chapter. No license shall be issued unless results of water supply tests indicate that the water supply meets required standards or if any violations exist concerning sanitation, drainage, or habitability of housing units.

(B) The licensor shall, upon issuance of each license, distribute posters containing the toll-free telephone number of the migrant agricultural ombudsperson established in section 3733.49 of the Revised Code state monitor advocate and information in English and Spanish describing the purpose of the ombudsperson's state monitor advocate's office, as provided in that section under 20 C.F.R. Parts 651, 653, 654, and 658. The licensor shall provide at least two posters to the licensee, one for the licensee's personal use and at least one that shall be posted in a conspicuous place within the camp.

(C) The licensor may, upon proper identification to the operator or the operator's agent, enter on any property or into any structure at any reasonable time for the purpose of making inspections required by this section.

The licensor shall make at least one inspection prior to licensing. The licensor shall make such other inspections as the licensor considers necessary to enforce sections 3733.41 to 3733.49 of the Revised Code this chapter adequately.

(D) Any plans submitted to the licensor shall be in compliance with rules adopted pursuant to section 3733.42 of the Revised Code and shall be approved or disapproved within thirty days after they are filed.

(E) The licensor shall issue an annual report that shall accurately reflect the results of that year's inspections,
including, but not limited to, numbers of inspections, number of violations found, and action taken in regard to violations. The report shall also include an assessment of any problems found in that year and proposed solutions for them.

Sec. 3733.46. (A) The director of health is the licensor and shall administer and enforce sections 3733.41 to 3733.49 of the Revised Code this chapter and the rules adopted thereunder.

(B) If the director determines that a board of health can satisfactorily enforce sections 3733.41 to 3733.49 of the Revised Code this chapter and the rules adopted thereunder, he the director shall delegate his the director's authority to enforce sections 3733.41 to 3733.49 of the Revised Code this chapter and the rules adopted thereunder to the board. The director may enter an agreement with a board of health to which he the director has delegated his the director's authority to enforce sections 3733.41 to 3733.49 of the Revised Code this chapter, to provide funds to the board of health to carry out this duty. The director shall retain authority to issue, deny, renew, suspend, or revoke licenses authorizing the operation of agricultural labor camps.

Sec. 3733.47. The attorney general, or the prosecuting attorney of the county, or the city director of law shall upon complaint of the licensor prosecute to termination or bring an action for a temporary restraining order or preliminary or permanent injunction against any person violating sections 3733.41 to 3733.49 of the Revised Code this chapter or the rules adopted thereunder. The common pleas court in which an action for a temporary restraining order or preliminary or permanent injunction is filed has the jurisdiction to grant such relief upon a showing that the respondent named in the complaint is in violation of sections 3733.41 to 3733.49 of the Revised Code this chapter or the rules adopted thereunder.
Sec. 3733.471. (A) Any person who believes that violations of sections 3733.41 to 3733.49 this chapter, Chapter 4109., or Chapter 4111. of the Revised Code are taking place may report or cause reports to be made of the information directly to the migrant agricultural ombudsman's office as provided in section 3733.49 of the Revised Code state monitor advocate. No person who files a report is liable for civil damages resulting from the report if the report was made on the basis of personal knowledge and belief, and not on the basis of hearsay, and was made in good faith and without recklessness as to the truth of the information contained in the report.

(B) The migrant agricultural ombudsman's office state monitor advocate shall immediately forward to the attorney general all reports that it the state monitor advocate receives under division (A) of this section. Within forty-eight hours of receiving a report alleging that conditions in violation of sections 3733.41 to 3733.49 this chapter, Chapter 4109., or Chapter 4111. of the Revised Code exist that cause a direct or serious threat to the health or safety of migrant agricultural laborers, the attorney general, or the attorney general in conjunction with the director of health, shall investigate the complaint. If after an investigation period, which shall not exceed forty-eight hours, the attorney general finds probable cause to believe that existing conditions cause a direct or serious threat to the health or safety of the laborers, the attorney general, or the attorney general in conjunction with the appropriate prosecuting attorney, shall bring an action for a temporary restraining order or a preliminary or permanent injunction.

(C) The attorney general, or the attorney general in conjunction with the director of health, shall, within seven days of receiving a complaint that does not allege a serious health or safety violation of sections 3733.41 to 3733.49 this chapter,
Chapter 4109., or Chapter 4111. of the Revised Code, begin an investigation of the complaint. If after an investigation period, which shall not exceed fourteen days, the attorney general finds probable cause to believe that a violation of sections 3733.41 to 3733.49 of this chapter, Chapter 4109., or Chapter 4111. of the Revised Code exists, the attorney general shall refer the matter to the appropriate prosecuting attorney, who shall prosecute the complaint.

(D) The migrant agricultural ombudsman’s office shall treat as confidential all information that it receives as a result of reports filed with it under division (A) of this section and shall not reveal that information to any person except under division (B) of this section or as required in the course of an investigation or prosecution.

Sec. 3734.01. As used in this chapter:

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.

(B) "Director" means the director of environmental protection.

(C) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code.

(D) "Agency" means the environmental protection agency.

(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or
other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural products made from shale and clay products, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste, or any post-use polymers and recovered feedstocks converted at an advanced recycling facility or held at such a facility prior to conversion through an advanced recycling process.

(F) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes or hazardous waste into or on any land or ground or surface water or into the air, except if the disposition or placement constitutes storage or treatment or, if the solid wastes consist of scrap tires, the disposition or placement constitutes a beneficial use or occurs at a scrap tire recovery facility licensed under section 3734.81 of the Revised Code. "Disposal" does not include the process of converting post-use polymers and recoverable feedstocks using gasification or pyrolysis advanced recycling.

(G) "Person" includes the state, any political subdivision and other state or local body, the United States and any agency or instrumentality thereof, and any legal entity defined as a person under section 1.59 of the Revised Code.

(H) "Open burning" means the burning of solid wastes in an
open area or burning of solid wastes in a type of chamber or
vessel that is not approved or authorized in rules adopted by the
director under section 3734.02 of the Revised Code or, if the
solid wastes consist of scrap tires, in rules adopted under
division (V) of this section or section 3734.73 of the Revised
Code, or the burning of treated or untreated infectious wastes in
an open area or in a type of chamber or vessel that is not
approved in rules adopted by the director under section 3734.021
of the Revised Code.

(I) "Open dumping" means the depositing of solid wastes into
a body or stream of water or onto the surface of the ground at a
site that is not licensed as a solid waste facility under section
3734.05 of the Revised Code or, if the solid wastes consist of
scrap tires, as a scrap tire collection, storage, monocell,
monofill, or recovery facility under section 3734.81 of the
Revised Code; the depositing of solid wastes that consist of scrap
tires onto the surface of the ground at a site or in a manner not
specifically identified in divisions (C)(2) to (5), (7), or (10)
of section 3734.85 of the Revised Code; the depositing of
untreated infectious wastes into a body or stream of water or onto
the surface of the ground; or the depositing of treated infectious
wastes into a body or stream of water or onto the surface of the
ground at a site that is not licensed as a solid waste facility
under section 3734.05 of the Revised Code.

(J) "Hazardous waste" means any waste or combination of
wastes in solid, liquid, semisolid, or contained gaseous form that
in the determination of the director, because of its quantity,
concentration, or physical or chemical characteristics, may do
either of the following:

(1) Cause or significantly contribute to an increase in
mortality or an increase in serious irreversible or incapacitating
reversible illness;
(2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.


(K) "Treat" or "treatment," when used in connection with hazardous waste, means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize the waste; recover energy or material resources from the waste; render the waste nonhazardous or less hazardous, safer to transport, store, or dispose of, or amenable for recovery or storage; or reduce the volume of the waste. When used in connection with infectious wastes, "treat" or "treatment" means any method, technique, or process that renders the wastes noninfectious so that it is no longer an infectious waste and is no longer an infectious substance as defined in applicable federal law, including, without limitation, steam sterilization and incineration, and, in the instance of wastes identified in division (R)(7) of this section, to substantially reduce or eliminate the potential for the wastes to cause lacerations or puncture wounds.

(L) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.

(M)(1) When used in connection with hazardous waste, "storage" means the holding of hazardous waste for a temporary
period in such a manner that it remains retrievable and  
substantially unchanged physically and chemically and, at the end  
of the period, is treated; disposed of; stored elsewhere; or  
reused, recycled, or reclaimed in a beneficial manner;

(2) When used in connection with scrap tires, "storage" means  
the holding of scrap tires for a temporary period in such a manner  
that they remain retrievable and, at the end of that period, are  
beneficially used; stored elsewhere; placed in a scrap tire  
monocell or monofill facility licensed under section 3734.81 of  
the Revised Code; processed at a scrap tire recovery facility  
licensed under that section or a solid waste incineration or  
energy recovery facility subject to regulation under this chapter;  
or transported to a scrap tire monocell, monofill, or recovery  
facility, any other solid waste facility authorized to dispose of  
scrap tires, or a facility that will beneficially use the scrap  
tires, that is located in another state and is operating in  
compliance with the laws of the state in which the facility is  
located;

(3) When used in connection with recoverable feedstocks or post-use polymers, "storage" means holding  
recoverable feedstocks or post-use polymers for a period  
of less than ninety days, provided all of the following apply:

(a) The recoverable feedstocks or post-use polymers remain retrievable and substantially unchanged physically and  
chemically;

(b) The storage of recoverable feedstocks or post-use polymers does not cause a nuisance;

(c) The storage of recoverable feedstocks or post-use polymers does not pose a threat from vectors;

(d) The storage of recoverable feedstocks or post-use polymers does not adversely impact public health, safety,
or the environment;

(e) Prior to the end of the storage period of less than ninety days, the recoverable feedstocks or post-use polymers are converted using gasification or pyrolysis through advanced recycling.

(N) "Facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for the collection, storage, or processing of the solid wastes; for the transfer of solid wastes; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.

(O) "Closure" means the time at which a hazardous waste facility will no longer accept hazardous waste for treatment, storage, or disposal, the time at which a solid waste facility will no longer accept solid wastes for transfer or disposal or, if the solid wastes consist of scrap tires, for storage or processing, or the effective date of an order revoking the permit for a hazardous waste facility or the registration certificate, permit, or license for a solid waste facility, as applicable. "Closure" includes measures performed to protect public health or safety, to prevent air or water pollution, or to make the facility suitable for other uses, if any, including, but not limited to, the removal of processing residues resulting from solid wastes that consist of scrap tires; the establishment and maintenance of a suitable cover of soil and vegetation over cells in which hazardous waste or solid wastes are buried; minimization of erosion, the infiltration of surface water into such cells, the production of leachate, and the accumulation and runoff of contaminated surface water; the final construction of facilities for the collection and treatment of leachate and contaminated surface water runoff, except as otherwise provided in this
division; the final construction of air and water quality monitoring facilities, except as otherwise provided in this division; the final construction of methane gas extraction and treatment systems; or the removal and proper disposal of hazardous waste or solid wastes from a facility when necessary to protect public health or safety or to abate or prevent air or water pollution. With regard to a solid waste facility that is a scrap tire facility, "closure" includes the final construction of facilities for the collection and treatment of leachate and contaminated surface water runoff and the final construction of air and water quality monitoring facilities only if those actions are determined to be necessary.

(P) "Premises" means either of the following:

(1) Geographically contiguous property owned by a generator;

(2) Noncontiguous property that is owned by a generator and connected by a right-of-way that the generator controls and to which the public does not have access. Two or more pieces of property that are geographically contiguous and divided by public or private right-of-way or rights-of-way are a single premises.

(Q) "Post-closure" means that period of time following closure during which a hazardous waste facility is required to be monitored and maintained under this chapter and rules adopted under it, including, without limitation, operation and maintenance of methane gas extraction and treatment systems, or the period of time after closure during which a scrap tire monocell or monofill facility licensed under section 3734.81 of the Revised Code is required to be monitored and maintained under this chapter and rules adopted under it.

(R) "Infectious wastes" means any wastes or combination of wastes that include cultures and stocks of infectious agents and associated biologicals, human blood and blood products, and
substances that were or are likely to have been exposed to or contaminated with or are likely to transmit an infectious agent or zoonotic agent, including all of the following:

1. Laboratory wastes;

2. Pathological wastes;

3. Animal blood and blood products;

4. Animal carcasses and parts;

5. Waste materials from the rooms of humans, or the enclosures of animals, that have been isolated because of diagnosed communicable disease that are likely to transmit infectious agents. Such waste materials from the rooms of humans do not include any wastes of patients who have been placed on blood and body fluid precautions under the universal precaution system established by the centers for disease control in the public health service of the United States department of health and human services, except to the extent specific wastes generated under the universal precautions system have been identified as infectious wastes by rules adopted under division (R)(7) of this section.

6. Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals;

7. Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that the director of health, by rules adopted in accordance with Chapter 119. of the Revised Code, identifies as infectious wastes after determining that the wastes present a substantial threat to human health when improperly managed because they are contaminated with, or are likely to be contaminated with, infectious agents.
As used in this division, "blood products" does not include patient care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids unless those wastes are soiled to the extent that the generator of the wastes determines that they should be managed as infectious wastes.

(S) "Infectious agent" means a type of microorganism, pathogen, virus, or proteinaceous infectious particle that can cause or significantly contribute to disease in or death of human beings.

(T) "Zoonotic agent" means a type of microorganism, pathogen, or virus that causes disease in vertebrate animals, is transmissible to human beings, and can cause or significantly contribute to disease in or death of human beings.

(U) "Solid waste transfer facility" means any site, location, tract of land, installation, or building that is used or intended to be used primarily for the purpose of transferring solid wastes that were generated off the premises of the facility from vehicles or containers into other vehicles for transportation to a solid waste disposal facility. "Solid waste transfer facility" does not include an advanced recycling facility or any facility that consists solely of portable containers that have an aggregate volume of fifty cubic yards or less nor any facility where legitimate recycling activities are conducted.

(V) "Beneficially use" includes:

(1) With regard to scrap tires, to use a scrap tire in a manner that results in a commodity for sale or exchange or in any other manner authorized as a beneficial use in rules adopted by the director in accordance with Chapter 119. of the Revised Code;

(2) With regard to material from a horizontal well that has come in contact with a refined oil-based substance and that is not technologically enhanced naturally occurring radioactive material,
to use the material in any manner authorized as a beneficial use in rules adopted by the director under section 3734.125 of the Revised Code.

(W) "Commercial car," "commercial tractor," "farm machinery," "motor bus," "vehicles," "motor vehicle," and "semitrailer" have the same meanings as in section 4501.01 of the Revised Code.

(X) "Construction equipment" means road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work, or in mining or producing or processing aggregates, and not designed for or used in general highway transportation.

(Y) "Motor vehicle salvage dealer" has the same meaning as in section 4738.01 of the Revised Code.

(Z) "Scrap tire" means an unwanted or discarded tire.

(AA) "Scrap tire collection facility" means any facility that meets all of the following qualifications:

1. The facility is used for the receipt and storage of whole scrap tires from the public prior to their transportation to a scrap tire storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code; a solid waste incineration or energy recovery facility subject to regulation under this chapter; a premises within the state where the scrap tires will be beneficially used; or a scrap tire storage, monocell, monofill, or recovery facility, any other solid waste disposal facility authorized to dispose of scrap tires, or a facility that will beneficially use the scrap tires, that is located in another state, and that is operating in compliance with the laws of the state in which the facility is located.

2. The facility exclusively stores scrap tires in portable containers.
(3) The aggregate storage of the portable containers in which the scrap tires are stored does not exceed five thousand cubic feet.

(BB) "Scrap tire monocell facility" means an individual site within a solid waste landfill that is used exclusively for the environmentally sound storage or disposal of whole scrap tires or scrap tires that have been shredded, chipped, or otherwise mechanically processed.

(CC) "Scrap tire monofill facility" means an engineered facility used or intended to be used exclusively for the storage or disposal of scrap tires, including at least facilities for the submergence of whole scrap tires in a body of water.

(DD) "Scrap tire recovery facility" means any facility, or portion thereof, for the processing of scrap tires for the purpose of extracting or producing usable products, materials, or energy from the scrap tires through a controlled combustion process, mechanical process, or chemical process. "Scrap tire recovery facility" includes any facility that uses the controlled combustion of scrap tires in a manufacturing process to produce process heat or steam or any facility that produces usable heat or electric power through the controlled combustion of scrap tires in combination with another fuel, but does not include any solid waste incineration or energy recovery facility that is designed, constructed, and used for the primary purpose of incinerating mixed municipal solid wastes and that burns scrap tires in conjunction with mixed municipal solid wastes, or any tire retreading business, tire manufacturing finishing center, or tire adjustment center having on the premises of the business a single, covered scrap tire storage area at which not more than four thousand scrap tires are stored.

(EE) "Scrap tire storage facility" means any facility where whole scrap tires are stored prior to their transportation to a
scrap tire monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code; a solid waste incineration or energy recovery facility subject to regulation under this chapter; a premises within the state where the scrap tires will be beneficially used; or a scrap tire storage, monocell, monofill, or recovery facility, any other solid waste disposal facility authorized to dispose of scrap tires, or a facility that will beneficially use the scrap tires, that is located in another state, and that is operating in compliance with the laws of the state in which the facility is located.

(FF) "Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and, as a result of that use, is contaminated by physical or chemical impurities. "Used oil" includes only those substances identified as used oil by the United States environmental protection agency under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 U.S.C.A. 6901a, as amended.

(GG) "Accumulated speculatively" has the same meaning as in rules adopted by the director under section 3734.12 of the Revised Code.

(HH) "Horizontal well" has the same meaning as in section 1509.01 of the Revised Code.

(II) "Technologically enhanced naturally occurring radioactive material" has the same meaning as in section 3748.01 of the Revised Code.

(JJ) "Post-use polymer" means a plastic polymer to which both all of the following apply:

(1) It is derived from any source and is not being used for its original intended purpose industrial, commercial, agricultural, or domestic activities, and includes pre-consumer recovered materials and post-consumer materials.
(2) Its use or intended use is to manufacture crude oil, fuels, other as feedstock for the manufacturing of feedstocks, raw materials, other intermediate products, or final products using pyrolysis or gasification advanced recycling.

"Post-use polymer" (3) It has been sorted from solid waste and other regulated waste, but may contain incidental contaminants or impurities, such as paper labels or metal rings.

(4) It is not mixed with solid waste or hazardous waste onsite or during processing at the advanced recycling facility.

(5) It is processed at an advanced recycling facility or held at such facility prior to processing.

(KK) "Pyrolysis" means a manufacturing process through which post-use polymers or recovered feedstocks are heated in the absence of oxygen until melted and thermally decomposed, either noncatalytically or catalytically, and are then cooled, condensed, and converted to one of the following:

(1) Crude oil, diesel, gasoline, home heating oil, or another fuel;  

(2) Feedstocks;  

(3) Diesel and gasoline blendstocks;  

(4) Chemicals, waxes, or lubricants;  

(5) Other into valuable raw materials, intermediate products, or final products, plastic monomers, chemicals, naphtha, waxes, or plastic and chemical feedstocks that are returned to economic utility in the form of raw materials and products.

(LL) "Gasification" means a manufacturing process through which recoverable post-use polymers or recovered feedstocks are heated and converted into a fuel-gas mixture in an oxygen-deficient oxygen-controlled atmosphere, and the mixture is converted into fuel, including ethanol and transportation fuel;
syngas, followed by conversion into valuable raw, intermediate, and final products, including plastic monomers, chemicals, or other waxes, lubricants, coatings, and plastic and chemical feedstocks that are returned to economic utility in the form of raw materials or products.

(MM) "Recoverable Recovered feedstock" means one or more of the following materials, derived from nonrecycled waste, that have not been mixed with solid waste or hazardous waste on-site or during processing at an advanced recycling facility and have been processed for use as a feedstock in a gasification facility:

(1) Post-use polymers;

(2) Materials for which the United States environmental protection agency has made a non-waste determination under 40 C.F.R. 241.3(e) or has otherwise determined are feedstocks and are not solid waste.

"Recovered feedstock" does not include unprocessed municipal solid waste.

(NN) "Advanced recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic raw materials, feedstocks, chemicals, and other recycled products through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, chemolysis, and other similar technologies. "Advanced recycling" does not include incineration of plastics or waste-to-energy processes and products sold as fuel. "Advanced recycling" is "recycling" as defined in section 3736.01 of the Revised Code.

(OO) "Recycled products" include products produced at advanced recycling facilities including, monomers, oligomers, recycled plastics, plastic and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings, and adhesives.
(PP) "Advanced recycling facility" means a manufacturing facility that stores and converts post-use polymers and recovered feedstocks it receives using advanced recycling.

(QQ) "Depolymerization" means a manufacturing process where post-use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, and coatings.

(RR) "Mass balance attribution" means a chain of custody accounting methodology with rules defined by a third-party certification system that enables the attribution of the mass of advanced recycling feedstocks to one or more advanced recycling products.

(SS) "Recycled plastic" means products that are produced from either of the following:

(1) Mechanical recycling of pre-consumer recovered feedstocks or plastics, and post-consumer plastics;

(2) The advanced recycling of pre-consumer recovered feedstocks or plastics, and post-consumer plastics via mass balance attribution under a third party certification system.

(TT) "Solvolysis" means a manufacturing process to make useful products through which post-use polymers are purified by removing additives and contaminants with the aid of solvents and are heated at low temperatures or pressurized. "Solvolysis" includes hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis.

(UU) "Useful products" means products produced through solvolysis, including monomers, intermediates, valuable chemicals, plastics and chemical feedstocks, and raw materials.

(VV) "Third-party certification system" means an
international and multi-national third-party certification system that consists of a set of rules for the implementation of mass balance attribution approaches for advanced recycling of materials. "Third-party certification system" includes international sustainability and carbon certification, underwriter laboratories, SCS recycled content, roundtable on sustainable biomaterials, ecoloop, and REDcert2.

**Sec. 3734.48. (A) As used in this section:**

(1) "Coal combustion residuals" means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers, as defined in 40 C.F.R. Part 257.

(2) "Coal combustion residuals landfill" means an area of land or an excavation that receives coal combustion residuals that is not a coal combustion residuals surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground or surface mine, or a cave. "Coal combustion residuals landfill" includes sand and gravel pits and quarries that receive coal combustion residuals, coal combustion residuals piles, and any practice that does not meet the definition of a beneficial use of coal combustion residuals under 40 C.F.R. Part 257.

(3) "Coal combustion residuals pile" means any noncontainerized accumulation of solid, nonflowing coal combustion residuals that is placed on the land. "Coal combustion residuals pile" does not mean coal combustion residuals that are beneficially used off-site.

(4) "Coal combustion residuals surface impoundment" means a natural topographic depression, manmade excavation, or diked area that is designed to hold an accumulation of coal combustion...
residuals and liquids and a coal combustion residual unit at which coal combustion residuals are treated, stored, or disposed in accordance with 40 C.F.R. Part 257.

(5) "Coal combustion residuals unit" means any coal combustion residuals landfill, coal combustion residuals surface impoundment, including any lateral expansion of a coal combustion residuals unit, or a combination thereof. "Coal combustion residuals unit" includes both new units and units existing prior to the effective date of this section unless otherwise specified in 40 C.F.R. Part 257.

(B) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt rules having uniform application throughout the state governing coal combustion residuals units. The director shall ensure that the rules are equivalent to, but not more stringent than, 40 C.F.R. Part 257. The rules shall address all of the following:

(1) Additional definitions relating to coal combustion residuals;

(2) Siting criteria;

(3) Groundwater monitoring requirements; (4) Design and construction requirements;

(5) Financial assurance requirements;

(6) Closure and post-closure requirements;

(7) Any other requirement that the director determines is necessary for the administration of this section.

(C) Except as provided in division (D) of this section, a coal combustion residuals unit that is subject to rules adopted under this section or 40 C.F.R. Part 257 is not subject to any of the following:

(1) Any other section of this chapter;
(2) Rules adopted under any other section of this chapter;

(3) Section 6111.04 of the Revised Code.

(D) The director may adopt rules under this section that require a coal combustion residuals unit to obtain a permit-to-install or national pollutant discharge elimination system permit under section 6111.03 of the Revised Code.

(E) The director shall prescribe and furnish any forms necessary to administer and enforce this section. The director may cooperate with and enter into agreements with other state, local, or federal agencies to carry out the purposes of this section.

(F) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 3734.57. (A) The following fees are hereby levied on the transfer or disposal of solid wastes in this state:

(1) Ninety Seventy-one cents per ton through June 30, 2024, twenty eleven cents of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste facility management fund created in section 3734.18 of the Revised Code and seventy sixty cents of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste clean-up fund created in section 3734.28 of the Revised Code;

(2) An additional seventy-five ninety cents per ton through June 30, 2024 2026, the proceeds of which shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code;

(3) An additional two dollars and eighty-five eighty-one cents per ton through June 30, 2024 2026, the proceeds of which
shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code;

(4) An additional twenty-five cents per ton through June 30, 2024, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code;

(5) An additional eight cents per ton through June 30, 2026, the proceeds of which shall be deposited in the state treasury to the credit of the national priority list remedial support fund created in section 3734.579 of the Revised Code.

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division. Fees levied under this division do not apply to materials separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream through recycling,
as "recycling" is defined in rules adopted under section 3734.02 of the Revised Code.

The owner or operator of a solid waste transfer facility or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees required to be collected under this division during that month. In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid wastes received from transfer facilities located in this state during that month for which the fees were required to be collected by the transfer facilities. The monthly returns shall be filed on a form prescribed by the director. Not later than thirty days after the last day of the month to which a return applies, the owner or operator shall mail to the director the return for that month together with the fees required to be collected under this division during that month as indicated on the return or may submit the return and fees electronically in a manner approved by the director. If the return is filed and the amount of the fees due is paid in a timely manner as required in this division, the owner or operator may retain a discount of three-fourths of one per cent of the total amount of the fees that are required to be paid as indicated on the return.

The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are not remitted within thirty days after the last day of the
month to which the return applies or are not remitted by the last day of an extension approved by the director, the owner or operator shall not retain the three-fourths of one per cent discount and shall pay an additional ten per cent of the amount of the fees for each month that they are late. For purposes of calculating the late fee, the first month in which fees are late begins on the first day after the deadline has passed for timely submitting the return and fees, and one additional month shall be counted every thirty days thereafter.

The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted under it. Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable fees. A request for a refund or credit shall not include any costs resulting from those efforts to collect unpaid fees.

A request for a refund or credit of fees shall be made in writing, on a form prescribed by the director, and shall be supported by evidence that may be required in rules adopted by the director under this chapter. After reviewing the request, and if the request and evidence submitted with the request indicate that a refund or credit is warranted, the director shall grant a refund to the owner or operator or shall permit a credit to be taken by the owner or operator on a subsequent monthly return submitted by the owner or operator. The amount of a refund or credit shall not
exceed an amount that is equal to ninety days' worth of fees owed to an owner or operator by a particular debtor of the owner or operator. A refund or credit shall not be granted by the director to an owner or operator more than once in any twelve-month period for fees owed to the owner or operator by a particular debtor.

If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly return submitted to the director together with a written explanation of the reason for the submittal.

For purposes of computing the fees levied under this division or division (B) of this section, any solid waste transfer or disposal facility that does not use scales as a means of determining gate receipts shall use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste, as applicable.

The fees levied under this division and divisions (B) and (C) of this section are in addition to all other applicable fees and taxes and shall be paid by the customer or a political subdivision to the owner or operator of a solid waste transfer or disposal facility. In the alternative, the fees shall be paid by a customer or political subdivision to a transporter of waste who subsequently transfers the fees to the owner or operator of such a facility. The fees shall be paid notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator or with a transporter of waste to the facility that would not require or allow such payment regardless of whether the contract was entered prior to or after October 16, 2009. For those purposes, "customer" means a person who contracts with, or utilizes the solid waste services of, the owner or operator of a solid waste transfer or disposal facility or a transporter of solid waste to such a...
facility.

(B) For the purposes specified in division (G) of this section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

(1) The disposal at a solid waste disposal facility located in the district of solid wastes generated within the district;

(2) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of the district, but inside this state;

(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state.

The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the basis of cubic yards shall do so in accordance with division (A) of this section.

The fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section.

Prior to the approval of the solid waste management plan of a
district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare and publish the resolution and a notice of the time and location where a public hearing on the fees will be held. Upon adopting the resolution, the committee shall deliver written notice of the adoption of the resolution; of the amount of the proposed fees; and of the date, time, and location of the public hearing to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the largest quantities of solid wastes, as determined by the committee, and to their local trade associations. The committee shall make good faith efforts to identify those generators within the district and their local trade associations, but the nonprovision of notice under this division to a particular generator or local trade association does not invalidate the proceedings under this division. The publication shall occur at least thirty days before the hearing. After the hearing, the committee may make such revisions to the proposed fees as it considers appropriate and thereafter, by resolution, shall adopt the revised fee schedule. Upon adopting the revised fee schedule, the committee shall deliver a copy of the resolution doing so to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district. Within sixty days after the delivery of a copy of the resolution adopting the proposed revised fees by the policy committee, each such board and legislative authority, by ordinance or resolution,
shall approve or disapprove the revised fees and deliver a copy of the ordinance or resolution to the committee. If any such board or legislative authority fails to adopt and deliver to the policy committee an ordinance or resolution approving or disapproving the revised fees within sixty days after the policy committee delivered its resolution adopting the proposed revised fees, it shall be conclusively presumed that the board or legislative authority has approved the proposed revised fees. The committee shall determine if the resolution has been ratified in the same manner in which it determines if a draft solid waste management plan has been ratified under division (B) of section 3734.55 of the Revised Code.

The committee may amend the schedule of fees levied pursuant to a resolution adopted and ratified under this division by adopting a resolution establishing the proposed amount of the amended fees. The committee may repeal the fees levied pursuant to such a resolution by adopting a resolution proposing to repeal them. Upon adopting such a resolution, the committee shall proceed to obtain ratification of the resolution in accordance with this division.

Not later than fourteen days after declaring the new fees to be ratified or the fees to be repealed under this division, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the ratification and the amount of the fees or of the repeal of the fees. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

Fees levied under this division also may be established, amended, or repealed by a solid waste management policy committee through the adoption of a new district solid waste management
plan, the adoption of an amended plan, or the amendment of the plan or amended plan in accordance with sections 3734.55 and 3734.56 of the Revised Code or the adoption or amendment of a district plan in connection with a change in district composition under section 3734.521 of the Revised Code.

Not later than fourteen days after the director issues an order approving a district's solid waste management plan, amended plan, or amendment to a plan or amended plan that establishes, amends, or repeals a schedule of fees levied by the district, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the approval of the plan or amended plan, or the amendment to the plan, as appropriate, and the amount of the fees, if any. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, the committee, within fourteen days after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the amount of the fees, if any. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, forty-five days or more before the beginning of a calendar year, the policy committee of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in
connection with the change, within fourteen days after the
director's completion of the required actions, shall notify by
certified mail the owner or operator of each solid waste disposal
facility that is required to collect the district's fees that the
change is to take effect on the first day of January immediately
following the issuance of the notice and of the amount of the fees
or amended fees levied under divisions (B)(1) to (3) of this
section pursuant to the district's initial or amended plan as so
approved or, if appropriate, the repeal of the district's fees by
that initial or amended plan. Collection of any fees set forth in
such a plan or amended plan shall commence on the first day of
January immediately following the issuance of the notice. If such
an initial or amended plan repeals a schedule of fees, collection
of the fees shall cease on that first day of January.

If, in the case of a change in district composition involving
the withdrawal of a county from a joint district, the director
completes the actions required under division (G)(1) or (3) of
section 3734.521 of the Revised Code, as appropriate, less than
forty-five days before the beginning of a calendar year, the
director, on behalf of each of the districts resulting from the
change that obtained the director's approval of an initial or
amended plan in connection with the change proceedings, shall
notify by certified mail the owner or operator of each solid waste
disposal facility that is required to collect the district's fees
that the change is to take effect on the first day of January
immediately following the mailing of the notice and of the amount
of the fees or amended fees levied under divisions (B)(1) to (3)
of this section pursuant to the district's initial or amended plan
as so approved or, if appropriate, the repeal of the district's
fees by that initial or amended plan. Collection of any fees set
forth in such a plan or amended plan shall commence on the first
day of the second month following the month in which notification
is sent to the owner or operator. If such an initial or amended
plan repeals a schedule of fees, collection of the fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If the schedule of fees that a solid waste management district is levying under divisions (B)(1) to (3) of this section is amended or repealed, the fees in effect immediately prior to the amendment or repeal shall continue to be collected until collection of the amended fees commences or collection of the repealed fees ceases, as applicable, as specified in this division. In the case of a change in district composition, money so received from the collection of the fees of the former districts shall be divided among the resulting districts in accordance with division (B) of section 343.012 of the Revised Code and the agreements entered into under division (B) of section 343.01 of the Revised Code to establish the former and resulting districts and any amendments to those agreements.

For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or repealed is required to cease, "fees" or "schedule of fees" includes, in addition to fees levied under divisions (B)(1) to (3) of this section, those levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not
more than twenty-five cents per ton on the disposal of solid
wastes at a solid waste disposal facility located within the
boundaries of the municipal corporation or township regardless of
where the wastes were generated.

The legislative authority of a municipal corporation or
township may levy fees under this division by enacting an
ordinance or adopting a resolution establishing the amount of the
fees. Upon so doing the legislative authority shall mail a
certified copy of the ordinance or resolution to the board of
county commissioners or directors of the county or joint solid
waste management district in which the municipal corporation or
township is located or, if a regional solid waste management
authority has been formed under section 343.011 of the Revised
Code, to the board of trustees of that regional authority, the
owner or operator of each solid waste disposal facility in the
municipal corporation or township that is required to collect the
fee by the ordinance or resolution, and the director of
environmental protection. Although the fees levied under this
division are levied on the basis of tons as the unit of
measurement, the legislative authority, in its ordinance or
resolution levying the fees under this division, may direct that
the fees be levied on the basis of cubic yards as the unit of
measurement based upon a conversion factor of three cubic yards
per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or
adopting a resolution under this division, the legislative
authority shall so notify by certified mail the owner or operator
of each solid waste disposal facility that is required to collect
the fee. Collection of any fee levied on or after March 24, 1992,
shall commence on the first day of the second month following the
month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of
this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) Are generated from the combustion of coal, or from the combustion of primarily coal, regardless of whether the disposal facility is located on the premises where the wastes are generated;

(c) Are asbestos or asbestos-containing materials or products disposed of at a construction and demolition debris facility that is licensed under Chapter 3714. of the Revised Code or at a solid waste facility that is licensed under this chapter.

(2) Except as provided in section 3734.571 of the Revised Code, any fees levied under division (B)(1) of this section apply to solid wastes originating outside the boundaries of a county or joint district that are covered by an agreement for the joint use of solid waste facilities entered into under section 343.02 of the Revised Code by the board of county commissioners or board of directors of the county or joint district where the wastes are generated and disposed of.

(3) When solid wastes, other than solid wastes that consist of scrap tires, are burned in a disposal facility that is an incinerator or energy recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash remaining after burning of the solid wastes and shall be collected by the owner or operator of the sanitary landfill where the ash is disposed of.

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (B) and (C) of this subsection apply on a solids basis.
section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(8) The director of environmental protection may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the United States environmental protection agency.
protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director of environmental protection has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination. An order issued by the director of environmental protection under division (D)(8) of this section shall include a determination that the amount of the fees not received by a solid waste management district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste management plan and any approved amendments to the plan. Such an order is a final action of the director of environmental protection.

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation.
received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit of the district. Moneys in the special fund of the county or joint district arising from the fees levied under division (B) of this section and the fee levied under division (A) of section 3734.573 of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's solid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management
plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;

(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions;

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;
(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys for administrative costs incurred.

Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys in the special fund of the district arising from the fees shall be expended for those purposes in the manner prescribed by the solid
waste management policy committee by resolution.

Notwithstanding division (G)(6) of this section as it existed prior to October 29, 1993, or any provision in a district's solid waste management plan prepared in accordance with division (B)(2)(e) of section 3734.53 of the Revised Code as it existed prior to that date, any moneys arising from the fees levied under division (B)(3) of this section prior to January 1, 1994, may be expended for any of the purposes authorized in divisions (G)(1) to (10) of this section.

(H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for collecting and forwarding the fees levied under divisions (B) and (C) of this section to the boards of county commissioners or directors of county or joint solid waste management districts and to the treasurers or other officers of municipal corporations and the fiscal officers of townships. The rules also shall prescribe the dates for forwarding the fees to the boards and officials and may prescribe any other requirements the director considers necessary or appropriate to implement and administer divisions (A), (B), and (C) of this section.

Sec. 3734.579. (A) There is hereby created in the state treasury the national priority list remedial support fund. The fund shall consist of transfer and disposal fees paid into the fund under division (A)(5) of section 3734.57 of the Revised Code.

(B) The director of environmental protection shall use the fund to pay for the state's removal and remedial actions and long term operation and maintenance costs or applicable cost shares for actions taken under the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 42 U.S.C. 9601, et seq. The director may use money in the fund to enter into contracts and grant agreements with federal, state, or local
government agencies, nonprofit organizations, colleges, and universities to carry out the responsibilities of the environmental protection agency for which money may be expended from the fund.

**Sec. 3734.74.** The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend or rescind rules governing the transportation of scrap tires and the registration of persons engaged in the transportation of scrap tires. The rules shall do all of the following:

(A) Require that, before being issued a registration certificate under section 3734.83 of the Revised Code, a transporter submit a surety bond, a letter of credit, or other financial assurance acceptable to the director, as specified by the director in the rules, in an amount of not less more than twenty ten thousand dollars as the director considers necessary to cover the costs of cleanup of tires improperly accumulated or discarded by the transporter and to cover liability for sudden accidental occurrences that result in damage or injury to persons or property or to the environment;

(B) Establish a system of shipping papers to accompany shipments of scrap tires. The shipping paper for each shipment shall include at least all of the following information:

(1) The name and address of each transporter who transported the shipment of scrap tires;

(2) The number of the registration certificate issued under section 3734.83 of the Revised Code for each transporter who transported the shipment of scrap tires, the signature of the individual transporting the scrap tires for each transporter, and the date or dates on which they were transported;
(3) The quantity in weight or volume of the scrap tires being transported;

(4) The address of the scrap tire collection, storage, monocell, monofill, or recovery facility, or other premises, where the scrap tires were deposited, or of any other registered transporter with whom the scrap tires were deposited, and the signature of the individual accepting receipt of the scrap tires for the facility or other transporter.

The rules adopted under division (B) of this section shall require that the shipping papers be prepared on a form prescribed by the director and that all shipping papers be retained by a registered transporter for not less than three years.

(C) Require that each registered transporter submit a report to the director not later than the thirty-first day of January of each year concerning all shipments of scrap tires transported by the transporter during the preceding calendar year. The report shall include at least the following information:

(1) The total quantity in weight or volume of scrap tires transported by the registered transporter;

(2) The total quantity in weight or volume of scrap tires transported to each collection, storage, monocell, monofill, or recovery facility, or other premises, or deposited with another registered transporter.

Sec. 3734.822. (A) As used in this section, "political subdivision" means any body corporate and politic that is responsible for governmental activities in a geographic area smaller than the state, including a county, municipal corporation, and township.

(B) There is hereby created in the state treasury the scrap tire grant fund, consisting of moneys transferred to the fund
under section 3734.82 of the Revised Code. The director of environmental protection may make grants from the fund for the following purposes:

(1) Supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes;

(2) Supporting scrap tire amnesty and cleanup events sponsored or hosted by the state, including any state agency, or by any solid waste management districts district or other political subdivision.

Grants awarded under division (A)(1)(B)(1) of this section may be awarded to individuals, businesses, and entities certified under division (F)(6) of section 3734.49 of the Revised Code.

(B)(C) Projects and activities that are eligible for grants under division (A)(1)(B)(1) of this section shall be evaluated for funding using, at a minimum, the following criteria:

(1) The degree to which a proposed project contributes to the increased use of scrap tires generated in this state;

(2) The degree of local financial support for a proposed project;

(3) The technical merit and quality of a proposed project.

Sec. 3734.83. (A) Except as provided in division (D) of this section, no person shall transport scrap tires anywhere in this state unless the business or governmental entity that employs the person first registers with and obtains a registration certificate from the director of environmental protection. No more than one registration certificate shall be required of any single business or governmental entity. An applicant shall file an application with the director in such form as the director prescribes. The application shall contain such information as the director
prescribes, including at least the name and address of the principal office of the applicant in this state, provided that the information shall not include the license plate number or vehicle identification number of any motor vehicle used by the applicant to transport scrap tires. Each application for a registration certificate shall be accompanied by a registration fee of not more than three hundred dollars as established by rules adopted by the director in accordance with Chapter 119. of the Revised Code, except that a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code shall be issued a registration certificate or renewal of a registration certificate under this section without the payment of any registration fee if the salvage dealer transports only scrap tires obtained as a direct consequence of receiving motor vehicles for salvage and transports the tires only on motor vehicles owned or leased by him.

A registration certificate issued under this section is valid for one year from its effective date and may be renewed annually for a term of one year by submission to the director of a renewal application on a form prescribed by the director and payment of the registration fee established in rules adopted under this section. The registration and renewal fees shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

A transporter registered under this division shall maintain a copy of the registration certificate in each motor vehicle used by the registrant to transport scrap tires.

(B) The director may issue an order in accordance with Chapter 119. of the Revised Code denying, suspending, or revoking the registration certificate of a person who is registered under this section and who has violated, or whose employee has violated, any of the scrap tire provisions of this chapter or a rule adopted under them while transporting scrap tires. A transporter whose...
registration certificate has been denied, suspended, or revoked shall immediately notify each of his the transporter's customers of that fact by certified mail.

(C) Except as provided in division (D) of this section, no person who possesses scrap tires shall cause them to be transported by any person who is not registered as a transporter under this section.

(D) Divisions (A) and (C) of this section do not apply to any of the following:

(1) A person who transports ten or fewer scrap tires in a single load; any

(2) Any person who transports scrap tires for his the person's own use in agriculture or in producing or processing aggregates; any

(3) Any political subdivision engaging in the collection of solid wastes other than scrap tires, or any person engaging in the collection of such solid wastes under a license or franchise from a political subdivision, when ten or fewer scrap tires are transported with any single load of other types of solid wastes; or any

(4) Any person who is engaged primarily in the retail sale of tires for farm machinery, construction equipment, commercial cars, commercial tractors, motor buses, or semitrailers and who transports twenty-five or fewer whole scrap tires in a single load and not more than two hundred fifty scrap tires in a calendar year, all of which tires either are or were used primarily as tires for farm machinery, construction equipment, commercial cars, commercial tractors, motor buses, or semitrailers;

(5) Any of the following entities conducting a scrap tire clean up event or community tire amnesty collection event that has received written concurrence from the environmental protection
agency:

(a) A nonprofit organization;

(b) Federal, state, or local government;

(c) A university;

(d) Other civic organization.

(E) A transporter of scrap tires is liable for the safe delivery of any scrap tires from the time he obtains them until he delivers them to a scrap tire collection, storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code; delivers them to a solid waste incineration or energy recovery facility subject to regulation under this chapter; delivers them to a premises where they will be beneficially used; delivers them to another transporter registered under this section; or transports them out of the state. A generator of scrap tires who has complied with division (C) of this section is not liable under statute or common law in his capacity as the generator of the scrap tires for the actions or omissions of any transporter registered under this section or any scrap tire collection, storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code, or any solid waste incineration or energy recovery facility subject to regulation under this chapter, with respect to the scrap tires transported by the registered transporter and is not liable in his capacity as the generator of the scrap tires for violations of any scrap tire provision of this chapter or rules adopted under those provisions governing scrap tire collection, storage, monocell, monofill, or recovery facilities and the transportation of scrap tires, or any other provision of this chapter and rules adopted under it governing solid waste incineration and energy recovery facilities, with respect to the scrap tires handled by any such licensed facility or transported.
by the registered transporter.

This division does not apply to a person who transports ten
or fewer scrap tires in a single load or who transports any number
of scrap tires for his the person's own use in agriculture or in
producing or processing aggregates.

(F) A generator of scrap tires who, in good faith and prior
to the time when transporters of scrap tires are required to be
registered pursuant to rules adopted under section 3734.74 of the
Revised Code, caused scrap tires generated by him the generator to
be transported by another is not liable under statute or common
law in his the capacity as the generator of the scrap tires for
the actions or omissions of the transporter, or of any other
person to whom the transporter delivered the scrap tires, with
respect to the scrap tires transported by the transporter.

Sec. 3734.85. (A) On and after the effective date of the
rules adopted under sections 3734.70, 3734.71, 3734.72, and
3734.73 of the Revised Code, the director of environmental
protection may take action under this section to abate
accumulations of scrap tires. If the director determines that an
accumulation of scrap tires constitutes a danger to the public
health or safety or to the environment, the director shall issue
an order under section 3734.13 of the Revised Code to the person
responsible for the accumulation of scrap tires directing that
person, within one hundred twenty days after the issuance of the
order, to remove the accumulation of scrap tires from the premises
on which it is located and transport the tires to a scrap tire
storage, monocell, monofill, or recovery facility licensed under
section 3734.81 of the Revised Code, to such a facility in another
state operating in compliance with the laws of the state in which
it is located, or to any other solid waste disposal facility in
another state that is operating in compliance with the laws of
that state. If the person responsible for causing the accumulation
of scrap tires is a person different from the owner of the land on
which the accumulation is located, the director may issue such an
order to the landowner.

If the director is unable to ascertain immediately the
identity of the person responsible for causing the accumulation of
scrap tires, the director shall examine the records of the
applicable board of health and law enforcement agencies to
ascertain that person's identity. Before initiating any
enforcement or removal actions under this division against the
owner of the land on which the accumulation is located, the
director shall initiate any such actions against the person that
the director has identified as responsible for causing the
accumulation of scrap tires. Failure of the director to make
diligent efforts to ascertain the identity of the person
responsible for causing the accumulation of scrap tires or to
initiate an action against the person responsible for causing the
accumulation shall not constitute an affirmative defense by a
landowner to an enforcement action initiated by the director under
this division requiring immediate removal of any accumulation of
scrap tires.

Upon the written request of the recipient of an order issued
under this division, the director may extend the time for
compliance with the order if the request demonstrates that the
recipient has acted in good faith to comply with the order. If the
recipient of an order issued under this division fails to comply
with each milestone established in the order within one hundred
twenty days after the issuance of the period of time specified in
the order or, if the time for compliance with the order was so
extended, within that time, the director shall take such actions
as the director considers reasonable and necessary to remove and
properly manage the scrap tires located on the land named in the
order. The director, through employees of the environmental protection agency or a contractor, may enter upon the land on which the accumulation of scrap tires is located and remove and transport them to a scrap tire recovery facility for processing, to a scrap tire storage facility for storage, or to a scrap tire monocell or monofill facility for storage or disposal.

When performing a removal action under this section, the director also may remove, transport, and dispose of any of the following if the removal is required by the order issued under this division:

(1) Any additional solid wastes that were open dumped on the land named in the order;

(2) Any construction and demolition debris that was illegally disposed of on the land named in the order.

The director shall enter into contracts for the storage, disposal, or processing of scrap tires removed through removal operations conducted under this section.

If a person to whom a removal order is issued under this division fails to comply with the order and if the director performs a removal action under this section, the person to whom the removal order is issued is liable to the director for the costs incurred by the director for conducting the removal operation. The costs incurred include the storage at a scrap tire storage facility, storage, transportation, processing, or disposal at a scrap tire monocell or monofill facility, or processing of the scrap tires so removed, the transportation of the scrap tires from the site of the accumulation to the scrap tire storage, monocell, monofill, or recovery facility where the scrap tires were stored, disposed of, or processed or any additional solid wastes or construction and demolition debris removed in accordance with this division, and the administrative and legal expenses.
incurred by the director in connection with the removal operation. The director shall keep an itemized record of those costs. Upon completion of the actions for which the costs were incurred, the director shall may record the costs at the office of the county recorder of the county in which the accumulation of scrap tires was, additional solid wastes, and construction and demolition debris were located. The costs so recorded constitute a lien on the property on which the accumulation of scrap tires was, additional solid wastes, and construction and demolition debris were located until discharged. Upon the written request of the director, the attorney general shall bring a civil action against the person responsible for the accumulation of the scrap tires that were the subject of the removal operation to recover the costs for which the person is liable under this division. Any money so received or recovered shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

If, in a civil action brought under this division, an owner of real property is ordered to pay to the director the costs of a removal action that removed an accumulation of scrap tires from the person's land or if a lien is placed on the person's land for the costs of such a removal action, and, in either case, if the landowner was not the person responsible for causing the accumulation of scrap tires so removed, the landowner may bring a civil action against the person who was responsible for causing the accumulation to recover the amount of the removal costs that the court ordered the landowner to pay to the director or the amount of the removal costs certified to the county recorder as a lien on the landowner's property, whichever is applicable. If the landowner prevails in the civil action against the person who was responsible for causing the accumulation of scrap tires, the court, as it considers appropriate, may award to the landowner the reasonable attorney's fees incurred by the landowner for bringing the action, court costs, and other reasonable expenses incurred by
the landowner in connection with the civil action. A landowner shall bring such a civil action within two years after making the final payment of the removal costs to the director pursuant to the judgment rendered against the landowner in the civil action brought under this division upon the director's request or within two years after the director certified the costs of the removal action to the county recorder, as appropriate. A person who, at the time that a removal action was conducted under this division, owned the land on which the removal action was performed may bring an action under this division to recover the costs of the removal action from the person responsible for causing the accumulation of scrap tires so removed regardless of whether the person owns the land at the time of bringing the action.

Subject to the limitations set forth in division (G) of section 3734.82 of the Revised Code, the director may use moneys in the scrap tire management fund for conducting removal actions under this division. Any moneys recovered under this division shall be credited to the scrap tire management fund.

(B) The director shall initiate enforcement and removal actions under division (A) of this section in accordance with the following descending listing of priorities:

1. Accumulations of scrap tires that the director finds constitute a fire hazard or threat to public health;
2. Accumulations of scrap tires determined by the director to contain more than one million scrap tires;
3. Accumulations of scrap tires in densely populated areas;
4. Other accumulations of scrap tires that the director or board of health of the health district in which the accumulation is located determines constitute a public nuisance;
5. Any other accumulations of scrap tires present on premises operating without a valid license issued under section Sub. H. B. No. 33 Page 1725
3734.05 or 3734.81 of the Revised Code.

(C) The director shall not take enforcement and removal actions under division (A) of this section against the owner or operator of, or the owner of the land on which is located, any of the following:

(1) A premises where not more than one hundred scrap tires are present at any time;

(2) The premises of a business engaging in the sale of tires at retail that meets either of the following criteria:
   (a) Not more than one thousand scrap tires are present on the premises at any time in an unsecured, uncovered outdoor location.
   (b) Any number of scrap tires are secured in a building or a covered, enclosed container, trailer, or installation.

(3) The premises of a tire retreading business, a tire manufacturing finishing center, or a tire adjustment center on which is located a single, covered scrap tire storage area where not more than four thousand scrap tires are stored;

(4) The premises of a business that removes tires from motor vehicles in the ordinary course of business and on which is located a single scrap tire storage area that occupies not more than twenty-five hundred square feet;

(5) A solid waste facility licensed under section 3734.05 of the Revised Code that stores scrap tires on the surface of the ground if the total land area on which scrap tires are actually stored does not exceed ten thousand square feet;

(6) A premises where not more than two hundred fifty scrap tires are stored or kept for agricultural use;

(7) A construction site where scrap tires are stored for use or used in road resurfacing or the construction of embankments;

(8) A scrap tire collection, storage, monocell, monofill, or...
recovery facility licensed under section 3734.81 of the Revised Code;

(9) A solid waste incineration or energy recovery facility that is subject to regulation under this chapter and that burns scrap tires;

(10) A premises where scrap tires are beneficially used and for which the notice required by rules adopted under section 3734.84 of the Revised Code has been given;

(11) A transporter registered under section 3734.83 of the Revised Code that collects and holds scrap tires in a covered trailer or vehicle for not longer than thirty days prior to transporting them to their final destination.

(D) Nothing in this section restricts any right any person may have under statute or common law to enforce or seek enforcement of any law applicable to the management of scrap tires, abate a nuisance, or seek any other appropriate relief.

(E) An owner of real property is not liable under division (A) of this section for the cost of the removal of up to ten thousand scrap tires on the owner's property, or more at the director's discretion, and no lien shall attach to the property under this section, if all of the following conditions are met:

(1) The tires were placed on the property after the owner acquired title to the property, or the tires were placed on the property before the owner acquired title to the property and the owner acquired title to the property by bequest or devise.

(2) The owner of the property did not have knowledge that the tires were being placed on the property, or the owner posted on the property signs prohibiting dumping or took other action to prevent the placing of tires on the property.

(3) The owner of the property did not participate in or
consent to the placing of the tires on the property.

(4) The owner of the property received no financial benefit from the placing of the tires on the property or otherwise having the tires on the property.

(5) Title to the property was not transferred to the owner for the purpose of evading liability under division (A) of this section.

(6) The person responsible for placing the tires on the property, in doing so, was not acting as an agent for the owner of the property.

Sec. 3734.901. (A)(1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire provisions of this chapter, rules adopted under those provisions, and terms and conditions of orders, variances, and licenses issued under those provisions; to abate accumulations of scrap tires; to make grants supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes and to support scrap tire amnesty and cleanup events; to make loans to promote the recycling or recovery of energy from scrap tires; and to defray the costs of administering and enforcing sections 3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents per tire is hereby levied on the sale of tires. The proceeds of the fee shall be deposited in the state treasury to the credit of the scrap tire management fund created in section 3734.82 of the Revised Code. The fee is levied from the first day of the calendar month that begins next after thirty days from October 29, 1993, through June 30, 2024.

(2) Beginning on July 1, 2011, and ending on June 30, 2024, there is hereby levied an additional fee of fifty cents per tire on the sale of tires the proceeds of which shall be deposited in the state treasury to the credit of the soil and water management fund created in section 3734.82 of the Revised Code. The fee is levied from the first day of the calendar month that begins next after thirty days from October 29, 1993, through June 30, 2026.
conservation district assistance fund created in section 940.15 of
the Revised Code.

(B) Only one sale of the same article shall be used in
computing the amount of the fee due.

Sec. 3737.02. (A) The fire marshal may collect fees to cover
the costs of performing inspections and other duties that the fire
marshal is authorized or required by law to perform. Except as
provided in division (B) of this section, all fees collected by
the fire marshal shall be deposited to the credit of the fire
marshal's fund.

(B)(1) All of the following shall be credited to the
underground storage tank administration fund, which is hereby
created in the state treasury:

(a) Fees collected under sections 3737.88 and 3737.881 of the
Revised Code for operation of the underground storage tank and
underground storage tank installer certification programs;

(b) Moneys recovered under section 3737.89 of the Revised
Code for the state's costs of undertaking corrective or
enforcement actions under that section or section 3737.882 of the
Revised Code;

(c) Fines and penalties collected under section 3737.882 of
the Revised Code and other moneys, including corrective action
enforcement case settlements or bankruptcy case awards or
settlements, received by the fire marshal under sections 3737.88
to 3737.89 of the Revised Code.

(2) All interest earned on moneys credited to the underground
storage tank administration fund shall be credited to the fund.
Moneys credited to the underground storage tank administration
fund shall be used by the fire marshal for implementation and
enforcement of underground storage tank, corrective action, and
installer certification programs under sections 3737.88 to 3737.89 of the Revised Code.

(C) There is hereby created in the state treasury the underground storage tank revolving loan fund. The fund shall consist of amounts repaid for underground storage tank revolving loans under section 3737.883 of the Revised Code and moneys described in division (B)(1)(c) of this section that are allocated to the fund in accordance with division (D)(1) of this section. Moneys in the fund shall be used by the fire marshal to make underground storage tank revolving loans under section 3737.883 of the Revised Code.

(D)(1) If the director of commerce determines that the cash balance in the underground storage tank administration fund is in excess of the amount needed for implementation and enforcement of the underground storage tank, corrective action, and installer certification programs under sections 3737.88 to 3737.89 of the Revised Code, the director may certify the excess amount to the director of budget and management. Upon certification, the director of budget and management may transfer from the underground storage tank administration fund to the underground storage tank revolving loan fund any amount up to, but not exceeding, the amount certified by the director of commerce, provided the amount transferred consists only of moneys described in division (B)(1)(c) of this section.

(2) If the director of commerce determines that the cash balance in the underground storage tank administration fund is insufficient to implement and enforce the underground storage tank, corrective action, and installer certification programs under sections 3737.88 to 3737.89 of the Revised Code, the director may certify the amount needed to the director of budget and management. Upon certification, the director of budget and management may transfer from the underground storage tank
revolving loan fund to the underground storage tank administration fund any amount up to, but not exceeding, the amount certified by the director of commerce.

(E) The fire marshal shall take all actions necessary to obtain any federal funding available to carry out the fire marshal's responsibilities under sections 3737.88 to 3737.89 of the Revised Code and federal laws regarding the cleaning up of releases of petroleum, as "release" is defined in section 3737.87 of the Revised Code, including, without limitation, any federal funds that are available to reimburse the state for the costs of undertaking corrective actions for such releases of petroleum. The state may, when appropriate, return to the United States any federal funds recovered under sections 3737.882 and 3737.89 of the Revised Code.

Sec. 3737.83. The fire marshal shall, as part of the state fire code, adopt rules to:

(A) Establish minimum standards of performance for fire protection equipment and fire fighting equipment;

(B) Establish minimum standards of training, fix minimum qualifications, and require certificates for all persons who engage in the business for profit of installing, testing, repairing, or maintaining fire protection equipment;

(C) Provide for the issuance of certificates required under division (B) of this section and establish the fees to be charged for such certificates. A certificate shall be granted, renewed, or revoked according to rules the fire marshal shall adopt.

(D) Establish minimum standards of flammability for consumer goods in any case where the federal government or any department or agency thereof has established, or may from time to time establish standards of flammability for consumer goods. The
standards established by the fire marshal shall be identical to the minimum federal standards.

In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the fire marshal, standards previously adopted by the fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child day-care centers and in type A family day-care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services.

(G)(1) Establish that occupant load shall not include an exterior patio that has a means of egress on at least three sides or within fifty feet of an open side and in which each means of egress is compliant with the "Americans with Disabilities Act of 1990," 42 U.S.C. 12102, et seq.

(2) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (G)(1) of this section is not
subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 3737.833. (A) As used in this section, "retail establishment" means a place of business open to the general public for the sale of goods or services.

(B) If the fire code official having jurisdiction over a retail establishment, including a retail establishment that is under construction and not yet open to the public, is unable to conduct an inspection or issue a permit required by the state fire code adopted pursuant to sections 3737.82 and 3737.83 of the Revised Code, for more than five business days, the owner, operator, or developer of the retail establishment may seek a temporary permit from any fire code official authorized to conduct such an inspection or issue such a permit elsewhere in this state. If that fire code official grants a temporary permit, the permit is valid for fourteen calendar days.

Sec. 3737.88. (A)(1) The fire marshal shall have responsibility for implementation of the underground storage tank program and corrective action program for releases of petroleum from underground storage tanks established by the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as amended. To implement the programs, the fire marshal may adopt, amend, and rescind such rules, conduct such inspections, require annual registration of underground storage tanks, issue such citations and orders to enforce those rules, enter into environmental covenants in accordance with sections 5301.80 to 5301.92 of the Revised Code, and perform such other duties, as are consistent with those programs. The fire marshal, by rule, may delegate the authority to conduct inspections of underground storage tanks to certified fire safety inspectors.

(2) In the place of any rules regarding release containment...
and release detection for underground storage tanks adopted under division (A)(1) of this section, the fire marshal, by rule, shall designate areas as being sensitive for the protection of human health and the environment and adopt alternative rules regarding release containment and release detection methods for new and upgraded underground storage tank systems located in those areas. In designating such areas, the fire marshal shall take into consideration such factors as soil conditions, hydrogeology, water use, and the location of public and private water supplies. Not later than July 11, 1990, the fire marshal shall file the rules required under this division with the secretary of state, director of the legislative service commission, and joint committee on agency rule review in accordance with divisions (B) and (C) of section 119.03 of the Revised Code.

(3) Notwithstanding sections 3737.87 to 3737.89 of the Revised Code, a person who is not a responsible person, as determined by the fire marshal pursuant to this chapter, may conduct a voluntary action in accordance with Chapter 3746. of the Revised Code and rules adopted under it for either of the following:

(a) A class C release;

(b) A release, other than a class C release, that is subject to the rules adopted by the fire marshal under division (B) of section 3737.882 of the Revised Code pertaining to a corrective action, provided that both of the following apply:

(i) The voluntary action also addresses hazardous substances or petroleum that is not subject to the rules adopted under division (B) of section 3737.882 of the Revised Code pertaining to a corrective action.

(ii) The fire marshal has not issued an administrative order concerning the release or referred the release to the attorney...
The director of environmental protection, pursuant to section 3746.12 of the Revised Code, may issue a covenant not to sue to any person who properly completes a voluntary action with respect to any such release in accordance with Chapter 3746. of the Revised Code and rules adopted under it.

(B) Before adopting any rule under this section or section 3737.881 or 3737.882 of the Revised Code, the fire marshal shall file written notice of the proposed rule with the chairperson of the state fire council, and, within sixty days after notice is filed, the council may file responses to or comments on and may recommend alternative or supplementary rules to the fire marshal. At the end of the sixty-day period or upon the filing of responses, comments, or recommendations by the council, the fire marshal may adopt the rule filed with the council or any alternative or supplementary rule recommended by the council.

(C) The state fire council may recommend courses of action to be taken by the fire marshal in carrying out the fire marshal's duties under this section. The council shall file its recommendations in the office of the fire marshal, and, within sixty days after the recommendations are filed, the fire marshal shall file with the chairperson of the council comments on, and proposed action in response to, the recommendations.

(D) For the purpose of sections 3737.87 to 3737.89 of the Revised Code, the fire marshal shall adopt, and may amend and rescind, rules identifying or listing hazardous substances. The rules shall be consistent with and equivalent in scope, coverage, and content to regulations identifying or listing hazardous substances adopted under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended, except that the fire marshal shall not identify or list as a hazardous substance any hazardous waste...
identified or listed in rules adopted under division (A) of section 3734.12 of the Revised Code.

(E) Except as provided in division (A)(3) of this section, the fire marshal shall have exclusive jurisdiction to regulate the storage, treatment, and disposal of petroleum contaminated soil generated from corrective actions undertaken in response to releases of petroleum from underground storage tank systems. The fire marshal may adopt, amend, or rescind such rules as the fire marshal considers to be necessary or appropriate to regulate the storage, treatment, or disposal of petroleum contaminated soil so generated.

(F) The fire marshal shall adopt, amend, and rescind rules under sections 3737.88 to 3737.882 of the Revised Code in accordance with Chapter 119. of the Revised Code.

Sec. 3737.882. (A) If, after an examination or inspection, the fire marshal or an assistant fire marshal finds that a release of petroleum is suspected, the fire marshal shall take such action as the fire marshal considers necessary to ensure that a suspected release is confirmed or disproved and, if the occurrence of a release is confirmed, to correct the release. These actions may include one or more of the following:

(1) Issuance of a citation and order requiring the responsible person to undertake, in a manner consistent with the requirements of section 9003 of the "Resource Conservation and Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, as amended, applicable regulations adopted thereunder, and rules adopted under division (B) of this section, such actions as are necessary to protect human health and the environment, including, without limitation, the investigation of a suspected release;

(2) Requesting the attorney general to bring a civil action for appropriate relief, including a temporary restraining order or
preliminary or permanent injunction, in the court of common pleas of the county in which a suspected release is located or in which the release occurred, to obtain the corrective action necessary to protect human health and the environment. In granting any such relief, the court shall ensure that the terms of the temporary restraining order or injunction are sufficient to provide comprehensive corrective action to protect human health and the environment.

(3) Entry onto premises and undertaking corrective action with respect to a release of petroleum if, in the fire marshal's judgment, such action is necessary to protect human health and the environment. Any corrective action undertaken by the fire marshal or assistant fire marshal under division (A)(3) of this section shall be consistent with the requirements of sections 9003 and 9005 of the "Resource Conservation and Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, and 98 Stat. 3284, 42 U.S.C.A. 6991e, respectively, as amended, applicable regulations adopted thereunder, and rules adopted under division (B) of this section.

(B) The fire marshal shall adopt, and may amend and rescind, such rules as the fire marshal considers necessary to establish standards for corrective actions for suspected and confirmed releases of petroleum and standards for the recovery of costs incurred for undertaking corrective or enforcement actions with respect to such releases. The rules also shall include requirements for financial responsibility for the cost of corrective actions for and compensation of bodily injury and property damage incurred by third parties that are caused by releases of petroleum. Rules regarding financial responsibility shall, without limitation, require responsible persons to provide evidence that the parties guaranteeing payment of the deductible amount established under division (E) or (F) of section 3737.91 of the Revised Code are, at a minimum, secondarily liable for all

53370 53371 53372 53373 53374 53375 53376 53377 53378 53379 53380 53381 53382 53383 53384 53385 53386 53387 53388 53389 53390 53391 53392 53393 53394 53395 53396 53397 53398 53399 53400 53401

(C)(1) No person shall violate or fail to comply with a rule adopted under division (A) of section 3737.88 of the Revised Code or division (B) of this section, and no person shall violate or fail to comply with the terms of any order issued under division (A) of section 3737.88 of the Revised Code or division (A)(1) of this section.

(2) Whoever violates division (C)(1) of this section or division (F) of section 3737.881 of the Revised Code shall pay a civil penalty of not more than ten thousand dollars for each day that the violation continues. The fire marshal may, by order, assess a civil penalty under this division, or the fire marshal may request the attorney general to bring a civil action for imposition of the civil penalty in the court of common pleas of the county in which the violation occurred. If the fire marshal determines that a responsible person is in violation of division (C)(1) of this section or division (F) of section 3737.881 of the Revised Code, the fire marshal may request the attorney general to bring a civil action for appropriate relief, including a temporary restraining order or preliminary or permanent injunction, in the court of common pleas of the county in which the underground storage tank or, in the case of a violation of division (F)(3) of section 3737.881 of the Revised Code, the training program that is the subject of the violation is located. The court shall issue a temporary restraining order or an injunction upon a demonstration that a violation of division (C)(1) of this section or division (F) of section 3737.881 of the Revised Code has occurred or is
occurring.

Any action brought by the attorney general under this division is a civil action, governed by the Rules of Civil Procedure and other rules of practice and procedure applicable to civil actions.

Nothing in section 3737.883 of the Revised Code limits the powers of the fire marshal or the attorney general under this division.

(D) Orders issued under division (A) of section 3737.88 of the Revised Code and divisions (A)(1) and (C) of this section, and appeals thereof, are subject to and governed by Chapter 3745. of the Revised Code. Such orders shall be issued without the necessity for issuance of a proposed action under that chapter. For purposes of appeals of any such orders, the term "director" as used in Chapter 3745. of the Revised Code includes the fire marshal and an assistant fire marshal.

(E) Any restrictions on the use of real property for the purpose of the achievement by an owner or operator of applicable standards pursuant to rules adopted under division (B) of this section shall be contained in a deed or in another instrument that is signed and acknowledged by the property owner in the same manner as a deed or an environmental covenant that is entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code. The deed, other instrument containing the restrictions, or environmental covenant shall be filed and recorded in the office of the county recorder of the county in which the property is located. Pursuant to Chapter 5309. of the Revised Code, if the use restrictions or environmental covenant are connected with registered land, as defined in section 5309.01 of the Revised Code, the restrictions or environmental covenant shall be entered as a memorial on the page of the register where the title of the owner is registered.
(F) Any restrictions on the use of real property for the purpose of the achievement by a person that is not a responsible person, or by a person undertaking a voluntary action of applicable standards pursuant to rules adopted under division (B) of this section shall be contained in an environmental covenant that is entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code. The environmental covenant shall be filed and recorded in the office of the county recorder of the county in which the property is located. Pursuant to Chapter 5309. of the Revised Code, if the environmental covenant is connected with registered land, as defined in section 5309.01 of the Revised Code, the environmental covenant shall be entered as a memorial on the page of the register where the title of the owner is registered.

Sec. 3740.01. As used in this chapter:

(A) "Community-based long-term care provider" means a provider, as defined in section 173.39 of the Revised Code.

(B) "Community-based long-term care subcontractor" means a subcontractor, as defined in section 173.38 of the Revised Code.

(C) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(D) "Direct care" means any of the following:

(1) Any service identified in divisions (G)(1) to (6) of this section that is provided in a patient's place of residence used as the patient's home;

(2) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient;

(3) For each home health agency individually, any other
routine service or activity that the chief administrator of the home health agency designates as direct care.

(E) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(F) "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service.

(G) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, pediatric respite care program, pediatric transition care program, informal respite care provider, provider certified by the department of developmental disabilities under Chapter 5123. of the Revised Code, residential facility licensed under section 5119.34 or 5123.19 of the Revised Code, shared living provider, or immediate family member, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:

(1) Skilled nursing care;

(2) Physical therapy;

(3) Occupational therapy;

(4) Speech-language pathology;

(5) Medical social services;

(6) Home health aide services.

(H) "Home health aide services" means any of the following services provided by an employee of a home health agency:

(1) Hands-on bathing or assistance with a tub bath or shower;
(2) Assistance with dressing, ambulation, and toileting;

(3) Catheter care but not insertion;

(4) Meal preparation and feeding.

(I) "Hospice care program," "pediatric respite care program," and "pediatric transition care program" have the same meanings as in section 3712.01 of the Revised Code.

(J) "Immediate family member" means a parent, stepparent, grandparent, legal guardian, grandchild, brother, sister, stepsibling, spouse, son, daughter, stepchild, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law.

(K) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.

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

(M) "Nonagency provider" means a person who provides direct care to an individual on a self-employed basis and does not employ, directly or through contract, another person to provide the services. "Nonagency provider" does not include any of the following:

(1) A caregiver who is an immediate family member of the individual receiving direct care;

(2) A person who provides direct care to not more than two individuals who are not immediate family members of the care provider;

(3) A volunteer;

(4) A person who is certified under section 5104.12 of the Revised Code to provide publicly funded child care as an in-home aide;
(5) A person who provides privately funded child care;

(6) A caregiver who is certified by the department of developmental disabilities under Chapter 5123. of the Revised Code;

(7) A person who operates a residential facility licensed under section 5119.34 of the Revised Code;

(8) A person who provides self-directed services, as that term is defined in 42 U.S.C. 1396n(i)(1)(G)(iii)(II), including a person who is certified by the department of aging or registered as a self-directed individual provider through an area agency on aging.

(N) "Nonmedical home health services" means any of the following:

(1) Any service identified in divisions (H)(1) to (4) of this section;

(2) Personal care services;

(3) Any other service the director of health designates as a nonmedical home health service in rules adopted under section 3740.10 of the Revised Code.

(O) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.

(P) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.

(Q) "Personal care services" means any of the following provided to an individual in the individual's home or community:

(1) Hands-on assistance with activities of daily living and instrumental activities of daily living, when incidental to assistance with activities of daily living;
(2) Assistance managing the individual's home and handling personal affairs;

(3) Assistance with self-administration of medications;

(4) Homemaker services when incidental to any of the services identified in divisions (Q)(1) to (3) of this section or when essential to the health and welfare of the individual specifically, not the individual's family;

(5) Respite services for the individual's caregiver;

(6) Errands completed outside of the presence of the individual if needed to maintain the individual's health and safety, including picking up prescriptions and groceries.

(R) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.

(S) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(T) "Skilled home health services" means any of the following:

(1) Any service identified in divisions (G)(1) to (5) of this section;

(2) Any other service the director of health designates as a skilled home health service in rules adopted under section 3740.10 of the Revised Code.

(U) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.

(V) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.

(W) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.
Sec. 3742.11. (A) As used in this section, "renovation, repair, and painting rule" means the rule adopted by the United States environmental protection agency pursuant to the "Toxic Substances Control Act of 1978," 15 U.S.C. 2601.

(B) The director of health may enter into agreements with the United States environmental protection agency for the administration and enforcement of the renovation, repair, and painting rule. The director also may accept available assistance in support of any agreement.

(C) The director may adopt rules in accordance with Chapter 119. of the Revised Code for the administration and enforcement of this section. If the director adopts such rules, the director shall specify all of the following in the rules:

1. Provisions governing application for certification, approval and denial of certification, and renewal, suspension, and revocation of certification under this section;

2. Fees for any certification issued or renewed under this section;

3. Requirements for training and certification, which must include levels of training and periodic refresher training for certifications issued under this section;

4. Procedures to be followed by a person certified under this section to undertake renovation, repair, and painting projects and to prevent public exposure to lead hazards and ensure worker protection during renovation, repair, or painting projects;

5. Provisions governing the imposition of civil penalties for violations of procedures adopted under this section. Civil penalties shall not exceed five thousand dollars per violation.

6. Record-keeping and reporting requirements for a person certified under this section;
(7) Procedures for the approval of training providers under this section, including specific training course requirements;

(8) Any other procedures and requirements that the director determines necessary for the implementation of this section.

Sec. 3745.11. (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee to the environmental protection agency for each such issuance and each application for an issuance as provided by this section. No fee shall be charged for any issuance for which no application has been submitted to the director.

(B) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in this division. For the purposes of this division, total emissions of air contaminants may be calculated using engineering calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.

The following fees shall be assessed on the total actual emissions from a source in tons per year of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead:

(1) Fifteen dollars per ton on the total actual emissions of each such regulated pollutant during the period July through December 1993, to be collected no sooner than July 1, 1994;

(2) Twenty dollars per ton on the total actual emissions of each such regulated pollutant during calendar year 1994, to be
collected no sooner than April 15, 1995;

(3) Twenty-five dollars per ton on the total actual emissions of each such regulated pollutant in calendar year 1995, and each subsequent calendar year, to be collected no sooner than the fifteenth day of April of the year next succeeding the calendar year in which the emissions occurred.

The fees levied under this division do not apply to that portion of the emissions of a regulated pollutant at a facility that exceed four thousand tons during a calendar year.

(C)(1) The fees assessed under division (B) of this section are for the purpose of providing funding for the Title V permit program.

(2) The fees assessed under division (B) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year.

(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice.

(D)(1) Except as provided in division (D)(2) of this section,
beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Total tons per year of regulated pollutants</th>
<th>Annual fee per facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>More than 0, but less than 10</td>
<td>$ 100</td>
</tr>
<tr>
<td>10 or more, but less than 50</td>
<td>200</td>
</tr>
<tr>
<td>50 or more, but less than 100</td>
<td>300</td>
</tr>
<tr>
<td>100 or more</td>
<td>700</td>
</tr>
</tbody>
</table>

(2)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, 2024, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Combined total tons per year of all regulated</th>
<th>Annual fee</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
pollutants emitted per facility 53736
Less than 10 $ 170 53737
10 or more, but less than 20 340 53738
20 or more, but less than 30 670 53739
30 or more, but less than 40 1,010 53740
40 or more, but less than 50 1,340 53741
50 or more, but less than 60 1,680 53742
60 or more, but less than 70 2,010 53743
70 or more, but less than 80 2,350 53744
80 or more, but less than 90 2,680 53745
90 or more, but less than 100 3,020 53746
100 or more 3,350 53747

(3) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(2) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of
this section, the director shall compile revised fee schedules for
the purposes of division (B) of this section and shall make the
revised schedules available to persons required to pay the fees
assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of
the consumer price index for all urban consumers published by the
United States department of labor as of the close of the
twelve-month period ending on the thirty-first day of August of
that year.

(b) If the 1989 consumer price index is revised, the director
shall use the revision of the consumer price index that is most
consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to
rules adopted under division (F) of section 3704.03 of the Revised
Code on or after July 1, 2003, shall pay the fees specified in the
following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process
heaters used in the process of burning fuel for the primary
purpose of producing heat or power by indirect heat transfer)

<table>
<thead>
<tr>
<th>Input Capacity (maximum)</th>
<th>Permit to Install</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than 0, but less than 10</td>
<td>$200</td>
</tr>
<tr>
<td>10 or more, but less than 100</td>
<td>400</td>
</tr>
<tr>
<td>100 or more, but less than 300</td>
<td>1000</td>
</tr>
<tr>
<td>300 or more, but less than 500</td>
<td>2250</td>
</tr>
<tr>
<td>500 or more, but less than 1000</td>
<td>3750</td>
</tr>
<tr>
<td>1000 or more, but less than 5000</td>
<td>6000</td>
</tr>
<tr>
<td>5000 or more</td>
<td>9000</td>
</tr>
</tbody>
</table>

Units burning exclusively natural gas, number two fuel oil,
or both shall be assessed a fee that is one-half the applicable
amout shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity

Generating capacity (mega watts)  
<table>
<thead>
<tr>
<th>Permit to install</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 or more, but less than 10</td>
</tr>
<tr>
<td>10 or more, but less than 25</td>
</tr>
<tr>
<td>25 or more, but less than 50</td>
</tr>
<tr>
<td>50 or more, but less than 100</td>
</tr>
<tr>
<td>100 or more, but less than 250</td>
</tr>
<tr>
<td>250 or more</td>
</tr>
</tbody>
</table>

(3) Incinerators

Input capacity (pounds per hour)  
<table>
<thead>
<tr>
<th>Permit to install</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 100</td>
</tr>
<tr>
<td>101 to 500</td>
</tr>
<tr>
<td>501 to 2000</td>
</tr>
<tr>
<td>2001 to 20,000</td>
</tr>
<tr>
<td>more than 20,000</td>
</tr>
</tbody>
</table>

(4)(a) Process

Process weight rate (pounds per hour)  
<table>
<thead>
<tr>
<th>Permit to install</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 1000</td>
</tr>
<tr>
<td>1001 to 5000</td>
</tr>
<tr>
<td>5001 to 10,000</td>
</tr>
<tr>
<td>10,001 to 50,000</td>
</tr>
<tr>
<td>more than 50,000</td>
</tr>
</tbody>
</table>

In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F)(4)(a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee
established in division (F)(2) of this section.

(b) Notwithstanding division (F)(4)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(4)(c) of this section for a process used in any of the following industries, as identified by the applicable two-digit, three-digit, or four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1987, as revised:

Major group 10, metal mining;
Major group 12, coal mining;
Major group 14, mining and quarrying of nonmetallic minerals;
Industry group 204, grain mill products;
2873 Nitrogen fertilizers;
2874 Phosphatic fertilizers;
3281 Cut stone and stone products;
3295 Minerals and earth, ground or otherwise treated;
4221 Grain elevators (storage only);
5159 Farm related raw materials;
5261 Retail nurseries and lawn and garden supply stores.

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(4)(b) of this section:

<table>
<thead>
<tr>
<th>Process weight rate (pounds per hour)</th>
<th>Permit to install</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 10,000</td>
<td>$ 200</td>
</tr>
</tbody>
</table>
10,001 to 50,000 400 53860
50,001 to 100,000 500 53861
100,001 to 200,000 600 53862
200,001 to 400,000 750 53863
400,001 or more 900 53864

(5) Storage tanks
Gallons (maximum useful capacity) Permit to install 53865
0 to 20,000 $ 100 53866
20,001 to 40,000 150 53867
40,001 to 100,000 250 53868
100,001 to 500,000 400 53869
500,001 or greater 750 53870

(6) Gasoline/fuel dispensing facilities
For each gasoline/fuel 53871
dispensing facility (includes all Permit to install 53872
units at the facility) $ 100 53873

(7) Dry cleaning facilities
For each dry cleaning 53874
facility (includes all units Permit to install 53875
at the facility) $ 100 53876

(8) Registration status
For each source covered Permit to install 53877
by registration status $ 75 53878

(G) An owner or operator who is responsible for an asbestos 53879
demolition or renovation project pursuant to rules adopted under 53880
section 3704.03 of the Revised Code shall pay, upon submitting a 53881
notification pursuant to rules adopted under that section, the 53882
fees set forth in the following schedule:

<table>
<thead>
<tr>
<th>Action</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each notification</td>
<td>$75</td>
</tr>
<tr>
<td>Asbestos removal</td>
<td>$3/unit</td>
</tr>
</tbody>
</table>
Asbestos cleanup $4/cubic yard

For purposes of this division, "unit" means any combination of linear feet or square feet equal to fifty.

(H) A person who is issued an extension of time for a permit to install an air contaminant source pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay a fee equal to one-half the fee originally assessed for the permit to install under this section, except that the fee for such an extension shall not exceed two hundred dollars.

(I) A person who is issued a modification to a permit to install an air contaminant source pursuant to rules adopted under section 3704.03 of the Revised Code shall pay a fee equal to one-half of the fee that would be assessed under this section to obtain a permit to install the source. The fee assessed by this division only applies to modifications that are initiated by the owner or operator of the source and shall not exceed two thousand dollars.

(J) Notwithstanding division (F) of this section, a person who applies for or obtains a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code after the date actual construction of the source began shall pay a fee for the permit to install that is equal to twice the fee that otherwise would be assessed under the applicable division unless the applicant received authorization to begin construction under division (W) of section 3704.03 of the Revised Code. This division only applies to sources for which actual construction of the source begins on or after July 1, 1993. The imposition or payment of the fee established in this division does not preclude the director from taking any administrative or judicial enforcement action under this chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised Code, or a rule adopted under any of them, in connection with a violation of rules adopted under division (F) of
As used in this division, "actual construction of the source" means the initiation of physical on-site construction activities in connection with improvements to the source that are permanent in nature, including, without limitation, the installation of building supports and foundations and the laying of underground pipework.

(K)(1) Money received under division (B) of this section shall be deposited in the state treasury to the credit of the Title V clean air fund created in section 3704.035 of the Revised Code. Annually, not more than fifty cents per ton of each fee assessed under division (B) of this section on actual emissions from a source and received by the environmental protection agency pursuant to that division may be transferred by the director using an interstate transfer voucher to the state treasury to the credit of the small business assistance fund created in section 3706.19 of the Revised Code. In addition, annually, the amount of money necessary for the operation of the office of ombudsperson as determined under division (B) of that section shall be transferred to the state treasury to the credit of the small business ombudsperson fund created by that section.

(2) Money received by the agency pursuant to divisions (D), (F), (G), (H), (I), and (J) of this section shall be deposited in the state treasury to the credit of the non-Title V clean air fund created in section 3704.035 of the Revised Code.

(L)(1) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a nonrefundable fee of one hundred dollars plus sixty-five one-hundredths of one per cent of the estimated project cost through June 30, 2024, and a nonrefundable application fee of one hundred dollars plus two-tenths of one per cent of the estimated project cost on and
after July 1, 2024 2026, except that the total fee shall not exceed fifteen thousand dollars through June 30, 2024 2026, and five thousand dollars on and after July 1, 2024 2026. The fee shall be paid at the time the application is submitted.

   (2) A person who has entered into an agreement with the director under section 6111.14 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons who have entered into agreements under that section, or who have applied for agreements, of the amount of the fee.

   (3)(a)(i) Not later than January 30, 2022 2024, and January 30, 2023 2025, a person holding an NPDES discharge permit issued pursuant to Chapter 6111. of the Revised Code with an average daily discharge flow of five thousand gallons or more shall pay a nonrefundable annual discharge fee. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required annual discharge fee.

   (ii) The billing year for the annual discharge fee established in division (L)(3)(a)(i) of this section shall consist of a twelve-month period beginning on the first day of January of the year preceding the date when the annual discharge fee is due. In the case of an existing source that permanently ceases to discharge during a billing year, the director shall reduce the annual discharge fee, including the surcharge applicable to certain industrial facilities pursuant to division (L)(3)(c) of this section, by one-twelfth for each full month during the billing year that the source was not discharging, but only if the person holding the NPDES discharge permit for the source notifies the director in writing, not later than the first day of October...
of the billing year, of the circumstances causing the cessation of discharge.

(iii) The annual discharge fee established in division (L)(3)(a)(i) of this section, except for the surcharge applicable to certain industrial facilities pursuant to division (L)(3)(c) of this section, shall be based upon the average daily discharge flow in gallons per day calculated using first day of May through thirty-first day of October flow data for the period two years prior to the date on which the fee is due. In the case of NPDES discharge permits for new sources, the fee shall be calculated using the average daily design flow of the facility until actual average daily discharge flow values are available for the time period specified in division (L)(3)(a)(iii) of this section. The annual discharge fee may be prorated for a new source as described in division (L)(3)(a)(ii) of this section.

(b)(i) An NPDES permit holder that is a public discharger shall pay the fee specified in the following schedule:

<table>
<thead>
<tr>
<th>Average daily discharge flow</th>
<th>Fee due by</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000 to 49,999</td>
<td>$ 200</td>
</tr>
<tr>
<td>50,000 to 100,000</td>
<td>500</td>
</tr>
<tr>
<td>100,001 to 250,000</td>
<td>1,050</td>
</tr>
<tr>
<td>250,001 to 1,000,000</td>
<td>2,600</td>
</tr>
<tr>
<td>1,000,001 to 5,000,000</td>
<td>5,200</td>
</tr>
<tr>
<td>5,000,001 to 10,000,000</td>
<td>10,350</td>
</tr>
<tr>
<td>10,000,001 to 20,000,000</td>
<td>15,550</td>
</tr>
<tr>
<td>20,000,001 to 50,000,000</td>
<td>25,900</td>
</tr>
<tr>
<td>50,000,001 to 100,000,000</td>
<td>41,400</td>
</tr>
<tr>
<td>100,000,001 or more</td>
<td>62,100</td>
</tr>
</tbody>
</table>
(ii) Public dischargers owning or operating two or more public owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand persons shall pay an annual discharge fee under division (L)(3)(b)(i) of this section that is based on the combined average daily discharge flow of the treatment works.

(c)(i) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

<table>
<thead>
<tr>
<th>Average daily discharge flow</th>
<th>Fee due by January 30, 2022, and January 30, 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000 to 49,999</td>
<td>$ 250</td>
</tr>
<tr>
<td>50,000 to 250,000</td>
<td>1,200</td>
</tr>
<tr>
<td>250,001 to 1,000,000</td>
<td>2,950</td>
</tr>
<tr>
<td>1,000,001 to 5,000,000</td>
<td>5,850</td>
</tr>
<tr>
<td>5,000,001 to 10,000,000</td>
<td>8,800</td>
</tr>
<tr>
<td>10,000,001 to 20,000,000</td>
<td>11,700</td>
</tr>
<tr>
<td>20,000,001 to 100,000,000</td>
<td>14,050</td>
</tr>
<tr>
<td>100,000,001 to 250,000,000</td>
<td>16,400</td>
</tr>
<tr>
<td>250,000,001 or more</td>
<td>18,700</td>
</tr>
</tbody>
</table>

(ii) In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(3)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, 2022.
2024, and not later than January 30, 2023. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(3)(b) and (c) of this section, a public discharger, that is not a separate municipal storm sewer system, identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, 2022, and not later than January 30, 2023. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(4) Each person obtaining an NPDES permit for municipal storm water discharge shall pay a nonrefundable storm water annual discharge fee of ten dollars per one-tenth of a square mile of area permitted. The fee shall not exceed ten thousand dollars and shall be payable on or before January 30, 2004, and the thirtieth day of January of each year thereafter. Any person who fails to pay the fee on the date specified in division (L)(4) of this section shall pay an additional amount per year equal to ten per cent of the annual fee that is unpaid.

(5) The director shall transmit all moneys collected under division (L) of this section to the treasurer of state for deposit into the state treasury to the credit of the surface water protection fund created in section 6111.038 of the Revised Code.

(6) As used in this section:

(a) "NPDES" means the federally approved national pollutant discharge elimination system individual and general program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment...
requirements under Chapter 6111. of the Revised Code and rules adopted under it.

(b) "Public discharger" means any holder of an NPDES permit identified by P in the second character of the NPDES permit number assigned by the director.

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director.

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director.

(M) Through June 30, 2024, 2026, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

Except as provided in divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule:

(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, 2024, 2026, the fee is:

<table>
<thead>
<tr>
<th>Number of service connections</th>
<th>Fee amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of service connections</td>
<td>Average cost per connection</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Not more than 49</td>
<td>$ 112</td>
</tr>
<tr>
<td>50 to 99</td>
<td>176</td>
</tr>
<tr>
<td>100 to 2,499</td>
<td>$ 1.92</td>
</tr>
<tr>
<td>2,500 to 4,999</td>
<td>1.48</td>
</tr>
<tr>
<td>5,000 to 7,499</td>
<td>1.42</td>
</tr>
<tr>
<td>7,500 to 9,999</td>
<td>1.34</td>
</tr>
<tr>
<td>10,000 to 14,999</td>
<td>1.16</td>
</tr>
<tr>
<td>15,000 to 24,999</td>
<td>1.10</td>
</tr>
<tr>
<td>25,000 to 49,999</td>
<td>1.04</td>
</tr>
<tr>
<td>50,000 to 99,999</td>
<td>.92</td>
</tr>
<tr>
<td>100,000 to 149,999</td>
<td>.86</td>
</tr>
<tr>
<td>150,000 to 199,999</td>
<td>.80</td>
</tr>
<tr>
<td>200,000 or more</td>
<td>.76</td>
</tr>
</tbody>
</table>

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, 2024 2026, the fee is:

<table>
<thead>
<tr>
<th>Population served</th>
<th>Fee amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fewer than 150</td>
<td>$ 112</td>
</tr>
<tr>
<td>150 to 299</td>
<td>176</td>
</tr>
<tr>
<td>300 to 749</td>
<td>384</td>
</tr>
<tr>
<td>750 to 1,499</td>
<td>628</td>
</tr>
</tbody>
</table>
As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, 2026, the fee is:

<table>
<thead>
<tr>
<th>Number of wells or sources, other than surface water, supplying system</th>
<th>Fee amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$112</td>
</tr>
<tr>
<td>2</td>
<td>112</td>
</tr>
<tr>
<td>3</td>
<td>176</td>
</tr>
<tr>
<td>4</td>
<td>278</td>
</tr>
<tr>
<td>5</td>
<td>568</td>
</tr>
</tbody>
</table>

System designated as using a surface water source

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As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the
amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, 2024, and fifteen thousand dollars on and after July 1, 2024. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, 2024, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

| MMO-MUG | $2,000 |
MF 2,100 54205
MMO-MUG and MF 2,550 54206
organic chemical 5,400 54207
trace metals 5,400 54208
standard chemistry 2,800 54209
limited chemistry 1,550 54210

On and after July 1, 2024 2026, the following fee, on a per
survey basis, shall be charged any such person:

- microbiological $ 1,650 54213
- organic chemicals 3,500 54214
- trace metals 3,500 54215
- standard chemistry 1,800 54216
- limited chemistry 1,000 54217

The fee for those services shall be paid at the time the request
for the survey is made. Through June 30, 2024 2026, an individual
laboratory shall not be assessed a fee under this division more
than once in any three-year period unless the person requests the
addition of analytical methods or analysts, in which case the
person shall pay five hundred dollars for each additional survey
requested.

As used in division (N)(3) of this section:

(a) "MF" means membrane filtration.
(b) "MMO" means minimal medium ONPG.
(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this
division to the treasurer of state for deposit into the drinking
water protection fund created in section 6109.30 of the Revised
Code.

(O) Any person applying to the director to take an
examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time the application is submitted, shall pay a fee in accordance with the following schedule through November 30, 2024:

- Class A operator: $80
- Class I operator: $105
- Class II operator: $120
- Class III operator: $130
- Class IV operator: $145

On and after December 1, 2024, the applicant shall pay a fee in accordance with the following schedule:

- Class A operator: $50
- Class I operator: $70
- Class II operator: $80
- Class III operator: $90
- Class IV operator: $100

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

- Class A operator: $25
- Class I operator: $35
- Class II operator: $45
- Class III operator: $55
- Class IV operator: $65

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the
expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

- Class A operator: $45
- Class I operator: $55
- Class II operator: $65
- Class III operator: $75
- Class IV operator: $85

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A
person paying a certificate fee under this division shall not pay
an application fee under division (S)(1) of this section. On and
after June 26, 2003, persons shall file such applications and pay
the fee as required under sections 5709.20 to 5709.27 of the
Revised Code, and proceeds from the fee shall be credited as
provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this
section, a person issued a permit by the director for a new solid
waste disposal facility other than an incineration or composting
facility, a new infectious waste treatment facility other than an
incineration facility, or a modification of such an existing
facility that includes an increase in the total disposal or
treatment capacity of the facility pursuant to Chapter 3734. of
the Revised Code shall pay a fee of ten dollars per thousand cubic
yards of disposal or treatment capacity, or one thousand dollars,
whichever is greater, except that the total fee for any such
permit shall not exceed eighty thousand dollars. A person issued a
modification of a permit for a solid waste disposal facility or an
infectious waste treatment facility that does not involve an
increase in the total disposal or treatment capacity of the
facility shall pay a fee of one thousand dollars. A person issued
a permit to install a new, or modify an existing, solid waste
transfer facility under that chapter shall pay a fee of two
thousand five hundred dollars. A person issued a permit to install
a new or to modify an existing solid waste incineration or
composting facility, or an existing infectious waste treatment
facility using incineration as its principal method of treatment,
under that chapter shall pay a fee of one thousand dollars. The
increases in the permit fees under this division resulting from
the amendments made by Amended Substitute House Bill 592 of the
117th general assembly do not apply to any person who submitted an
application for a permit to install a new, or modify an existing,
solid waste disposal facility under that chapter prior to
September 1, 1987; any such person shall pay the permit fee established in this division as it existed prior to June 24, 1988. In addition to the applicable permit fee under this division, a person issued a permit to install or modify a solid waste facility or an infectious waste treatment facility under that chapter who fails to pay the permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the permit fee is late.

Permit and late payment fees paid to the director under this division shall be credited to the general revenue fund.

(R)(1) A person issued a registration certificate for a scrap tire collection facility under section 3734.75 of the Revised Code shall pay a fee of two hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(2) A person issued a registration certificate for a new scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of three hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(3) A person issued a permit for a scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of one thousand dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of fifty dollars.

(4) A person issued a permit for a scrap tire monocell or monofill facility under section 3734.77 of the Revised Code shall
pay a fee of ten dollars per thousand cubic yards of disposal or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars.

(5) A person issued a registration certificate for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one hundred dollars.

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

(S)(1)(a) Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable application fee of one hundred dollars at the time the application is submitted through June 30, 2024, and a nonrefundable application fee of fifteen dollars at the time the application is submitted on and after July 1, 2024.

(b)(i) Except as otherwise provided in divisions (S)(1)(b)(iii) and (iv) of this section, through June 30, 2024, any person applying for an NPDES permit under Chapter 6111.
of the Revised Code shall pay a nonrefundable application fee of  
two hundred dollars at the time of application for the permit. On  
and after July 1, 2026, such a person shall pay a  
nonrefundable application fee of fifteen dollars at the time of  
application.

(ii) In addition to the nonrefundable application fee, any  
person applying for an NPDES permit under Chapter 6111. of the  
Revised Code shall pay a design flow discharge fee based on each  
point source to which the issuance is applicable in accordance  
with the following schedule:

<table>
<thead>
<tr>
<th>Design flow discharge (gallons per day)</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 1,000</td>
<td>$0</td>
</tr>
<tr>
<td>1,001 to 5,000</td>
<td>100</td>
</tr>
<tr>
<td>5,001 to 50,000</td>
<td>200</td>
</tr>
<tr>
<td>50,001 to 100,000</td>
<td>300</td>
</tr>
<tr>
<td>100,001 to 300,000</td>
<td>525</td>
</tr>
<tr>
<td>over 300,000</td>
<td>750</td>
</tr>
</tbody>
</table>

(iii) Notwithstanding divisions (S)(1)(b)(i) and (ii) of this  
section, the application and design flow discharge fee for an  
NPDES permit for a public discharger identified by the letter I in  
the third character of the NPDES permit number shall not exceed  
nine hundred fifty dollars.

(iv) Notwithstanding divisions (S)(1)(b)(i) and (ii) of this  
section, the application and design flow discharge fee for an  
NPDES permit for a coal mining operation regulated under Chapter  
1513. of the Revised Code shall not exceed four hundred fifty  
dollars per mine.

(v) A person issued a modification of an NPDES permit shall  
pay a nonrefundable modification fee equal to the application fee  
and one-half the design flow discharge fee based on each point  
source, if applicable, that would be charged for an NPDES permit,  
except that the modification fee shall not exceed six hundred
dollars.

(c) In addition to the application fee established under division (S)(1)(b)(i) of this section, any person applying for an NPDES general storm water construction permit shall pay a nonrefundable fee of twenty dollars per acre for each acre that is permitted above five acres at the time the application is submitted. However, the per acreage fee shall not exceed three hundred dollars. In addition to the application fee established under division (S)(1)(b)(i) of this section, any person applying for an NPDES general storm water industrial permit shall pay a nonrefundable fee of one hundred fifty dollars at the time the application is submitted.

(d) The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(e) The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6111. of the Revised Code and under division (S)(2) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(f) If a person submits an electronic application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section, the person shall pay all applicable fees as expeditiously as possible after the submission of the electronic application. An application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section shall not be reviewed or processed until the applicable application fee, and any other fees established under this division, are paid.
(2) A person applying for coverage under an NPDES general discharge permit for household sewage treatment systems shall pay a nonrefundable fee of two hundred dollars at the time of application for initial permit coverage. No fee is required for an application for permit coverage renewal.

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;
(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee;

(4) Prescribe measures that the director considers necessary to carry out this section.

(U) When the director reasonably demonstrates that the direct cost to the state associated with the issuance of a permit, license, variance, plan approval, or certification exceeds the fee for the issuance or review specified by this section, the director may condition the issuance or review on the payment by the person receiving the issuance or review of, in addition to the fee specified by this section, the amount, or any portion thereof, in excess of the fee specified under this section. The director shall not so condition issuances for which a fee is prescribed in division (S)(1)(b)(iii) of this section.

(V) Except as provided in divisions (L), (M), (P), and (S) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten percent of the amount due for each month that it is late.

(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable
rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code.

(X) As used in divisions (B), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code:

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;

(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;

(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;

(e) Emission and ambient monitoring;

(f) Modeling, analyses, or demonstrations;

(g) Preparing inventories and tracking emissions;

(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under...
the federal Clean Air Act pursuant to the small business
stationary source technical and environmental compliance
assistance program required by section 507 of that act and
established in sections 3704.18, 3704.19, and 3706.19 of the
Revised Code.

(3) "Organic compound" means any chemical compound of carbon,
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic
carbides or carbonates, and ammonium carbonate.

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)
of this section, each sewage sludge facility shall pay a
nonrefundable annual sludge fee equal to three dollars and fifty
cents per dry ton of sewage sludge, including the dry tons of
sewage sludge in materials derived from sewage sludge, that the
sewage sludge facility treats or disposes of in this state. The
annual volume of sewage sludge treated or disposed of by a sewage
sludge facility shall be calculated using the first day of January
through the thirty-first day of December of the calendar year
preceding the date on which payment of the fee is due.

(Y)(2)(a) Except as provided in division (Y)(2)(d) of this
section, each sewage sludge facility shall pay a minimum annual
sewage sludge fee of one hundred dollars.

(b) The annual sludge fee required to be paid by a sewage
sludge facility that treats or disposes of exceptional quality
sludge in this state shall be thirty-five per cent less per dry
ton of exceptional quality sludge than the fee assessed under
division (Y)(1) of this section, subject to the following
exceptions:

(i) Except as provided in division (Y)(2)(d) of this section,
a sewage sludge facility that treats or disposes of exceptional
quality sludge shall pay a minimum annual sewage sludge fee of one
hundred dollars.
(ii) A sewage sludge facility that treats or disposes of exceptional quality sludge shall not be required to pay the annual sludge fee for treatment or disposal in this state of exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity.

A thirty-five per cent reduction for exceptional quality sludge applies to the maximum annual fees established under division (Y)(3) of this section.

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section.

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that
may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge or a sewage sludge facility that treats sewage sludge and transfers the sewage sludge to an incineration facility for disposal, the incineration facility, and not the entity generating the sewage sludge or the sewage sludge facility treating the sewage sludge, shall pay the annual sludge fee for the tons of sewage sludge that are transferred. However, the entity or facility generating or treating the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

(b) In the case of an entity that generates sewage sludge and transfers the sewage sludge to a landfill for disposal or to a sewage sludge facility for land reclamation or surface disposal, the entity generating the sewage sludge, and not the landfill or sewage sludge facility, shall pay the annual sludge fee for the tons of sewage sludge that are transferred.

(5) Not later than the first day of April of the calendar year following March 17, 2000, and each first day of April thereafter, the director shall issue invoices to persons who are required to pay the annual sludge fee. The invoice shall identify the nature and amount of the annual sludge fee assessed and state the first day of May as the deadline for receipt by the director.
of objections regarding the amount of the fee and the first day of July as the deadline for payment of the fee.

Not later than the first day of May following receipt of an invoice, a person required to pay the annual sludge fee may submit objections to the director concerning the accuracy of information regarding the number of dry tons of sewage sludge used to calculate the amount of the annual sludge fee or regarding whether the sewage sludge qualifies for the exceptional quality sludge discount established in division (Y)(2)(b) of this section. The director may consider the objections and adjust the amount of the fee to ensure that it is accurate.

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall issue with the notification a new invoice to the person identifying the amount of the annual sludge fee assessed and stating the first day of July as the deadline for payment.

Not later than the first day of July, any person who is required to do so shall pay the annual sludge fee. Any person who is required to pay the fee, but who fails to do so on or before that date shall pay an additional amount that equals ten per cent of the required annual sludge fee.

(6) The director shall transmit all moneys collected under division (Y) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038.
of the Revised Code. The moneys shall be used to defray the costs
of administering and enforcing provisions in Chapter 6111. of the
Revised Code and rules adopted under it that govern the use,
storage, treatment, or disposal of sewage sludge.

(7) Beginning in fiscal year 2001, and every two years
thereafter, the director shall review the total amount of moneys
generated by the annual sludge fees to determine if that amount
exceeded six hundred thousand dollars in either of the two
preceding fiscal years. If the total amount of moneys in the fund
exceeded six hundred thousand dollars in either fiscal year, the
director, after review of the fee structure and consultation with
affected persons, shall issue an order reducing the amount of the
fees levied under division (Y) of this section so that the
estimated amount of moneys resulting from the fees will not exceed
six hundred thousand dollars in any fiscal year.

If, upon review of the fees under division (Y)(7) of this
section and after the fees have been reduced, the director
determines that the total amount of moneys collected and
accumulated is less than six hundred thousand dollars, the
director, after review of the fee structure and consultation with
affected persons, may issue an order increasing the amount of the
fees levied under division (Y) of this section so that the
estimated amount of moneys resulting from the fees will be
approximately six hundred thousand dollars. Fees shall never be
increased to an amount exceeding the amount specified in division
(Y)(7) of this section.

Notwithstanding section 119.06 of the Revised Code, the
director may issue an order under division (Y)(7) of this section
without the necessity to hold an adjudicatory hearing in
connection with the order. The issuance of an order under this
division is not an act or action for purposes of section 3745.04
of the Revised Code.
(8) As used in division (Y) of this section:

(a) "Sewage sludge facility" means an entity that performs treatment on or is responsible for the disposal of sewage sludge.

(b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that meets all of the following qualifications:

(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);

(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);

(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;

(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.

(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.

(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.

(f) "Land application" means the spraying or spreading of
sewage sludge onto the land surface, the injection of sewage
sludge below the land surface, or the incorporation of sewage
sludge into the soil for the purposes of conditioning the soil or
fertilizing crops or vegetation grown in the soil.

(g) "Land reclamation" means the returning of disturbed land
to productive use.

(h) "Surface disposal" means the placement of sludge on an
area of land for disposal, including, but not limited to,
monofills, surface impoundments, lagoons, waste piles, or
dedicated disposal sites.

(i) "Incinerator" means an entity that disposes of sewage
sludge through the combustion of organic matter and inorganic
matter in sewage sludge by high temperatures in an enclosed
device.

(j) "Incineration facility" includes all incinerators owned
or operated by the same entity and located on a contiguous tract
of land. Areas of land are considered to be contiguous even if
they are separated by a public road or highway.

(k) "Annual sludge fee" means the fee assessed under division
(Y)(1) of this section.

(l) "Landfill" means a sanitary landfill facility, as defined
in rules adopted under section 3734.02 of the Revised Code, that
is licensed under section 3734.05 of the Revised Code.

(m) "Preexisting land reclamation project" means a
property-specific land reclamation project that has been in
continuous operation for not less than five years pursuant to
approval of the activity by the director and includes the
implementation of a community outreach program concerning the
activity.

Sec. 3770.03. (A)(1) The state lottery commission shall
promulgate rules pursuant to Chapter 119. of the Revised Code, and shall adopt operating procedures, under which a statewide lottery and statewide joint lottery may be conducted, which includes, and since the original enactment of this section has included, the authority for the commission to operate video lottery terminal games and all other lottery games. Any reference in this chapter to tickets shall not be construed to in any way limit the authority of the commission to operate video lottery terminal games or lottery sports gaming. Nothing in this chapter shall restrict the authority of the commission to promulgate rules related to the operation of games utilizing video lottery terminals as described in section 3770.21 of the Revised Code. The rules shall be promulgated pursuant to Chapter 119. of the Revised Code, except that instant game rules shall be promulgated pursuant to section 111.15 of the Revised Code but are not subject to division (D) of that section. Subjects covered in these rules shall

(2) Except regarding matters about which this chapter explicitly requires the commission to promulgate rules under Chapter 119. of the Revised Code, the commission instead may adopt operating procedures for the conduct of lottery games. Those operating procedures shall include, but need not be limited to, the following:

(1) (a) The type of lottery to be conducted;
(2) (b) The prices of tickets in the lottery;
(3) (c) The number, nature, and value of prize awards, the manner and frequency of prize drawings, and the manner in which prizes shall be awarded to holders of winning tickets.

(3) The commission shall publish all of its operating procedures on its official web site and shall make copies of its operating procedures available to the public upon request.
(4) An operating procedure adopted under this section is not considered a rule under section 111.15 of the Revised Code.

(5) All rules of the commission that are in effect on the effective date of this amendment remain effective unless the commission rescinds them.

(B) The commission shall promulgate rules, in addition to those described in division (A) of this section, pursuant to Chapter 119. of the Revised Code under which a statewide lottery and statewide joint lottery games may be conducted. Subjects covered in these rules shall include, but not be limited to, concerning all of the following:

(1) The locations at which lottery tickets may be sold and the manner in which they are to be sold. These rules may authorize the sale of lottery tickets by commission personnel or other licensed individuals from traveling show wagons at the state fair, and at any other expositions the director of the commission considers acceptable. These rules shall prohibit commission personnel or other licensed individuals from soliciting from an exposition the right to sell lottery tickets at that exposition, but shall allow commission personnel or other licensed individuals to sell lottery tickets at an exposition if the exposition requests commission personnel or licensed individuals to do so. These rules may also address the accessibility of sales agent locations to commission products in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101 et seq.

(2) The manner in which lottery sales revenues are to be collected, including authorization for the director to impose penalties for failure by lottery sales agents to transfer revenues to the commission in a timely manner;

(3) The amount of compensation to be paid to licensed lottery...
sales agents;

(4) The substantive criteria for the licensing of lottery sales agents consistent with section 3770.05 of the Revised Code, and procedures for revoking or suspending their licenses consistent with Chapter 119. of the Revised Code. If circumstances, such as the nonpayment of funds owed by a lottery sales agent, or other circumstances related to the public safety, convenience, or trust, require immediate action, the director may suspend a license without affording an opportunity for a prior hearing under section 119.07 of the Revised Code.

(5) Special game rules to implement any agreements signed by the governor that the director enters into with other lottery jurisdictions under division (J) of section 3770.02 of the Revised Code to conduct statewide joint lottery games. The rules shall require that the entire net proceeds of those games that remain, after associated operating expenses, prize disbursements, lottery sales agent bonuses, commissions, and reimbursements, and any other expenses necessary to comply with the agreements or the rules are deducted from the gross proceeds of those games, be transferred to the lottery profits education fund under division (B) of section 3770.06 of the Revised Code.

(6) Any other subjects the commission determines are necessary for rules establishing any of the following with respect to the operation of video lottery terminal games, including the establishment of any:

(a) Any fees, fines, or payment schedules, or the establishment of a;

(b) Any voluntary exclusion program.

(C) Chapter 2915. of the Revised Code does not apply to, affect, or prohibit lotteries conducted pursuant to this chapter.

(D) The commission may promulgate rules, in addition to those
described in divisions (A) and (B) of this section, pursuant to Chapter 119. of the Revised Code that establish any standards governing the display of advertising and celebrity images on lottery tickets and on other items that are used in the conduct of, or to promote, the statewide lottery and statewide joint lottery games. Any revenue derived from the sale of advertising displayed on lottery tickets and on those other items shall be considered, for purposes of section 3770.06 of the Revised Code, to be related proceeds in connection with the statewide lottery or gross proceeds from statewide joint lottery games, as applicable.

(E)(1) The commission shall meet with the director at least once each month and shall convene other meetings at the request of the chairperson or any five of the members. No action taken by the commission shall be binding unless at least five of the members present vote in favor of the action. A written record shall be made of the proceedings of each meeting and shall be transmitted forthwith to the governor, the president of the senate, the senate minority leader, the speaker of the house of representatives, and the house minority leader.

(2) The director shall present to the commission a report each month, showing the total revenues, prize disbursements, and operating expenses of the state lottery for the preceding month. As soon as practicable after the end of each fiscal year, the commission shall prepare and transmit to the governor and the general assembly a report of lottery revenues, prize disbursements, and operating expenses for the preceding fiscal year and any recommendations for legislation considered necessary by the commission.

Sec. 3770.06. (A) There is hereby created the state lottery gross revenue fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. All gross
revenues received from sales of lottery tickets, fines, fees, and related proceeds in connection with the statewide lottery, all gross proceeds of lottery sports gaming described in sections 3770.23 to 3770.25 of the Revised Code, and all gross proceeds from statewide joint lottery games shall be deposited into the fund. The treasurer of state shall invest any portion of the fund not needed for immediate use in the same manner as, and subject to all provisions of law with respect to the investment of, state funds. The treasurer of state shall disburse money from the fund on order of the director of the state lottery commission or the director's designee.

Except for gross proceeds from statewide joint lottery games, all revenues of the state lottery gross revenue fund that are not paid to holders of winning lottery tickets, that are not required to meet short-term prize liabilities, that are not credited to lottery sales agents in the form of bonuses, commissions, or reimbursements, that are not paid to financial institutions to reimburse those institutions for sales agent nonsufficient funds, and that are collected from sales agents for remittance to insurers under contract to provide sales agent bonding services shall be transferred to the state lottery fund, which is hereby created in the state treasury. In addition, all revenues of the state lottery gross revenue fund that represent the gross proceeds from the statewide joint lottery games and that are not paid to holders of winning lottery tickets, that are not required to meet short-term prize liabilities, that are not credited to lottery sales agents in the form of bonuses, commissions, or reimbursements, and that are not necessary to cover operating expenses associated with those games or to otherwise comply with the agreements signed by the governor that the director enters into under division (J) of section 3770.02 of the Revised Code or the rules the commission adopts under division (B)(5) of section
3770.03 of the Revised Code shall be transferred to the state lottery fund. All investment earnings of the fund shall be credited to the fund. Moneys shall be disbursed from the fund pursuant to vouchers approved by the director. Total disbursements for monetary prize awards to holders of winning lottery tickets in connection with the statewide lottery, other than lottery sports gaming, and purchases of goods and services awarded as prizes to holders of winning lottery tickets shall be of an amount equal to at least fifty per cent of the total revenue accruing from the sale of lottery tickets.

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, there is hereby established in the state treasury the lottery profits education fund. Whenever, in the judgment of the director of the state lottery commission, the amount to the credit of the state lottery fund that does not represent proceeds from statewide joint lottery games is in excess of that needed to meet the maturing obligations of the commission and as working capital for its further operations, the director of the state lottery commission shall recommend the amount of the excess to be transferred to the lottery profits education fund, and the director of budget and management may transfer the excess to the lottery profits education fund in connection with the statewide lottery. In addition, whenever, in the judgment of the director of the state lottery commission, the amount to the credit of the state lottery fund that represents proceeds from statewide joint lottery games equals the entire net proceeds of those games as described in division (B)(5) of section 3770.03 of the Revised Code and the rules adopted under that division, the director of the state lottery commission shall recommend the amount of the proceeds to be transferred to the lottery profits education fund, and the director of budget and management may transfer those proceeds to the lottery profits education fund. Investment earnings of the lottery profits education fund shall be credited...
The lottery profits education fund shall be used solely for the support of elementary, secondary, vocational, and special education programs as determined in appropriations made by the general assembly, or as provided in applicable bond proceedings for the payment of debt service on obligations issued to pay costs of capital facilities, including those for a system of common schools throughout the state pursuant to section 2n of Article VIII, Ohio Constitution. When determining the availability of money in the lottery profits education fund, the director of budget and management may consider all balances and estimated revenues of the fund.

(C) There is hereby established in the state treasury the deferred prizes trust fund. With the approval of the director of budget and management, an amount sufficient to fund annuity prizes shall be transferred from the state lottery fund and credited to the trust fund. The treasurer of state shall credit all earnings arising from investments purchased under this division to the trust fund. The treasurer of state shall certify to the director of budget and management whether the actuarial amount of the trust fund is sufficient over the fund's life for continued funding of all remaining deferred prize liabilities as of the last day of the fiscal year just ended. Also, within that sixty days, the director of budget and management shall certify the amount of investment earnings necessary to have been credited to the trust fund during the fiscal year just ending to provide for such continued funding of deferred prizes. Any earnings credited in excess of the latter certified amount shall be transferred to the lottery profits education fund.

To provide all or a part of the amounts necessary to fund deferred prizes awarded by the commission in connection with the
statewide lottery, the treasurer of state, in consultation with
the commission, may invest moneys contained in the deferred prizes
trust fund which represents proceeds from the statewide lottery in
obligations of the type permitted for the investment of state
funds but whose maturities are thirty years or less.
Notwithstanding the requirements of any other section of the
Revised Code, to provide all or part of the amounts necessary to
fund deferred prizes awarded by the commission in connection with
statewide joint lottery games, the treasurer of state, in
consultation with the commission, may invest moneys in the trust
fund which represent proceeds derived from the statewide joint
lottery games in accordance with the rules the commission adopts
under division (B)(5) of section 3770.03 of the Revised Code.
Investments of the trust fund are not subject to the provisions of
division (A)(11) of section 135.143 of the Revised Code limiting
to twenty-five per cent the amount of the state's total average
portfolio that may be invested in debt interests other than
commercial paper and limiting to five per cent the amount that may
be invested in debt interests, including commercial paper, of a
single issuer.

All purchases made under this division shall be effected on a
delivery versus payment method and shall be in the custody of the
treasurer of state.

The treasurer of state may retain an investment advisor, if
necessary. The commission shall pay any costs incurred by the
treasurer of state in retaining an investment advisor.

(D) The auditor of state shall conduct annual audits of all
funds and any other audits as the auditor of state or the general
assembly considers necessary. The auditor of state may examine all
records, files, and other documents of the commission, and records
of lottery sales agents that pertain to their activities as
agents, for purposes of conducting authorized audits.
(E) The state lottery commission shall establish an internal audit plan before the beginning of each fiscal year, subject to the approval of the office of internal audit in the office of budget and management. At the end of each fiscal year, the commission shall prepare and submit an annual report to the office of internal audit for the office's review and approval, specifying the internal audit work completed by the end of that fiscal year and reporting on compliance with the annual internal audit plan. Any preliminary or final report of the findings and recommendations of an internal audit performed by the commission under this division, and all associated work papers, are confidential and are not public records under section 149.43 of the Revised Code until after the final report of the internal audit's findings and recommendations is submitted to the director of the commission and to the chairperson of the commission or the chairperson's designee.

(F) Whenever, in the judgment of the director of budget and management, an amount of net state lottery proceeds is necessary to be applied to the payment of debt service on obligations, all as defined in sections 151.01 and 151.03 of the Revised Code, the director shall transfer that amount directly from the state lottery fund or from the lottery profits education fund to the bond service fund defined in those sections. The provisions of this division are subject to any prior pledges or obligation of those amounts to the payment of bond service charges as defined in division (C) of section 3318.21 of the Revised Code, as referred to in division (B) of this section.

Sec. 3770.071. (A)(1) If the amount of the prize money or the cost of goods or services awarded as a lottery prize award meets or exceeds the reportable winnings amounts set by 26 U.S.C. 6041, or a subsequent analogous section of the Internal Revenue Code, the director of the state lottery commission or the director's
designee shall require the person entitled to the prize award to affirm in writing, under oath, or by electronic means, consult the data match program established under section 3123.89 of the Revised Code to determine whether or not the person is in subject to a final and enforceable determination of default made under a support order sections 3123.01 to 3123.07 of the Revised Code. The director or the director's designee also may take any additional appropriate steps to determine if the person entitled to the prize award is in default under a support order. If the person entitled to the prize award affirms that the person is in default under a support order, or if the director or the director's designee determines that the person is in default under a support order, the director or the director's designee shall temporarily withhold payment of the prize award and notify the child support enforcement agency that administers the support order that the person is entitled to a prize award, of the amount of the prize award, and, if the prize award is to be paid in annual installments, of the number of installments.

(2) Upon receipt of the notice from the director or the director's designee, the child support enforcement agency shall conduct an investigation to determine whether the person entitled to the lottery prize award is subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code. If the agency determines that the person is so subject, it shall issue an intercept directive as described in section 3123.89 of the Revised Code to the director at lottery commission headquarters requiring the director or the director's designee to deduct shall withhold an amount from any unpaid the prize award or any annual installment payment of an unpaid prize award, a specified amount for support in satisfaction of the support order under which the person is in default in accordance with section 3123.89 of the Revised Code. To the extent possible,
the amount specified to be deducted under the intercept directive shall satisfy the amount ordered for support in the support order under which the person is in default.

A child support enforcement agency shall issue an intercept directive within thirty days from the date the director or the director's designee notifies the agency under division (A)(1) of this section. Within thirty days after the date on which the agency issues the intercept directive, the director or the director's designee shall pay the amount specified in the intercept directive to the office of child support in the department of job and family services. But, if the prize award is to be paid in annual installments, the director or the director's designee, on the date the next installment payment is due, shall deduct the amount specified in the intercept directive from that installment and, if necessary, any subsequent annual installments, at the time those installments become due and owing to the prize winner, and pay the amount to the office of child support.

(B) As used in this section:

(1) "Support order" has the same meaning as in section 3119.01 of the Revised Code.

(2) "Default" has the same meaning as in section 3121.01 of the Revised Code.

(C) No person shall knowingly make a false affirmation or oath required by division (A) of this section.

Sec. 3770.99. (A) Whoever is prohibited from claiming a lottery prize award under division (E) of section 3770.07 of the Revised Code and attempts to claim or is paid a lottery prize award is guilty of a minor misdemeanor, and shall provide restitution to the state lottery commission of any moneys erroneously paid as a lottery prize award to that person.
Whoever violates division (C) of section 3770.071 or section 3770.08 of the Revised Code is guilty of a misdemeanor of the third degree.

Sec. 3772.01. As used in this chapter:

(A) "Applicant" means any person who applies to the commission for a license under this chapter.

(B) "Casino control commission fund" means the casino control commission fund described in Section 6(C)(3)(d) of Article XV, Ohio Constitution, the money in which shall be used to fund the commission and its related affairs.

(C) "Casino facility" means a casino facility as defined in Section 6(C)(9) of Article XV, Ohio Constitution.

(D) "Casino game" means any slot machine or table game as defined in this chapter.

(E) "Casino gaming" means any type of slot machine or table game wagering, using money, casino credit, or any representative of value, authorized in any of the states of Indiana, Michigan, Pennsylvania, and West Virginia as of January 1, 2009, and includes slot machine and table game wagering subsequently authorized by, but shall not be limited by, subsequent restrictions placed on such wagering in such states. "Casino gaming" does not include bingo, as authorized in Section 6 of Article XV, Ohio Constitution and conducted as of January 1, 2009; horse racing where the pari-mutuel system of wagering is conducted, as authorized under the laws of this state as of January 1, 2009; or sports gaming.

(F) "Casino gaming employee" means any employee of a casino operator or management company, but not a key employee, and as further defined in section 3772.131 of the Revised Code.

(G) "Casino operator" means any person, trust, corporation,
partnership, limited partnership, association, limited liability
company, or other business enterprise that directly or indirectly
holds an ownership or leasehold interest in a casino facility.
"Casino operator" does not include an agency of the state, any
political subdivision of the state, any person, trust,
corporation, partnership, limited partnership, association,
limited liability company, or other business enterprise that may
have an interest in a casino facility, but who is legally or
contractually restricted from conducting casino gaming.

(H) "Central system" means a computer system that provides
the following functions related to casino gaming equipment used in
connection with casino gaming authorized under this chapter:
security, auditing, data and information retrieval, and other
purposes deemed necessary and authorized by the commission.

(I) "Cheat" means to alter the result of a casino game, the
element of chance, the operation of a machine used in a casino
game, or the method of selection of criteria that determines (a)
the result of the casino game, (b) the amount or frequency of
payment in a casino game, (c) the value of a wagering instrument,
or (d) the value of a wagering credit. "Cheat" does not include an
individual who, without the assistance of another individual or
without the use of a physical aid or device of any kind, uses the
individual's own ability to keep track of the value of cards
played and uses predictions formed as a result of the tracking
information in the individual's playing and betting strategy.

(J) "Commission" means the Ohio casino control commission.

(K) "Gaming agent" means a peace officer employed by the
commission that is vested with duties to enforce this chapter and
conduct other investigations into the conduct of the casino gaming
and the maintenance of the equipment that the commission considers
necessary and proper and is in compliance with section 109.77 of
the Revised Code.
(L) "Gaming-related vendor" means any individual, partnership, corporation, association, trust, or any other group of individuals, however organized, who supplies gaming-related equipment, goods, or services to a casino operator or management company, that are directly related to or affect casino gaming authorized under this chapter, including, but not limited to, the manufacture, sale, distribution, or repair of slot machines and table game equipment.

(M) "Holding company" means any corporation, firm, partnership, limited partnership, limited liability company, trust, or other form of business organization not a natural person which directly or indirectly does any of the following:

1. Has the power or right to control a casino operator, management company, or gaming-related vendor license applicant or licensee;

2. Holds an ownership interest of five per cent or more, as determined by the commission, in a casino operator, management company, or gaming-related vendor license applicant or licensee;

3. Holds voting rights with the power to vote five per cent or more of the outstanding voting rights of a casino operator, management company, or gaming-related vendor applicant or licensee.

(N) "Initial investment" includes costs related to demolition, engineering, architecture, design, site preparation, construction, infrastructure improvements, land acquisition, fixtures and equipment, insurance related to construction, and leasehold improvements.

(O) "Institutional investor" means any of the following entities owning five per cent or more, but less than twenty-five per cent, of an ownership interest in a casino facility, casino operator, management company, or holding company: a corporation,
bank, insurance company, pension fund or pension fund trust, retirement fund, including funds administered by a public agency, employees' profit-sharing fund or employees' profit-sharing trust, any association engaged, as a substantial part of its business or operations, in purchasing or holding securities, including a hedge fund, mutual fund, or private equity fund, or any trust in respect of which a bank is trustee or cotrustee, investment company registered under the "Investment Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective investment trust organized by banks under Part Nine of the Rules of the Comptroller of the Currency, closed-end investment trust, chartered or licensed life insurance company or property and casualty insurance company, investment advisor registered under the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., and such other persons as the commission may reasonably determine to qualify as an institutional investor for reasons consistent with this chapter, and that does not exercise control over the affairs of a licensee and its ownership interest in a licensee is for investment purposes only, as set forth in division (F) of section 3772.10 of the Revised Code.

(P) "Key employee" means any executive, employee, agent, or other individual who has the power to exercise significant influence over decisions concerning any part of the operation of a person that has applied for or holds a casino operator, management company, or gaming-related vendor license or the operation of a holding company of a person that has applied for or holds a casino operator, management company, or gaming-related vendor license, including:

(1) An officer, director, trustee, partner, or an equivalent fiduciary;

(2) An individual who holds a direct or indirect ownership interest of five per cent or more;

(3) An individual who performs the function of a principal
executive officer, principal operating officer, principal accounting officer, or an equivalent officer;

(4) Any other individual the commission determines to have the power to exercise significant influence over decisions concerning any part of the operation.

(Q) "Licensed casino operator" means a casino operator that has been issued a license by the commission and that has been certified annually by the commission to have paid all applicable fees, taxes, and debts to the state.

(R) "Majority ownership interest" in a license or in a casino facility, as the case may be, means ownership of more than fifty per cent of such license or casino facility, as the case may be. For purposes of the foregoing, whether a majority ownership interest is held in a license or in a casino facility, as the case may be, shall be determined under the rules for constructive ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as in effect on January 1, 2009.

(S) "Management company" means an organization retained by a casino operator to manage a casino facility and provide services such as accounting, general administration, maintenance, recruitment, and other operational services.

(T) "Ohio law enforcement training fund" means the state law enforcement training fund described in Section 6(C)(3)(f) of Article XV, Ohio Constitution, the money in which shall be used to enhance public safety by providing training opportunities to the law enforcement community.

(U) "Person" includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other
business entity or organization; an assignee; a receiver; a 
trustee in bankruptcy; an unincorporated association, club, 
society, or other unincorporated entity or organization; entities 
that are disregarded for federal income tax purposes; and any 
other nongovernmental, artificial, legal entity that is capable of 
engaging in business.

(V) "Problem casino gambling and addictions fund" means the 
state problem gambling and addictions fund described in Section 
6(C)(3)(g) of Article XV, Ohio Constitution, the money in which 
shall be used for treatment of problem gambling and substance 
abuse, and for related research.

(W) "Promotional gaming credit" means a slot machine or table 
game credit, discount, or other similar item issued to a patron to 
enable the placement of, or increase in, a wager at a slot machine 
or table game.

(X) "Slot machine" means any mechanical, electrical, or other 
device or machine which, upon insertion of a coin, token, ticket, 
or similar object, or upon payment of any consideration, is 
available to play or operate, the play or operation of which, 
whether by reason of the skill of the operator or application of 
the element of chance, or both, makes individual prize 
determinations for individual participants in cash, premiums, 
merchandise, tokens, or any thing of value, whether the payoff is 
made automatically from the machine or in any other manner, but 
does not include any device that is a skill-based amusement 
machine, or an electronic instant bingo system, as defined in 
section 2915.01 of the Revised Code.

(Y) "Table game" means any game played with cards, dice, or 
any mechanical, electromechanical, or electronic device or machine 
for money, casino credit, or any representative of value. "Table 
game" does not include slot machines.
(Z) "Upfront license" means the first plenary license issued to a casino operator.

(AA) "Voluntary exclusion program" means a program provided by the commission that allows persons to voluntarily exclude themselves from the gaming areas of facilities under the jurisdiction of the commission by placing their name on a voluntary exclusion list and following the procedures set forth by the commission.

(BB) "Sports gaming," "sports gaming proprietor," "sports gaming facility," "sporting event," "mobile management services provider," and "management services provider" have the same meanings as in section 3775.01 of the Revised Code. A person is considered to be involved in a sporting event if division (F)(3) of section 3775.13 of the Revised Code applies to the person with respect to that sporting event.

Sec. 3772.031. (A)(1) The general assembly finds that the exclusion or ejection of certain persons from casino facilities and from sports gaming is necessary to effectuate the intents and purposes of this chapter and Chapter 3775. of the Revised Code and to maintain strict and effective regulation of casino gaming and sports gaming. The general assembly specifically finds that the exclusion from sports gaming of persons who threaten violence or harm against persons who are involved in sporting events, where the threat is related to sports gaming, is necessary to effectuate the intent of Chapter 3775. Of the Revised Code and to protect the interests of this state.

(2) The commission, by rule, shall provide for a list of persons who are to be excluded or ejected from a casino facility and a list of persons who are to be excluded or ejected from a sports gaming facility and from participating in the play or operation of sports gaming in this state. Persons included on an
exclusion list shall be identified by name and physical 

description. The commission shall publish the exclusion lists on 

its web site, and shall transmit a copy of the exclusion lists 

periodically to casino operators and sports gaming proprietors, as 

applicable, as they are initially issued and thereafter as they 

are revised from time to time.

(3) A casino operator shall take steps necessary to ensure 

that all its key employees and casino gaming employees are aware 

of and understand the casino exclusion list and its function, and 

that all its key employees and casino gaming employees are kept 

aware of the content of the casino exclusion list as it is issued 

and thereafter revised from time to time.

(4) A sports gaming proprietor shall take steps necessary to 

ensure that its appropriate agents and employees are aware of and 

understand the sports gaming exclusion list and its function, and 

that all its appropriate agents and employees are kept aware of 

the content of the sports gaming exclusion list as it is issued 

and thereafter revised from time to time.

(B) The casino exclusion list may include any person whose 

presence in a casino facility is determined by the commission to 

pose a threat to the interests of the state, to achieving the 

intents and purposes of this chapter, or to the strict and 

effective regulation of casino gaming. The sports gaming exclusion 

list may include any person who threatens violence or harm against 

any person who is involved in a sporting event, where the threat 

is related to sports gaming, or whose presence in a sports gaming 

facility or whose participation in the play or operation of sports 

gaming in this state is determined by the commission to pose a 

threat to the interests of the state, to achieving the intents and 

purposes of Chapter 3775. of the Revised Code, or to the strict 

and effective regulation of sports gaming. In determining whether 

to include a person on an exclusion list, the commission may
consider:

(1) Any prior conviction of a crime that is a felony under the laws of this state, another state, or the United States, a crime involving moral turpitude, or a violation of the gaming laws of this state, another state, or the United States; and

(2) A violation, or a conspiracy to violate, any provision of this chapter or Chapter 3775. of the Revised Code, as applicable, that consists of:

(a) A failure to disclose an interest in a gaming facility or a sports gaming-related person or entity for which the person must obtain a license;

(b) Purposeful evasion of taxes or fees;

(c) A notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming or sports gaming is free from criminal or corruptive elements; or

(d) A violation of an order of the commission or of any other governmental agency that warrants exclusion or ejection of the person from a casino facility, from a sports gaming facility, or from participating in the play or operation of sports gaming in this state.

(3) If the person has pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in any state;

(4) If the person's conduct or reputation is such that the person's presence within a casino facility or in the sports gaming industry in this state may call into question the honesty and integrity of the casino gaming or sports gaming operations or interfere with the orderly conduct of the casino gaming or sports gaming operations;

(5) If the person is a career or professional offender whose
presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;

(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;

(7) If the commission has suspended the person's gaming privileges;

(8) If the commission has revoked the person's licenses related to this chapter or Chapter 3775. of the Revised Code;

(9) If the commission determines that the person poses a threat to the safety of patrons or employees of a casino facility or a sports gaming facility;

(10) If the person has threatened violence or harm against a person who is involved in the sporting event, where the threat was related to sports gaming with respect to that sporting event;

(11) If the person has a history of conduct involving the disruption of gaming operations within a casino facility or in the sports gaming industry in this state.

Race, color, creed, national origin or ancestry, or sex are not grounds for placing a person on an exclusion list.

(C) The commission shall notify a person of the commission's intent to include such person on one or both exclusion lists. The notice shall be provided by personal service, by certified mail to the person's last known address, or, if service cannot be accomplished by personal service or certified mail, by publication daily for two weeks in a newspaper of general circulation within the county in which the person resides and in a newspaper of general circulation within each county in which a casino facility
or sports gaming facility, as applicable, is located.

(D)(1) Except as otherwise provided in this section, a person who receives notice of intent to include the person on an exclusion list is entitled, upon the person's request, to an adjudication hearing under Chapter 119. of the Revised Code, in which the person may demonstrate why the person should not be included on the exclusion list or lists. The person shall request such an adjudication hearing not later than thirty days after the person receives the notice by personal service or certified mail, or not later than thirty days after the last newspaper publication of the notice.

(2) If the person does not request a hearing in accordance with division (D)(1) of this section, the commission may, but is not required to, conduct an adjudication hearing under Chapter 119. of the Revised Code. The commission may reopen an adjudication under this section at any time.

(3) If the adjudication hearing, order, or any appeal thereof under Chapter 119. of the Revised Code results in an order that the person should not be included on the exclusion list or lists, the commission shall publish a revised exclusion list that does not include the person. The commission also shall notify casino operators or sports gaming proprietors, as applicable, that the person has been removed from the exclusion list or lists. A casino operator shall take all steps necessary to ensure its key employees and casino gaming employees are made aware that the person has been removed from the casino exclusion list. A sports gaming proprietor shall take all steps necessary to ensure its appropriate agents and employees are made aware that the person has been removed from the sports gaming exclusion list.

(E) This section does not apply to any voluntary exclusion list created as part of a voluntary exclusion program under this chapter or Chapter 3775. of the Revised Code.
Sec. 3774.01. As used in this chapter:

(A) "Commission" means the Ohio casino control commission.

(B) "Entry fee" means cash or cash equivalent that a fantasy contest operator requires to be paid by a fantasy contest player to participate in a fantasy contest.

(C) "Fantasy contest" means a simulated game or contest with an entry fee that satisfies all of the following conditions:

1. The value of all prizes and awards offered to winning fantasy contest players is established and made known to the players in advance of the contest.

2. All winning outcomes reflect the relative knowledge and skill of the fantasy contest players and are determined predominantly by accumulated statistical results of the performance of managing rosters of athletes whose performance directly corresponds with the actual performance of athletes in professional sports competitions.

3. Winning outcomes are not based on randomized or historical events, or on the score, point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event.

4. The game or contest does not involve horses or horse racing.

(D) "Fantasy contest operator" means a person that offers fantasy contests with an entry fee for a prize or award to the general public. Fantasy contest operator does not include a person that offers a pool not conducted for profit as defined under division (XX) of section 2915.01 of the Revised Code.

(E) "Fantasy contest platform" means any digital or online method through which a fantasy contest operator provides access to
a fantasy contest.

(F) "Fantasy contest player" means a person who participates in a fantasy contest offered by a fantasy contest operator.

(G) "Holding company" means any corporation, firm, partnership, limited partnership, limited liability company, trust, or other form of business organization not a natural person that directly or indirectly does any of the following:

1. Has the power or right to control a fantasy contest operator;

2. Holds an ownership interest of ten per cent or more, as determined by the commission, in a fantasy contest operator;

3. Holds voting rights with the power to vote ten per cent or more of the outstanding voting rights of a fantasy contest operator.

(H) "Key employee" means a person, employed by a fantasy contest operator, who is responsible for ensuring, and has the authority necessary to ensure, that all requirements under this chapter and the rules adopted under this chapter and division (L) of section 3772.03 of the Revised Code are met.

(I) "Management company" means an organization retained by a fantasy contest operator to manage a fantasy contest platform and provide services such as accounting, general administration, maintenance, recruitment, and other operational services.

(J) "Material nonpublic information" means information related to the play of a fantasy contest by a fantasy contest player that is not readily available to the general public and is obtained as a result of a person's employment.

(K) "Script" means a list of commands that a fantasy-contest-related computer program can execute and that is created by a fantasy contest player, or by a third party for a
fantasy contest player, to automate processes on a fantasy contest platform.

Sec. 3775.01. As used in this chapter:

(A) "Applicant" means a person that applies to the Ohio casino control commission for a license under this chapter.

(B) "Casino operator" has the same meaning as in section 3772.01 of the Revised Code.

(C) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers educational services beyond the secondary level.

(D) "Commission" means the Ohio casino control commission.

(E) "Esports event" means an organized video game competition that is regulated by a sports governing body and that is held between professional players who play individually or as teams.

(F) "Lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code.

(G)(1) "Mobile management services provider" means a person that contracts with a type A sports gaming proprietor under section 3775.05 of the Revised Code to operate sports gaming on behalf of the sports gaming proprietor and that is licensed by the Ohio casino control commission as a mobile management services provider under that section.

(2) "Management services provider" means a person that contracts with a type B sports gaming proprietor under section 3775.051 of the Revised Code to operate sports gaming on behalf of the sports gaming proprietor and that is licensed by the Ohio casino control commission as a management services provider under that section.
(H) "Official league data" means statistics, results, outcomes, and other data related to a sporting event provided by the appropriate sports governing body or its designee.

(I) "Online sports pool" means sports gaming in which a wager on a sporting event is made through a computer or mobile device and accepted through an online gaming web site that is operated by a type A sports gaming proprietor or mobile management services provider.

(J) "Professional sport or athletic event" means an event at which two or more persons participate in sports or athletic events and receive compensation, or the potential for compensation based on their performance, in excess of actual expenses for their participation in the event.

(K) "Professional sports organization" means any of the following:

1. The owner of a professional sports team in this state that is a member of the national football league, the national hockey league, major league baseball, major league soccer, or the national basketball association;

2. The owner of a sports facility in this state that hosts an annual tournament on the professional golf association tour or a wholly owned for-profit subsidiary of the owner, if the owner is a nonprofit corporation or organization;

3. A promoter of a national association for stock car auto racing national touring race conducted in this state.

(L) "Promotional gaming credit" means a credit, discount, or other similar item issued to a patron to enable the placement of, or increase in, a wager on a sporting event.

(M) "Proposition bet" means a wager on a sporting event that is based on whether an identified instance or statistical
achievement will occur, will be achieved, or will be surpassed,  
other than the score or outcome of the sporting event or parts of  
the sporting event, such as quarters, halves, periods, or innings.  

(N)(1) Except as otherwise provided in divisions (N)(2) and  
(3) of this section, "sporting event" means any professional sport  
or athletic event, any collegiate sport or athletic event, any  
Olympic or international sports competition event, any motor race  
event, any esports event, any horse race, or any other special  
event the Ohio casino control commission authorizes for sports  
gaming, the individual performance statistics of athletes or  
participants in such an event, or a combination of those.  

(2) "Sporting event" does not include an event for primary or  
secondary school students, whether conducted or sponsored by a  
primary or secondary school or by another person, or the  
individual performance statistics of athletes or participants in  
such an event.  

(3) "Sporting event" includes an event that involves athletes  
or participants who are under eighteen years of age, or the  
individual performance statistics of athletes or participants in  
the event, only if the Ohio casino control commission authorizes  
the event for sports gaming.  

(O)(1) "Sports gaming" means the business of accepting wagers  
on sporting events.  

(2) Except as otherwise provided in division (O)(3) of  
this section and in section 3770.25 of the Revised Code, "sports  
gaming" includes any system or method of wagering on sporting  
events that the Ohio casino control commission approves, including  
exchange wagering, parlays, spreads, over-under, moneyline,  
in-game wagering, single game bets, teaser bets, in-play bets,  
proposition bets, pools, pari-mutuel sports wagering pools, or  
straight bets.
(3) In the case of wagering on the outcome of a horse race authorized under Chapter 3769. of the Revised Code, other than pari-mutuel wagering authorized under that chapter, the Ohio casino control commission shall approve the system or method of wagering in cooperation with the state racing commission.

(4) "Sports gaming" does not include any of the following:

(a) Wagering Pari-mutuel wagering on the outcome of a horse racing race, as authorized under Chapter 3769. of the Revised Code;

(b) Lottery games authorized under Chapter 3770. of the Revised Code, including video lottery terminals, other than lottery sports gaming authorized under sections 3770.23 to 3770.25 of the Revised Code;

(c) Casino gaming authorized under division (C) of Section 6 of Article XV, Ohio Constitution and Chapter 3772. of the Revised Code;

(d) Fantasy contests authorized under Chapter 3774. of the Revised Code.

(P) "Sports gaming equipment" means any of the following that directly relate to or affect, or are used or consumed in, the operation of sports gaming:

(1) Any mechanical, electronic, or other device, mechanism, or equipment, including a self-service sports gaming terminal;

(2) Any software, application, components, or other goods;

(3) Anything to be installed or used on a patron's personal device.

(Q) "Sports gaming facility" means a designated area of a building or structure in which patrons may place wagers on sporting events with a type B sports gaming proprietor either in person or using self-service sports gaming terminals.
(R) "Sports gaming license" means a sports gaming proprietor license, a mobile management services provider license, a management services provider license, a sports gaming occupational license, a type C sports gaming host license, or a sports gaming supplier license issued by the Ohio casino control commission under this chapter.

(S) "Sports gaming licensee" means a person who holds a valid sports gaming license.

(T) "Sports gaming proprietor" means a person licensed by the Ohio casino control commission to offer sports gaming in this state as a type A, type B, or type C sports gaming proprietor.

(U) "Sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(V)(1) "Sports gaming supplier" means a person or entity that provides sports gaming equipment or related services to a sports gaming proprietor, mobile management services provider, or management services provider, including providing services, directly or indirectly, that are necessary to create a betting market or to determine bet outcomes.

(2) A sports gaming supplier that provides sports gaming equipment or services to be used through a sports gaming proprietor, mobile management services provider, or management services provider is not considered a sports gaming proprietor, mobile management services provider, or management services provider solely on that basis.

(3) A sports governing body that provides official league data concerning its own sporting event to a sports gaming proprietor, mobile management services provider, management services provider, or sports gaming supplier is not considered a sports gaming supplier solely on that basis.

(W) "Sports gaming voluntary exclusion program" means the
program described in division (B)(11) of section 3775.02 of the Revised Code.

(X) "Sports governing body" means a regional, national, or international organization having ultimate authority over the rules and codes of conduct with respect to a sporting event and the participants in the sporting event.

(Y) "Type A sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports gaming through an online sports pool.

(Z) "Type B sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports gaming at a sports gaming facility.

(AA) "Type C sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports gaming through self-service or clerk-operated sports gaming terminals located at type C sports gaming hosts' facilities.

(BB) "Type C sports gaming host" means the owner of a facility with an A-1-A, A-1c, D-1, D-2, or D-5 liquor permit issued under Chapter 4303. of the Revised Code who is licensed by the Ohio casino control commission to offer sports gaming at the facility through a type C sports gaming proprietor.

(CC) "Video lottery sales agent" means an agent of the state lottery authorized to operate video lottery terminals under section 3770.21 of the Revised Code.

(DD) "Wager" or "bet" means to risk a sum of money or thing of value on an uncertain occurrence.

Sec. 3775.07. (A)(1) The owner of a facility with an A-1-A, A-1c, D-1, D-2, or D-5 liquor permit issued under Chapter 4303. of the Revised Code who offers sports gaming through a type C sports gaming proprietor using self-service or clerk-operated sports
gaming terminals located at the facility shall hold an appropriate and valid type C sports gaming host license issued by the Ohio casino control commission at all times.

(2) The commission shall issue a type C sports gaming host license to any eligible applicant that the state lottery commission recommends. Notwithstanding any contrary provision of this chapter, an applicant for an initial or renewed type C sports gaming host license is not required to undergo a criminal background check or licensure suitability investigation in order to receive the license. The commission shall investigate the applicant to determine whether the applicant is eligible for the license and to ensure that the applicant complies with all applicable provisions of this chapter and of the rules of the commission.

(B) An applicant for an initial or renewed type C sports gaming host license shall apply for the license on a form prescribed by the commission and shall pay a nonrefundable application fee in an amount prescribed by the commission by rule.

(C) Upon receiving an initial or renewed type C sports gaming host license, the applicant shall pay a nonrefundable license fee of one thousand dollars.

(D)(1) Subject to division (D)(2) of this section, a type C sports gaming proprietor and a type C sports gaming host may enter into an agreement specifying the terms under which the type C sports gaming host offers sports gaming through the type C sports gaming proprietor, such as terms requiring the type C sports gaming proprietor and the type C sports gaming host to share the proceeds of sports gaming conducted at the type C sports gaming host's facility. A type C sports gaming proprietor shall notify the Ohio casino control commission of each type C sports gaming host that offers sports gaming through the type C sports gaming
proprietor.

(2) A type C sports gaming proprietor shall not require a type C sports gaming host to pay any portion of the cost of acquiring, installing, operating, adapting, or maintaining any self-service sports gaming terminal in a type C sports gaming host's facility.

(3) Subject to the terms of the type C sports gaming hosts's agreement with a type C sports gaming proprietor, a type C sports gaming host may offer sports gaming through a different type C sports gaming proprietor than the one identified in the type C sports gaming host's license application during the period of the license. The type C sports gaming proprietor shall notify the commission of the change before the change takes effect, in accordance with the rules of the commission.

(E) A type C sports gaming host license shall be valid for a term of three years. In order to renew a type C sports gaming host license, the licensee shall apply to the commission for a renewed license in the same manner as for an initial license.

Sec. 3775.10. (A) A sports gaming proprietor shall do all of the following:

(1) Conduct all sports gaming activities and functions in a manner that does not pose a threat to the public health, safety, or welfare of the citizens of this state;

(2) Adopt comprehensive house rules for game play governing sports gaming transactions with its patrons, including rules that specify the amounts to be paid on winning wagers and the effect of schedule changes, and submit them to the Ohio casino control commission for approval before implementing them. The sports gaming proprietor shall publish its house rules as part of its minimum internal control standards, shall display the house rules,
together with any other information the commission considers appropriate, conspicuously in each sports gaming facility and in any other place or manner prescribed by the commission, and shall make copies of its house rules readily available to patrons.

(3) Keep current in all payments and obligations to the commission;

(4) Provide a secure location for the placement, operation, and use of sports gaming equipment;

(5) Prevent any person from tampering with or interfering with the operation of sports gaming;

(6) Employ commercially reasonable methods to prevent the sports gaming proprietor and its agents and employees from disclosing any confidential information in the possession of the sports gaming proprietor that could affect the conduct of sports gaming;

(7) Ensure that sports gaming conducted at a sports gaming facility is within the sight and control of designated employees of the sports gaming proprietor and that sports gaming is conducted under continuous observation by security equipment in conformity with the specifications and requirements of the commission;

(8) Ensure that sports gaming occurs only in the locations and manner approved by the commission;

(9) Ensure that all sports gaming is monitored in accordance with division (I) of section 3775.02 of the Revised Code;

(10) Maintain sufficient funds and other supplies to conduct sports gaming at all times;

(11) Maintain daily records showing the sports gaming proprietor's sports gaming receipts and timely file with the commission any additional reports required by rule or by other
provisions of the Revised Code;

(12) Withhold all required amounts from patrons' sports gaming winnings;

(13) Submit to the commission, each fiscal year, an audit of the sports gaming proprietor's financial transactions and the condition of the sports gaming proprietor's total operations prepared by a certified public accountant in accordance with generally accepted accounting principles and applicable state and federal laws;

(14) Submit to the commission, at least once every three years, an audit of the sports gaming proprietor's information technology systems and security protocols prepared by a qualified, independent, and capable third party, as determined by, and in a manner approved by, the commission;

(15) Promptly provide anonymized sports gaming data to a sports governing body or a state university that submits a valid request for the data under division (B)(13) or (14) of section 3775.02 of the Revised Code.

(16) Offer wagering on horse racing that is conducted in this state and authorized under Chapter 3769. of the Revised Code at all times that such horse racing is conducted. This division applies to a sports gaming proprietor only during a calendar year in which the sports gaming proprietor offers wagering on horse racing conducted outside this state.


(B) A sports gaming proprietor immediately shall report to the commission any information in the sports gaming proprietor's possession related to any of the following:

(1) Any wager in violation of this chapter or rules adopted
under this chapter or of federal law;

(2) Abnormal sports gaming activity or patterns that may indicate a concern regarding the integrity of a sporting event;

(3) Suspicious wagering activities;

(4) Any conduct that corrupts a wagering outcome of a sporting event for purposes of financial gain;

(5) Any criminal or disciplinary proceedings commenced against the sports gaming proprietor by any person other than the commission in connection with the sports gaming proprietor's operations.

(C) A sports gaming proprietor may manage risk associated with wagers by rejecting or pooling one or more wagers or by laying off one or more wagers with another sports gaming proprietor.

(D) A sports gaming proprietor may employ a system that offsets loss or manages risk in the operation of sports gaming under this chapter through the use of a liquidity pool in another jurisdiction in which the sports gaming proprietor or an affiliate or other third party also holds licensure, provided that at all times adequate protections are maintained to ensure sufficient funds are available to pay patrons.

(E) A sports gaming proprietor may provide promotional gaming credits to patrons, subject to oversight by the commission.

(F) If a sports gaming patron does not claim a winning wager from a sports gaming proprietor within one year from the last day on which the sporting event is held, the sports gaming proprietor's obligation to pay the winnings shall expire, and the sports gaming proprietor shall remit the winnings to the commission, which shall deposit them in the sports gaming revenue fund.
G) A sports gaming proprietor is not liable under the laws of this state to any party, including a patron, for disclosing information as required under this chapter or for refusing to disclose information that is not required by law to be disclosed.

H)(1) A sports gaming proprietor shall maintain the confidentiality of any information provided to the sports gaming proprietor by a sports governing body that the sports governing body designates as confidential, except as otherwise required by law or by order of the commission. The sports gaming proprietor shall not use such confidential information for business or marketing purposes, except with the express written approval of the sports governing body.

(2) A sports governing body shall maintain the confidentiality of any information provided to the sports governing body by a sports gaming proprietor that the sports gaming proprietor designates as confidential, except as otherwise required by law or by order of the commission. The sports governing body shall not use such confidential information for business or marketing purposes, except with the express written approval of the sports gaming proprietor.

Sec. 3781.032. (A) As used in this section:

(1) "Retail establishment" means a place of business open to the general public for the sale of goods or services.

(2) "State and local building code" means Chapters 3781. and 3791. of the Revised Code, rules adopted pursuant to those chapters, and municipal corporation regulations adopted in accordance with section 3781.01 of the Revised Code.

(B) If the department or agency of the state or any political subdivision having jurisdiction to enforce state and local building code on a retail establishment, including a retail
establishment that is under construction and not yet open to the public, is unable to conduct an inspection or issue a permit required by state and local building code for more than five business days, the owner, operator, or developer of the retail establishment may seek a temporary permit from any building code official authorized to conduct such an inspection or issue such a permit elsewhere in this state. If that building code official grants a temporary permit, the permit is valid for fourteen calendar days.

Sec. 3781.062. The director of commerce, in collaboration with the state fire marshal, the board of building standards, and representatives of local building departments, shall develop guidelines for the enforcement of the Ohio building code and state fire code in a coordinated manner, including the interaction of exemptions from one code with the requirements of the other code.

Sec. 3781.10. (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of
the Revised Code is enforceable. The rules governing residential 55909
buildings are uniform requirements for residential buildings in 55910
any area with a building department certified to enforce the state 55911
residential building code. In no case shall any local code or 55912
regulation differ from the state residential building code unless 55913
that code or regulation addresses subject matter not addressed by 55914
the state residential building code or is adopted pursuant to 55915
section 3781.01 of the Revised Code. 55916

(3) The rules adopted pursuant to this section are complete, 55917
lawful alternatives to any requirements specified for buildings or 55918
industrialized units in any section of the Revised Code. Except as 55919
otherwise provided in division (I) of this section, the board 55920
shall, on its own motion or on application made under sections 55921
3781.12 and 3781.13 of the Revised Code, formulate, propose, 55922
adopt, modify, amend, or repeal the rules to the extent necessary 55923
or desirable to effectuate the purposes of sections 3781.06 to 55924
3781.18 of the Revised Code. 55925

(B) The board shall report to the general assembly proposals 55926
for amendments to existing statutes relating to the purposes 55927
declared in section 3781.06 of the Revised Code that public health 55928
and safety and the development of the arts require and shall 55929
recommend any additional legislation to assist in carrying out 55930
fully, in statutory form, the purposes declared in that section. 55931
The board shall prepare and submit to the general assembly a 55932
summary report of the number, nature, and disposition of the 55933
petitions filed under sections 3781.13 and 3781.14 of the Revised 55934
Code. 55935

(C) On its own motion or on application made under sections 55936
3781.12 and 3781.13 of the Revised Code, and after thorough 55937
testing and evaluation, the board shall determine by rule that any 55938
particular fixture, device, material, process of manufacture, 55939
manufactured unit or component, method of manufacture, system, or 55940
method of construction complies with performance standards adopted pursuant to section 3781.11 of the Revised Code. The board shall make its determination with regard to adaptability for safe and sanitary erection, use, or construction, to that described in any section of the Revised Code, wherever the use of a fixture, device, material, method of manufacture, system, or method of construction described in that section of the Revised Code is permitted by law. The board shall amend or annul any rule or issue an authorization for the use of a new material or manufactured unit on any like application. No department, officer, board, or commission of the state other than the board of building standards or the board of building appeals shall permit the use of any fixture, device, material, method of manufacture, newly designed product, system, or method of construction at variance with what is described in any rule the board of building standards adopts or issues or that is authorized by any section of the Revised Code. Nothing in this section shall be construed as requiring approval, by rule, of plans for an industrialized unit that conforms with the rules the board of building standards adopts pursuant to section 3781.11 of the Revised Code.

(D) The board shall recommend rules, codes, and standards to help carry out the purposes of section 3781.06 of the Revised Code and to help secure uniformity of state administrative rulings and local legislation and administrative action to the bureau of workers' compensation, the director of commerce, any other department, officer, board, or commission of the state, and to legislative authorities and building departments of counties, townships, and municipal corporations, and shall recommend that they audit those recommended rules, codes, and standards by any appropriate action that they are allowed pursuant to law or the constitution.

(E) (1) The board shall certify municipal, township, and
county building departments, the personnel of those building departments, persons described in division (E)(7) of this section, and employees of individuals, firms, the state, or corporations described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. Any department, personnel, or person may enforce only the type of building code for which certified.

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the council of American building officials, national model code organizations, and agencies or entities the board recognizes are acceptable for purposes of this division. The rules shall specify
requirements that are consistent with the provisions of section 5903.12 of the Revised Code relating to active duty military service and are compatible, to the extent possible, with requirements the council of American building officials and national model code organizations establish.

(4) The board shall establish and collect a certification and renewal fee for building department personnel, and persons and employees of persons, firms, or corporations as described in this section, who are certified pursuant to this division.

(5) Any individual certified pursuant to this division shall complete the number of hours of continuing building code education that the board requires or, for failure to do so, forfeit certification.

(6) This division does not require or authorize the board to certify personnel of municipal, township, and county building departments, and persons and employees of persons, firms, or corporations as described in this section, whose responsibilities do not include the exercise of enforcement authority, the approval of plans and specifications, or making inspections under the state residential and nonresidential building codes.

(7) Enforcement authority for approval of plans and specifications and enforcement authority for inspections may be exercised, and plans and specifications may be approved and inspections may be made on behalf of a municipal corporation, township, or county, by any of the following who the board of building standards certifies:

(a) Officers or employees of the municipal corporation, township, or county;

(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;
(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as applicable.

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services
pursuant to division (E)(7)(b) of this section;

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;

(e) The proposed budget for the operation of the building department.

(11) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work.

(b) The minimum services to be provided by a certified building department.

(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of
certification in the same manner as provided in section 3781.101 of the Revised Code for other proceedings of the board of building standards.

(13) Upon certification, and until that authority is revoked, any county or township building department shall enforce the residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised Code or boards of township trustees under Chapter 505. of the Revised Code.

(F) In addition to hearings sections 3781.06 to 3781.18 and 3791.04 of the Revised Code require, the board of building standards shall make investigations and tests, and require from other state departments, officers, boards, and commissions information the board considers necessary or desirable to assist it in the discharge of any duty or the exercise of any power mentioned in this section or in sections 3781.06 to 3781.18, 3791.04, and 4104.43 of the Revised Code.

(G) The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product of a manufacturing process. The fee shall bear some reasonable relationship to the cost of the review or testing of the materials, assembly, or products and for the notification of approval or disapproval as provided in section 3781.12 of the Revised Code.

(H) The residential construction advisory committee shall provide the board with a proposal for a state residential building code that the committee recommends pursuant to division (D)(1) of section 4740.14 of the Revised Code. Upon receiving a recommendation from the committee that is acceptable to the board, the board shall adopt rules establishing that code as the state...
residential building code.

(I)(1) The committee may provide the board with proposed rules to update or amend the state residential building code that the committee recommends pursuant to division (E) of section 4740.14 of the Revised Code.

(2) If the board receives a proposed rule to update or amend the state residential building code as provided in division (I)(1) of this section, the board either may accept or reject the proposed rule for incorporation into the residential building code. If the board does not act to either accept or reject the proposed rule within ninety days after receiving the proposed rule from the committee as described in division (I)(1) of this section, the proposed rule shall become part of the residential building code.

(J) The board shall cooperate with the director of job and family services when the director promulgates rules pursuant to section 5104.05 of the Revised Code regarding safety and sanitation in type A family day-care homes.

(K) The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code.

(L) The board shall establish a grant program to assist building departments certified by the board pursuant to division (E) of this section in the recruitment, training, and retention of qualified personnel.

Sec. 3781.102. (A) Any county or municipal building department certified pursuant to division (E) of section 3781.10 of the Revised Code as of September 14, 1970, and that, as of that date, was inspecting single-family, two-family, and three-family residences, and any township building department certified pursuant to division (E) of section 3781.10 of the Revised Code,
is hereby declared to be certified to inspect single-family,  
two-family, and three-family residences containing industrialized  
units, and shall inspect the buildings or classes of buildings  
subject to division (E) of section 3781.10 of the Revised Code.  

(B) Each board of county commissioners may adopt, by  
resolution, rules establishing standards and providing for the  
licensing of electrical and heating, ventilating, and air  
conditioning contractors who are not required to hold a valid and  
unexpired license pursuant to Chapter 4740. of the Revised Code.  

Rules adopted by a board of county commissioners pursuant to  
this division may be enforced within the unincorporated areas of  
the county and within any municipal corporation where the  
legislative authority of the municipal corporation has contracted  
with the board for the enforcement of the county rules within the  
municipal corporation pursuant to section 307.15 of the Revised  
Code. The rules shall not conflict with rules adopted by the board  
of building standards pursuant to section 3781.10 of the Revised  
Code or by the department of commerce pursuant to Chapter 3703. of  
the Revised Code. This division does not impair or restrict the  
power of municipal corporations under Section 3 of Article XVIII,  
Ohio Constitution, to adopt rules concerning the erection,  
construction, repair, alteration, and maintenance of buildings and  
structures or of establishing standards and providing for the  
licensing of specialty contractors pursuant to section 715.27 of  
the Revised Code.  

A board of county commissioners, pursuant to this division,  
may require all electrical contractors and heating, ventilating,  
and air conditioning contractors, other than those who hold a  
valid and unexpired license issued pursuant to Chapter 4740. of  
the Revised Code, to successfully complete an examination, test,  
or demonstration of technical skills, and may impose a fee and
additional requirements for a license to engage in their respective occupations within the jurisdiction of the board's rules under this division.

(C) No board of county commissioners shall require any specialty contractor who holds a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code to successfully complete an examination, test, or demonstration of technical skills in order to engage in the type of contracting for which the license is held, within the unincorporated areas of the county and within any municipal corporation whose legislative authority has contracted with the board for the enforcement of county regulations within the municipal corporation, pursuant to section 307.15 of the Revised Code.

(D) A board may impose a fee for registration of a specialty contractor who holds a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code before that specialty contractor may engage in the type of contracting for which the license is held within the unincorporated areas of the county and within any municipal corporation whose legislative authority has contracted with the board for the enforcement of county regulations within the municipal corporation, pursuant to section 307.15 of the Revised Code, provided that the fee is the same for all specialty contractors who wish to engage in that type of contracting. If a board imposes such a fee, the board immediately shall permit a specialty contractor who presents proof of holding a valid and unexpired license and pays the required fee to engage in the type of contracting for which the license is held within the unincorporated areas of the county and within any municipal corporation whose legislative authority has contracted with the board for the enforcement of county regulations within the municipal corporation, pursuant to section 307.15 of the Revised Code.
(E) The political subdivision associated with each municipal, township, and county building department the board of building standards certifies pursuant to division (E) of section 3781.10 of the Revised Code may prescribe fees to be paid by persons, political subdivisions, or any department, agency, board, commission, or institution of the state, for the acceptance and approval of plans and specifications, and for the making of inspections, pursuant to sections 3781.03 and 3791.04 of the Revised Code.

(F) Each political subdivision that prescribes fees pursuant to division (E) of this section shall collect, on behalf of the board of building standards, fees equal to the following:

(1) Three per cent of the fees the political subdivision collects in connection with nonresidential buildings;

(2) One per cent of the fees the political subdivision collects in connection with residential buildings.

(G)(1) The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner in which the fee assessed pursuant to division (F) of this section shall be collected and remitted monthly to the board. The board shall pay the fees into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

(2) All money credited to the industrial compliance operating fund under this division shall be used exclusively for the following:

(a) Operating costs of the board;

(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code;
(c) Paying the expenses of the residential construction advisory committee, including the expenses of committee members as provided in section 4740.14 of the Revised Code.

(d) Implementation of the program established by division (L) of section 3781.10 of the Revised Code.

(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of satisfying the requirements of rules adopted under that division, a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code that is held by an electrical or heating, ventilating, and air conditioning contractor, for the construction, replacement, maintenance, or repair of one-family, two-family, or three-family dwelling houses or accessory structures incidental to those dwelling houses.

(I) A board of county commissioners shall not register a specialty contractor who is required to hold a license under Chapter 4740. of the Revised Code but does not hold a valid license issued under that chapter.

(J) As used in this section, "specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those contractors are described in Chapter 4740. of the Revised Code.

Sec. 3796.02. There is hereby established a division of marijuana control in the department of commerce. The medical marijuana control program in the department of commerce and the state board of pharmacy is hereby established in the division of marijuana control. The department division shall provide for the licensure of medical marijuana cultivators and processors, retail
dispensaries, and the licensure of laboratories that test medical marijuana. The board division shall also provide for the licensure of retail dispensaries and the registration of patients and their caregivers. The department and board division shall administer the medical marijuana control program.

Sec. 3796.03. (A)(1) Except as provided in division (A)(2) of this section, not later than one year after September 8, 2016, the department of commerce (A) The division of marijuana control shall adopt rules establishing standards and procedures for the medical marijuana control program.

(2) The department shall adopt rules establishing standards and procedures for the licensure of cultivators not later than two hundred forty days after September 8, 2016.

(3) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(B) The rules shall do all of the following:

(1) Establish application procedures and fees for licenses it issues under this chapter;

(2) Specify both of the following:

(a) The conditions that must be met to be eligible for licensure;

(b) In accordance with section 9.79 of the Revised Code, the criminal offenses for which an applicant will be disqualified from licensure pursuant to that section.

(3) Establish, in accordance with section 3796.05 of the Revised Code, the number of cultivator licenses and retail dispensary licenses that will be permitted at any one time;

(4) Establish a license renewal schedule, renewal procedures, and renewal fees;
(5) Specify reasons for which a license may be suspended, including without prior hearing, revoked, or not be renewed or issued and the reasons for which a civil penalty may be imposed on a license holder;

(6) Establish standards under which a license suspension may be lifted;

(7) Establish procedures for registration of patients and caregivers and requirements that must be met to be eligible for registration;

(8) Establish training requirements for employees of retail dispensaries;

(9) Specify if a cultivator, processor, retail dispensary, or laboratory that is licensed under this chapter and that existed at a location before a school, church, public library, public playground, or public park became established within five hundred feet of the cultivator, processor, retail dispensary, or laboratory, may remain in operation or shall relocate or have its license revoked by the board division;

(10) Specify, by form and tetrahydrocannabinol content, a maximum ninety-day supply of medical marijuana that may be possessed;

(11) Specify the paraphernalia or other accessories that may be used in the administration to a registered patient of medical marijuana;

(12) Establish procedures for the issuance of patient or caregiver identification cards;

(13) Specify the forms of or methods of using medical marijuana that are attractive to children;

(14) Specify both of the following:

(a) Subject to division (B)(8)(b)(B)(14)(b) of this section,
the criminal offenses for which a person will be disqualified from employment with a license holder;

(b) Which of the criminal offenses specified pursuant to division (B)(8)(a) of this section will not disqualify a person from employment with a license holder if the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.

(9) (15) Establish a program to assist patients who are veterans or indigent in obtaining medical marijuana in accordance with this chapter;

(16) Establish, in accordance with section 3796.05 of the Revised Code, standards and procedures for the testing of medical marijuana by a laboratory licensed under this chapter.

(C) In addition to the rules described in division (B) of this section, the department division may adopt any other rules it considers necessary for the program's administration and the implementation and enforcement of this chapter.

(D) When adopting rules under this section, the department division shall consider standards and procedures that have been found to be best practices relative to the use and regulation of medical marijuana.

Sec. 3796.032. This chapter does not authorize the department of commerce or the state board of pharmacy division of marijuana control to oversee or limit research conducted at a state university, academic medical center, or private research and development organization that is related to marijuana and is approved by an agency, board, center, department, or institute of the United States government, including any of the following:

(A) The agency for health care research and quality;

(B) The national institutes of health;
(C) The national academy of sciences;

(D) The centers for medicare and medicaid services;

(E) The United States department of defense;

(F) The centers for disease control and prevention;

(G) The United States department of veterans affairs;

(H) The drug enforcement administration;

(I) The food and drug administration;

(J) Any board recognized by the national institutes of health for the purpose of evaluating the medical value of health care services.

Sec. 3796.05. (A) When establishing the number of cultivator licenses that will be permitted at any one time, the department of commerce division of marijuana control shall consider both of the following:

1. The population of this state;

2. The number of patients seeking to use medical marijuana.

(B) When establishing the number of retail dispensary licenses that will be permitted at any one time, the state board of pharmacy division shall consider all of the following:

1. The population of this state;

2. The number of patients seeking to use medical marijuana;

3. The geographic distribution of dispensary sites in an effort to ensure patient access to medical marijuana.

(C) When establishing standards and procedures for the testing of medical marijuana, the department division shall do all of the following:

1. Specify when testing must be conducted;
(2) Determine the minimum amount of medical marijuana that must be tested;

(3) Specify the manner in which testing is to be conducted in an effort to ensure uniformity of medical marijuana products processed for and dispensed to patients;

(4) Specify the manner in which test results are provided.

**Sec. 3796.06.** (A) Only the following forms of medical marijuana may be dispensed under this chapter:

(1) Oils;

(2) Tinctures;

(3) Plant material;

(4) Edibles;

(5) Patches;

(6) Any other form approved by the state board of pharmacy division of marijuana control under section 3796.061 of the Revised Code.

(B) With respect to the methods of using medical marijuana, all of the following apply:

(1) The smoking or combustion of medical marijuana is prohibited.

(2) The vaporization of medical marijuana is permitted.

(3) The state board of pharmacy division may approve additional methods of using medical marijuana, other than smoking or combustion, under section 3796.061 of the Revised Code.

(C) Any form or method that is considered attractive to children, as specified in rules adopted by the board division, is prohibited.

(D) With respect to tetrahydrocannabinol content, all of the
following apply:

(1) Plant material shall have a tetrahydrocannabinol content of not more than thirty-five per cent.

(2) Extracts shall have a tetrahydrocannabinol content of not more than seventy per cent.

Sec. 3796.061. (A) Any person may submit a petition to the state board of pharmacy division of marijuana control requesting that a form of or method of using medical marijuana be approved for the purposes of section 3796.06 of the Revised Code. A petition shall be submitted to the board division in a manner prescribed by the board division. A petition shall not seek to approve a method of using medical marijuana that involves smoking or combustion.

(B) On receipt of a petition, the board division shall review it to determine whether to approve the form of or method of using medical marijuana described in the petition. The board division may consolidate the review of petitions for the same or similar forms or methods. In making its determination, the board division shall consult with one or more experts and review any relevant scientific evidence.

(C) The board division shall approve or deny the petition in accordance with any rules adopted by the board division under this section. The board's division's decision is final.

(D) The board division may adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 3796.08. (A)(1) A patient seeking to use medical marijuana or a caregiver seeking to assist a patient in the use or administration of medical marijuana shall
apply to the state board of pharmacy for registration. On and after one hundred eighty days following the effective date of this amendment, a patient seeking to use medical marijuana or a caregiver seeking to assist a patient in the use or administration of medical marijuana shall apply to the division of marijuana control for registration. The physician who holds a certificate to recommend issued by the state medical board and is treating the patient or the physician's delegate shall submit the application on the patient's or caregiver's behalf in the manner established in rules adopted under section 3796.04 3796.03 of the Revised Code.

(2) The application shall include all of the following:

(a) A statement from the physician certifying all of the following:

  (i) That a bona fide physician-patient relationship exists between the physician and patient;
  (ii) That the patient has been diagnosed with a qualifying medical condition;
  (iii) That the physician or physician delegate has requested from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the report;
  (iv) That the physician has informed the patient of the risks and benefits of medical marijuana as it pertains to the patient's qualifying medical condition and medical history.

(b) In the case of an application submitted on behalf of a patient, the name or names of the one or more caregivers that will assist the patient in the use or administration of medical marijuana;

(c) In the case of an application submitted on behalf of a
caregiver, the name of the patient or patients that the caregiver seeks to assist in the use or administration of medical marijuana.

(3) If the application is complete and meets the requirements established in rules, the board or division, as applicable, shall register the patient or caregiver and issue to the patient or caregiver an identification card.

(B) The board or division, as applicable, shall not make public any information reported to or collected by the board or division, as applicable, under this section that identifies or would tend to identify any specific patient.

Information collected by the board or division, as applicable, pursuant to this section is confidential and not a public record. The board or division, as applicable, may share identifying information with a licensed retail dispensary for the purpose of confirming that a person has a valid registration. Information that does not identify a person may be released in summary, statistical, or aggregate form.

(C) A registration expires according to the renewal schedule established in rules adopted under section 3796.04 3796.03 of the Revised Code and may be renewed in accordance with procedures established in those rules.

Sec. 3796.10. (A) An entity that seeks to dispense at retail medical marijuana shall file an application for licensure with the state board of pharmacy division of marijuana control. The entity shall file an application for each location from which it seeks to operate. Each application shall be submitted in accordance with rules adopted under section 3796.04 3796.03 of the Revised Code.

(B) The board division shall issue a license to an applicant if all of the following conditions are met:

(1) The report of the criminal records check conducted
pursuant to section 3796.12 of the Revised Code with respect to
the application demonstrates that the person subject to the
criminal records check requirement has not been convicted of or
pleaded guilty to any of the disqualifying offenses specified in
rules adopted under section 9.79 and division (B)(2)(b) of section
3796.04 3796.03 of the Revised Code.

   (2) The applicant demonstrates that it does not have an
ownership or investment interest in or compensation arrangement
with any of the following:

      (a) A laboratory licensed under this chapter;

      (b) An applicant for a license to conduct laboratory testing.

   (3) The applicant demonstrates that it does not share any
corporate officers or employees with any of the following:

      (a) A laboratory licensed under this chapter;

      (b) An applicant for a license to conduct laboratory testing.

   (4) The applicant demonstrates that it will not be located
within five hundred feet of a school, church, public library,
public playground, or public park.

   (5) The information provided to the board division pursuant
to section 3796.11 of the Revised Code demonstrates that the
applicant is in compliance with the applicable tax laws of this
state.

   (6) The applicant meets all other licensure eligibility
conditions established in rules adopted under section 3796.04
3796.03 of the Revised Code.

   (C) The board division shall issue not less than fifteen per
cent of retail dispensary licenses to entities that are owned and
controlled by United States citizens who are residents of this
state and are members of one of the following economically
disadvantaged groups: Blacks or African Americans, American
Indians, Hispanics or Latinos, and Asians. If no applications or an insufficient number of applications are submitted by such entities that meet the conditions set forth in division (B) of this section, the licenses shall be issued according to usual procedures.

As used in this division, "owned and controlled" means that at least fifty-one per cent of the business, including corporate stock if a corporation, is owned by persons who belong to one or more of the groups set forth in this division, and that those owners have control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to their percentage of ownership.

(D) A license expires according to the renewal schedule established in rules adopted under section 3796.04 of the Revised Code and may be renewed in accordance with the procedures established in those rules.

Sec. 3796.11. (A)(1) Notwithstanding section 149.43 of the Revised Code or any other public records law to the contrary or any law relating to the confidentiality of tax return information, upon the request of the department of commerce or state board of pharmacy division of marijuana control, the department of taxation shall provide to the department of commerce or board division all of the following information:

(a) Whether an applicant for licensure under this chapter is in compliance with the applicable tax laws of this state;

(b) Any past or pending violation by the applicant of those tax laws, and any penalty imposed on the applicant for such a violation.

(2) The department of commerce or board division shall
request the information only as it pertains to an application for licensure that the department of commerce or board division, as applicable, is reviewing.

(3) The department of taxation may charge the department of commerce or board division a reasonable fee to cover the administrative cost of providing the information.

(B) Information received under this section is confidential. Except as otherwise permitted by other state law or federal law, the department of commerce or board division shall not make the information available to any person other than the applicant for licensure to whom the information applies.

Sec. 3796.12. (A) As used in this section, "criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(B)(1) As part of the application process for a license issued under this chapter, the department of commerce or state board of pharmacy, whichever is issuing the license, division of marijuana control shall require each of the following to complete a criminal records check:

(a) An administrator or other person responsible for the daily operation of the entity seeking the license;

(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of the entity seeking the license.

(2) If a person subject to the criminal records check requirement does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested...
information about the person from the federal bureau of
investigation in a criminal records check, the department or board
division shall request that the person obtain through the
superintendent a criminal records request from the federal bureau
of investigation as part of the criminal records check of the
person. Even if a person presents proof of having been a resident
of this state for the five-year period, the department or board
division may request that the person obtain information through
the superintendent from the federal bureau of investigation in the
criminal records check.

(C) The department or board division shall provide the
following to each person who is subject to the criminal records
check requirement:

(1) Information about accessing, completing, and forwarding
to the superintendent of the bureau of criminal identification and
investigation the form prescribed pursuant to division (C)(1) of
section 109.572 of the Revised Code and the standard impression
sheet to obtain fingerprint impressions prescribed pursuant to
division (C)(2) of that section;

(2) Written notification that the person is to instruct the
superintendent to submit the completed report of the criminal
records check directly to the department or board division.

(D) Each person who is subject to the criminal records check
requirement shall pay to the bureau of criminal identification and
investigation the fee prescribed pursuant to division (C)(3) of
section 109.572 of the Revised Code for the criminal records check
conducted of the person.

(E) The report of any criminal records check conducted by the
bureau of criminal identification and investigation in accordance
with section 109.572 of the Revised Code and pursuant to a request
made under this section is not a public record for the purposes of
section 149.43 of the Revised Code and shall not be made available
to any person other than the following:

(1) The person who is the subject of the criminal records
check or the person's representative;

(2) The members and staff of the department or board
division;

(3) A court, hearing officer, or other necessary individual
involved in a case dealing with either of the following:

(a) A license denial resulting from the criminal records
check;

(b) A civil or criminal action regarding the medical
marijuana control program or any violation of this chapter.

(F) The department or board division shall deny a license if,
after receiving the information and notification required by this
section, a person subject to the criminal records check
requirement fails to do either of the following:

(1) Access, complete, or forward to the superintendent of the
bureau of criminal identification and investigation the form
prescribed pursuant to division (C)(1) of section 109.572 of the
Revised Code or the standard impression sheet prescribed pursuant
to division (C)(2) of that section;

(2) Instruct the superintendent to submit the completed
report of the criminal records check directly to the department or
board division.

Sec. 3796.13. (A) Each person seeking employment with an
entity licensed under this chapter shall comply with sections
4776.01 to 4776.04 of the Revised Code. Except as provided in
division (B) of this section, such an entity shall not employ the
person unless the person complies with those sections and the has
submitted a criminal records check under those sections. The
report of the resulting criminal records check demonstrates that the person has not been convicted of or pleaded guilty to the following:

(1) Any of the disqualifying offenses specified in rules adopted under division (B)(8)(a) of section 3796.03 of the Revised Code if the person is seeking employment with an entity licensed by the department of commerce division of marijuana control under this chapter;

(2) Any of the disqualifying offenses specified in rules adopted under division (B)(14)(a) of section 3796.04 of the Revised Code if the person is seeking employment with an entity licensed by the state board of pharmacy under this chapter.

(B) An entity is not prohibited by division (A) of this section from employing a person if the following applies:

(1) In the case of a person seeking employment with an entity licensed by the department of commerce under this chapter, the disqualifying offense the person was convicted of or pleaded guilty to is one of the offenses specified in rules adopted under division (B)(8)(b)(B)(14)(b) of section 3796.03 of the Revised Code and the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.

(2) In the case of a person seeking employment with an entity licensed by the state board of pharmacy under this chapter, the disqualifying offense the person was convicted of or pleaded guilty to is one of the offenses specified in rules adopted under division (B)(14)(b) of section 3796.04 of the Revised Code and the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.
of marijuana control may do any of the following for any reason specified in rules adopted under section 3796.03 of the Revised Code:

(a)(1) Suspend, suspend without prior hearing, revoke, or refuse to renew a license it issued under this chapter or a license or a registration the state board of pharmacy issued prior to the transfer of regulatory authority over the medical marijuana control program to the division;

(b)(2) Refuse to issue a license;

(c)(3) Impose on a license holder a civil penalty in an amount to be determined by the department division.

(4) With respect to a suspension of a retail dispensary license without prior hearing, the division may utilize a telephone conference call to review the allegations and take a vote. The division shall suspend a license without prior hearing only if it finds clear and convincing evidence that continued distribution of medical marijuana by the license holder presents a danger of immediate and serious harm to others. The suspension shall remain in effect, unless lifted by the division, until the division issues its final adjudication order. If the division does not issue the order within ninety days after the adjudication hearing, the suspension shall be lifted on the ninety-first day following the hearing.

The department's division's actions under this division (A) of this section shall be taken in accordance with Chapter 119. of the Revised Code.

(2) The department may inspect the premises of an applicant for licensure or holder of a current, valid cultivator, processor, or laboratory license issued under this chapter without prior notice to the applicant or license holder.
(B)(1) The state board of pharmacy may do any of the following for any reason specified in rules adopted under section 3796.04 of the Revised Code:

(a) Suspend, suspend without prior hearing, revoke, or refuse to renew a license or registration it issued under this chapter;

(b) Refuse to issue a license;

(c) Impose on a license holder a civil penalty in an amount to be determined by the board.

The board's actions under this division shall be taken in accordance with Chapter 119. of the Revised Code.

(2) (B) The board division may inspect all of the following for any reason specified in rules adopted under section 3796.03 of the Revised Code without prior notice to the applicant or license holder:

(a)(1) The premises of an applicant for licensure or holder of a current, valid cultivator, processor, retail dispensary, or laboratory license issued under this chapter;

(b) The premises of and all (2) All records maintained pursuant to this chapter by a holder of a current, valid retail dispensary license.

(3) With respect to a suspension without prior hearing, the board may utilize a telephone conference call to review the allegations and take a vote. The board shall suspend without prior hearing only if it finds clear and convincing evidence that continued distribution of medical marijuana presents a danger of immediate and serious harm to others. The board shall comply with section 119.07 of the Revised Code.

The suspension shall remain in effect, unless lifted by the board, until the board issues its final adjudication order. If the board does not issue the order within ninety days after the
adjudication hearing, the suspension shall be lifted on the ninety-first day following the hearing.

(C) Whenever it appears to the division, from its files, upon complaint, or otherwise, that any person or entity has engaged in, is engaged in, or is about to engage in any practice declared to be illegal or prohibited by this chapter or the rules adopted under this chapter, or when the division believes it to be in the best interest of the public or patients, the division may do any of the following:

(1) Investigate the person or entity as authorized pursuant to this chapter or the rules adopted under this chapter;

(2) Issue subpoenas to any person or entity for the purpose of compelling either of the following:

(a) The attendance and testimony of witnesses;

(b) The production of books, accounts, papers, records, or documents.

(D) If a person or entity fails to comply with any order of the division or a subpoena issued by the division pursuant to this section, a judge of the court of common pleas of the county in which the person resides or the entity may be served, on application of the division, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience with respect to the requirements of a subpoena issued from such court or a refusal to testify in such court.

**Sec. 3796.15.** (A) The state board of pharmacy division of marijuana control shall enforce this chapter, or cause it to be enforced, sections 3796.08, 3796.10, 3796.20, 3796.22, and 3796.23 of the Revised Code. If the division has information that any provision of those sections or any rule adopted under this chapter has been violated, it shall investigate the matter...
and take any action as it considers appropriate.

(B) Nothing in this chapter shall be construed to require the board division to enforce minor violations if the board division determines that the public interest is adequately served by a notice or warning to the alleged offender.

(C) If the board division suspends, revokes, or refuses to renew any license or registration issued under this chapter and determines that there is clear and convincing evidence of a danger of immediate and serious harm to any person, the board division may place under seal all medical marijuana owned by or in the possession, custody, or control of the affected license holder or registrant. Except as provided in this division, the board division of marijuana control shall not dispose of the medical marijuana sealed under this division until the license holder or registrant exhausts all of the holder's or registrant's appeal rights under Chapter 119. of the Revised Code. The court involved in such an appeal may order the board division, during the pendency of the appeal, to sell medical marijuana that is perishable. The board division shall deposit the proceeds of the sale with the court.

Sec. 3796.16. (A)(1) The state board of pharmacy division of marijuana control shall attempt in good faith to negotiate and enter into a reciprocity agreement with any other state under which a medical marijuana registry identification card or equivalent authorization that is issued by the other state is recognized in this state, if the board division determines that both of the following apply:

(a) The eligibility requirements imposed by the other state for that authorization are substantially comparable to the eligibility requirements for a patient or caregiver registration and identification card issued under this chapter.
(b) The other state recognizes a patient or caregiver registration and identification card issued under this chapter.

(2) The board division shall not negotiate any agreement with any other state under which an authorization issued by the other state is recognized in this state other than as provided in division (A)(1) of this section.

(B) If a reciprocity agreement is entered into in accordance with division (A) of this section, the authorization issued by the other state shall be recognized in this state, shall be accepted and valid in this state, and grants the patient or caregiver the same right to use, possess, obtain, or administer medical marijuana in this state as a patient or caregiver who was registered and issued an identification card under this chapter.

(C) The board division may adopt any rules as necessary to implement this section.

Sec. 3796.17. The state board of pharmacy division of marijuana control shall establish a toll-free telephone line to respond to inquiries from patients, caregivers, and health professionals regarding adverse reactions to medical marijuana and to provide information about available services and assistance. The board division may contract with a separate entity to establish and maintain the telephone line on behalf of the board division.

Sec. 3796.19. (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid processor license issued under this chapter may do any of the following:

(1) Obtain medical marijuana from one or more licensed cultivators;

(2) Subject to division (B) of this section, process medical marijuana obtained from one or more licensed cultivators into a
form described in section 3796.06 of the Revised Code;

(3) Deliver or sell processed medical marijuana to one or more licensed retail dispensaries.

(B) When processing medical marijuana, a licensed processor shall do both of the following:

(1) Package the medical marijuana in accordance with child-resistant effectiveness standards described in 16 C.F.R. 1700.15(b) on the effective date of this section September 8, 2016;

(2) Label the medical marijuana packaging with the product's tetrahydrocannabinol and cannabidiol content;

(3) Comply with any packaging or labeling requirements established in rules adopted by the department of commerce division of marijuana control under section 3796.03 of the Revised Code.

Sec. 3796.20. (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid retail dispensary license issued under this chapter, or previously issued by the state board of pharmacy, may do both of the following:

(1) Obtain medical marijuana from one or more processors;

(2) Dispense or sell medical marijuana in accordance with division (B) of this section.

(B) When dispensing or selling medical marijuana, a licensed retail dispensary shall do all of the following:

(1) Dispense or sell only upon a showing of a current, valid identification card and in accordance with a written recommendation issued by a physician in accordance with a holding a certificate to recommend issued by the state medical board under section 4731.30 of the Revised Code;
(2) Report to the drug database the information required by section 4729.771 of the Revised Code;

(3) Label the package containing medical marijuana with the following information:

   (a) The name and address of the licensed processor and retail dispensary;
   (b) The name of the patient and caregiver, if any;
   (c) The name of the physician who recommended treatment with medical marijuana;
   (d) The directions for use, if any, as recommended by the physician;
   (e) The date on which the medical marijuana was dispensed;
   (f) The quantity, strength, kind, or form of medical marijuana contained in the package.

(C) When operating a licensed retail dispensary, both of the following apply:

   (1) A dispensary shall use only employees who have met the training requirements established in rules adopted under section 3796.04 of the Revised Code.

   (2) A dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient.

Sec. 3796.22. (A) Notwithstanding any conflicting provision of the Revised Code, a patient registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following:

   (1) Use medical marijuana;
   (2) Possess medical marijuana, subject to division (B) of
this section;

(3) Possess any paraphernalia or accessories specified in rules adopted under section 3796.04 3796.03 of the Revised Code.

(B) The amount of medical marijuana possessed by a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section 3796.04 3796.03 of the Revised Code.

(C) A registered patient shall not be subject to arrest or criminal prosecution for doing any of the following in accordance with this chapter:

(1) Obtaining, using, or possessing medical marijuana;

(2) Possessing any paraphernalia or accessories specified in rules adopted under section 3796.04 3796.03 of the Revised Code.

(D) This section does not authorize a registered patient to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana.

Sec. 3796.23. (A) Notwithstanding any conflicting provision of the Revised Code, a caregiver registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following:

(1) Possess medical marijuana on behalf of a registered patient under the caregiver's care, subject to division (B) of this section;

(2) Assist a registered patient under the caregiver's care in the use or administration of medical marijuana;

(3) Possess any paraphernalia or accessories specified in rules adopted under section 3796.04 3796.03 of the Revised Code.

(B) The amount of medical marijuana possessed by a registered caregiver on behalf of a registered patient shall not exceed a
ninety-day supply, as specified in rules adopted under section 3796.03 of the Revised Code. If a caregiver provides care to more than one registered patient, the caregiver shall maintain separate inventories of medical marijuana for each patient.

(C) A registered caregiver shall not be subject to arrest or criminal prosecution for doing any of the following in accordance with this chapter:

(1) Obtaining or possessing medical marijuana on behalf of a registered patient;

(2) Assisting a registered patient in the use or administration of medical marijuana;

(3) Possessing any paraphernalia or accessories specified in rules adopted under section 3796.03 of the Revised Code.

(D) This section does not permit a registered caregiver to personally use medical marijuana, unless the caregiver is also a registered patient.

Sec. 3796.27. (A) As used in this section:

(1) "Financial institution" means any of the following:

(a) Any bank, trust company, savings and loan association, savings bank, or credit union or any affiliate, agent, or employee of a bank, trust company, savings and loan association, savings bank, or credit union;

(b) Any money transmitter licensed under sections 1315.01 to 1315.18 of the Revised Code or any affiliate, agent, or employee of such a licensee.

(2) "Financial services" means services that a financial institution is authorized to provide under Title XI, sections 1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as applicable.
(B) A financial institution that provides financial services to any cultivator, processor, retail dispensary, or laboratory licensed under this chapter shall be exempt from any criminal law of this state an element of which may be proven by substantiating that a person provides financial services to a person who possesses, delivers, or manufactures marijuana or marijuana derived products, including section 2925.05 of the Revised Code and sections 2923.01 and 2923.03 of the Revised Code as those sections apply to violations of Chapter 2925. of the Revised Code, if the cultivator, processor, retail dispensary, or laboratory is in compliance with this chapter and the applicable tax laws of this state.

(C)(1) Notwithstanding section 149.43 of the Revised Code or any other public records law to the contrary, upon the request of a financial institution, the department of commerce or state board of pharmacy division of marijuana control shall provide to the financial institution all of the following information:

(a) Whether a person with whom the financial institution is seeking to do business is a cultivator, processor, retail dispensary, or laboratory licensed under this chapter;

(b) The name of any other business or individual affiliated with the person;

(c) An unredacted copy of the application for a license under this chapter, and any supporting documentation, that was submitted by the person;

(d) If applicable, information relating to sales and volume of product sold by the person;

(e) Whether the person is in compliance with this chapter;

(f) Any past or pending violation by the person of this chapter, and any penalty imposed on the person for such a violation.
(2) The department or board division may charge a financial institution a reasonable fee to cover the administrative cost of providing the information.

(D) Information received by a financial institution under division (C) of this section is confidential. Except as otherwise permitted by other state law or federal law, a financial institution shall not make the information available to any person other than the customer to whom the information applies and any trustee, conservator, guardian, personal representative, or agent of that customer.

Sec. 3796.30. (A) Except as provided in division (B) of this section, no medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana shall be located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park.

If the relocation of a cultivator, processor, retail dispensary, or laboratory licensed under this chapter results in the cultivator, processor, retail dispensary, or laboratory being located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park, the department of commerce or state board of pharmacy division of marijuana control shall revoke the license it previously issued to the cultivator, processor, retail dispensary, or laboratory.

(B) This section does not apply to research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

(C) As used in this section and sections 3796.04 3796.03 and
3796.12 of the Revised Code:

"Church" has the meaning defined in section 1710.01 of the Revised Code.

"Public library" means a library provided for under Chapter 3375. of the Revised Code.

"Public park" means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"Public playground" means a playground established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"School" means a child day-care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school.

**Sec. 3796.32.** The state board of pharmacy shall allow the division of marijuana control to access the drug database established and maintained by the board pursuant to section 4729.75 of the Revised Code as needed to ensure compliance with this chapter and rules adopted under this chapter.

**Sec. 3798.12.** As used in this section, "agency" has the same meaning as in section 111.15 of the Revised Code, except that "agency" includes a state college or university, a community college district, a technical college district, or state community college.

(A) Except as provided in division (B) of this section, any of the following pertaining to the confidentiality, privacy, security, or privileged status of protected health information transacted, maintained in, or accessed through a health
information exchange is unenforceable if it conflicts with this chapter:

(1) A section of the Revised Code that is not in this chapter;

(2) A rule as defined in section 119.01 of the Revised Code;

(3) An internal management rule as defined in section 111.15 of the Revised Code;

(4) Guidance issued by an agency;

(5) Orders or regulations of a board of health of a city health district made under section 3709.20 of the Revised Code;

(6) Orders or regulations of a board of health of a general health district made under section 3709.21 of the Revised Code;

(7) An ordinance or resolution adopted by a political subdivision;

(8) A professional code of ethics.

(B) Division (A) of this section does not render unenforceable or restrict in any manner any of the following:

(1) A provision of the Revised Code that on the effective date of this section, September 10, 2012, requires a person or governmental entity to disclose protected health information to a state agency, political subdivision, or other governmental entity;

(2) The confidential status of proceedings and records within the scope of a peer review committee of a health care entity as described in section 2305.252 of the Revised Code;

(3) The confidential status of quality assurance program activities and quality assurance records as described in section 5122.32 of the Revised Code;

(4) The testimonial privilege established by division (B) of section 2317.02 of the Revised Code;
(5) An item described in divisions (A)(1) to (8) of this section that governs any of the following:

(a) The confidentiality, privacy, security, or privileged status of protected health information in the possession or custody of an agency;

(b) The process for obtaining from a patient consent to the provision of health care or consent for participation in medical or other scientific research;

(c) The process for determining whether an adult has a physical or mental impairment or an adult's capacity to make health care decisions for purposes of Chapter 5126. of the Revised Code;

(d) The process for determining whether a minor has been emancipated.

(6) When a minor is authorized to consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including the circumstances described in sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of the Revised Code.

Sec. 3901.021. (A) Three-fourths of all appointment and other fees collected under division (B) of section 3905.20 of the Revised Code shall be paid into the state treasury to the credit of the department of insurance operating fund, which is hereby created. The remaining one-fourth shall be credited to the general revenue fund. Other revenues collected by the superintendent of insurance, such as registration fees for sponsored seminars or conferences and grants from private entities, shall be paid into the state treasury to the credit of the department of insurance operating fund.

(B) Seven-tenths of all fees collected under divisions
(A)(2), (A)(3), and (A)(6) of section 3905.40 of the Revised Code shall be paid into the state treasury to the credit of the department of insurance operating fund. The remaining three-tenths shall be credited to the general revenue fund.

(C) All operating expenses of the department of insurance except, including those expenses defined under section 3901.07 of the Revised Code shall be paid from the department of insurance operating fund.

Sec. 3901.07. (A) As used in this section, "insurer" means any person doing or authorized to do any insurance business in this state.

(B)(1) Before issuing any license to do the business of insurance in this state, the superintendent of insurance, or a person appointed by him the superintendent, may examine the financial affairs of any insurer.

(2) The superintendent, or any person appointed by him the superintendent, may examine, as often as he the superintendent or appointee considers it desirable, the affairs of any insurer and of any person as to any matter relevant to the financial affairs of the insurer or to the examination.

(3) The superintendent, or any person appointed by him the superintendent, shall examine each domestic insurer at least once every three years as to its condition, fulfillment of its contractual obligations, and compliance with applicable laws, provided that he the superintendent or appointee may defer making the examination for a longer period not to exceed five years.

(C) In scheduling and determining the nature, scope, and frequency of any examination authorized or required by division (B) of this section, the superintendent shall consider such matters as the results of financial statement analyses and ratios,
changes in management or ownership, actuarial opinions, reports of
independent certified public accountants, and any other criteria
he the superintendent considers appropriate.

(D) The superintendent, in lieu of making any examination
authorized or required by division (B) of this section, may accept
the report of an examination of a foreign or alien insurer made
and certified by the superintendent of insurance or other
insurance supervisory official of the state or government of
domicile or state of entry. The examination of an alien insurer
shall be limited to its United States business except as otherwise
required by the superintendent.

(E) Whenever the superintendent determines to examine the
affairs of any insurer pursuant to any examination authorized or
required by division (B) of this section, he the superintendent
shall appoint as examiners one or more competent persons not
employed by or interested in any insurer except as a policyholder.
The superintendent shall instruct the examiners as to the scope of
the examination.

Each examiner appointed under this division shall have
convenient access at all reasonable hours to the books, records,
files, securities, and other documents of the insurer, its
managers, agents, or other persons that are relevant to the
examination. The examiner may administer oaths and examine any
person under oath as to any matter relevant to the affairs of the
insurer or the examination.

(F) If the superintendent finds the accounts of an insurer
being examined pursuant to any examination authorized or required
by division (B) of this section to be inadequate or improperly
kept or posted and if the insurer has been afforded a reasonable
opportunity to correct the accounts, the superintendent may employ
or require the insurer to employ experts to rewrite, post, or
balance the accounts. The employment of experts under this
division shall be at the expense of the insurer.

(G) In connection with any examination authorized or required by division (B) of this section, the superintendent may appoint one or more competent persons to appraise the real property of the insurer or any real property on which the insurer holds security.

(H) The examiner in charge of any examination authorized or required by division (B) of this section shall make a true report of the examination, verified under oath, that shall comprise only facts appearing upon the books, records, or other documents of the insurer or its agents or other persons examined, or as ascertained from the sworn testimony of its officers or agents or other persons examined concerning its affairs, and such conclusions and recommendations as may be reasonably warranted from those facts. The reports so verified shall be prima-facie evidence in any action or proceeding for the rehabilitation or liquidation of the insurer brought in the name of the state against the insurer or its officers or agents.

(I) The examined insurer, within thirty days after the postmark on the envelope in which the report was mailed, may file with the superintendent written objections to the report. The objections shall be attached to and made a part of the report, which then shall be placed in the files of the department of insurance as a public record.

(J)(1) The officers, directors, managers, employees, and agents of an insurer shall facilitate in every way any examination authorized or required by division (B) of this section and, to the extent of their authority, aid the examiners and persons appointed or employed pursuant to divisions (E), (F), and (G) of this section in conducting the examination.

(2) No officer, director, manager, employee, or agent of an insurer shall do any of the following:
(a) Fail to comply with division (J)(1) of this section; 57208

(b) Refuse, without just cause, to be examined under oath; 57209

(c) Knowingly obstruct or interfere with an examiner or any 57210
person appointed or employed pursuant to division (E), (F), or (G) 57211
of this section in the exercise of his, the examiner's, 57212
appointee's, or employee's authority under this section. 57213

(3) No insurer shall refuse to submit to an examination 57214
authorized or required by division (B) of this section. The 57215
superintendent, in accordance with Chapter 119. of the Revised 57216
Code, may suspend or revoke or refuse to issue or renew the 57217
license of any insurer that violates division (J)(3) of this 57218
section. 57219

(K) Personnel conducting an examination shall be compensated 57220
for each day or portion thereof worked at the rates provided in 57221
the examiners' handbook published by the national association of 57222
insurance commissioners or the rates applicable to such personnel 57223
under section 124.15 or 124.152 of the Revised Code, whichever are 57224
higher. Such personnel shall also be reimbursed for their travel 57225
and living expenses at rates not to exceed the rates provided in 57226
the examiners' handbook published by the association. Personnel 57227
who are appointed by the superintendent, but are not employees of 57228
the department of insurance, shall be compensated for their work 57229
and travel and living expenses at reasonable and customary rates. 57230

(L) If an examination is made of any insurer, the expenses 57231
thereof shall be paid by the insurer. 57232

The superintendent shall provide each insurer with an 57233
itemized statement of the expenses incurred in the performance of 57234
the examination functions authorized or required by this section. 57235
Upon receipt of the superintendent's statement, the insurer shall 57236
remit the amount thereof to the superintendent who shall remit to 57237
the treasurer of state pursuant to section 3901.071 3901.021 of 57238
the Revised Code for deposit in the superintendent's examination department of insurance operating fund.

(M) As used in this section, "expenses" means:

(1) The entire compensation for each day or portion thereof worked by all personnel, including those who are not employees of the department of insurance, in:

(a) The conduct of such examination calculated at the rates provided in the examiners' handbook published by the national association of insurance commissioners;

(b) The review and analysis of the annual and any interim financial statements of insurers licensed in this state;

(c) The ongoing evaluation and monitoring of the financial affairs of licensed insurers;

(d) The preparation of the premium or franchise tax liability of licensed insurers;

(e) The review and evaluation of foreign and alien insurers seeking a license in this state;

(f) A portion of the training and continuing education costs of examiners.

(2) Travel and living expenses of all personnel, including those who are not employees of the department, directly engaged in the conduct of such examination calculated at rates not to exceed the rates provided in the examiners' handbook published by the association;

(3) All other incidental expenses incurred by or on behalf of such personnel in the conduct of such examination;

(4) An allocated share of all expenses not paid as described in division (M)(1), (2), or (3) of this section that are necessarily incurred in carrying out the duties of the superintendent under this section, including the expenses of
direct overhead and support staff for the examiners and persons appointed or employed pursuant to divisions (E), (F), and (G) of this section.

Sec. 3901.071. All moneys collected by the superintendent of insurance for expenses incurred by the superintendent in conducting examinations pursuant to the Revised Code of the financial affairs of any insurance company doing business in this state, for which the insurance company examined is required to pay the costs, shall be paid to the superintendent. The superintendent shall deposit the money in the state treasury to the credit of the superintendent's examination fund, which is hereby established. Any funds expended or obligated therefrom by the superintendent shall be expended or obligated solely for defrayment of the costs of examinations of the financial affairs of insurance companies made by the superintendent pursuant to the Revised Code department of insurance operating fund. For purposes of this section, "insurance company" means any domestic or foreign stock company, risk retention group, mutual company, mutual protective association, fraternal benefit society, reciprocal or inter-insurance exchange, and health insuring corporation, regardless of the type of coverage written, benefits provided, or guarantees made by each.

Sec. 3902.63. (A) As used in this section, "licensed health professional" means the following:

(1) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(2) An advanced practice registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as an advanced
practice registered nurse and is designated as a clinical
specialist, certified nurse-midwife, or certified nurse
practitioner;

(3) A physician assistant licensed under Chapter 4730. of the
Revised Code.

(B) A health benefit plan shall cover Pasteurized human donor
milk and human milk fortifiers, in both hospital and home
settings, for an infant whose gestationally corrected age is less
than twelve months, if all of the following apply:

(1) A licensed health professional signs an order stating
that human donor milk or human milk fortifiers are medically
necessary because the infant meets any of the following criteria:

(a) The infant has a birth weight less than eighteen hundred
grams or body weight below healthy levels.

(b) The infant has a gestational age at birth of thirty-four
weeks or less.

(c) The infant has any congenital or acquired condition for
which the health professional determines that the use of
pasteurized human donor milk or human milk fortifiers will support
the treatment of the condition and recovery of the infant.

(2) The infant is medically or physically unable to receive
maternal breast milk or participate in breast-feeding, or the
infant's mother is medically or physically unable to produce
breast milk in sufficient quantities or of adequate caloric
density, despite lactation support.

(C) Reimbursement for Pasteurized human donor milk and human
milk fortifiers shall be separate from the hospital payment for
inpatient services.

(D) The superintendent of insurance may adopt rules in
accordance with Chapter 119. of the Revised Code to implement this
Sec. 3919.19. Each corporation, company, or association organized under section 3919.01 of the Revised Code and each applicant for a certificate of authority under this chapter shall be subject to examination by the superintendent of insurance in accordance with section 3901.07 of the Revised Code. Section 3901.07 of the Revised Code shall govern every aspect of the examination, including the circumstances under and frequency with which it is conducted, the authority of the superintendent and any examiner or other person appointed by the superintendent, the liability for the assessment of expenses incurred in conducting the examination, and the remittance of the assessment to the superintendent's examination department of insurance operating fund.

Sec. 3921.28. (A)(1) Each domestic fraternal benefit society and each applicant for a certificate of incorporation as a domestic fraternal benefit society shall be subject to examination by the superintendent of insurance in accordance with section 3901.07 of the Revised Code. Section 3901.07 of the Revised Code shall govern every aspect of the examination, including the circumstances under and frequency with which it is conducted, and the authority of the superintendent and any examiner or other person appointed by the superintendent.

(2)(a) A domestic fraternal benefit society shall be liable for the payment of any additional expense of an examination resulting from unreasonable delays by the society in fulfilling a request for documents or information by the examiner conducting the examination. A delay is deemed unreasonable if the examiner has made two separate unfulfilled requests for the same documents or information. A request for records or information from an examiner shall allow the fraternal benefit society a minimum of
ten business days to fulfill the request.

(b) In the event of an unreasonable delay, the examiner shall notify the superintendent, who shall set a hearing, under Chapter 119. of the Revised Code, to determine if there has been an unreasonable delay because of the fraternal benefit society's response to a request for documents or information and to calculate the additional expense incurred by the superintendent as a result of the unreasonable delay.

(3) A summary of the examination of the superintendent and any recommendations or statements of the superintendent that accompany the report, shall be read at the first meeting of the board of directors or corresponding body of the society following the receipt thereof, and if directed so to do by the superintendent, shall also be read at the first meeting of the supreme legislative or governing body of the society following the receipt thereof. A copy of the report, recommendations, and statements of the superintendent shall be furnished by the society to each member of the board of directors or other governing body.

(B) Each foreign or alien fraternal benefit society transacting or applying for admission to transact business in this state shall be subject to examination by the superintendent in accordance with section 3901.07 of the Revised Code. Section 3901.07 of the Revised Code shall govern every aspect of the examination, including the circumstances under and frequency with which it is conducted, the authority of the superintendent and any examiner or other person appointed by the superintendent, the liability for the assessment of expenses incurred in conducting the examination, and the remittance of the assessment to the superintendent's examination department of insurance operating fund.

Sec. 3923.332. (A) No medicare supplement policy or
certificate in force in this state shall contain benefits that duplicate benefits provided by medicare.

(B) Notwithstanding section 3923.04 of the Revised Code or any other provision of law of this state, a medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six months from the effective date of coverage because it involved a preexisting condition. The policy or certificate shall not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of coverage.

(C) The superintendent of insurance shall adopt reasonable rules to establish specific standards for policy provisions of medicare supplement policies and certificates. The standards shall be in addition to and in accordance with applicable laws of this state, including sections 3923.03 to 3923.09 of the Revised Code. No requirement in Title XVII or XXXIX of the Revised Code relating to minimum required policy benefits, other than the minimum standards contained in section 3923.33 and sections 3923.331 to 3923.339 of the Revised Code, shall apply to medicare supplement policies and certificates. The standards may cover, but are not limited to:

(1) Terms of renewability;
(2) Initial and subsequent conditions of eligibility;
(3) Nonduplication of coverage;
(4) Probationary periods;
(5) Benefit limitations, exceptions, and reductions;
(6) Elimination periods;
(7) Requirements for replacement;
(8) Recurrent conditions; and
(9) Definitions of terms.

(D) The superintendent shall adopt reasonable rules to
establish minimum standards for benefits, claims payment,
advertising and marketing practices and compensation arrangements,
and reporting practices, for medicare supplement policies and
certificates.

(1) The superintendent shall not prohibit the following types of solicitation:

(a) Print solicitation such as leaflets, flyers, or door
hangers left at residences or on motor vehicles;

(b) In-person solicitations of individuals at the
individual's residence or in public or common areas such as
parking lots, hallways, lobbies, or sidewalks;

(c) Telephonic or electronic solicitation such as electronic
voicemail messages, text messages, or direct social media
messages.

(2) The superintendent may prohibit in-person solicitation at
nursing homes and residential care facilities. As used in this
division, "nursing home" and "residential care facility" have the
same meanings as in section 3721.01 of the Revised Code.

(E) The superintendent may adopt from time to time such
reasonable rules as are necessary to conform medicare supplement
policies and certificates to the requirements of federal law and
regulations promulgated thereunder, including but not limited to:

(1) Requiring refunds or credits if the policies or
certificates do not meet loss ratio requirements;

(2) Establishing a uniform methodology for calculating and
reporting loss ratios;

(3) Assuring public access to policies, premiums, and loss
ratio information of issuers of medicare supplement insurance;
(4) Establishing a process for approving or disapproving policy forms and certificate forms and proposed premium increases;

(5) Establishing a policy for holding public hearings prior to approval of premium increases; and

(6) Establishing standards for medicare select policies and certificates.

(F) The superintendent may adopt reasonable rules that specify prohibited policy provisions not otherwise specifically authorized by any provision in the Revised Code that, in the opinion of the superintendent, are unjust, unfair, or unfairly discriminatory to any person insured or proposed to be insured under a medicare supplement policy or certificate.

Sec. 3930.13. The Ohio commercial insurance joint underwriting association shall be subject to examination by the superintendent of insurance in accordance with section 3901.07 of the Revised Code. Section 3901.07 of the Revised Code shall govern every aspect of the examination, including the circumstances under and frequency with which it is conducted, the authority of the superintendent and any examiner or other person appointed by the superintendent, the liability for the assessment of expenses incurred in conducting the examination, and the remittance of the assessment to the superintendent's examination department of insurance operating fund.

Sec. 3931.08. Each attorney designated under section 3931.01 of the Revised Code and each applicant for a license under section 3931.10 of the Revised Code shall be subject to examination by the superintendent of insurance in accordance with section 3901.07 of the Revised Code. Section 3901.07 of the Revised Code shall govern every aspect of the examination, including the circumstances under and frequency with which it is conducted, the authority of the superintendents of insurance in the

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superintendent and any examiner or other person appointed by the superintendent, the liability for the assessment of expenses incurred in conducting the examination, and the remittance of the assessment to the superintendent's examination department of insurance operating fund.

As used in section "expenses" means those items included under division (M) of section 3901.07 of the Revised Code.

Sec. 3959.12. (A) Any license issued under sections 3959.01 to 3959.16 of the Revised Code may be suspended for a period not to exceed two years, revoked, or not renewed by the superintendent of insurance after notice to the licensee and hearing in accordance with Chapter 119. of the Revised Code. The superintendent may suspend, revoke, or refuse to renew a license if upon investigation and proof the superintendent finds that the licensee has done any of the following:

(1) Knowingly violated any provision of sections 3959.01 to 3959.16 or 3959.20 of the Revised Code or any rule promulgated by the superintendent;

(2) Knowingly made a material misstatement in the application for the license;

(3) Obtained or attempted to obtain a license through misrepresentation or fraud;

(4) Misappropriated or converted to the licensee's own use or improperly withheld insurance company premiums or contributions held in a fiduciary capacity, excluding, however, any interest earnings received by the administrator as disclosed in writing by the administrator to the plan sponsor;

(5) In the transaction of business under the license, used fraudulent, coercive, or dishonest practices;

(6) Failed to appear without reasonable cause or excuse in
response to a subpoena, examination, warrant, or other order lawfully issued by the superintendent;

(7) Is affiliated with or under the same general management or interlocking directorate or ownership of another administrator that transacts business in this state and is not licensed under sections 3959.01 to 3959.16 of the Revised Code;

(8) Had a license suspended, revoked, or not renewed in any other state, district, territory, or province on grounds identical to those stated in sections 3959.01 to 3959.16 of the Revised Code;

(9) Been convicted of a financially related felony;

(10) Failed to report a felony conviction as required under section 3959.13 of the Revised Code.

(B) Upon receipt of notice of the order of suspension in accordance with sections 119.05 and 119.07 of the Revised Code, the licensee shall promptly deliver the license to the superintendent, unless the order of suspension is appealed under section 119.12 of the Revised Code.

(C) Any person whose license is revoked or whose application is denied pursuant to sections 3959.01 to 3959.16 of the Revised Code is ineligible to apply for an administrators license for two years.

(D) The superintendent may impose a monetary fine against a licensee if, upon investigation and after notice and opportunity for hearing in accordance with Chapter 119. of the Revised Code, the superintendent finds that the licensee has done either of the following:

(1) Committed fraud or engaged in any illegal or dishonest activity in connection with the administration of pharmacy benefit management services;
(2) Violated any provision of section 3959.111 of the Revised Code or any rule adopted by the superintendent pursuant to or to implement that section.

Sec. 3964.03. (A) A captive insurance company shall be organized under Chapter 1701., 1702., 1705., or 1706. of the Revised Code.

(B) A captive insurance company shall not operate in this state unless all of the following are met:

(1) The captive insurance company obtains from the superintendent a license to do the business of captive insurance in this state.

(2) The captive insurance company's board of directors holds at least one meeting each year in this state.

(3) The captive insurance company maintains its principal place of business in this state.

(4) The person managing the captive insurance company is a resident of this state.

(5) The captive insurance company appoints a registered agent to accept service of process and act on its behalf in this state.

(C) Whenever an agent required under division (B)(5) of this section cannot, with reasonable diligence, be found at the registered office of the captive insurance company, the superintendent shall be an agent of such a captive insurance company upon whom any process, notice, or demand may be served.

(D) A captive insurance company seeking a license to be a captive insurance company in this state shall file an application with the superintendent and shall submit all of the following along with the application:

(1) A certified copy of its articles of incorporation,
(2) A statement, made under oath by the president and
secretary, in a form prescribed by the superintendent, showing the
captive insurance company's financial condition;

(3) A statement of the captive insurance company's assets
relative to its risks, detailing the amount of assets and their
liquidity;

(4) An account of the adequacy of the expertise, experience,
and character of the person or persons who will manage the captive
insurance company;

(5) An account of the loss prevention programs of the persons
that the captive insurance company insures;

(6) Actuarial assumptions and methodologies that will be
utilized in calculating reserves;

(7) Any other information considered necessary by the
superintendent to determine whether the proposed captive insurance
company will be able to meet its obligations.

(E)(1) A special purpose financial captive insurance company
shall follow the national association of insurance commissioner's
accounting practices and procedures manual.

(2)(a) Upon request, the superintendent may allow a special
purpose financial captive insurance company to use a reserve basis
other than that found in the national association of insurance
commissioner's accounting practices and procedures manual.

(b) The superintendent, in accordance with Chapter 119. of
the Revised Code, shall adopt rules that define acceptable
alternative reserve bases.

(c) Such rules shall be adopted prior to availability for use
of any such alternative reserve basis and shall ensure that the
resulting reserves meet all of the following conditions:
(i) Quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring during the lifetime of the contracts. For policies or contracts with significant tail risk, reflects conditions appropriately adverse to quantify the tail risk.

(ii) Incorporate assumptions, risk analysis methods, and financial models and management techniques that are consistent with, but not necessarily identical to, those utilized within the company's overall risk assessment process, while recognizing potential differences in financial reporting structures and any prescribed assumptions or methods;

(iii) Provide margins for uncertainty including adverse deviation and estimation error, such that the greater the uncertainty the larger the margin and resulting reserve.

(d) An alternative basis for calculating a reserve approved by the superintendent shall be treated as a public document after the date the alternative basis for calculating the reserve has been approved, regardless of the application of the uniform trade secrets act set forth in sections 1333.61 to 1333.69 of the Revised Code.

(3) The special purpose financial captive insurance company shall submit a request for an alternative reserve basis in writing, and affirmed by the company's appointed actuary, that includes, at a minimum, the following information for the superintendent to consider in evaluating the request:

(a) The reserves based on the national association of insurance commissioner's accounting practices and procedures manual and the reserves based on the proposed alternative method for calculation and the difference between these two calculations;
(b) A detailed analysis of the proposed alternative method explaining why the use of an alternative basis for calculating the reserve is appropriate;

(c) All assumptions utilized within the proposed alternative method, together with the source of the assumptions, as well as information, satisfactory to the superintendent, supporting the appropriateness of the assumptions and analysis and identifying the assumptions that result in the greatest variability in the reserve and how that analysis was used in setting those assumptions;

(d) A detailed overview of the corporate governance and oversight of the actuarial valuation function;

(e) Any other information the superintendent may require to assess the proposed alternative method for approval or disapproval.

(4) At the expense of the special purpose financial captive insurance company, the superintendent may require the company to secure the affirmation of an independent qualified actuary in support of any alternative basis for calculating the reserve that is requested pursuant to this section or to assist the superintendent in the review of said request.

(5) If the superintendent approves the use of an alternative basis for calculating a reserve, the special purpose financial captive insurance company, and the ceding insurer shall each include a note in its financial statements disclosing the use of a basis other than the national association of insurance commissioner's accounting practices and procedures manual and the difference between the reserve amount determined under the alternative basis and the reserve amount that would have been determined had the company utilized the national association of insurance commissioner's accounting practices and procedures manual.
(6) (a) The superintendent shall establish an acceptable total capital and surplus requirement for each insurance company that will cede risks and obligations to a special purpose financial captive insurance company. The total capital and surplus requirement must be met at the time the special purpose financial captive insurance company applies for a license to do the business of captive insurance. The total capital and surplus requirement shall be determined in accordance with a minimum required total capital and surplus methodology that meets both of the following requirements:

(i) Is consistent with current risk-based capital principles;

(ii) Takes into account all material risks and obligations, as well as the assets, of the insurance company.

(b) An insurance company ceding risks and obligations to a special purpose financial captive insurance company shall fully disclose all material risks and obligations, as well as its assets and all affiliated captive insurance company risks. The ceding insurance company shall advise the superintendent whenever there is a material change to such risks, obligations, or assets.

(F) In determining whether to approve an application for a license, the superintendent shall consider all of the following:

(1) The character, reputation, financial standing, and purposes of the incorporators, or other founders, of the captive insurance company;

(2) The character, reputation, financial responsibility, experience relating to insurance, and business qualifications of the officers and directors of the captive insurance company;

(3) The amount of liquidity and assets of the captive insurance company relative to the risks to be assumed;
(4) The adequacy of the expertise, experience, and character of the person or persons who will manage the captive insurance company;

(5) The overall soundness of the plan of operation;

(6) The adequacy of the loss prevention programs of the persons that the captive insurance company insures.

(G)(1) Each captive insurance company that offers direct insurance to its parent shall submit to the superintendent for approval a detailed description of the coverages, deductibles, coverage limits, proposed rates or rating plans, documentation from a qualified actuary that demonstrates the actuarial soundness of the proposed rates or rating plans, and other such additional information as the superintendent may require.

(2)(a) Any captive insurance company licensed under the provisions of this chapter that seeks to make any material change to any item described in division (G)(1) of this section shall submit to the superintendent for approval a detailed description of the revision, documentation from a qualified actuary that demonstrates the actuarial soundness of the revised rates or rating plans, and other such additional information as the superintendent may require.

(b) Each filing under division (G)(2)(a) of this section is deemed approved thirty days after the filing is received by the superintendent of insurance, unless the filing is disapproved by the superintendent during that thirty-day period.

(c) If at any time subsequent to the thirty-day review period the superintendent finds that a filing does not demonstrate actuarial soundness, the superintendent shall hold a hearing requiring the captive insurance company to show cause why an order should not be made by the superintendent to disapprove the revised rates or rating plans.
(d) If, upon such a hearing, the superintendent finds that the captive insurance company failed to demonstrate the actuarial soundness of the rates or rating plans, the superintendent shall issue an order directing the captive insurance company to cease and desist from using the revised rates or rating plans and to use rates or rating plans as determined appropriate by the superintendent.

(H) Except as otherwise provided in this division, documents and information submitted by a captive insurance company pursuant to this section are not subject to section 149.43 of the Revised Code, and are confidential, and may not be disclosed by the superintendent or any employee of the department of insurance without the written consent of the company.

(1) Such documents and information may be discoverable in a civil action in which the captive insurance company filing the material is a party upon a finding by a court of competent jurisdiction that the information sought is relevant and necessary to the case and the information sought is unavailable from other, nonconfidential sources.

(2) The superintendent may, at the superintendent's sole discretion, share documents required under this section with the chief deputy rehabilitator, the chief deputy liquidator, other deputy rehabilitators and liquidators, and any other person employed by, or acting on behalf of the superintendent pursuant to Chapter 3901. or 3903. of the Revised Code, with other local, state, federal, and international regulatory and law enforcement agencies, with local, state, and federal prosecutors, and with the national association of insurance commissioners and its affiliates and subsidiaries provided that the recipient agrees to maintain the confidential or privileged status of the documents and has authority to do so.

(I)(1) Each applicant for a license to do the business of a
captive insurance company in this state shall pay to the superintendent a nonrefundable fee of five hundred dollars for processing its application for a license. The superintendent is authorized to retain legal, financial, and examination services from outside the department, at the expense of the applicant. Each captive insurance company shall annually pay a license renewal fee of five hundred dollars.

(2) The fees collected pursuant to division (I)(1) of this section shall be deposited into the state treasury to the credit of the captive department of insurance regulation and supervision operating fund created under section 3964.15 of the Revised Code.

Sec. 3964.13. (A)(1) Not later than the second day of March of each year, a captive insurance company shall pay to the superintendent of insurance a fee computed in accordance with both of the following:

(a) 0.35 per cent on its net direct premiums;

(b) 0.15 per cent on revenue from assumed reinsurance premiums.

(2) The annual minimum aggregate fee to be paid by a captive insurance company calculated under this division shall be seven thousand five hundred dollars. The annual maximum aggregate fee to be paid by a captive insurance company calculated under this division shall be two hundred fifty thousand dollars.

(B) The fee on reinsurance premiums set forth under division (A)(1)(b) of this section shall not be levied on premiums for risks or portions of risks that are subject to the fee under division (A)(1)(a) of this section.

(C) A captive insurance company shall not pay any reinsurance fee pursuant to division (A)(1)(b) of this section on revenue related to the receipt of assets by the captive insurance company.
in exchange for the assumption of loss reserves and other 57785
liabilities of another insurance company that is under common 57786
ownership and control with the captive insurance company, if the 57787
transaction is part of a plan to discontinue the operation of the 57788
other insurance company and the intent of the exchange is to renew 57789
or maintain such business with the captive insurance company. 57790

(D)(1) The fee imposed in division (A) of this section shall 57791
be calculated on an annual basis, notwithstanding policies, 57792
contracts, insurance, or contracts of reinsurance issued on a 57793
multi-year basis.

(2) In the case of multi-year policies or contracts, the 57794
premium shall be prorated for purposes of determining the fee 57795
required under division (A) of this section.

(E) All fees collected under this section shall be deposited 57796
into the state treasury to the credit of the captive department of 57797
insurance regulation and supervision operating fund.

Sec. 3964.15. (A) There is hereby created in the state 57801
treasury the captive insurance regulation and supervision fund, 57802
which shall consist of all fees, fines, penalties, and assessments 57803
received by the superintendent under this chapter.

(B) The superintendent may charge captive insurance companies 57804
for any of the following expenses incurred in carrying out this 57805
chapter:

(1) The entire compensation for each day, or portion thereof, 57806
worked by all personnel, including those who are not employees of 57807
the department of insurance, in any of the following capacities:

(a) The conduct of an examination, calculated at the rates 57808
provided in the financial condition examiners' handbook published 57809
by the national association of insurance commissioners;

(b) The review and analysis of a company's annual report 57810
submitted pursuant to section 3964.07 of the Revised Code, and any interim financial statements and examination reports or related documents of captive insurance companies in this state;

(c) The ongoing evaluation and monitoring of the financial affairs of captive insurance companies;

(d) The determination and review of the premium franchise fee liability of a captive insurance company;

(e) The training and continuing education costs of examiners and analysts.

(2) Travel and living expenses of all personnel, including those who are not employees of the department of insurance, directly engaged in the conduct of an examination calculated at rates not to exceed the rates provided in the financial condition examiners' handbook published by the national association of insurance commissioners;

(3) All other incidental expenses incurred by or on behalf of such personnel in the conduct of such examination;

(4) An allocated share of all expenses not described in division (B)(1)(A)(1), (2), or (3) of this section, but that are necessarily incurred in carrying out the duties of the superintendent under this chapter, including the expenses of direct overhead and support staff for the examiners and persons appointed or employed pursuant to section 3964.08 of the Revised Code.

(C) All amounts collected by the superintendent under division (B)(A) of this section shall be deposited into the state treasury to the credit of the captive department of insurance regulation and supervision operating fund.

(D) At the discretion of the superintendent, the expenses of the captive insurance regulation and supervision fund may be
covered by the department of insurance operating fund created
under section 3901.021 of the Revised Code.

(E)(C) As used in this section, "examination" means the
examination required under section 3964.08 of the Revised Code.

Sec. 4117.14. (A) The procedures contained in this section
govern the settlement of disputes between an exclusive
representative and a public employer concerning the termination or
modification of an existing collective bargaining agreement or
negotiation of a successor agreement, or the negotiation of an
initial collective bargaining agreement.

(B)(1) In those cases where there exists a collective
bargaining agreement, any public employer or exclusive
representative desiring to terminate, modify, or negotiate a
successor collective bargaining agreement shall:

(a) Serve written notice upon the other party of the proposed
termination, modification, or successor agreement. The party must
serve the notice not less than sixty days prior to the expiration
date of the existing agreement or, in the event the existing
collective bargaining agreement does not contain an expiration
date, not less than sixty days prior to the time it is proposed to
make the termination or modifications or to make effective a
successor agreement.

(b) Offer to bargain collectively with the other party for
the purpose of modifying or terminating any existing agreement or
negotiating a successor agreement;

(c) Notify the state employment relations board of the offer
by serving upon the board a copy of the written notice to the
other party and a copy of the existing collective bargaining
agreement.

(2) In the case of initial negotiations between a public
employer and an exclusive representative, where a collective bargain-
ing agreement has not been in effect between the parties, any party may serve notice upon the board and the other party setting forth the names and addresses of the parties and offering to meet, for a period of ninety days, with the other party for the purpose of negotiating a collective bargaining agreement.

If the settlement procedures specified in divisions (B), (C), and (D) of this section govern the parties, where those procedures refer to the expiration of a collective bargaining agreement, it means the expiration of the sixty-day period to negotiate a collective bargaining agreement referred to in this subdivision, or in the case of initial negotiations, it means the ninety-day period referred to in this subdivision.

(3) The parties shall continue in full force and effect all the terms and conditions of any existing collective bargaining agreement, without resort to strike or lock-out, for a period of sixty days after the party gives notice or until the expiration date of the collective bargaining agreement, whichever occurs later, or for a period of ninety days where applicable.

(4) Upon receipt of the notice, the parties shall enter into collective bargaining.

(C) In the event the parties are unable to reach an agreement, they may submit, at any time prior to forty-five days before the expiration date of the collective bargaining agreement, the issues in dispute to any mutually agreed upon dispute settlement procedure which supersedes the procedures contained in this section.

(1) The procedures may include:

(a) Conventional arbitration of all unsettled issues;

(b) Arbitration confined to a choice between the last offer of each party to the agreement as a single package;
(c) Arbitration confined to a choice of the last offer of each party to the agreement on each issue submitted;

(d) The procedures described in division (C)(1)(a), (b), or (c) of this section and including among the choices for the arbitrator, the recommendations of the fact finder, if there are recommendations, either as a single package or on each issue submitted;

(e) Settlement by a citizens' conciliation council composed of three residents within the jurisdiction of the public employer. The public employer shall select one member and the exclusive representative shall select one member. The two members selected shall select the third member who shall chair the council. If the two members cannot agree upon a third member within five days after their appointments, the board shall appoint the third member. Once appointed, the council shall make a final settlement of the issues submitted to it pursuant to division (G) of this section.

(f) Any other dispute settlement procedure mutually agreed to by the parties.

(2) If, fifty days before the expiration date of the collective bargaining agreement, the parties are unable to reach an agreement, any party may request the state employment relations board to intervene. The request shall set forth the names and addresses of the parties, the issues involved, and, if applicable, the expiration date of any agreement.

The board shall intervene and investigate the dispute to determine whether the parties have engaged in collective bargaining.

If an impasse exists or forty-five days before the expiration date of the collective bargaining agreement if one exists, the board shall appoint a mediator to assist the parties in the
collective bargaining process.

(3) Any time after the appointment of a mediator, either party may request the appointment of a fact-finding panel. Within fifteen days after receipt of a request for a fact-finding panel, the board shall appoint a fact-finding panel of not more than three members who have been selected by the parties in accordance with rules established by the board, from a list of qualified persons maintained by the board.

(a) The fact-finding panel shall, in accordance with rules and procedures established by the board that include the regulation of costs and expenses of fact-finding, gather facts and make recommendations for the resolution of the matter. The board shall by its rules require each party to specify in writing the unresolved issues and its position on each issue to the fact-finding panel. The fact-finding panel shall make final recommendations as to all the unresolved issues.

(b) The board may continue mediation, order the parties to engage in collective bargaining until the expiration date of the agreement, or both.

(4) The following guidelines apply to fact-finding:

(a) The fact-finding panel may establish times and place of hearings which shall be, where feasible, in the jurisdiction of the state.

(b) The fact-finding panel shall conduct the hearing pursuant to rules established by the board.

(c) Upon request of the fact-finding panel, the board shall issue subpoenas for hearings conducted by the panel.

(d) The fact-finding panel may administer oaths.

(e) The board shall prescribe guidelines for the fact-finding panel to follow in making findings. In making its recommendations,
the fact-finding panel shall take into consideration the factors listed in divisions (G)(7)(a) to (f) of this section.

(f) The fact-finding panel may attempt mediation at any time during the fact-finding process. From the time of appointment until the fact-finding panel makes a final recommendation, it shall not discuss the recommendations for settlement of the dispute with parties other than the direct parties to the dispute.

(5) The fact-finding panel, acting by a majority of its members, shall transmit its findings of fact and recommendations on the unresolved issues to the public employer and employee organization involved and to the board no later than fourteen days after the appointment of the fact-finding panel, unless the parties mutually agree to an extension. The parties shall share the cost of the fact-finding panel in a manner agreed to by the parties.

(6)(a) Not later than seven days after the findings and recommendations are sent, the legislative body, by a three-fifths vote of its total membership, and in the case of the public employee organization, the membership, by a three-fifths vote of the total membership, may reject the recommendations; if neither rejects the recommendations, the recommendations shall be deemed agreed upon as the final resolution of the issues submitted and a collective bargaining agreement shall be executed between the parties, including the fact-finding panel's recommendations, except as otherwise modified by the parties by mutual agreement. If either the legislative body or the public employee organization rejects the recommendations, the board shall publicize the findings of fact and recommendations of the fact-finding panel. The board shall adopt rules governing the procedures and methods for public employees to vote on the recommendations of the fact-finding panel.

(b) As used in division (C)(6)(a) of this section,
"legislative body" means the controlling board when the state or any of its agencies, authorities, commissions, boards, or other branch of public employment is party to the fact-finding process.

(D) If the parties are unable to reach agreement within seven days after the publication of findings and recommendations from the fact-finding panel or the collective bargaining agreement, if one exists, has expired, then the:

(1) Public employees, who are members of a police or fire department, members of the state highway patrol, deputy sheriffs, dispatchers employed by a police, fire, or sheriff's department or the state highway patrol or civilian dispatchers employed by a public employer other than a police, fire, or sheriff's department to dispatch police, fire, sheriff's department, or emergency medical or rescue personnel and units, an exclusive nurse's unit, employees of Ohio deaf and blind education services, employees of any public employee retirement system, corrections officers, guards at penal or mental institutions, special police officers appointed in accordance with sections 5119.08 and 5123.13 of the Revised Code, psychiatric attendants employed at mental health forensic facilities, youth leaders employed at juvenile correctional facilities, or members of a law enforcement security force that is established and maintained exclusively by a board of county commissioners and whose members are employed by that board, shall submit the matter to a final offer settlement procedure pursuant to a board order issued forthwith to the parties to settle by a conciliator selected by the parties. The parties shall request from the board a list of five qualified conciliators and the parties shall select a single conciliator from the list by alternate striking of names. If the parties cannot agree upon a conciliator within five days after the board order, the board shall on the sixth day after its order appoint a conciliator from
a list of qualified persons maintained by the board or shall request a list of qualified conciliators from the American arbitration association and appoint therefrom.

(2) Public employees other than those listed in division (D)(1) of this section have the right to strike under Chapter 4117. of the Revised Code provided that the employee organization representing the employees has given a ten-day prior written notice of an intent to strike to the public employer and to the board, and further provided that the strike is for full, consecutive work days and the beginning date of the strike is at least ten work days after the ending date of the most recent prior strike involving the same bargaining unit; however, the board, at its discretion, may attempt mediation at any time.

(E) Nothing in this section shall be construed to prohibit the parties, at any time, from voluntarily agreeing to submit any or all of the issues in dispute to any other alternative dispute settlement procedure. An agreement or statutory requirement to arbitrate or to settle a dispute pursuant to a final offer settlement procedure and the award issued in accordance with the agreement or statutory requirement is enforceable in the same manner as specified in division (B) of section 4117.09 of the Revised Code.

(F) Nothing in this section shall be construed to prohibit a party from seeking enforcement of a collective bargaining agreement or a conciliator's award as specified in division (B) of section 4117.09 of the Revised Code.

(G) The following guidelines apply to final offer settlement proceedings under division (D)(1) of this section:

(1) The parties shall submit to final offer settlement those issues that are subject to collective bargaining as provided by section 4117.08 of the Revised Code and upon which the parties
have not reached agreement and other matters mutually agreed to by the public employer and the exclusive representative; except that the conciliator may attempt mediation at any time.

(2) The conciliator shall hold a hearing within thirty days of the board's order to submit to a final offer settlement procedure, or as soon thereafter as is practicable.

(3) The conciliator shall conduct the hearing pursuant to rules developed by the board. The conciliator shall establish the hearing time and place, but it shall be, where feasible, within the jurisdiction of the state. Not later than five calendar days before the hearing, each of the parties shall submit to the conciliator, to the opposing party, and to the board, a written report summarizing the unresolved issues, the party's final offer as to the issues, and the rationale for that position.

(4) Upon the request by the conciliator, the board shall issue subpoenas for the hearing.

(5) The conciliator may administer oaths.

(6) The conciliator shall hear testimony from the parties and provide for a written record to be made of all statements at the hearing. The board shall submit for inclusion in the record and for consideration by the conciliator the written report and recommendation of the fact-finders.

(7) After hearing, the conciliator shall resolve the dispute between the parties by selecting, on an issue-by-issue basis, from between each of the party's final settlement offers, taking into consideration the following:

(a) Past collectively bargained agreements, if any, between the parties;

(b) Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit.
involved with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;

(c) The interests and welfare of the public, the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standard of public service;

(d) The lawful authority of the public employer;

(e) The stipulations of the parties;

(f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding, or other impasse resolution procedures in the public service or in private employment.

(8) Final offer settlement awards made under Chapter 4117. of the Revised Code are subject to Chapter 2711. of the Revised Code.

(9) If more than one conciliator is used, the determination must be by majority vote.

(10) The conciliator shall make written findings of fact and promulgate a written opinion and order upon the issues presented to the conciliator, and upon the record made before the conciliator and shall mail or otherwise deliver a true copy thereof to the parties and the board.

(11) Increases in rates of compensation and other matters with cost implications awarded by the conciliator may be effective only at the start of the fiscal year next commencing after the date of the final offer settlement award; provided that if a new fiscal year has commenced since the issuance of the board order to submit to a final offer settlement procedure, the awarded
increases may be retroactive to the commencement of the new fiscal year. The parties may, at any time, amend or modify a conciliator's award or order by mutual agreement.

(12) The parties shall bear equally the cost of the final offer settlement procedure.

(13) Conciliators appointed pursuant to this section shall be residents of the state.

(H) All final offer settlement awards and orders of the conciliator made pursuant to Chapter 4117. of the Revised Code are subject to review by the court of common pleas having jurisdiction over the public employer as provided in Chapter 2711. of the Revised Code. If the public employer is located in more than one court of common pleas district, the court of common pleas in which the principal office of the chief executive is located has jurisdiction.

(I) The issuance of a final offer settlement award constitutes a binding mandate to the public employer and the exclusive representative to take whatever actions are necessary to implement the award.

Sec. 4117.15. (A) Whenever a strike by members of a police or fire department, members of the state highway patrol, deputy sheriffs, dispatchers employed by a police, fire, or sheriff's department or the state highway patrol or civilian dispatchers employed by a public employer other than a police, fire, or sheriff's department to dispatch police, fire, sheriff's department, or emergency medical or rescue personnel and units, an exclusive nurse's unit, employees of the state school for the deaf or the state school for the blind Ohio deaf and blind education services, employees of any public employee retirement system, correction officers, guards at penal or mental institutions, or special police officers appointed in accordance with sections
5119.08 and 5123.13 of the Revised Code, psychiatric attendants employed at mental health forensic facilities, youth leaders employed at juvenile correctional facilities, or members of a law enforcement security force that is established and maintained exclusively by a board of county commissioners and whose members are employed by that board, a strike by other public employees during the pendency of the settlement procedures set forth in section 4117.14 of the Revised Code, or a strike during the term or extended term of a collective bargaining agreement occurs, the public employer may seek an injunction against the strike in the court of common pleas of the county in which the strike is located.

(B) An unfair labor practice by a public employer is not a defense to the injunction proceeding noted in division (A) of this section. Allegations of unfair labor practices during the settlement procedures set forth in section 4117.14 of the Revised Code shall receive priority by the state employment relations board.

(C) No public employee is entitled to pay or compensation from the public employer for the period engaged in any strike.

Sec. 4121.443. (A) The bureau of workers' compensation may summarily suspend the certification of a provider to participate in the health partnership program created under sections 4121.44 and 4121.441 of the Revised Code without a prior hearing if the bureau determines any of the following apply to the provider:

(1) The professional license, certification, or registration held by the provider to practice the provider's profession has been revoked or suspended for an indefinite period of time or for a period of more than thirty days, subsequent to the provider's certification to participate in the health partnership program.

(2) The provider has been convicted of or has pleaded guilty
to a violation of section 2913.48 or sections 2923.31 to 2923.36 of the Revised Code or has been convicted of or pleaded guilty to any other criminal offense related to the delivery of or billing for health care services.

(3) The bureau determines, by clear and convincing evidence, that the continued participation by the provider in the health partnership program presents a danger of immediate and serious harm to claimants.

(B) The bureau shall issue a written order of summary suspension by certified mail or in person in accordance with section sections 119.05 and 119.07 of the Revised Code. If the provider subject to the summary suspension requests an adjudicatory hearing by the bureau, the date set for the hearing shall be not later than fifteen days, but not earlier than seven days, after the provider requests the hearing, unless otherwise agreed to by both the bureau and the provider.

(C) If an order issued pursuant to this section is appealed, the court may stay execution of the order and fix the terms of the stay, if the court finds both of the following:

(1) That an unusual hardship to the appellant will result from execution of the order pending appeal;

(2) That the health, safety, and welfare of the public will not be threatened by staying execution of the order pending appeal.

(D) A court or agency order staying the suspension of a professional license, certification, or registration shall not affect the ability of the bureau to suspend the certification of a provider to participate in the health partnership program under this section.

(E) The summary suspension of a certification of a provider under this section shall not affect the ability of that provider
to receive payment for services rendered prior to the effective
date of the suspension.

(F) Any summary suspension imposed under this section shall
remain in effect, unless reversed on appeal, until a final
adjudication order issued by the bureau pursuant to this section
and Chapter 119. of the Revised Code takes effect. The bureau
shall issue its final adjudication order within seventy-five days
after completion of its hearing. A failure to issue the order
within the seventy-five-day time period shall result in
dissolution of the summary suspension order but shall not
invalidate any subsequent, final adjudication order.

(G) As used in this section, "provider" does not include a
hospital.

Sec. 4123.543. (A) As used in this section, "customer model
enterprise," "employer model enterprise," "inmate," and "federal
prison industries enhancement certification program" have the same
meanings as in section 5145.163 of the Revised Code.

(B)(1) The department of rehabilitation and correction shall
be considered the employer of an inmate for purposes of this
chapter and Chapters 4121., 4127., and 4131. of the Revised Code
if the inmate works in a customer model enterprise.

(2) If the enterprise for which an inmate works is an
employer model enterprise, the private participant of the
enterprise shall be considered the employer of the inmate for
purposes of this chapter.

(C)(1) An inmate who is injured or who contracts an
occupational disease arising out of participation in authorized
work activity in the federal prison industries enhancement
certification program may file a claim for compensation or
benefits under this chapter and Chapters 4121., 4127., and 4131.
of the Revised Code while the claimant is in the custody of the
department.

(2) The dependent of an inmate who is killed or dies as the
result of an occupational disease contracted in the course of
participation in authorized work activity in the federal prison
industries enhancement certification program may file a claim for
compensation and benefits under this chapter and Chapters 4121.,
4127., and 4131. of the Revised Code.

(D) Notwithstanding any provision of this chapter or Chapter
4121. of the Revised Code to the contrary, a claimant who files a
claim pursuant to division (C)(1) of this section while in the
custody of the department shall receive medical treatment and have
medical determinations for purposes of this chapter and Chapter
4121. of the Revised Code made by the department's medical
providers. Medical determinations made by the department's
providers shall be limited to initial claim allowances and
requests for additional conditions. The claimant may request a
review by the department's chief medical officer. In the event of
an appeal, the claimant may receive a medical evaluation from a
medical practitioner affiliated within the department's network of
third-party medical contractors or a medical practitioner in a
managed care organization certified by the bureau of workers'
compensation under section 4121.44 of the Revised Code and located
in Franklin county.

(E) In accordance with division (J) of section 4123.54 of the
Revised Code, compensation or benefits are not payable to a
claimant during the period of confinement of the claimant in any
correctional institution or county jail. Any remaining amount of
an award of compensation or benefits for an injury or occupational
disease arising out of participation in authorized work activity
in the federal prison industries enhancement certification program
shall be paid to or on behalf of a claimant after the claimant is
released from imprisonment. If a claimant is reimprisoned, compensation and benefits shall be suspended during the claimant's imprisonment but shall resume on the claimant's release from imprisonment.

(F) The administrator of workers' compensation may adopt rules necessary to implement this section.

Sec. 4141.02. A nonprofit organization that does not meet the definition of employer for purposes of this chapter pursuant to division (A)(1)(a) of section 4141.01 of the Revised Code, and that does not elect to become an employer subject to this chapter pursuant to division (A)(4) of section 4141.01 of the Revised Code, shall notify the organization's employees upon hiring that the organization, and the employee's employment with the organization, are exempt from this chapter.

Sec. 4141.21. (A) Except as provided in division (B) of this section 4141.162 of the Revised Code, and subject to section 4141.43 of the Revised Code, the information maintained by the director of job and family services or the unemployment compensation review commission or furnished to the director or commission by employers or employees pursuant to this chapter is for the exclusive use and information of the department of job and family services and the commission in the discharge of their duties and shall not be open to the public or be used in any court in any action or proceeding pending therein, or be admissible in evidence in any action, other than one arising under this chapter or section 5733.42 of the Revised Code disclosed. All of the Such information is not a public record under section 149.43 of the Revised Code.

(B) The director may adopt rules in accordance with Chapter 119. of the Revised Code to allow for the disclosure of
information otherwise protected from disclosure under division (A) of this section that conform to requirements of federal law governing such disclosure, including rules that allow for the following:

(1) The release of information by the consent of the director or the commission;

(2) The release of information in accordance with sections 1347.08, 4141.162, and 4141.43 of the Revised Code or in accordance with an order of a judge of a court of record;

(3) The release of information about an individual or employer to that individual or employer, or to the individual's or employer's authorized representative, on request;

(4) The release of information and records necessary or useful in the determination of any particular claim for benefits or necessary in verifying any charge to an employer's account under sections 4141.23 to 4141.26 of the Revised Code shall be available for examination and use by the employer and the employee involved or their authorized representatives in the hearing of such cases, and that information may be tabulated and published;

(5) The release of information in statistical form for the use and information of the state departments and the public or an agency or other entity.

Sec. 4141.241. (A)(1) Any nonprofit organization described in division (X) of section 4141.01 of the Revised Code, which becomes subject to this chapter on or after January 1, 1972, shall pay contributions under section 4141.25 of the Revised Code, unless it elects, in accordance with this division, to pay to the director of job and family services for deposit in the unemployment compensation fund an amount in lieu of contributions equal to the
amount of regular benefits plus one half of extended benefits paid from that fund that is attributable to service in the employ of the nonprofit organization to individuals whose service, during the base period of the claims, was within the effective period of such election.

(2) Any nonprofit organization which becomes subject to this chapter after January 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than the remainder of that calendar year and the next calendar year, beginning with the date on which such subjectivity begins, by filing a written notice of its election with the director not later than thirty days immediately following the date of the determination of such subjectivity.

(3) Any nonprofit organization which makes an election in accordance with this division will continue to be liable for payments in lieu of contributions for the period described in this division and until it files with the director a written notice terminating its election. The notice shall be filed not later than thirty days prior to the beginning of the calendar year for which the termination is to become effective.

(4) Any nonprofit organization which has been paying contributions for a period subsequent to January 1, 1972, may change to a reimbursable basis by filing with the director, not later than thirty days prior to the beginning of any calendar year, a written notice of election to become liable for payments in lieu of contributions. The election shall not be terminable by the organization during that calendar year and the next calendar year.

(5) The director, in accordance with any rules the director prescribes, shall notify each nonprofit organization of any determination which the director may make of its status as an employer and of the effective date of any election which it makes.
and of any termination of the election. Any determinations shall be subject to reconsideration, appeal, and review in accordance with section 4141.26 of the Revised Code.

(B) Except as provided in division (I) of section 4141.29 of the Revised Code, benefits based on service with a nonprofit organization granted a reimbursing status under this section shall be payable in the same amount, on the same terms, and subject to the same conditions, as benefits payable on the basis of other service subject to this chapter. Payments in lieu of contributions shall be made in accordance with this division and division (D) of section 4141.24 of the Revised Code.

(1)(a) At the end of each calendar quarter, or at the end of any other period as determined by the director under division (D)(4) of section 4141.24 of the Revised Code, the director shall bill each nonprofit organization or group of such organizations which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one half of the amount of extended benefits paid during such quarter or other prescribed period which is attributable to service in the employ of such organization.

(b) In the computation of the amount of benefits to be charged to employers liable for payments in lieu of contributions, all benefits attributable to service described in division (B)(1)(a) of this section shall be computed and charged to such organization as described in division (D) of section 4141.24 of the Revised Code, and, except as provided in division (D)(2) of section 4141.24 of the Revised Code, no portion of the amount may be charged to the mutualized account established by division (B) of section 4141.25 of the Revised Code.

(c) The director may prescribe regulations under which organizations, which have elected to make payments in lieu of contributions, may request permission to make such payments in
equal installments throughout the year with an adjustment at the end of the year for any excess or shortage of the amount of such installment payments compared with the total amount of benefits actually charged the organization's account during the year. In making any adjustment, where the total installment payments are less than the actual benefits charged, the organization shall be liable for payment of the unpaid balance in accordance with division (B)(2) of this section. If the total installment payments exceed the actual benefits charged, all or part of the excess may, at the discretion of the director, be refunded or retained in the fund as part of the payments which may be required in the next year.

(2) Payment of any bill rendered under division (B)(1) of this section shall be made not later than thirty days after the bill was mailed to the last known address of the organization or was otherwise delivered to it, unless there has been an application for review and redetermination in accordance with division (B)(4) of this section.

(3) Payments made by an organization under this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.

(4) An organization may file an application for review and redetermination of the amounts appearing on any bill rendered to such organization under division (B)(1) of this section. The application shall be filed and determined under division (D)(4) of section 4141.24 of the Revised Code.

(5) Past-due payments of amounts in lieu of contributions shall be subject to the same interest rates and collection procedures that apply to past-due contributions under sections 4141.23 and 4141.27 of the Revised Code. In case of failure to file a required quarterly report within the time prescribed by the director, the nonprofit organization shall be subject to a
forfeiture pursuant to section 4141.20 of the Revised Code for each quarterly report that is not timely filed.

All interest and forfeitures collected under this division shall be paid into the unemployment compensation special administrative fund as provided in section 4141.11 of the Revised Code.

(6) All payments in lieu of contributions collected under this section shall be paid into the unemployment compensation fund as provided in section 4141.09 of the Revised Code. Any refunds of such payments shall be paid from the unemployment compensation fund, as provided in section 4141.09 of the Revised Code.

(C)(1) Any nonprofit organization, or group of such organizations approved under division (D) of this section, that elects to become liable for payments in lieu of contributions shall be required within thirty days after the effective date of its election, to execute and file with the director a surety bond approved by the director or it may elect instead to deposit with the director approved municipal or other bonds, or approved securities, or a combination thereof, or other forms of collateral security approved by the director.

(2)(a) The amount of the bond or deposit required shall be equal to three per cent of the organization's wages paid for employment as defined in section 4141.01 of the Revised Code that would have been taxable had the organization been a subject employer during the four calendar quarters immediately preceding the effective date of the election, or the amount established by the director within the limitation provided in division (C)(2)(c) of this section, whichever is the less. The effective date of the amount of the bond or other collateral security required after the employer initially is determined by the director to be liable for payments in lieu of contributions shall be the renewal date in the case of a the bond or the
biennial anniversary of the effective date of election in the case of deposit of securities or other forms of collateral security approved by the director, whichever date shall be most recent and applicable. If the nonprofit organization did not pay wages in each of such four calendar quarters, the amount of the bond or deposit shall be as determined by the director under regulations prescribed for this purpose.

(b) Any bond or other form of collateral security approved by the director deposited under this division shall be in force for a period of not less than two calendar years and shall be renewed with the approval of the director, at such times as the director may prescribe, but not less frequently than at two-year intervals as long as the organization continues to be liable for payments in lieu of contributions. The director shall require adjustments to be made in a previously filed bond or other form of collateral security as the director considers appropriate. If the bond or other form of collateral security is to be increased, the adjusted bond or collateral security shall be filed by the organization within thirty days of the date that notice of the required adjustment was mailed or otherwise delivered to it. Failure by any organization covered by such bond or collateral security to pay the full amount of payments in lieu of contributions when due, together with any applicable interest provided for in division (B)(5) of this section, shall render the surety liable on the bond or collateral security to the extent of the bond or collateral security, as though the surety was the organization.

(c) Any securities accepted in lieu of surety bond by the director shall be deposited with the treasurer of state who shall have custody thereof and retain the same in the treasurer of state's possession, or release them, according to conditions prescribed by regulations of the director. Income from the securities, held in custody by the treasurer of state, shall
Accrue to the benefit of the depositor and shall be distributed to the depositor in the absence of any notification from the director that the depositor is in default on any payment owed to the director. The director may require the sale of any such bonds to the extent necessary to satisfy any unpaid payments in lieu of contributions, together with any applicable interest or forfeitures provided for in division (B)(5) of this section. The director shall require the employer within thirty days following any sale of deposited securities, under this subdivision, to deposit additional securities, surety bond, or combination of both, to make whole the employer's security deposit at the approved level. Any cash remaining from the sale of such securities may, at the discretion of the director, be refunded in whole or in part, or be paid into the unemployment compensation fund to cover future payments required of the organization.

(d) The required bond or deposit for any nonprofit organization, or group of such organizations approved by the director under division (D) of this section, that is determined by the director to be liable for payments in lieu of contributions effective beginning on and after January 1, 1996, but prior to January 1, 1998, and the required bond or deposit for any renewed elections under division (C)(2)(b) of this section effective during that period shall not exceed one million two hundred fifty thousand dollars. The required bond or deposit for any nonprofit organization, or group of such organizations approved by the director under division (D) of this section, that is determined to be liable for payments in lieu of contributions effective on and after January 1, 1998, and the required bond or deposit for any renewed elections effective on and after January 1, 1998, shall not exceed two million dollars.

(3) If any nonprofit organization fails to file a bond or make a deposit, or to file a bond in an increased amount or to
make the amount of a previously made deposit, as provided under this division, the director may terminate the organization's election to make payments in lieu of contributions effective for the quarter following such failure and the termination shall continue for not less than the remainder of that calendar year and the next calendar year, beginning with the quarter in which the termination becomes effective; except that the director may extend for good cause the applicable filing, deposit, or adjustment period by not more than thirty days.

(D)(1) Two or more nonprofit organizations that have become liable for payments in lieu of contributions, in accordance with division (A) of this section, may file a joint application to the director for the establishment of the group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of those employers. Notwithstanding division (E) of section 4141.242 of the Revised Code, hospitals operated by this state or a political subdivision may participate in a group account with nonprofit organizations under the procedures set forth in this section. Each application shall identify and authorize a group representative to act as the group's agent for the purposes of this division.

(2) Upon the director's approval of the application, the director shall establish a group account for the employers effective as of the beginning of the calendar quarter in which the director receives the application and shall notify the group's representative of the effective date of the account. The account shall remain in effect for not less than two years and thereafter until terminated by the director or upon application by the group.

(3) Upon establishment of the account, each member of the group shall be liable, in the event that the group representative fails to pay any bill issued to it pursuant to division (B) of this section, for payments in lieu of contributions with respect
to each calendar quarter in the amount that bears the same ratio
to the total benefits paid in the quarter that are attributable to
service performed in the employ of all members of the group as the
total wages paid for service in employment by the member in the
quarter bear to the total wages paid during the quarter for
service performed in the employ of all members of the group.

(4) The director shall adopt regulations as considered
necessary with respect to the following: applications for
establishment, bonding, maintenance, and termination of group
accounts that are authorized by this section; addition of new
members to and withdrawal of active members from such accounts;
and the determination of the amounts that are payable under this
division by the group representative and in the event of default
in payment by the group representative, members of the group, and
the time and manner of payments.

Sec. 4141.28. BENEFITS

(A) FILINGS

Applications for determination of benefit rights and claims
for benefits shall be filed with the director of job and family
services. Such applications and claims also may be filed with an
employee of another state or federal agency charged with the duty
of accepting applications and claims for unemployment benefits or
with an employee of the unemployment insurance commission of
Canada.

When an unemployed individual files an application for
determination of benefit rights, the director shall furnish the
individual with an explanation of the individual's appeal rights.
The explanation shall describe clearly the different levels of
appeal and explain where and when each appeal must be filed.

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS
In filing an application, an individual shall furnish the director with the name and address of the individual's most recent separating employer and the individual's statement of the reason for separation from the employer. The director shall promptly notify the individual's most recent separating employer of the filing and request the reason for the individual's unemployment, unless that notice is not necessary under conditions the director establishes by rule. The director may request from the individual or any employer information necessary for the determination of the individual's right to benefits. The employer shall provide the information requested within ten working days after the request is sent. If an employer fails to provide requested information within ten working days, the director shall provide to the tax commissioner the individual's and employer's names, addresses, taxpayer identification numbers if available, and any additional information required by the tax commissioner. The tax commissioner shall confirm to the director whether the individual was included on the most recent annual return filed by the employer pursuant to division (F) of section 5747.07 of the Revised Code. The tax commissioner shall inform the director if the tax commissioner is unable to provide the requested confirmation. If necessary to ensure prompt determination and payment of benefits, the director shall base the determination on the information that is available.

An individual filing an application for determination of benefit rights shall disclose, at the time of filing, whether or not the individual owes child support obligations.

An individual filing an application for determination of benefit rights shall furnish proof of identity at the time of filing in the manner prescribed by the director. The director shall adopt rules to prescribe the manner in which an applicant shall furnish proof of identity.

(C) MASS LAYOFFS
An employer who lays off or separates within any seven-day period fifty or more individuals because of lack of work shall furnish notice to the director of the dates of layoff or separation and the approximate number of individuals being laid off or separated. The notice shall be furnished at least three working days prior to the date of the first day of such layoff or separation. In addition, at the time of the layoff or separation the employer shall furnish to the individual and to the director information necessary to determine the individual's eligibility for unemployment compensation.

(D) DETERMINATION OF BENEFIT RIGHTS

The director shall promptly examine any application for determination of benefit rights. On the basis of the information available to the director under this chapter, the director shall determine whether or not the application is valid, and if valid, the date on which the benefit year shall commence and the weekly benefit amount. The director shall promptly notify the applicant, employers in the applicant's base period, and any other interested parties of the determination and the reasons for it. In addition, the determination issued to the claimant shall include the total amount of benefits payable. The determination issued to each chargeable base period employer shall include the total amount of benefits that may be charged to the employer's account.

(E) CLAIM FOR BENEFITS

The director shall examine the first claim and any additional claim for benefits. On the basis of the information available, the director shall determine whether the claimant's most recent separation and, to the extent necessary, prior separations from work, allow the claimant to qualify for benefits. Written notice of the determination granting or denying benefits shall be sent to the claimant, the most recent separating employer, and any other employer involved in the determination, except that written notice
is not required to be sent to the claimant if the reason for separation is lack of work and the claim is allowed.

If the director identifies an eligibility issue, the director shall immediately send notice to the claimant of the issue identified, specify the week or weeks involved, and identify what the claimant must do to address the issue or who the claimant may contact for more information. The claimant has a minimum of five business days after the notice is sent to respond to the information included in the notice, and after the time allowed as determined by the director, the director shall make a determination. The claimant's response may include a request for a fact-finding interview when the eligibility issue is raised by an informant or source other than the claimant, or when the eligibility issue, if determined adversely, disqualifies the claimant for the duration of the claimant's period of unemployment.

When the determination of a continued claim for benefits results in a disallowed claim, the director shall notify the claimant of the disallowance and the reasons for it.

(F) ELIGIBILITY NOTICE

Any base period or subsequent employer of a claimant who has knowledge of specific facts affecting the claimant's right to receive benefits for any week may notify the director in writing of those facts. The director shall prescribe a form for such eligibility notice, but failure to use the form shall not preclude the director's examination of any notice.

To be considered valid, an eligibility notice must: contain in writing, a statement that identifies either a source who has firsthand knowledge of the information or an informant who can identify the source; provide specific and detailed information that may potentially disqualify the claimant; provide the name and
address of the source or the informant; and appear to the director to be reliable and credible.

An eligibility notice is timely filed if received or postmarked prior to or within forty-five calendar days after the end of the week with respect to which a claim for benefits is filed by the claimant. An employer who timely files a valid eligibility notice shall be an interested party to the claim for benefits which is the subject of the notice.

The director shall consider the information contained in the eligibility notice, together with other available information. After giving the claimant notice and an opportunity to respond, the director shall make a determination and inform the notifying employer, the claimant, and other interested parties of the determination.

(G) CORRECTED DETERMINATION

If the director finds within the two hundred eight calendar weeks beginning with the Sunday of the week during which an application for benefit rights was filed that a determination made by the director was erroneous due to an error in an employer's report or any typographical or clerical error in the director's determination, or as shown by correct remuneration information received by the director, the director shall issue a corrected determination to all interested parties. The corrected determination shall take precedence over and void the prior determination of the director. The director shall not issue a corrected determination when the commission or a court has jurisdiction with respect to that determination.

(H) EFFECT OF COMMISSION DECISIONS

In making determinations, the director shall follow decisions of the unemployment compensation review commission which have become final with respect to claimants similarly situated.
(I) PROMPT PAYMENTS

If benefits are allowed by the director, a hearing officer, the commission, or a court, the director shall pay benefits promptly, notwithstanding any further appeal, provided that if benefits are denied on appeal, of which the parties have notice and an opportunity to be heard, the director shall withhold payment of benefits pending a decision on any further appeal.

Sec. 4141.31. (A) Benefits otherwise payable for any week shall be reduced by the amount of remuneration or other payments a claimant receives with respect to such week as follows:

(1) Remuneration in lieu of notice;

(2) Compensation for wage loss under division (B) of section 4123.56 of the Revised Code or a similar provision under the workers' compensation law of any state or the United States;

(3) Payments in the form of retirement, or pension allowances as provided under section 4141.312 of the Revised Code;

(4) Except as otherwise provided in division (D) of this section, remuneration in the form of separation or termination pay paid to an employee at the time of the employee's separation from employment;

(5) Vacation pay or allowance. Amounts payable under the law, terms of a labor-management contract or agreement, or other contract of hire, which payments are allocated to designated weeks, for either of the following:

(a) Vacation pay or allowance;

(b) Holiday pay or allowance.

(6) Bonuses payable under the law, terms of a labor-management contract or agreement, or other contract of hire;

(7) The determinable value of cost savings days.
If payments under this division are paid with respect to a month then the amount of remuneration deemed to be received with respect to any week during such month shall be computed by multiplying such monthly amount by twelve and dividing the product by fifty-two. If there is no designation of the period with respect to which payments to an individual are made under this section then an amount equal to such individual's normal weekly wage shall be attributed to and deemed paid with respect to the first and each succeeding week following the individual's separation or termination from the employment of the employer making the payment until such amount so paid is exhausted.

If benefits for any week, when reduced as provided in this division, result in an amount not a multiple of one dollar, such benefits shall be rounded to the next lower multiple of one dollar.

Any payment allocated by the employer or the director of job and family services to weeks under division (A)(1), (4), or (5) of this section shall be deemed to be remuneration for the purposes of establishing a qualifying week and a benefit year under divisions (O)(1) and (R) of section 4141.01 of the Revised Code.

(B) Benefits payable for any week shall not be reduced by the amount of remuneration a claimant receives with respect to such week in the form of drill or reserve pay received by a member of the Ohio national guard or the armed forces reserve for attendance at a regularly scheduled drill or meeting.

(C) No benefits shall be paid for any week with respect to which or a part of which an individual has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States, provided the disqualifications shall not apply if the appropriate agency of such other state or of the United States finally determines that an individual is not entitled to such unemployment benefits.
of the United States providing any payment of any type and in any amounts for periods of unemployment due to lack of work shall be considered an unemployment compensation law of the United States.

(D) Benefits payable for any week shall not be reduced by the amount of military severance, disability, or separation pay paid to an individual who is a former member of the armed forces of the United States.

(E) Remuneration for personal services includes cost savings days, as defined in division (DD) of section 4141.01 of the Revised Code, for which employees continue to accrue employee benefits that have a determinable value. Any unemployment compensation benefits that may be payable as a result of cost savings days shall be reduced as provided in division (A)(6) of this section.

Sec. 4141.43. (A) The Except as provided in division (B) of this section, the director of job and family services may cooperate with the industrial commission, the bureau of workers' compensation, the United States internal revenue service, the United States employment service, and other similar departments and agencies, as determined by the director, in the exchange or disclosure of information as to wages, employment, payrolls, unemployment, and other information. The director may employ, jointly with one or more of such agencies or departments, auditors, examiners, inspectors, and other employees necessary for the administration of this chapter and employment and training services for workers in the state.

(B) The director may make the state's record relating to the administration of this chapter available to the railroad retirement board and may furnish the board at the board's expense such copies thereof as the board deems necessary for its purposes adopt rules to allow for the disclosure of information otherwise
protected from disclosure under section 4141.21 of the Revised Code that conform to requirements of federal law governing such disclosure as follows:

(1) To a federal or state public official, or an agent or contractor of such an official, for use in the performance of official duties, including research related to the administration of those duties;

(2) Pursuant to an order of a judge of a court of record;

(3) Pursuant to a subpoena issued by a local, state, or federal government official, other than a clerk of court on behalf of a litigant;

(4) To a prosecuting authority, law enforcement officer, or law enforcement agency if the director determines that providing the information is in the best interests of the public and does not interfere with the efficient administration of the department of job and family services;

(5) To a consumer reporting agency;

(6) Pursuant to a requirement of federal law.

(B) Information otherwise protected from disclosure under section 4141.21 of the Revised Code shall not be disclosed for the purpose of solicitation of contributions or expenditures to or on behalf of a candidate for public or political office or to a political party.

(C) The director may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment compensation law.

(D) The director may enter into arrangements with the appropriate agencies of other states or of the United States or Canada whereby individuals performing services in this and other states for a single employer under circumstances not specifically
provided for in division (B) of section 4141.01 of the Revised Code or in similar provisions in the unemployment compensation laws of such other states shall be deemed to be engaged in employment performed entirely within this state or within one of such other states or within Canada, and whereby potential rights to benefits accumulated under the unemployment compensation laws of several states or under such a law of the United States, or both, or of Canada may constitute the basis for the payment of benefits through a single appropriate agency under terms that the director finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the unemployment compensation fund.

(E) The director may enter into agreements with the appropriate agencies of other states or of the United States or Canada:

(1) Whereby services or wages upon the basis of which an individual may become entitled to benefits under the unemployment compensation law of another state or of the United States or Canada shall be deemed to be employment or wages for employment by employers for the purposes of qualifying claimants for benefits under this chapter, and the director may estimate the number of weeks of employment represented by the wages reported to the director for such claimants by such other agency, provided such other state agency or agency of the United States or Canada has agreed to reimburse the unemployment compensation fund for such portion of benefits paid under this chapter upon the basis of such services or wages as the director finds will be fair and reasonable as to all affected interests;

(2) Whereby the director will reimburse other state or federal or Canadian agencies charged with the administration of unemployment compensation laws with such reasonable portion of benefits, paid under the law of such other states or of the United
States or of Canada upon the basis of employment or wages for employment by employers, as the director finds will be fair and reasonable as to all affected interests. Reimbursements so payable shall be deemed to be benefits for the purpose of section 4141.09 and division (A) of section 4141.30 of the Revised Code. However, no reimbursement so payable shall be charged against any employer's account for the purposes of section 4141.24 of the Revised Code if the employer's account, under the same or similar circumstances, with respect to benefits charged under the provisions of this chapter, other than this section, would not be charged or, if the claimant at the time the claimant files the combined wage claim cannot establish benefit rights under this chapter. This noncharging shall not be applicable to a nonprofit organization that has elected to make payments in lieu of contributions under section 4141.241 of the Revised Code, except as provided in division (D)(2) of section 4141.24 of the Revised Code. The director may make to other state or federal or Canadian agencies and receive from such other state or federal or Canadian agencies reimbursements from or to the unemployment compensation fund, in accordance with arrangements pursuant to this section.

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of the Revised Code, the director may enter into agreements with other states whereby services performed for a crew leader, as defined in division (BB) of section 4141.01 of the Revised Code, may be covered in the state in which the crew leader either:

(a) Has the crew leader's place of business or from which the crew leader's business is operated or controlled;

(b) Resides if the crew leader has no place of business in any state.

(F) The director may apply for an advance to the unemployment compensation fund and do all things necessary or required to obtain such advance and arrange for the repayment of such advance.
in accordance with Title XII of the "Social Security Act" as amended.

(G) The director may enter into reciprocal agreements or arrangements with the appropriate agencies of other states in regard to services on vessels engaged in interstate or foreign commerce whereby such services for a single employer, wherever performed, shall be deemed performed within this state or within such other states.

(H) The director shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment, covered under this chapter, with the individual's wages and employment covered under the unemployment compensation laws of other states which are approved by the United States secretary of labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for:

(1) Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws, and

(2) Avoiding the duplicate use of wages and employment by reason of such combining.

(I)(1) The director shall cooperate with the United States department of labor to the fullest extent consistent with this chapter, and shall take such action, through the adoption of appropriate rules, regulations, and administrative methods and standards, as may be necessary to secure to this state and its citizens all advantages available under the provisions of the "Social Security Act" that relate to unemployment compensation, the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26

(2) Nothing in division (I)(1) of this section requires the director to participate in, nor precludes the director from ceasing to participate in, any voluntary, optional, special, or emergency program offered by the federal government, including programs offered under any of the federal acts listed in division (I)(1) of this section, the "Coronavirus Aid, Relief, and Economic Security Act," 15 U.S.C. 9023, or any other federal program enacted to address exceptional unemployment conditions.

(J) The director may disclose wage information furnished to or maintained by the director under Chapter 4141. of the Revised Code to a consumer reporting agency as defined by the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for the purpose of verifying an individual's income under a written agreement that requires all of the following:

(1) A written statement of informed consent from the individual whose information is to be disclosed;

(2) A written statement confirming that the consumer reporting agency and any other entity to which the information is disclosed or released will safeguard the information from illegal or unauthorized disclosure;

(3) A written statement confirming that the consumer reporting agency will pay to the bureau all costs associated with the disclosure.

The director shall prescribe a manner and format in which this information may be provided.

(K) The director shall adopt rules defining the requirements
of the release of individual income verification information specified in division (J) of this section, which shall include all terms and conditions necessary to meet the requirements of federal law as interpreted by the United States department of labor or considered necessary by the director for the proper administration of this division.

The director shall disclose information furnished to or maintained by the director under this chapter upon request and on a reimbursable basis as required by section 303 of the "Social Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal Revenue Code," 26 U.S.C.A. 3304.

Sec. 4301.441. Any information provided to a state agency by the department of taxation in accordance with division (C)(11) of section 5703.21 of the Revised Code for the purpose of verifying a permit holder's gallonage or noncompliance with taxes levied under this chapter or Chapter 4305. of the Revised Code shall not be disclosed publicly by that agency, except for purposes of enforcement, to deny the renewal of a liquor permit, or to report such information to the alcohol and tobacco tax and trade bureau in the United States department of the treasury.

Sec. 4301.62. (A) As used in this section:

(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.

(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.

(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:

(1) Except as provided in division (C)(1)(e) of this section, in an agency store;
(2) Except as provided in division (C) or (J) of this section, on the premises of the holder of any permit issued by the division of liquor control;

(3) In any other public place;

(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;

(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(C)(1) A person may have in the person's possession an opened container of any of the following:

(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, D-9, E, F, F-2, F-5, F-7, or F-8 permit;

(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2, A-2f, S-1, or S-2 permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;

(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code;
(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission;

(e) Spirituous liquor to be consumed for purposes of a tasting sample, as defined in section 4301.171 of the Revised Code;

(f) Beer, wine, or mixed beverages to be consumed on a boat as provided in section 4303.187 of the Revised Code;

(g) Beer or intoxicating liquor to be consumed in an outdoor area described in division (B)(1) of section 4303.188 of the Revised Code.

(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.

(3)(a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.

(b) As used in division (C)(3)(a) of this section:
(i) "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.

(ii) "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.

(4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in division (C)(3)(b)(i) of this section if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.

(5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending either of the following:

(a) An orchestral performance and the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued;

(b) An outdoor performing arts event or orchestral performance that is free of charge and the F-9 permit holder annually hosts not less than twenty-five other events or performances that are free of charge on the permit premises.

As used in division (C)(5) of this section, "orchestral performance" has the same meaning as in division (C)(3)(b) of this section.

(6)(a) A person may have in the person's possession on the
property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:

(i) The person is attending a racing event at the facility;

and

(ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility.

(b) As used in division (C)(6)(a) of this section:

(i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.

(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:

(I) It is two and four-tenths miles or more in length.

(II) It is located on two hundred acres or more of land.

(III) The primary business of the owner of the facility is the hosting and promoting of racing events.

(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.

(7)(a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under section 4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, A-2f, D class, or F class permit holder to which both of the following apply:

(i) The permit holder's premises is located within the outdoor refreshment area.

(ii) The permit held by the permit holder has an outdoor
refreshment area designation.

(b) Division (C)(7) of this section does not authorize a person to do either of the following:

(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;

(ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the possession is otherwise authorized under division (D) or (E) of this section.

(c) As used in division (C)(7) of this section, "D class permit holder" does not include a D-6 or D-8 permit holder.

(8)(a) A person may have in the person's possession on the property of a market, within a defined F-8 permit premises, an opened container of beer or intoxicating liquor that was purchased from a D permit premises that is located immediately adjacent to the market if both of the following apply:

(i) The market grants permission for the possession and consumption of beer and intoxicating liquor within the defined F-8 permit premises;

(ii) The market is hosting an event pursuant to an F-8 permit and the market has notified the division of liquor control about the event in accordance with division (A)(3) of section 4303.208 of the Revised Code.

(b) As used in division (C)(8) of this section, "market" means a market, for which an F-8 permit is held, that has been in operation since 1860.

(D) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of the person,
when all of the following apply:

(1) The person or guest is a passenger in the limousine.

(2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located.

(3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:

(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.

(2) The opened bottle of wine that is resealed in accordance with division (E)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.

(F)(1) Except if an ordinance or resolution is enacted or adopted under division (F)(2) of this section, this section does not apply to a person who, pursuant to a prearranged contract, is a passenger riding on a commercial quadricycle when all of the following apply:

(a) The person is not occupying a seat in the front of the commercial quadricycle where the operator is steering or braking.
(b) The commercial quadricycle is being operated on a street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(c) The person has in their possession on the commercial quadricycle an opened container of beer or wine.

(d) The person has in their possession on the commercial quadricycle not more than either thirty-six ounces of beer or eighteen ounces of wine.

(2) The legislative authority of a municipal corporation or township may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container of beer or wine.

(3) As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements:

(a) It has four wheels and is operated in a manner similar to a bicycle.

(b) It has at least five seats for passengers.

(c) It is designed to be powered by the pedaling of the operator and the passengers.

(d) It is used for commercial purposes.

(e) It is operated by the vehicle owner or an employee of the owner.

(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.

As used in division (G) of this section, "market" means an establishment that:
(1) Leases space in the market to individual vendors, not less than fifty per cent of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code;

(2) Has an indoor sales floor area of not less than twenty-two thousand square feet;

(3) Hosts a farmer's market on each Saturday from April through December.

(H) (1) As used in this section, "alcoholic beverage" has the same meaning as in section 4303.185 of the Revised Code.

(2) An alcoholic beverage in a closed container being transported under section 4303.185 of the Revised Code to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing.

(I) This section does not apply to a person who has in the person's possession an opened container of beer or intoxicating liquor in a public-use airport, as described in division (D)(2)(a)(iii) of section 4303.181 of the Revised Code, when both of the following apply:

(1) Consumption of the opened container of beer or intoxicating liquor occurs in the area of the airport terminal that is restricted to persons taking flights to and from the airport; and

(2) The consumption is authorized under division (D)(2)(a) of section 4303.181 of the Revised Code.

(J) This section does not apply to a person that has in the person's possession an opened container of homemade beer or wine that is served in accordance with division (E) of section 4301.201.
of the Revised Code.

Sec. 4303.041. (A) An A-3a permit may be issued to a distiller that manufactures less than one hundred thousand gallons of spirituous liquor per year. An A-3a permit holder may sell to a personal consumer, in sealed containers for consumption off the premises where manufactured, spirituous liquor that the permit holder manufactures, but sales to the personal consumer may occur only by an in-person transaction at the permit premises. The A-3a permit holder shall not ship, send, or use an H permit holder to deliver spirituous liquor to the personal consumer.

"Distiller" means a person in this state who mashes, ferments, distills, and ages spirituous liquor.

(B)(1) Except as otherwise provided in this section, no A-3a permit shall be issued unless the sale of spirituous liquor by the glass for consumption on the premises or by the package for consumption off the premises is authorized in the election precinct in which the A-3a permit is proposed to be located.

(2) Division (B)(1) of this section does not prohibit the issuance of an A-3a permit to an applicant for such a permit who has filed an application with the division of liquor control before March 22, 2012.

(C)(1) An A-3a permit holder may offer for sale tasting samples of spirituous liquor. The A-3a permit holder shall not serve more than four tasting samples of spirituous liquor per person per day. A tasting sample shall not exceed a quarter ounce. Tasting samples shall be only for the purpose of allowing a purchaser to determine, by tasting only, the quality and character of the spirituous liquor. The tasting samples shall be offered for sale in accordance with rules adopted by the division of liquor control.
An A-3a permit holder shall sell not more than three liters of spirituous liquor per day from the permit premises to the same personal consumer.

(D) An A-3a permit holder may sell spirituous liquor in sealed containers for consumption off the premises where manufactured as an independent contractor under agreement, by virtue of the permit, with the division of liquor control. The price at which the A-3a permit holder shall sell each spirituous liquor product to a personal consumer is to be determined by the division of liquor control. For an A-3a permit holder to purchase and then offer spirituous liquor for retail sale, the spirituous liquor need not first leave the physical possession of the A-3a permit holder to be so registered. The spirituous liquor that the A-3a permit holder buys from the division of liquor control shall be maintained in a separate area of the permit premises for sale to personal consumers. The A-3a permit holder shall sell such spirituous liquor in sealed containers for consumption off the premises where manufactured as an independent contractor by virtue of the permit issued by the division of liquor control, but the permit holder shall not be compensated as provided in division (A)(1) of section 4301.17 of the Revised Code. Each A-3a permit holder shall be subject to audit by the division of liquor control. Each A-3a permit holder shall execute and file with the division a surety bond, in an amount established by the division, that is conditioned on the faithful performance of the permit holder's duties as prescribed by the division.

(E) The fee for the A-3a permit is two dollars per fifty-gallon barrel.

(F) The holder of an A-3a permit may also exercise the same privileges as the holder of an A-3 permit.

Sec. 4303.187. (A) The division of liquor control may issue a
D-10 permit to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:

(1) The owner or operator holds a D class permit for the restaurant;

(2) The restaurant is located on, or immediately adjacent to, the shoreline of a navigable body of water;

(3) The restaurant offers to its patrons boat rides on a boat that is owned or operated by the owner or operator of the restaurant and that is operated on the navigable body of water.

(B) A D-10 permit holder may sell beer, wine, or mixed beverages in glass or container for consumption on the boat that is owned or operated by the permit holder and that is operated on the navigable body of water that the permit holder's restaurant is located on or immediately adjacent to.

(C) A D-10 permit holder may sell beer, wine, or mixed beverages during the same hours as a holder of a D-5 permit as authorized under this chapter or Chapter 4301. of the Revised Code or the rules of the liquor control commission.

(D) The fee for the D-10 permit is one hundred dollars.

Sec. 4303.188. (A) As used in this section:

(1) "Alcoholic beverage" means beer, wine, mixed beverages, or spirituous liquor.

(2) "Personal consumer" means an individual who is at least twenty-one years of age and who intends to use a purchased alcoholic beverage only for personal consumption and not for resale or other commercial purposes.

(3) "Qualified permit holder" has the same meaning as in
section 4301.82 of the Revised Code.

(B)(1) Notwithstanding any other provision of law to the contrary and in addition to areas in which a qualified permit holder is authorized to sell alcoholic beverages under the qualified permit holder's permit, a qualified permit holder may sell alcoholic beverages by the individual drink for consumption as follows:

(a) In any area of the qualified permit holder's property in which sales are not currently authorized and that is outdoors, including the qualified permit holder's parking area;

(b) In any outdoor area of public property that is immediately adjacent to the qualified permit holder's premises and that is owned by a municipal corporation or township, provided that the permit holder obtains written consent in accordance with division (C) of this section;

(c) In any outdoor area of private property that is immediately adjacent to the qualified permit holder's premises, provided that the permit holder obtains the written consent of the owner of the private property.

(2) If a qualified permit holder sells alcoholic beverages in the outdoor area, the qualified permit holder shall clearly delineate the area where personal consumers may consume alcoholic beverages.

(C) For purposes of division (B)(1)(b) of this section, a qualified permit holder shall obtain the written consent of either of the following:

(1) If the public property is located in a municipal corporation, the executive officer of the municipal corporation or the executive officer's designee. If the executive officer or the executive officer's designee denies consent, the qualified permit holder may appeal the denial to the legislative authority of the
municipal corporation. The legislative authority may adopt a
resolution requesting the executive officer to reconsider the
executive officer's denial.

(2) If the public property is located in the unincorporated
area of a township, the legislative authority of the township by
the adoption of a resolution consenting to the sale of alcoholic
beverages in the outdoor area.

(D) A qualified permit holder that intends to sell alcoholic
beverages by the individual drink in an outdoor area under
division (B)(1) of this section shall notify the division of
liquor control and the investigative unit of the department of
public safety of the area in which the qualified permit holder
intends to sell the alcoholic beverages. The qualified permit
holder shall provide the notice not later than ten days prior to
the commencement of such sales.

(E) A qualified permit holder or the holder's employee shall
deliver each alcoholic beverage sold to a personal consumer in an
outdoor area authorized under this section.

Sec. 4303.2011. (A) As used in this section, "nonprofit
organization" means a corporation, association, group,
institution, society, or other organization that:

(1) Is exempt from federal income taxation;

(2) Has a membership of two hundred fifty or more persons.

(B) The division of liquor control may issue an F-11 permit
to a nonprofit organization to conduct an event if the event has
all of the following characteristics:

(1) The event is coordinated by the nonprofit organization
and the nonprofit organization is responsible for the activities
at the event.

(2) One of the event's purposes is the introduction,
showcasing, or promotion of craft beers manufactured in this state.

(3) The event includes the sale of food for consumption on the premises where sold.

(4) The event features at least twenty A-1c permit holders, who are members of the nonprofit organization that has organized the event, as participants. The nonprofit organization may allow any number of A-1 permit holders to participate in the event.

(C) An F-11 permit holder may sell, at the event, beer that it has purchased from the A-1 or A-1c permit holders that are participating in the event or from the participating A-1 or A-1c permit holder's assigned B-1 permit holder. The F-11 permit holder may sell the beer in four-ounce samples or in containers not exceeding sixteen ounces for consumption on the premises where sold.

The F-11 permit holder may sell beer on the F-11 permit premises only where and when the sale of beer is otherwise permitted by law.

(D) The F-11 permit holder shall clearly define and sufficiently restrict the premises of the event to allow proper enforcement of the permit by state and local law enforcement officers. If an F-11 permit is issued for all or a portion of the same premises for which another class of permit is issued, that permit holder's privileges are suspended in that portion of the premises in which the F-11 permit is in effect.

(E)(1) No F-11 permit is effective for more than seventy-two consecutive hours. However, for purposes of an exposition at the state fairgrounds, an F-11 permit is effective for the duration of the exposition.

(2) No sales of beer shall take place under an F-11 permit after one a.m.
(F) The division shall not issue more than six F-11 permits to the same nonprofit organization in any one calendar year.

(G) An applicant for an F-11 permit shall apply for the permit not later than thirty days prior to the first day of the event for which the permit is sought. In the application, the applicant shall list all of the A-1 and A-1c permit holders that will participate in the event. The fee for the F-11 permit is sixty dollars for each day of the event.

The division shall prepare and make available an F-11 permit application form and may require applicants for and holders of the F-11 permit to provide information that is in addition to that required by this section and that is necessary for the administration of this section.

(H)(1) An F-11 permit holder is responsible, and is subject to penalties, for any violations of this chapter or Chapter 4301. of the Revised Code that occur during the event.

(2) An F-11 permit holder shall not allow an A-1 or A-1c permit holder to participate in the event if the A-1 or A-1c permit or, if applicable, the A-1-A permit of that A-1 or A-1c permit holder is under suspension.

(3) The division may refuse to issue an F-11 permit to an applicant if both of the following apply:

(a) The applicant has pleaded guilty to or has been convicted of violating this chapter or Chapter 4301. of the Revised Code while operating under a previously issued F-11 permit.

(b) The violation occurred within the two years preceding the filing of the new F-11 permit application.

(I) Notwithstanding any provision of section 4301.24 of the Revised Code or any rule adopted by the liquor control commission to the contrary, employees of an A-1 or A-1c permit holder or B-1
permit holder, or employees or agents of a B-1 permit holder may
assist an F-11 permit holder in serving beer at an event for which
an F-11 permit is issued.

Sec. 4303.271. (A) Except as provided in divisions (B) and
(D) of this section, the holder of a permit issued under sections
4303.02 to 4303.232 of the Revised Code, who files an application
for the renewal of the same class of permit for the same premises,
shall be entitled to the renewal of the permit. The division of
liquor control shall renew the permit unless the division rejects
for good cause any renewal application, subject to the right of
the applicant to appeal the rejection to the liquor control
commission.

(B) The legislative authority of the municipal corporation,
the board of township trustees, or the board of county
commissioners of the county in which a permit premises is located
may object to the renewal of a permit issued under sections
4303.11 to 4303.183 of the Revised Code for any of the reasons
contained in division (A) of section 4303.292 of the Revised Code.
Any objection shall be made no later than thirty days prior to the
expiration of the permit, and the division shall accept the
objection if it is postmarked no later than thirty days prior to
the expiration of the permit. The objection shall be made by a
resolution specifying the reasons for objecting to the renewal and
requesting a hearing, but no objection shall be based upon
noncompliance of the permit premises with local zoning regulations
that prohibit the sale of beer or intoxicating liquor in an area
zoned for commercial or industrial uses, for a permit premises
that would otherwise qualify for a proper permit issued by the
division. The resolution shall be accompanied by a statement by
the chief legal officer of the political subdivision that, in the
chief legal officer's opinion, the objection is based upon
substantial legal grounds within the meaning and intent of
division (A) of section 4303.292 of the Revised Code.

Upon receipt of a resolution of a legislative authority or board objecting to the renewal of a permit and a statement from the chief legal officer, the division shall set a time for the hearing and send by certified mail to the permit holder, at the permit holder's usual place of business, a copy of the resolution and notice of the hearing. The division shall then hold a hearing in the central office of the division, except that, upon written request of the legislative authority or board, the hearing shall be held in the county seat of the county in which the permit premises is located, to determine whether the renewal shall be denied for any of the reasons contained in division (A) of section 4303.292 of the Revised Code. Only the reasons for refusal contained in division (A) of section 4303.292 of the Revised Code and specified in the resolution of objection shall be considered at the hearing.

The permit holder and the objecting legislative authority or board shall be parties to the proceedings under this section and shall have the right to be present, to be represented by counsel, to offer evidence, to require the attendance of witnesses, and to cross-examine witnesses at the hearing.

(C) An application for renewal of a permit shall be filed with the division at least fifteen days prior to the expiration of an existing permit, and the existing permit shall continue in effect as provided in section 119.06 of the Revised Code until the application is approved or rejected by the division. Any holder of a permit, which has expired through failure to be renewed as provided in this section, shall obtain a renewal of the permit, upon filing an application for renewal with the division, at any time within thirty days from the date of the expired permit. A penalty of ten per cent of the permit fee shall be paid by the permit holder if the application for renewal is not filed at least
fifteen days prior to the expiration of the permit.

(D)(1) Annually, the tax commissioner shall examine the
department of taxation's records for the horse-racing, alcoholic
beverage, motor fuel, petroleum activity, sales or use, cigarette,
other tobacco products, employer withholding, commercial activity,
and gross casino revenue tax and gross receipts taxes levied
pursuant to section 5739.101 of the Revised Code for each holder
of a permit issued under sections 4303.02 to 4303.232 of the
Revised Code to determine if the permit holder is delinquent in
filing any returns, submitting any information required by the
commissioner, or remitting any payments with respect to those
taxes or any fees, charges, penalties, or interest related to
those taxes.

If any delinquency or liability exists, the commissioner
shall send a notice of that fact by certified mail, return receipt
requested, to the permit holder in the manner provided in section
5703.37 of the Revised Code. The notice shall specify, in as much
detail as is possible, the periods for which returns have not been
filed and the nature and amount of unpaid assessments and other
liabilities and shall be sent on or before the first day of the
third month preceding the month in which the permit expires. The
commissioner also shall notify the division of liquor control of
the delinquency or liability, identifying the permit holder by
name and permit number.

(2)(a) Except as provided in division (D)(4) of this section,
the division of liquor control shall not renew the permit of any
permit holder the tax commissioner has identified as being
delinquent in filing any returns, providing any information, or
remitting any payments with respect to the taxes listed in
division (D)(1) of this section as of the first day of the sixth
month preceding the month in which the permit expires, or of any
permit holder the commissioner has identified as having been
assessed by the department on or before the first day of the third
month preceding the month in which the permit expires, until the
division is notified by the commissioner that the delinquency,
liability, or assessment has been resolved.

(b)(i) Within ninety days after the date on which the permit
expires, any permit holder whose permit is not renewed under this
division may file an appeal with the liquor control commission. The
commission shall notify the tax commissioner regarding the
filing of any such appeal. During the period in which the appeal
is pending, the permit shall not be renewed by the division. The
permit shall be reinstated if the permit holder and the
commissioner or the attorney general demonstrate to the liquor
control commission that the commissioner's notification of a
delinquency or assessment was in error or that the issue of the
delinquency or assessment has been resolved.

(ii) A permit holder who has filed an appeal under division
(D)(2)(b)(i) of this section may file a motion to withdraw the
appeal. The division of liquor control may renew a permit holder's
permit if the permit holder has withdrawn such an appeal and the
division receives written certification from the tax commissioner
that the permit holder's delinquency or assessment has been
resolved.

(3) A permit holder notified of delinquency or liability
under this section may protest the notification to the tax
commissioner on the basis that no return or information is
delinquent and no tax, fee, charge, penalty, or interest is
outstanding. The commissioner shall expeditiously consider any
evidence submitted by the permit holder and, if it is determined
that the notification was in error, immediately shall inform the
division of liquor control that the renewal application may be
granted. The renewal shall not be denied if the delinquency or
unreported liability is the subject of a bona fide dispute as to
the validity of the delinquency or unreported liability and is the subject of an assessment and of an appeal properly filed by the permit holder.

(4) If the commissioner concludes that under the circumstances the permit holder's delinquency or liability has been conditionally resolved, the commissioner shall allow the permit to be renewed, conditioned upon the permit holder's continuing performance in satisfying the delinquency and liability. The conditional nature of the renewal shall be specified in the notification given to the division of liquor control under division (D)(1) of this section. Upon receipt of notice of the resolution, the division shall issue a conditional renewal. If the taxpayer defaults on any agreement to pay the delinquency or liability or fails to keep subsequent tax or fee payments current, the liquor control commission, upon request and proof of the default or failure to keep subsequent tax or fee payments current, shall indefinitely suspend the permit holder's permit until all taxes or fees and interest due are paid.

(5) The commissioner may adopt rules to assist in administering the duties imposed by this section.

Sec. 4303.30. The rights granted by any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-6 permit that authorizes on-premises consumption of beer, mixed beverages, wine, or spirituous liquor shall be exercised at not more than two fixed counters, commonly known as bars, in rooms or places on the permit premises, where beer, mixed beverages, wine, or spirituous liquor is sold to the public for consumption on the premises. For each additional fixed counter on the permit premises where those beverages are sold for consumption on the premises, the permit holder shall obtain a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, ...
D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-6 permit for the class of permit already issued.

The holder of any D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-6 such permit shall be granted, upon application to the division of liquor control, a duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-6 permit for each additional fixed counter on the permit premises at which beer, mixed beverages, wine, or spirituous liquor is sold for consumption on the premises, provided the application is made in the same manner as an application for an original permit. The application shall be identified with DUPLICATE printed on the permit application form furnished by the department, in boldface type. The application shall identify by name, or otherwise amply describe, the room or place on the premises where the duplicate permit is to be operative. Each duplicate permit shall be issued only to the same individual, firm, or corporation as that of the original permit and shall be an exact duplicate in size and word content as the original permit, except that it shall show on it the name or other ample identification of the room, or place, for which it is issued and shall have DUPLICATE printed on it in boldface type. A duplicate permit shall bear the same number as the original permit. The fee for a duplicate permit is: D-1, one hundred dollars; D-2, one hundred dollars; D-3, four hundred dollars; D-3a, four hundred dollars; D-4, two hundred dollars; D-5, one thousand dollars; D-5a, one thousand dollars; D-5b, one thousand dollars; D-5e, four hundred dollars; D-5f, six hundred fifty dollars; D-5g, one thousand dollars; D-5h, one thousand dollars; D-5i, one thousand dollars; D-6, one hundred dollars when issued to the holder of a D-4a permit; and in all other cases one hundred dollars or an amount which is twenty per cent of the fees payable for the A-1-A, D-2, D-3, D-3a, D-4, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h,
D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, and D-6 permit the original permit issued to the same premises, whichever is higher. Application for a duplicate permit may be filed any time during the life of an original permit. The fee for each duplicate D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-6 permit shall be paid in accordance with section 4303.24 of the Revised Code.

Sec. 4503.03. (A)(1)(a) Except as provided in division (B) of this section, the registrar of motor vehicles may designate one or more of the following persons to act as a deputy registrar in each county:

(i) The county auditor in any county, subject to division (A)(1)(b)(i) of this section;

(ii) The clerk of a court of common pleas in any county, subject to division (A)(1)(b)(ii) of this section;

(iii) An individual;

(iv) A nonprofit corporation as defined in division (C) of section 1702.01 of the Revised Code.

(b)(i) If the population of a county is forty thousand or less according to the most recent federal decennial census and if the county auditor is designated by the registrar as a deputy registrar, no other person need be designated in the county to act as a deputy registrar.

(ii) The registrar may designate a clerk of a court of common pleas as a deputy registrar if the population of the county is forty thousand or less according to the last federal census. In a county with a population greater than forty thousand but not more than fifty thousand according to the last federal census, the clerk of a court of common pleas is eligible to act as a deputy registrar and may participate in the competitive selection process
for the award of a deputy registrar contract by applying in the
same manner as any other person. All fees collected and retained
by a clerk for conducting deputy registrar services shall be paid
into the county treasury to the credit of the certificate of title
administration fund created under section 325.33 of the Revised
Code.

Notwithstanding the county population restrictions in
division (A)(1)(b) of this section, if no person applies to act
under contract as a deputy registrar in a county and the county
auditor is not designated as a deputy registrar, the registrar may
ask the clerk of a court of common pleas to serve as the deputy
registrar for that county.

(c)(b) As part of the selection process in awarding a deputy
registrar contract, the registrar shall consider the customer
service performance record of any person previously awarded a
deputy registrar contract pursuant to division (A)(1) of this
section.

(2) Deputy registrars shall accept applications for the
annual license tax for any vehicle not taxed under section 4503.63
of the Revised Code and shall assign distinctive numbers in the
same manner as the registrar. Such deputies shall be located in
such locations in the county as the registrar sees fit. There
Except as provided in division (A)(3) of this section, there shall
be at least one deputy registrar in each county.

(3) The registrar need not appoint a deputy registrar in a
county to which all of the following apply:

(a) No individual, nonprofit corporation, or, where
applicable, clerk of court of common pleas participates in the
competitive selection process to be designated as a deputy
registrar;

(b) Neither the county auditor nor the clerk of court of
common pleas agrees to be designated as a deputy registrar;

(c) No individual or nonprofit corporation agrees to be designated as a deputy registrar;

(d) No deputy registrar operating an existing deputy registrar agency in another county agrees to be designated as the deputy registrar for that county.

(4) The registrar may reestablish a deputy registrar in any county without a deputy registrar if any of the following apply:

(a) The county auditor requests to be designated as a deputy registrar;

(b) The clerk of court of common pleas requests to be designated as a deputy registrar;

(c) A deputy registrar operating an existing deputy registrar agency in another county requests to be designated as a deputy registrar for that county;

(d) A qualified individual or nonprofit corporation requests to be designated as a deputy registrar. In the event that two or more qualified individuals, nonprofit corporations, or a combination thereof, request to be designated as a deputy registrar, the registrar may make the designation through the competitive selection process.

Deputy registrar contracts are subject to the provisions of division (B) of section 125.081 of the Revised Code.

(B)(1) The registrar shall not designate any person to act as a deputy registrar under division (A)(1) of this section if the person or, where applicable, the person's spouse or a member of the person's immediate family has made, within the current calendar year or any one of the previous three calendar years, one or more contributions totaling in excess of one hundred dollars to any person or entity included in division (A)(2) of section
4503.033 of the Revised Code. As used in this division, "immediate family" has the same meaning as in division (D) of section 102.01 of the Revised Code, and "entity" includes any political party and any "continuing association" as defined in division (C)(4) of section 3517.01 of the Revised Code or "political action committee" as defined in division (C)(8) of that section that is primarily associated with that political party. For purposes of this division, contributions to any continuing association or any political action committee that is primarily associated with a political party shall be aggregated with contributions to that political party.

The contribution limitations contained in this division do not apply to any county auditor or clerk of a court of common pleas. A county auditor or clerk of a court of common pleas is not required to file the disclosure statement or pay the filing fee required under section 4503.033 of the Revised Code. The limitations of this division also do not apply to a deputy registrar who, subsequent to being awarded a deputy registrar contract, is elected to an office of a political subdivision.

(2) The registrar shall not designate either of the following to act as a deputy registrar:

(a) Any elected public official other than a county auditor or, as authorized by division (A)(1)(b) (A)(1) of this section, a clerk of a court of common pleas, acting in an official capacity, except that, the registrar shall continue and may renew a contract with any deputy registrar who, subsequent to being awarded a deputy registrar contract, is elected to an office of a political subdivision;

(b) Any person holding a current, valid contract to conduct motor vehicle inspections under section 3704.14 of the Revised Code.
(3) As used in division (B) of this section, "political subdivision" has the same meaning as in section 3501.01 of the Revised Code.

(C)(1) Except as provided in division (C)(2) of this section, deputy registrars are independent contractors and neither they nor their employees are employees of this state, except that nothing in this section shall affect the status of county auditors or clerks of courts of common pleas as public officials, nor the status of their employees as employees of any of the counties of this state, which are political subdivisions of this state. Each deputy registrar shall be responsible for the payment of all unemployment compensation premiums, all workers' compensation premiums, social security contributions, and any and all taxes for which the deputy registrar is legally responsible. Each deputy registrar shall comply with all applicable federal, state, and local laws requiring the withholding of income taxes or other taxes from the compensation of the deputy registrar's employees. Each deputy registrar shall maintain during the entire term of the deputy registrar's contract a policy of business liability insurance satisfactory to the registrar and shall hold the department of public safety, the director of public safety, the bureau of motor vehicles, and the registrar harmless upon any and all claims for damages arising out of the operation of the deputy registrar agency.

(2) For purposes of Chapter 4141. of the Revised Code, determinations concerning the employment of deputy registrars and their employees shall be made under Chapter 4141. of the Revised Code.

(D)(1) With the approval of the director, the registrar shall adopt rules governing deputy registrars. The rules shall do all of the following:

(a) Establish requirements governing the terms of the
contract between the registrar and each deputy registrar and the services to be performed;

(b) Establish requirements governing the amount of bond to be given as provided in this section;

(c) Establish requirements governing the size and location of the deputy's office;

(d) Establish requirements governing the leasing of equipment necessary to conduct the vision screenings required under section 4507.12 of the Revised Code and training in the use of the equipment;

(e) Encourage every deputy registrar to inform the public of the location of the deputy registrar's office and hours of operation by means of public service announcements;

(f) Allow any deputy registrar to advertise in regard to the operation of the deputy registrar's office, including allowing nonprofit corporations operating as a deputy registrar to advertise that a specified amount of proceeds collected by the nonprofit corporation are directed to a specified charitable organization or philanthropic cause;

(g) Specify the hours the deputy's office is to be open to the public and require as a minimum that one deputy's office in each county be open to the public for at least four hours each weekend, provided that if only one deputy's office is located within the boundary of the county seat, that office is the office that shall be open for the four-hour period each weekend;

(h) Specify that every deputy registrar, upon request, provide any person with information about the location and office hours of all deputy registrars in the county;

(i) Allow a deputy registrar contract to be awarded to a nonprofit corporation formed under the laws of this state;
(j) Except as provided in division (D)(2) of this section, prohibit any deputy registrar from operating more than one deputy registrar's office at any time;

(k) For the duration of any deputy registrar contract, require that the deputy registrar occupy a primary residence in a location that is within a one-hour commute time from the deputy registrar's office or offices. The rules shall require the registrar to determine commute time by using multiple established internet-based mapping services.

(l) Establish procedures for a deputy registrar to request the authority to collect reinstatement fees under sections 4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 4510.72, and 4511.191 of the Revised Code and to transmit the reinstatement fees and two dollars of the service fee collected under those sections. The registrar shall ensure that at least one deputy registrar in each county has the necessary equipment and is able to accept reinstatement fees. The registrar shall deposit the service fees received from a deputy registrar under those sections into the public safety - highway purposes fund created in section 4501.06 of the Revised Code and shall use the money for deputy registrar equipment necessary in connection with accepting reinstatement fees.

(m) Establish standards for a deputy registrar, when the deputy registrar is not a county auditor or a clerk of a court of common pleas, to sell advertising rights to third party businesses to be placed in the deputy registrar's office;

(n) Allow any deputy registrar that is not a county auditor or a clerk of a court of common pleas to operate a vending machine;

(o) Establish such other requirements as the registrar and director consider necessary to provide a high level of service.
(2) Notwithstanding division (D)(1)(j) of this section, the
rules may allow both of the following:

(a) The registrar to award a contract to a deputy registrar

(b) A nonprofit corporation formed for the purposes of
providing automobile-related services to its members or the public

and that provides such services from more than one location in

this state to operate a deputy registrar office at any location.

(3) As a daily adjustment, the bureau of motor vehicles shall

credit to a deputy registrar the amount established under section

4503.038 of the Revised Code for each damaged license plate or

validation sticker the deputy registrar replaces as a service to a

member of the public.

(4)(a) With the prior approval of the registrar, each deputy
registrar may conduct at the location of the deputy registrar's
office any business that is consistent with the functions of a
deputy registrar and that is not specifically mandated or
authorized by this or another chapter of the Revised Code or by
implementing rules of the registrar.

(b) In accordance with guidelines the director of public

safety shall establish, a deputy registrar may operate or contract
for the operation of a vending machine at a deputy registrar

location if products of the vending machine are consistent with

the functions of a deputy registrar.

(c) A deputy registrar may enter into an agreement with the
Ohio turnpike and infrastructure commission pursuant to division
(A)(11) of section 5537.04 of the Revised Code for the purpose of
allowing the general public to acquire from the deputy registrar
the electronic toll collection devices that are used under the
multi-jurisdiction electronic toll collection agreement between
the Ohio turnpike and infrastructure commission and any other
entities or agencies that participate in such an agreement. The
approval of the registrar is not necessary if a deputy registrar
engages in this activity.

(5) Not later than July 1, 2025, the registrar shall provide
every deputy registrar access to an internet-based application
programming interface that does all of the following:

(a) Assigns each deputy registrar a unique credential for use
of the interface;

(b) Allows each deputy registrar to provide online services
and transactions for bureau of motor vehicle services otherwise
provided at a deputy registrar agency;

(c) Limits the use of the interface to the deputy registrars,
the authorized agents of the deputy registrars, and the authorized
agents of the registrar necessary for technical support.

The registrar may adopt rules in accordance with Chapter 119.
of the Revised Code to implement and administer division (D)(5)
of this section. Notwithstanding any provision of section 121.95 of
the Revised Code to the contrary, a regulatory restriction
contained in a rule adopted under division (D)(5) of this section
is not subject to sections 121.95 to 121.953 of the Revised Code.

(6) As used in this section and in section 4507.01 of the
Revised Code, "nonprofit corporation" has the same meaning as in
section 1702.01 of the Revised Code.

(E)(1) Unless otherwise terminated and except for interim
contracts lasting not longer than one year, contracts with deputy
registrars shall be entered into through a competitive selection
process and shall be limited in duration as follows:

(a) For contracts entered into between July 1, 1996 and June
29, 2014, for a period of not less than two years, but not more
than three years;

(b) For contracts entered into on or after June 29, 2014, for a period of five years, unless the registrar determines that a shorter contract term is appropriate for a particular deputy registrar.

(2) All contracts with deputy registrars shall expire on the last Saturday of June in the year of their expiration. Prior to the expiration of any deputy registrar contract, the registrar, with the approval of the director, may award a one-year contract extension to any deputy registrar who has provided exemplary service based upon objective performance evaluations.

(3)(a) The auditor of state may examine the accounts, reports, systems, and other data of each deputy registrar at least every two years. The registrar, with the approval of the director, shall immediately remove a deputy who violates any provision of the Revised Code related to the duties as a deputy, any rule adopted by the registrar, or a term of the deputy's contract with the registrar. The registrar also may remove a deputy who, in the opinion of the registrar, has engaged in any conduct that is either unbecoming to one representing this state or is inconsistent with the efficient operation of the deputy's office.

(b) If the registrar, with the approval of the director, determines that there is good cause to believe that a deputy registrar or a person proposing for a deputy registrar contract has engaged in any conduct that would require the denial or termination of the deputy registrar contract, the registrar may require the production of books, records, and papers as the registrar determines are necessary, and may take the depositions of witnesses residing within or outside the state in the same manner as is prescribed by law for the taking of depositions in civil actions in the court of common pleas, and for that purpose the registrar may issue a subpoena for any witness or a subpoena
duces tecum to compel the production of any books, records, or
papers, directed to the sheriff of the county where the witness
resides or is found. Such a subpoena shall be served and returned
in the same manner as a subpoena in a criminal case is served and
returned. The fees of the sheriff shall be the same as that
allowed in the court of common pleas in criminal cases. Witnesses
shall be paid the fees and mileage provided for under section
119.094 of the Revised Code. The fees and mileage shall be paid
from the fund in the state treasury for the use of the agency in
the same manner as other expenses of the agency are paid.

In any case of disobedience or neglect of any subpoena served
on any person or the refusal of any witness to testify to any
matter regarding which the witness lawfully may be interrogated,
the court of common pleas of any county where the disobedience,
neglect, or refusal occurs or any judge of that court, on
application by the registrar, shall compel obedience by attachment
proceedings for contempt, as in the case of disobedience of the
requirements of a subpoena issued from that court, or a refusal to
testify in that court.

(4) Nothing in division (E) of this section shall be
construed to require a hearing of any nature prior to the
termination of any deputy registrar contract by the registrar,
with the approval of the director, for cause.

(F) Except as provided in section 2743.03 of the Revised
Code, no court, other than the court of common pleas of Franklin
county, has jurisdiction of any action against the department of
public safety, the director, the bureau, or the registrar to
restrain the exercise of any power or authority, or to entertain
any action for declaratory judgment, in the selection and
appointment of, or contracting with, deputy registrars. Neither
the department, the director, the bureau, nor the registrar is
liable in any action at law for damages sustained by any person
because of any acts of the department, the director, the bureau, or the registrar, or of any employee of the department or bureau, in the performance of official duties in the selection and appointment of, and contracting with, deputy registrars.

(G) The registrar shall assign to each deputy registrar a series of numbers sufficient to supply the demand at all times in the area the deputy registrar serves, and the registrar shall keep a record in the registrar's office of the numbers within the series assigned. Except as otherwise provided in section 3.061 of the Revised Code, each deputy shall be required to give bond in the amount of at least twenty-five thousand dollars, or in such higher amount as the registrar determines necessary, based on a uniform schedule of bond amounts established by the registrar and determined by the volume of registrations handled by the deputy. The form of the bond shall be prescribed by the registrar. The bonds required of deputy registrars, in the discretion of the registrar, may be individual or schedule bonds or may be included in any blanket bond coverage carried by the department.

(H) Each deputy registrar shall keep a file of each application received by the deputy and shall register that motor vehicle with the name and address of its owner.

(I) Upon request, a deputy registrar shall make the physical inspection of a motor vehicle and issue the physical inspection certificate required in section 4505.061 of the Revised Code.

(J) Each deputy registrar shall file a report semiannually with the registrar of motor vehicles listing the number of applicants for licenses the deputy has served, the number of voter registration applications the deputy has completed and transmitted to the board of elections, and the number of voter registration applications declined.

Sec. 4503.038. (A) Not later than ninety days after the
effective date of this amendment July 3, 2019, the registrar of motor vehicles shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a service fee that applies for purposes of sections 4503.03, 4503.036, 4503.042, 4503.10, 4503.102, 4503.12, 4503.182, 4503.24, 4503.44, 4503.65, 4505.061, 4506.08, 4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4519.10, 4519.56, and 4519.69 of the Revised Code. The service fee shall be five dollars.

(B) Not later than ninety days after the effective date of this amendment July 3, 2019, the registrar shall adopt rules in accordance with Chapter 119. of the Revised Code establishing prorated service fees that apply for purposes of multi-year registrations authorized under section 4503.103 of the Revised Code.

(C) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 4503.065. (A) (1) Division (A) of this section applies to any of the following persons:

(a) An individual who is permanently and totally disabled;

(b) An individual who is sixty-five years of age or older;

(c) An individual who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a reduction in assessable value under this section in the year of death, provided the surviving spouse is at least fifty-nine but not sixty-five or more years of age on the date the deceased spouse dies.

(2) The manufactured home tax on a manufactured or mobile
home that is paid pursuant to division (C) of section 4503.06 of
the Revised Code and that is owned and occupied as a home by an
individual whose domicile is in this state and to whom this
section applies, shall be reduced for any tax year for which an
application for such reduction has been approved, provided the
individual did not acquire ownership from a person, other than the
individual's spouse, related by consanguinity or affinity for the
purpose of qualifying for the reduction. An owner includes a
settlor of a revocable or irrevocable inter vivos trust holding
the title to a manufactured or mobile home occupied by the settlor
as of right under the trust.

(a) For manufactured and mobile homes for which the tax
imposed by section 4503.06 of the Revised Code is computed under
division (D)(2) of that section, the reduction shall equal one of
the following amounts, as applicable to the person:

(i) If the person received a reduction under this section for
tax year 2007, the greater of the reduction for that tax year or
the amount computed under division (A)(2)(b) of this section;

(ii) If the person received, for any homestead, a reduction
under division (A) of this section for tax year 2014 or under
division (A)(1) of section 323.152 of the Revised Code for tax
year 2013 or the person is the surviving spouse of such a person
and the surviving spouse is at least fifty-nine years of age on
the date the deceased spouse dies, the amount computed under
division (A)(2)(b) of this section. For purposes of divisions
(A)(2)(a)(ii) and (iii) of this section, a person receives a
reduction under division (A) of this section or division (A)(1) of
section 323.152 of the Revised Code for tax year 2014 or 2013,
respectively, if the person files a late application for that
respective tax year that is approved by the county auditor under
section 4503.066 or 323.153 of the Revised Code.

(iii) If the person is not described in division (A)(2)(a)(i)

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or (ii) of this section and the person's total income does not exceed thirty thousand dollars, as adjusted under division (A)(2)(e) of this section, the amount computed under division (A)(2)(b) of this section.

(b) The amount of the reduction under division (A)(2)(b) of this section equals the product of the following:

(i) Twenty-five thousand dollars of the true value of the property in money, as adjusted under division (A)(2)(e) of this section;

(ii) The assessment percentage established by the tax commissioner under division (B) of section 5715.01 of the Revised Code, not to exceed thirty-five per cent;

(iii) The effective tax rate used to calculate the taxes charged against the property for the current year, where "effective tax rate" is defined as in section 323.08 of the Revised Code;

(iv) The quantity equal to one minus the sum of the percentage reductions in taxes received by the property for the current tax year under section 319.302 of the Revised Code and division (B) of section 323.152 of the Revised Code.

(c) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(1) of that section, the reduction shall equal one of the following amounts, as applicable to the person:

(i) If the person received a reduction under this section for tax year 2007, the greater of the reduction for that tax year or the amount computed under division (A)(2)(d) of this section;

(ii) If the person received, for any homestead, a reduction under division (A) of this section for tax year 2014 or under division (A)(1) of section 323.152 of the Revised Code for tax year
year 2013 or the person is the surviving spouse of such a person and the surviving spouse is at least fifty-nine years of age on the date the deceased spouse dies, the amount computed under division (A)(2)(d) of this section. For purposes of divisions (A)(2)(c)(ii) and (iii) of this section, a person receives a reduction under division (A) of this section or under division (A)(1) of section 323.152 of the Revised Code for tax year 2014 or 2013, respectively, if the person files a late application for a refund of overpayments for that respective tax year that is approved by the county auditor under section 4503.066 of the Revised Code.

(iii) If the person is not described in division (A)(2)(c)(i) or (ii) of this section and the person's total income does not exceed thirty thousand dollars, as adjusted under division (A)(2)(e) of this section, the amount computed under division (A)(2)(d) of this section.

(d) The amount of the reduction under division (A)(2)(d) of this section equals the product of the following:

(i) Twenty-five thousand dollars of the cost to the owner, or the market value at the time of purchase, whichever is greater, as those terms are used in division (D)(1) of section 4503.06 of the Revised Code, and as adjusted under division (A)(2)(e) of this section;

(ii) The percentage from the appropriate schedule in division (D)(1)(b) of section 4503.06 of the Revised Code;

(iii) The assessment percentage of forty per cent used in division (D)(1)(b) of section 4503.06 of the Revised Code;

(iv) The tax rate of the taxing district in which the home has its situs.

(e) Each calendar year, the tax commissioner shall adjust the income threshold described in divisions (A)(2)(a)(iii) and
(A)(2)(c)(iii) and the reduction amounts described in divisions (A)(2)(b)(i), (A)(2)(d)(i), (B)(1), (B)(2), (C)(1), and (C)(2) of this section by completing the following calculations in September of each year:

(i) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding calendar year to the last day of December of the preceding calendar year;

(ii) Multiply that percentage increase by the total income threshold or reduction amount for the ensuing tax year, as applicable;

(iii) Add the resulting product to the total income threshold or reduction amount, as applicable for the ensuing tax year;

(iv) Round the resulting sum to the nearest multiple of one hundred dollars.

The commissioner shall certify the amount resulting from each adjustment to each county auditor not later than the first day of December each year. The certified amount applies to the second ensuing tax year. The commissioner shall not make the applicable adjustment in any calendar year in which the amount resulting from the adjustment would be less than the total income threshold or the reduction amount for the ensuing tax year.

(B) The manufactured home tax levied pursuant to division (C) of section 4503.06 of the Revised Code on a manufactured or mobile home that is owned and occupied by a disabled veteran shall be reduced for any tax year for which an application for such reduction has been approved, provided the disabled veteran did not acquire ownership from a person, other than the disabled veteran's spouse, related by consanguinity or affinity for the purpose of qualifying for the reduction. An owner includes an owner within...
the meaning of division (A)(2) of this section.

(1) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(2) of that section, the reduction shall equal the product obtained by multiplying fifty thousand dollars of the true value of the property in money, as adjusted under division (A)(2)(e) of this section, by the amounts described in divisions (A)(2)(b)(ii) to (iv) of this section.

(2) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(1) of that section, the reduction shall equal the product obtained by multiplying fifty thousand dollars of the cost to the owner, or the market value at the time of purchase, whichever is greater, as those terms are used in division (D)(1) of section 4503.06 of the Revised Code, as adjusted under division (A)(2)(e) of this section, by the amounts described in divisions (A)(2)(d)(ii) to (iv) of this section.

The reduction is in lieu of any reduction under section 4503.0610 of the Revised Code or division (A) or (C) of this section. The reduction applies to only one manufactured or mobile home owned and occupied by a disabled veteran.

If a manufactured or mobile home qualifies for a reduction in taxes under this division for the year in which the disabled veteran dies, and the disabled veteran is survived by a spouse who occupied the home when the disabled veteran died and who acquires ownership of the home, the reduction shall continue through the year in which the surviving spouse dies or remarries.

(C) The manufactured home tax levied pursuant to division (C) of section 4503.06 of the Revised Code on a manufactured or mobile home that is owned and occupied by the surviving spouse of a public service officer killed in the line of duty shall be reduced
for any tax year for which an application for such reduction has been approved, provided the surviving spouse did not acquire ownership from a person, other than the surviving spouse's deceased public service officer spouse, related by consanguinity or affinity for the purpose of qualifying for the reduction. An owner includes an owner within the meaning of division (A)(2) of this section.

(1) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(2) of that section, the reduction shall equal the product obtained by multiplying fifty thousand dollars of the true value of the property in money, as adjusted under division (A)(2)(e) of this section, by the amounts described in divisions (A)(2)(b)(ii) to (iv) of this section.

(2) For manufactured and mobile homes for which the tax imposed by section 4503.06 of the Revised Code is computed under division (D)(1) of that section, the reduction shall equal the product obtained by multiplying fifty thousand dollars of the cost to the owner, or the market value at the time of purchase, whichever is greater, as those terms are used in division (D)(1) of section 4503.06 of the Revised Code, as adjusted under division (A)(2)(e) of this section, by the amounts described in divisions (A)(2)(d)(ii) to (iv) of this section.

The reduction is in lieu of any reduction under section 4503.0610 of the Revised Code or division (A) or (B) of this section. The reduction applies to only one manufactured or mobile home owned and occupied by such a surviving spouse. A manufactured or mobile home qualifies for a reduction in taxes under this division for the tax year in which the public service officer dies through the tax year in which the surviving spouse dies or remarries.

(D) If the owner or the spouse of the owner of a manufactured
or mobile home is eligible for a homestead exemption on the land upon which the home is located, the reduction to which the owner or spouse is entitled under this section shall not exceed the difference between the reduction to which the owner or spouse is entitled under division (A), (B), or (C) of this section and the amount of the reduction under the homestead exemption.

(E) No reduction shall be made with respect to the home of any person convicted of violating division (C) or (D) of section 4503.066 of the Revised Code for a period of three years following the conviction.

**Sec. 4503.27.** A manufacturer, dealer, or distributor shall make application for registration, for each place in this state at which the business of manufacturing, dealing, or distributing of motor vehicles is carried on. The application shall show the make of motor vehicles manufactured, dealt in, or distributed at such place and shall show the taxing district in which the place of business is located. Upon the filing of such application and the payment of the annual tax and postage therefor imposed by section 4503.09 of the Revised Code, the registrar of motor vehicles shall assign to the applicant a distinctive number which must be carried and displayed by each such motor vehicle in like manner as provided by law for other motor vehicles while it is operated on the public highway until it is sold or transferred. At the time the registrar assigns the distinctive number the registrar shall furnish one placard license plate with the number thereon. Such manufacturer, dealer, or distributor may procure a reasonable number of certified copies of the additional registration certificates upon the payment for each of an annual fee of five dollars and the appropriate postage as required by the registrar. With each of the certified copies additional registration certificate the registrar shall furnish one placard license plate with the same numbering provided in the
original registration certificate, and shall add thereto such
special designation as necessary to distinguish one set of
placards license plate from another.

The registrar shall not assign any distinctive number and
shall not furnish any placards license plates to any dealer or
distributor unless the dealer or distributor, at the time of
making application for the placards license plates, produces
evidence to show that the dealer or distributor is the holder
either of a motor vehicle dealer's license required by section
4517.04 or 4517.05 of the Revised Code or a distributor's license
required by section 4517.08 of the Revised Code. Such evidence
shall be presented in the manner prescribed by the registrar.

Sec. 4503.271. A new motor vehicle may be operated on the
public roads or highways of this state without displaying a
license plate or placard issued to a manufacturer, dealer, or
distributor under section 4503.27 of the Revised Code or any other
license plate specified in the Revised Code if all of the
following apply to the new motor vehicle:

(A) The new motor vehicle was being transported on a railroad
car;

(B) The railroad car or the train of which the railroad car
was a part was involved in an accident that required the unloading
of the new motor vehicle from the railroad car in order to
preserve its condition or to facilitate the process of returning
the accident site to its normal state;

(C) The operator of the new motor vehicle was instructed by a
law enforcement officer at the accident site to drive the new
motor vehicle from the accident site directly to another location
for the purpose of removing the new motor vehicle from the
accident site and storing the new motor vehicle;
(D) The operator of the new motor vehicle proceeds from the accident site to the storage location utilizing the most direct route.

Sec. 4503.28. (A) No person who is a manufacturer of, dealer in, or distributor of motor vehicles shall fail to file an application for registration and to pay the tax for the registration, and to apply for and pay the legal fees for as many certified copies of the additional registration certificates as the law requires.

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4503.30. (A) Any placards license plates issued by the registrar of motor vehicles and bearing the distinctive number assigned to a manufacturer, dealer, or distributor pursuant to section 4503.27 of the Revised Code may be displayed on any motor vehicle, other than commercial cars, or on any motorized bicycle owned by the manufacturer, dealer, or distributor, or lawfully in the possession or control of the manufacturer, or the agent or employee of the manufacturer, the dealer, or the agent or employee of the dealer, the distributor, or the agent or employee of the distributor, and. Such license plates shall be displayed on no other motor vehicle or motorized bicycle. A placard

(B) (1) A license plate issued to a dealer under section 4503.27 of the Revised Code may be displayed on a motor vehicle, other than a commercial car, owned by a dealer when the vehicle is in transit from a dealer to a purchaser, when the vehicle is being demonstrated for sale or lease, or when the vehicle otherwise is being utilized by the dealer. A

(2) A vehicle bearing a placard license plate issued to a dealer under section 4503.27 of the Revised Code may be operated
by the dealer, an agent or employee of the dealer, a prospective purchaser, or a third party operating the vehicle with the permission of the dealer.

Such placards (C) A license plate issued to a manufacturer, dealer, or distributor pursuant to section 4503.27 of the Revised Code may be displayed on commercial cars only when the cars are in transit from a manufacturer to a dealer, from a distributor to a dealer or distributor, or from a dealer to a purchaser, or when the cars are being demonstrated for sale or lease, and such a license plate shall not be displayed when the cars are being used for delivery, hauling, transporting, or other commercial purpose.

(B) Whoever violates this section is guilty of a misdemeanor of the third degree.

Sec. 4503.301. (A) A manufacturer, dealer, or distributor of motor vehicles may apply for a reasonable number of commercial car demonstration placards license plates. The application shall show the make of commercial cars, commercial tractors, trailers, and semitrailers manufactured, dealt, or distributed in and shall show the taxing district in which the applicant's place of business is located.

Upon the filing of such application and the payment of an annual fee of five hundred dollars and appropriate postage as required by the registrar of motor vehicles, the registrar shall assign to the applicant a distinctive placard and number and the requested license plates with the number thereon. Such placards license plates shall be known as "commercial car demonstration placards license plates," and shall expire on a date prescribed by the registrar. Upon the first application by any person for such placards license plates, the registrar shall prorate the annual fee in accordance with section 4503.11 of the Revised Code; for all renewals or replacements of such placards license plates, the
Commercial car demonstration placards license plates may be displayed on commercial cars, commercial tractors, trailers and semitrailers owned by the manufacturer, dealer, or distributor, when those vehicles are operated by or being demonstrated to a prospective purchaser. In addition to the purposes permitted by section 4503.30 of the Revised Code, the placards license plates provided for in this section may be displayed on vehicles operated or used for delivery, hauling, transporting, or any other lawful purpose. When such placards license plates are used, the placards license plates provided for in section 4503.30 of the Revised Code need not be displayed.

The operator of any commercial car, commercial tractor, trailer, or semitrailer displaying the placards license plates provided for in this section, at all times, shall carry with the operator a letter from the manufacturer, dealer, or distributor authorizing the use of such manufacturer's, dealer's, or distributor's commercial car demonstration placards license plates.

When such placards license plates are used on any commercial car or commercial tractor, such power unit shall be considered duly registered and licensed for the purposes of section 4503.38 of the Revised Code.

(B) No manufacturer, dealer, or distributor of motor vehicles shall use the commercial car demonstration placard license plates for purposes other than those authorized by this section.

(C) Whoever violates division (B) of this section is guilty of a misdemeanor of the third degree.

Sec. 4503.31. (A) As used in this section, "person" includes, but is not limited to, any person engaged in the business of...
manufacturing or distributing, or selling at retail, displaying, offering for sale, or dealing in, motorized bicycles who is not subject to section 4503.09 of the Revised Code, or an Ohio nonprofit corporation engaged in the business of testing of motor vehicles.

(B) Persons other than manufacturers, dealers, or distributors may register annually with the registrar of motor vehicles and obtain placards license plates to be displayed on motor vehicles as provided by this section. Applications for annual registration shall be made at the time provided for payment of the tax and postage otherwise imposed on manufacturers, dealers, or distributors by section 4503.09 of the Revised Code and shall be in the manner to be prescribed by the registrar. The fee for such registration shall be twenty-five dollars and shall not be reduced when the registration is for a part of a year. Applicants may procure a reasonable number of certified copies of such additional registration certificates upon the payment of a fee of five dollars and appropriate postage as required by the registrar for each copy.

(C) Upon the filing of the application and the payment of the fee and postage prescribed by this section, the registrar shall issue to each applicant a certificate of registration and assign a distinctive number and furnish one placard license plate with the number thereon. With each of the certified copies of the additional registration certificate provided for in this section the registrar shall furnish one placard license plate with the same numbering assigned in the original registration certificate and shall add thereto such special designation as necessary to distinguish one set of placards license plate from another. All placards license plates furnished by the registrar pursuant to this section shall be so marked as to be distinguishable from placards license plates issued to dealers, manufacturers, or
distributors. Placards

(D) Except as provided by divisions (E) and (F) of this section, license plates issued pursuant to this section may be used only on motor the following:

(1) Motor vehicles or motorized bicycles owned and being used in testing or being demonstrated for purposes of sale or lease; or on motor

(2) Motor vehicles subject to the rights and remedies of a secured party being exercised under Chapter 1309. of the Revised Code; or on motor

(3) Motor vehicles being held or transported by any insurance company for purposes of salvage disposition; or on motor

(4) Motor vehicles being transported by any persons regularly engaged in salvage operations or scrap metal processing from the point of acquisition to their established place of business; or on motor

(5) Motor vehicles owned by or in the lawful possession of an Ohio nonprofit corporation while being used in the testing of those motor vehicles.

Placards (E) License plates issued pursuant to this section also may be used by persons all of the following:

(1) Persons regularly engaged in the business of rustproofing, reconditioning, or installing equipment or trim on motor vehicles for motor vehicle dealers and shall be used exclusively when such motor vehicles are being transported to or from the motor vehicle dealer's place of business; and by persons

(2) Persons engaged in manufacturing articles for attachment to motor vehicles when such motor vehicles are being transported to or from places where mechanical equipment is attached to the chassis of such new motor vehicles; or on motor vehicles being
towed by any persons

(3) Persons regularly and primarily engaged in the business of towing motor vehicles while such motor vehicles are being towed to a point of storage.

Placards (F) License plates issued pursuant to this section also may be used on trailers being transported by persons engaged in the business of selling tangible personal property other than motor vehicles.

(G) No person required to register an apportionable vehicle under the international registration plan shall apply for or receive a placard license plate for that vehicle under this section.

(H) The fees collected by the registrar pursuant to this section shall be paid into the public safety - highway purposes fund established in section 4501.06 of the Revised Code and used for the purposes described in that section.

Sec. 4503.311. A manufacturer of or dealer in trailers for transporting watercraft may apply for registration with the registrar of motor vehicles for each place in this state where the manufacturer or dealer carries on the business of manufacturing or dealing in such trailers. Applications for annual registration shall be made at the time provided for payment of the tax imposed on manufacturers and dealers by section 4503.09 of the Revised Code and shall be in the manner to be prescribed by the registrar. The fee for such registration shall be twenty-five dollars and shall not be reduced when the registration is for a part of a year.

Upon the filing of such application and the payment of the fee and appropriate postage as required by the registrar of motor vehicles, the registrar shall assign to the applicant a
distinctive number which shall be displayed on the rear of each trailer while it is operated on the public highway. Such trailer may be operated on the public highway while loaded, until it is sold or transferred. At the time the registrar assigns the distinctive number, the registrar shall furnish one placard license plate with the number thereon. Such manufacturer or dealer may procure a reasonable number of certified copies of the additional registration certificate certificates upon the payment of a fee of five dollars and postage. With each of such certified copies additional registration certificate, the registrar shall furnish one placard license plate with the same number provided in the original registration certificate, and shall add thereto such special designation as necessary to distinguish one set of placards license plates from another. All placards license plates furnished by the registrar pursuant to this section shall be so marked as to be distinguishable from placards license plates issued to dealers in or manufacturers of motor vehicles.

The fees collected by the registrar pursuant to this section shall be paid into the public safety - highway purposes fund established in section 4501.06 of the Revised Code and used for the purposes described in that section.

Sec. 4503.312. As used in this section:

(A) "Utility trailer" means any trailer, except a travel trailer or trailer for transporting watercraft, having a gross weight of less than four thousand pounds.

(B) "Snowmobile" and "all-purpose vehicle" have the same meanings as in section 4519.01 of the Revised Code.

(C) "Distributor" means any person authorized by a manufacturer of utility trailers or trailers for transporting motorcycles, snowmobiles, or all-purpose vehicles to distribute new trailers to persons for purposes of resale.
A manufacturer, distributor, or retail seller of utility trailers or trailers for transporting motorcycles, snowmobiles, or all-purpose vehicles may apply for registration with the registrar of motor vehicles for each place in this state where the manufacturer, distributor, or retail seller carries on the business of manufacturing, distributing, or selling at retail such trailers. Applications for annual registration shall be made at the time provided for payment of the tax imposed by section 4503.09 of the Revised Code; shall be in the manner to be prescribed by the registrar; and shall be accompanied by an affidavit certifying that the applicant is a manufacturer, distributor, or retail seller of utility trailers or trailers for transporting motorcycles, snowmobiles, or all-purpose vehicles. The fee for such registration shall be twenty-five dollars and shall not be reduced when the registration is for a part of a year.

Upon the filing of the application and affidavit, and payment of the fee and appropriate postage as required by the registrar, the registrar shall assign to the applicant a distinctive number which shall be displayed on the rear of each trailer when it is operated on the public highway. Any trailer for transporting motorcycles, snowmobiles, or all-purpose vehicles that is not loaded may be operated on the public highway until it is sold or transferred; and any utility trailer that is not loaded, or that is being used to transport another utility trailer for purposes of demonstration or delivery, may be operated on the public highway until it is sold or transferred.

At the time the registrar assigns the distinctive number, the registrar shall furnish one license plate with the number thereon. The manufacturer, distributor, or retail seller may procure a reasonable number of certified copies of the additional registration certificate upon the payment of a fee of
five dollars and postage. With each of such certified copies additional registration certificate, the registrar shall furnish one placard license plate with the same number provided in the original registration certificate, and shall add thereto such special designation as necessary to distinguish one set of placards license plate from another. All placards license plates furnished by the registrar pursuant to this section shall be so marked as to be distinguishable from placards license plates issued to dealers in or manufacturers of motor vehicles or trailers for transporting watercraft.

The fees collected by the registrar pursuant to this section shall be paid into the public safety - highway purposes fund established by section 4501.06 of the Revised Code and used for the purposes described in that section.

**Sec. 4503.32.** (A) No person shall use the license placards plates provided for in section 4503.31 of the Revised Code contrary to said section.

(B) Whoever violates this section is guilty of a misdemeanor of the third degree.

**Sec. 4503.33.** A person, firm, or corporation engaged in this state as a drive-away operator or trailer transporter or both in the business of transporting and delivering, by means of the full mount method, the saddle mount method, the tow bar method, tow-away method, or any combination thereof, or under their own power, new motor vehicles from the manufacturer or any other point of origin to any point of destination, or used motor vehicles from any individual, firm, or corporation to any point of destination, or both, shall make application apply to the registrar of motor vehicles for an "in transit" permit. This application shall be accompanied by a registration fee of fifty dollars, and shall show
such information as is considered necessary by the registrar. Upon the filing of the application and the payment of the annual fee and appropriate postage as required by the registrar, the registrar shall issue to each permittee a certificate of registration bearing a distinctive number or designation of the registration and one placard license plate bearing a corresponding number or designation, which placard must. The license plate shall be carried and displayed by each such motor vehicle in like manner as provided by law for other motor vehicles while operated upon a public highway in transit from the manufacturer or any other point of origin to any point of destination.

A permittee may procure a reasonable number of certified copies of such additional registration certificates upon the payment of a fee of three dollars and postage. With each such certified copy additional registration certificate the registrar shall furnish one placard license plate with the same numbering or designation provided in the original registration certificate, and the registrar may add thereto such special designation as may be necessary to distinguish one placard license plate from another.

No person required to register an apportionable vehicle under the international registration plan shall apply for or receive a placard license plate for that vehicle under this section.

Sec. 4503.34. (A) No person who is a drive-away operator or trailer transporter, or both, engaged in the business of transporting and delivering new motor vehicles or used motor vehicles, or both, by means of the full mount method, the saddle mount method, the tow bar method, the tow-away method, or any combination thereof, or under their own power, shall fail to file an application as required by section 4503.33 of the Revised Code, and to pay the fees therefor, and to apply for and pay the legal
fees for as many certified copies additional registration certificates thereof as said section requires.

(B) Whoever violates this section is guilty of a minor misdemeanor.

Sec. 4503.44. (A) As used in this section and in section 4511.69 of the Revised Code:

(1) "Person with a disability that limits or impairs the ability to walk" means any person who, as determined by a health care provider, meets any of the following criteria:

(a) Cannot walk two hundred feet without stopping to rest;

(b) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;

(c) Is restricted by a lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty millimeters of mercury on room air at rest;

(d) Uses portable oxygen;

(e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American heart association;

(f) Is severely limited in the ability to walk due to an arthritic, neurological, or orthopedic condition;

(g) Is blind, legally blind, or severely visually impaired.

(2) "Organization" means any private organization or corporation, or any governmental board, agency, department,
division, or office, that, as part of its business or program, transports persons with disabilities that limit or impair the ability to walk on a regular basis in a motor vehicle that has not been altered for the purpose of providing it with accessible equipment for use by persons with disabilities. This definition does not apply to division (I) of this section.

(3) "Health care provider" means a physician, physician assistant, advanced practice registered nurse, optometrist, or chiropractor as defined in this section except that an optometrist shall only make determinations as to division (A)(1)(g) of this section.

(4) "Physician" means a person licensed to practice medicine or surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code.

(5) "Chiropractor" means a person licensed to practice chiropractic under Chapter 4734. of the Revised Code.

(6) "Advanced practice registered nurse" means a certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code.

(7) "Physician assistant" means a person who is licensed as a physician assistant under Chapter 4730. of the Revised Code.

(8) "Optometrist" means a person licensed to engage in the practice of optometry under Chapter 4725. of the Revised Code.

(9) "Removable windshield placard" includes a standard removable windshield placard, a temporary removable windshield placard, or a permanent removable windshield placard, unless otherwise specified.

(B)(1) An organization, or a person with a disability that
limits or impairs the ability to walk, may apply for the registration of any motor vehicle the organization or person owns or leases. When a motor vehicle has been altered for the purpose of providing it with accessible equipment for a person with a disability that limits or impairs the ability to walk, but is owned or leased by someone other than such a person, the owner or lessee may apply to the registrar of motor vehicles or a deputy registrar for registration under this section. The application for registration of a motor vehicle owned or leased by a person with a disability that limits or impairs the ability to walk shall be accompanied by a signed statement from the applicant's health care provider certifying that the applicant meets at least one of the criteria contained in division (A)(1) of this section and that the disability is expected to continue for more than six consecutive months. The application for registration of a motor vehicle that has been altered for the purpose of providing it with accessible equipment for a person with a disability that limits or impairs the ability to walk but is owned by someone other than such a person shall be accompanied by such documentary evidence of vehicle alterations as the registrar may require by rule.

(2) When an organization, a person with a disability that limits or impairs the ability to walk, or a person who does not have a disability that limits or impairs the ability to walk but owns a motor vehicle that has been altered for the purpose of providing it with accessible equipment for a person with a disability that limits or impairs the ability to walk first submits an application for registration of a motor vehicle under this section and every fifth year thereafter, the organization or person shall submit a signed statement from the applicant's health care provider, a completed application, and any required documentary evidence of vehicle alterations as provided in division (B)(1) of this section, and also a power of attorney from the owner of the motor vehicle if the applicant leases the motor vehicle.
vehicle. Upon submission of these items, the registrar or deputy registrar shall issue to the applicant appropriate vehicle registration and a set of license plates and validation stickers, or validation stickers alone when required by section 4503.191 of the Revised Code. In addition to the letters and numbers ordinarily inscribed thereon, the license plates shall be imprinted with the international symbol of access. The license plates and validation stickers shall be issued upon payment of the regular license fee as prescribed under section 4503.04 of the Revised Code and any motor vehicle tax levied under Chapter 4504 of the Revised Code, and the payment of a service fee equal to the amount specified in division (D) or (G) of established under section 4503.10 4503.038 of the Revised Code.

(3) A person with a disability that limits or impairs the ability to walk, but whose disability is not readily apparent to another person, may apply to the registrar, in accordance with divisions (B)(1) and (2) of this section, for a license plate with an orange international symbol of access imprinted on the plate. The registrar shall provide for and issue such a license plate.

All other rules relating to the issuance, expiration, revocation, surrender, and proper display of a license plate apply to a license plate issued under this division. Nothing in this division shall be construed to require a person who qualifies for a license plate under division (B) of this section to apply for and obtain the license plate with the orange international symbol of access.

(C)(1) A person with a disability that limits or impairs the ability to walk may apply to the registrar of motor vehicles for a removable windshield placard by completing and signing an application provided by the registrar. The

(2) The person shall include with the application a prescription from the person's health care provider prescribing
such a placard for the person based upon a determination that the
person meets at least one of the criteria contained in division
(A)(1) of this section. The health care provider shall state on
the prescription the length of time the health care provider
expects the applicant to have the disability that limits or
impairs the person's ability to walk. If the length of time the
applicant is expected to have the disability is six consecutive
months or less, the applicant shall submit an application for a
temporary removable windshield placard. If the length of time the
applicant is expected to have the disability is permanent, the
applicant shall submit an application for a permanent removable
windshield placard. All other applicants shall submit an
application for a standard removable windshield placard.

(3) In addition to one placard or one or more sets of license
plates, a person with a disability that limits or impairs the
ability to walk is entitled to one additional placard, but only if
the person applies separately for the additional placard, states
the reasons why the additional placard is needed, and the
registrar, in the registrar's discretion determines that good and
justifiable cause exists to approve the request for the additional
placard.

(2)(4) An organization may apply to the registrar of motor
vehicles for a standard removable windshield placard by completing
and signing an application provided by the registrar. The
organization shall comply with any procedures the registrar
establishes by rule. The organization shall include with the
application documentary evidence that the registrar requires by
rule showing that the organization regularly transports persons
with disabilities that limit or impair the ability to walk.

(3) Upon (5) The registrar or deputy registrar shall issue to
an applicant a standard removable windshield placard, a temporary
removable windshield placard, or a permanent removable windshield
placard, as applicable, upon receipt of all of the following:

(a) A completed and signed application for a removable windshield placard,

(b) The accompanying documents required under division (C)(1) or (2) (C)(2) or (4) of this section, and payment;

(c) Payment of a service fee equal to the amount specified in division (D) or (E) of established under section 4503.10 4503.038 of the Revised Code, the registrar or deputy registrar shall issue to the applicant a removable windshield placard, which for a standard removable windshield placard or a temporary removable windshield placard, or payment of fifteen dollars for a permanent windshield placard.

(6) The removable windshield placard shall bear display the date of expiration on both sides of the placard, or the word "permanent" if the placard is a permanent removable windshield placard, and shall be valid until expired, revoked, or surrendered. Every Except for a permanent removable windshield placard, which has no expiration, a removable windshield placard expires as described in division (C)(4) of this section, but in on the earliest of the following two dates:

(a) The date that the person issued the placard is expected to no longer have the disability that limits or impairs the ability to walk, as indicated on the prescription submitted with the application for the placard;

(b) Five years after the date of issuance on the placard.

In no case shall a removable windshield placard be valid for a period of less than sixty days. Removable

(7) Standard removable windshield placards shall be renewable upon application as provided in division (C)(1) or (2) of this section and upon payment of a service fee equal to the amount
specified in division (D) or (G) of established under section 4503.10 4503.038 of the Revised Code for the renewal of a removable windshield placard. The registrar shall provide the application form and shall determine the information to be included thereon. The registrar also shall determine the form and size of each type of the removable windshield placard, the material of which it is to be made, any differences in color between each type of placard to make them readily identifiable, and any other information to be included thereon, and shall adopt rules relating to the issuance, expiration, revocation, surrender, and proper display of such placards. A temporary removable windshield placard shall display the word "temporary" in letters of such size as the registrar shall prescribe. Any placard issued after October 14, 1999, shall be manufactured in a manner that allows the expiration date of the placard to be indicated on it through the punching, drilling, boring, or creation by any other means of holes in the placard.

(8) In addition to the designs of the removable windshield placards specified in division (C)(8) of this section, the registrar shall provide for and issue an orange standard removable windshield placard with a white international symbol of access imprinted on it. A person with a disability that limits or impairs the ability to walk whose disability is not readily apparent to another person may apply to the registrar for the orange standard removable windshield placard. The placard shall otherwise be created with the same form, size, and material and shall display the same information as the standard removable windshield placard. All other requirements established under this section and under rules relating to the issuance, expiration, revocation, surrender, and proper display of a standard removable windshield placard shall apply. Nothing in this division shall be construed to
require a person to apply for and obtain a placard issued in accordance with division (C)(9) of this section, instead of the other removable windshield placards issued under this section.

(10) At the time a removable windshield placard is issued to a person with a disability that limits or impairs the ability to walk, the registrar or deputy registrar shall enter into the records of the bureau of motor vehicles the last date on which the person will have that disability, as indicated on the accompanying prescription. Not for a standard removable windshield placard, not less than thirty days prior to that date and all removable windshield placard any renewal dates, the bureau shall send a renewal notice to that person at the person's last known address as shown in the records of the bureau, informing the person that the person's removable windshield placard will expire on the indicated date not to exceed five years from the date of issuance, and that the person is required to renew the placard by submitting to the registrar or a deputy registrar another prescription, as described in division (C)(1) or (2) of this section, and by complying with the renewal provisions prescribed in division (C)(3) of this section. If such a prescription is not received by the registrar or a deputy registrar by that date, the placard issued to that person expires and no longer is valid, and this fact shall be recorded in the records of the bureau.

(5) (11) At least once every year, on a date determined by the registrar, the bureau shall examine the records of the office of vital statistics, located within the department of health, that pertain to deceased persons, and also the bureau's records of all persons who have been issued removable windshield placards and temporary removable windshield placards. If the records of the office of vital statistics indicate that a person to whom a removable windshield placard or temporary removable windshield placard has been issued is deceased, the bureau shall cancel that
placard, and note the cancellation in its records.

The office of vital statistics shall make available to the bureau all information necessary to enable the bureau to comply with division (C)(5)(C)(11) of this section.

(6) (12) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or accessible license plates if the accessible license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(D) (1) (a) A person with a disability that limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a prescription from the applicant's health care provider prescribing such a placard for the applicant, provided that the applicant meets at least one of the criteria contained in division (A)(1) of this section and that the disability is expected to continue for six consecutive months or less. The health care provider shall state on the prescription the length of time the health care provider expects the applicant to have the disability that limits or impairs the applicant's ability to walk, which cannot exceed six months from the date of the prescription. Upon receipt of an application for a temporary removable windshield placard, presentation of the prescription from the applicant's health care provider, and payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code, the registrar or deputy registrar shall issue to the applicant a temporary removable windshield placard.

(b) (D) Any active-duty member of the armed forces of the United States, including the reserve components of the armed forces and the national guard, who has an illness or injury that
limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. With the application, the person shall present evidence of the person's active-duty status and the illness or injury. Evidence of the illness or injury may include a current department of defense convalescent leave statement, any department of defense document indicating that the person currently has an ill or injured casualty status or has limited duties, or a prescription from any health care provider prescribing the placard for the applicant. Upon receipt of the application and the necessary evidence, the registrar or deputy registrar shall issue the applicant the temporary removable windshield placard without the payment of any service fee.

(2) The temporary removable windshield placard shall be of the same size and form as the removable windshield placard, shall be printed in white on a red-colored background, and shall bear the word "temporary" in letters of such size as the registrar shall prescribe. A temporary removable windshield placard also shall bear the date of expiration on the front and back of the placard, and shall be valid until expired, surrendered, or revoked, but in no case shall such a placard be valid for a period of less than sixty days. The registrar shall provide the application form and shall determine the information to be included on it, provided that the registrar shall not require a health care provider's prescription or certification for a person applying under division (D)(1)(b) of this section. The registrar also shall determine the material of which the temporary removable windshield placard is to be made and any other information to be included on the placard and shall adopt rules relating to the issuance, expiration, surrender, revocation, and proper display of those placards. Any temporary removable windshield placard issued after October 14, 1999, shall be manufactured in a manner that allows for the expiration date of the placard to be indicated on
it through the punching, drilling, boring, or creation by any other means of holes in the placard.

(E) If an applicant for a removable windshield placard is a veteran of the armed forces of the United States whose disability, as defined in division (A)(1) of this section, is service-connected, the registrar or deputy registrar, upon receipt of the application, presentation of a signed statement from the applicant's health care provider certifying the applicant's disability, and presentation of such documentary evidence from the department of veterans affairs that the disability of the applicant meets at least one of the criteria identified in division (A)(1) of this section and is service-connected as the registrar may require by rule, but without the payment of any service fee, shall issue the applicant a removable windshield placard that is valid until expired, surrendered, or revoked.

(F)(1) Upon a conviction of a violation of division (H) or (I) of this section, the court shall report the conviction, and send the placard, if available, to the registrar, who thereupon shall revoke the privilege of using the placard and send notice in writing to the placardholder at that holder's last known address as shown in the records of the bureau, and the placardholder shall return the placard if not previously surrendered to the court, to the registrar within ten days following mailing of the notice.

(2) Whenever a person to whom a removable windshield placard has been issued moves to another state, the person shall surrender the placard to the registrar; and whenever an organization to which a placard has been issued changes its place of operation to another state, the organization shall surrender the placard to the registrar.

(3) If a person no longer requires a permanent removable windshield placard, the person shall notify and surrender the placard to the registrar or deputy registrar within ten days of no
longer requiring the placard. The person may still apply for a standard removable windshield placard or temporary removable windshield placard, if applicable.

(G) Subject to division (F) of section 4511.69 of the Revised Code, the operator of a motor vehicle displaying a removable windshield placard, temporary removable windshield placard, or the accessible license plates authorized by this section is entitled to park the motor vehicle in any accessible parking location reserved for persons with disabilities that limit or impair the ability to walk.

(H) No person or organization that is not eligible for the issuance of license plates or any placard under this section shall willfully and falsely represent that the person or organization is so eligible.

No person or organization shall display license plates issued under this section unless the license plates have been issued for the vehicle on which they are displayed and are valid.

(I) No person or organization to which a removable windshield placard or temporary removable windshield placard is issued shall do either of the following:

(1) Display or permit the display of the placard on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity that does not include providing transportation for persons with disabilities that limit or impair the ability to walk;

(2) Refuse to return or surrender the placard, when required.

(J) If a removable windshield placard, temporary removable windshield placard, or parking card is lost, destroyed, or mutilated, the placardholder or cardholder may obtain a duplicate by doing both of the following:
(1) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar;

(2) Paying a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code paid when the placardholder obtained the original placard.

Any placardholder or cardholder who loses a placard or card and, after obtaining a duplicate, finds the original, immediately shall surrender the original placard or card to the registrar.

(K)(1) The registrar shall pay all fees received under this section for the issuance of removable windshield placards or temporary removable windshield placards or duplicate removable windshield placards or cards into the state treasury to the credit of the public safety - highway purposes fund created in section 4501.06 of the Revised Code.

(2) In addition to the fees collected under this section, the registrar or deputy registrar shall ask each person applying for a removable windshield placard or temporary removable windshield placard or duplicate removable windshield placard or license plate issued under this section, whether the person wishes to make a two-dollar voluntary contribution to support rehabilitation employment services. The registrar shall transmit the contributions received under this division to the treasurer of state for deposit into the rehabilitation employment fund, which is hereby created in the state treasury. A deputy registrar shall transmit the contributions received under this division to the registrar in the time and manner prescribed by the registrar. The contributions in the fund shall be used by the opportunities for Ohioans with disabilities agency to purchase services related to vocational evaluation, work adjustment, personal adjustment, job placement, job coaching, and community-based assessment from accredited community rehabilitation program facilities.
(L) For purposes of enforcing this section, every peace officer is deemed to be an agent of the registrar. Any peace officer or any authorized employee of the bureau of motor vehicles who, in the performance of duties authorized by law, becomes aware of a person whose removable windshield placard or parking card has been revoked pursuant to this section, may confiscate that placard or parking card and return it to the registrar. The registrar shall prescribe any forms used by law enforcement agencies in administering this section.

No peace officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency employing a peace officer, and no employee of the bureau is liable in a civil action for damages or loss to persons arising out of the performance of any duty required or authorized by this section. As used in this division, "peace officer" has the same meaning as in division (B) of section 2935.01 of the Revised Code.

(M) All applications for registration of motor vehicles and removable windshield placards, and temporary removable windshield placards issued under this section, all renewal notices for such items, and all other publications issued by the bureau that relate to this section shall set forth the criminal penalties that may be imposed upon a person who violates any provision relating to accessible license plates issued under this section, the parking of vehicles displaying such license plates, and the issuance, procurement, use, and display of removable windshield placards and temporary removable windshield placards issued under this section.

(N) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4505.061. (A) If the application for a certificate of title refers to a motor vehicle last previously registered in another state, the application shall be accompanied by a physical...
inspection certificate issued by the department of public safety registrar of motor vehicles. A physical inspection of a motor vehicle shall consist of verifying the make, body type, model, and mileage of, and manufacturer's vehicle identification number of from, the motor vehicle for which the certificate of title is desired.

(B) The physical inspection certificate shall be in such form as is designated by the registrar of motor vehicles. The physical inspection of the motor vehicle shall be made occur at a either of the following:

(1) A deputy registrar's office, or at an;

(2) An established place of business operated by of a licensed motor vehicle dealer located in this state. Additionally, the

(C) The physical inspection of a salvage vehicle owned by an insurance company may be made at an established place of business operated by a of any of the following that is licensed and located in this state:

(1) A motor vehicle salvage dealer;

(2) A salvage motor vehicle auction;

(3) A salvage motor vehicle pool licensed under Chapter 4738. of the Revised Code. The

(D) The deputy registrar, motor vehicle dealer, motor vehicle salvage dealer, salvage motor vehicle auction, or salvage motor vehicle pool may charge a maximum fee equal to the amount established under section 4503.038 of the Revised Code for conducting the physical inspection.

(E) The clerk of the court of common pleas shall charge a fee of one dollar and fifty cents for the processing of each physical
inspection certificate. The clerk shall retain fifty cents of the one dollar and fifty cents so charged and shall pay the remaining one dollar to the registrar by monthly returns, which shall be forwarded to the registrar not later than the fifth day of the month next succeeding that in which the certificate is received by the clerk. The registrar shall pay such remaining sums into the public safety - highway purposes fund established by section 4501.06 of the Revised Code.

Sec. 4506.04. (A) No person shall do any of the following:

(1) Drive a commercial motor vehicle while having in the person's possession or otherwise under the person's control more than one valid driver's license issued by this state, any other state, or by a foreign jurisdiction;

(2) Drive a commercial motor vehicle on a highway in this state in violation of an out-of-service order, while the person's driving privilege is suspended, revoked, or canceled, or while the person is subject to disqualification;

(3) Drive a motor vehicle on a highway in this state under authority of a commercial driver's license issued by another state or a foreign jurisdiction, after having been a resident of this state for thirty days or longer;

(4) Knowingly give false information in any application or certification required by section 4506.07 of the Revised Code;

(5) Knowingly provide false statements or engage in any fraudulent act related to testing for a commercial driver's license as required in section 4506.09 of the Revised Code.

(B) The department of public safety shall give every conviction occurring out of this state and notice of which is received after December 31, 1989, full faith and credit and treat it for sanctioning purposes under this chapter as though the
conviction had occurred in this state.

(C)(1) Whoever violates division (A)(1), (2), or (3) of this section is guilty of a misdemeanor of the first degree.

(2) Whoever violates division (A)(4) or (5) of this section is guilty of falsification, a misdemeanor of the first degree. In addition, the provisions of section 4507.19 of the Revised Code apply.

Sec. 4506.06. (A) The registrar of motor vehicles, upon receiving an application for a commercial driver's license temporary instruction permit, may issue the permit to any person who is at least eighteen years of age and holds a valid driver's license, other than a restricted license, issued under Chapter 4507. of the Revised Code. The registrar shall not issue a commercial driver's license temporary instruction permit for a period exceeding twelve months. The registrar shall grant only one renewal of such a permit in a two-year period. A commercial driver's license temporary instruction permit is a prerequisite to the following:

(1) An initial issuance of a commercial driver's license and when a skills test is required;

(2) An upgrade of a commercial driver's license if the upgrade requires when a skills test is required.

(B) The holder of a commercial driver's license temporary instruction permit, unless otherwise disqualified, may drive a commercial motor vehicle only when the holder has the permit in the holder's actual possession and is accompanied by a person who:

(1) Holds a valid commercial driver's license and all necessary endorsements for the type of vehicle being driven;

(2) Occupies a seat beside the permit holder for the purpose of giving instruction in driving the motor vehicle; and
(3) Has the permit holder under observation and direct supervision.

(C)(1) The director of public safety shall adopt rules, in accordance with Chapter 119. of the Revised Code, authorizing the waiver of the knowledge test that is generally required in order to obtain a commercial driver's license temporary instruction permit. In order to obtain the waiver, an applicant for a commercial driver's license temporary instruction permit shall certify and provide evidence that, during the one-year period immediately preceding the application for the permit, all of the following apply:

(a) As authorized under 49 C.F.R. 383.77, the applicant is or was regularly employed and designated as one of the following:
   (i) A motor transport operator - 88M, army;
   (ii) A PATRIOT launching station operator - 14T, army;
   (iii) A fuiler - 92F, army;
   (iv) A vehicle operator - 2T1, air force;
   (v) A fuiler - 2F0, air force;
   (vi) A pavement and construction equipment operator - 3E2, air force;
   (vii) A motor vehicle operator - 3531, marine corps;
   (viii) An equipment operator - E.O., navy.

(b) The applicant has been operating a vehicle representative of the type of commercial motor vehicle that the applicant expects to operate upon separation from the military or operated such a vehicle immediately preceding such separation.

(c) The applicant has not held more than one license simultaneously, excluding any military license.

(d) The applicant has not had any license suspended, revoked,
or canceled.

(e) The applicant has not had any convictions, for any type of motor vehicle, for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code.

(f) The applicant has not had more than one conviction, for any type of motor vehicle, for a serious traffic violation.

(g) The applicant has not had any violation of a military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.

(2) The waiver established under division (C) of this section does not apply to a United States reserve technician.

(D) Whoever violates division (A) or (B) of this section is guilty of a misdemeanor of the first degree.

Sec. 4506.09. (A) The registrar of motor vehicles, subject to approval by the director of public safety, shall adopt rules conforming with applicable standards adopted by the federal motor carrier safety administration as regulations under Pub. L. No. 103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 31317. The rules shall establish requirements for the qualification and testing of persons applying for a commercial driver's license, which are in addition to other requirements established by this chapter. Except as provided in division (B) of this section, the highway patrol or any other employee of the department of public safety the registrar authorizes shall supervise and conduct the testing of persons applying for a commercial driver's license.

(B) The director may adopt rules, in accordance with Chapter 119. of the Revised Code and applicable requirements of the
federal motor carrier safety administration, authorizing the
skills test specified in this section to be administered by any
person, by an agency of this or another state, or by an agency,
department, or instrumentality of local government. Each party
authorized under this division to administer the skills test may
charge a maximum divisible fee of one hundred fifteen dollars for
each skills test given as part of a commercial driver's license
examination. The fee shall consist of not more than twenty-seven
dollars for the pre-trip inspection portion of the test, not more
than twenty-seven dollars for the off-road maneuvering portion of
the test, and not more than sixty-one dollars for the on-road
portion of the test. Each such party may require an appointment
fee in the same manner provided in division (E)(2) of this
section, except that the maximum amount such a party may require
as an appointment fee is one hundred fifteen dollars. The skills
test administered by another party under this division shall be
the same as otherwise would be administered by this state. The
other party shall enter into an agreement with the director that,
without limitation, does all of the following:

(1) Allows the director or the director's representative and
the federal motor carrier safety administration or its
representative to conduct random examinations, inspections, and
audits of the other party, whether covert or overt, without prior
notice;

(2) Requires the director or the director's representative to
conduct on-site inspections of the other party at least annually;

(3) Requires that all examiners of the other party meet the
same qualification and training standards as examiners of the
department of public safety, including criminal background checks
and the standards applicable to the class of vehicle and
endorsements for which an applicant taking the skills test is
applying, to the extent necessary to conduct skills tests in the
manner required by 49 C.F.R. 383.110 through 383.135. In accordance with federal guidelines, any examiner employed on July 1, 2017, shall have a criminal background check conducted at least once, and any examiner hired after July 1, 2015, shall have a criminal background check conducted after the examiner is initially hired.

(4) Requires either that state employees take, at least annually and as though the employees were test applicants, the tests actually administered by the other party, that the director test a sample of drivers who were examined by the other party to compare the test results, or that state employees accompany a test applicant during an actual test;

(5) Unless the other party is a governmental entity, requires the other party to initiate and maintain a bond in an amount determined by the director to sufficiently pay for the retesting of drivers in the event that the other party or its skills test examiners are involved in fraudulent activities related to skills testing;

(6) Requires the other party to use only skills test examiners who have successfully completed a commercial driver's license examiner training course as prescribed by the director, and have been certified by the state as a commercial driver's license skills test examiner qualified to administer the applicable skills tests;

(7) Requires the other party to use designated road test routes that have been approved by the director;

(8) Requires the other party to schedule all skills test appointments through a system or method provided by the director. If a system or method is not provided by the director, the other party shall submit a schedule of skills test appointments to the director weekly. The director may request that any additions
to the schedule of skills test appointments, made after the weekly submission, be submitted to the director not later than two business days prior to each additional skills test appointment.

(9) Requires the other party to maintain copies of the following records at its principal place of business:

(a) The other party's commercial driver's license skills testing program certificate;

(b) Each skills test examiner's certificate of authorization to administer skills tests for the classes and types of commercial motor vehicles listed in the certificate;

(c) Each completed skills test scoring sheet for the current calendar year as well as the prior two calendar years;

(d) A complete list of the test routes that have been approved by the director;

(e) A complete and accurate copy of each examiner's training record;

(f) A copy of the agreement that the other party made with the director.

(10) If the other party also is a driver training school, prohibits its skills test examiners from administering skills tests to applicants that the examiner personally trained;

(11) Requires each skills test examiner to administer a complete skills test to a minimum of thirty-two ten different individuals per calendar year;

(12) Reserves to this state the right to take prompt and appropriate remedial action against the other party and its skills test examiners if the other party or its skills test examiners fail to comply with standards of this state or federal standards for the testing program or with any other terms of the contract.
(C) The director shall enter into an agreement with the department of education authorizing the skills test specified in this section to be administered by the department at any location operated by the department for purposes of training and testing school bus drivers, provided that the agreement between the director and the department complies with the requirements of division (B) of this section. Skills tests administered by the department shall be limited to persons applying for a commercial driver's license with a school bus endorsement.

(D)(1) The director shall adopt rules, in accordance with Chapter 119. of the Revised Code, authorizing waiver of the skills test specified in this section for any applicant for a commercial driver's license who meets all of the following requirements:

(a) As authorized under 49 C.F.R. 383.77, the applicant operates a commercial motor vehicle for military purposes and is one of the following:

(i) Active duty military personnel;

(ii) A member of the military reserves;

(iii) A member of the national guard on active duty, including full-time national guard duty, part-time national guard training, and national guard military technicians;

(iv) Active duty U.S. coast guard personnel.

(b) The applicant certifies that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:

(i) The applicant has not had more than one license, excluding any military license.

(ii) The applicant has not had any license suspended, revoked, or canceled.

(iii) The applicant has not had any convictions for any type
of motor vehicle for the offenses for which disqualification is
prescribed in section 4506.16 of the Revised Code.

(iv) The applicant has not had more than one conviction for
any type of motor vehicle for a serious traffic violation.

(v) The applicant has not had any violation of a state or
local law relating to motor vehicle traffic control other than a
parking violation arising in connection with any traffic accident
and has no record of an accident in which the applicant was at
fault.

(c) In accordance with rules adopted by the director, the
applicant certifies and also provides evidence of all of the
following:

(i) That the applicant is or was regularly employed in a
military position requiring operation of a commercial motor
vehicle;

(ii) That the applicant was exempt from the requirements of
this chapter under division (B)(6) of section 4506.03 of the
Revised Code;

(iii) That, for at least two years immediately preceding the
date of application or at least two years immediately preceding
the date the applicant separated from military service or
employment, the applicant regularly operated a vehicle
representative of the commercial motor vehicle type that the
applicant operates or expects to operate.

(2) The waiver established under division (D)(1) of this
section does not apply to United States reserve technicians.

(E)(1) The department of public safety may charge and collect
a divisible fee of fifty dollars for each skills test given as
part of a commercial driver's license examination. The fee shall
consist of ten dollars for the pre-trip inspection portion of the
test, ten dollars for the off-road maneuvering portion of the test, and thirty dollars for the on-road portion of the test.

(2) No applicant is eligible to take the skills test until a minimum of fourteen days have elapsed since the initial issuance of a commercial driver's license temporary instruction permit to the applicant. The director may require an applicant for a commercial driver's license who schedules an appointment with the highway patrol or other authorized employee of the department of public safety to take all portions of the skills test and to pay an appointment fee of fifty dollars at the time of scheduling the appointment. If the applicant appears at the time and location specified for the appointment and takes all portions of the skills test during that appointment, the appointment fee serves as the skills test fee. If the applicant schedules an appointment to take all portions of the skills test and fails to appear at the time and location specified for the appointment, the director shall not refund any portion of the appointment fee. If the applicant schedules an appointment to take all portions of the skills test and appears at the time and location specified for the appointment, but declines or is unable to take all portions of the skills test, the director shall not refund any portion of the appointment fee. If the applicant cancels a scheduled appointment forty-eight hours or more prior to the time of the appointment, the applicant shall not forfeit the appointment fee.

An applicant for a commercial driver's license who schedules an appointment to take one or more, but not all, portions of the skills test is required to pay an appointment fee equal to the costs of each test scheduled, as prescribed in division (E)(1) of this section, when scheduling such an appointment. If the applicant appears at the time and location specified for the appointment and takes all the portions of the skills test during that appointment that the applicant was scheduled to take, the
appointment fee serves as the skills test fee. If the applicant schedules an appointment to take one or more, but not all, portions of the skills test and fails to appear at the time and location specified for the appointment, the director shall not refund any portion of the appointment fee. If the applicant schedules an appointment to take one or more, but not all, portions of the skills test and appears at the time and location specified for the appointment, but declines or is unable to take all portions of the skills test that the applicant was scheduled to take, the director shall not refund any portion of the appointment fee. If the applicant cancels a scheduled appointment forty-eight hours or more prior to the time of the appointment time, the applicant shall not forfeit the appointment fee.

(3) The department of public safety shall deposit all fees it collects under division (E) of this section in the public safety-highway purposes fund established in section 4501.06 of the Revised Code.

(F)(1) Unless an applicant for a commercial driver's license has successfully completed the training required under 49 C.F.R. 380, subpart F, the applicant is not eligible to do any of the following:

(a) Take the skills test required for initial issuance of a class A or a class B commercial driver's license;

(b) Take the skills test required for initial issuance of a passenger (P) or school bus (S) endorsement on the applicant's commercial driver's license;

(c) Take the knowledge test required for initial issuance of a hazardous materials (H) endorsement on the applicant's commercial driver's license.

Before an applicant takes the applicable skills or knowledge test, the registrar shall electronically verify, through the
federal motor carrier safety administration's training provider registry, that an applicant has completed the required training under 49 C.F.R. 380, subpart F.

(2) The training required under 49 C.F.R. 380, subpart F, and under division (F)(1) of this section may be provided by either of the following:

(a) A driver training school pursuant to section 4508.031 of the Revised Code;

(b) An authorized driver training provider listed on the federal motor carrier safety administration's training provider registry.

(G) A person who has successfully completed commercial driver's license training in this state but seeks a commercial driver's license in another state where the person is domiciled may schedule an appointment to take the skills test in this state and shall pay the appropriate appointment fee. Upon the person's completion of the skills test, this state shall electronically transmit the applicant's results to the state where the person is domiciled. If a person who is domiciled in this state takes a skills test in another state, this state shall accept the results of the skills test from the other state. If the person passed the other state's skills test and meets all of the other licensing requirements set forth in this chapter and rules adopted under this chapter, the registrar of motor vehicles or a deputy registrar shall issue a commercial driver's license to that person.

(H) Unless otherwise specified, the director or the director's representative shall conduct the examinations, inspections, audits, and test monitoring set forth in divisions (B)(2), (3), and (4) of this section at least annually. If the other party or any of its skills test examiners fail to comply
with state or federal standards for the skills testing program, the director or the director's representative shall take prompt and appropriate remedial action against the party and its skills test examiners. Remedial action may include termination of the agreement or revocation of a skills test examiner's certification.

(I) As used in this section, "skills test" means a test of an applicant's ability to drive the type of commercial motor vehicle for which the applicant seeks a commercial driver's license by having the applicant drive such a motor vehicle while under the supervision of an authorized state driver's license examiner or tester.

Sec. 4506.10. (A) No person who holds a valid commercial driver's license shall drive a commercial motor vehicle unless the person is physically qualified to do so.

(1) Any person applying for a commercial driver's license or commercial driver's license temporary instruction permit, the renewal or upgrade of a commercial driver's license or commercial driver's license temporary instruction permit, or the transfer of a commercial driver's license from out of state shall self-certify to the registrar for purposes of 49 C.F.R. 383.71, one of the following in regard to the applicant's operation of a commercial motor vehicle, as applicable:

(a)(i) If the applicant operates or expects to operate a commercial motor vehicle in interstate or foreign commerce and is subject to and meets the requirements under 49 C.F.R. part 391, the applicant shall self-certify that the applicant is non-excepted interstate and shall provide the registrar with the original or a copy of a medical examiner's certificate and each subsequently issued medical examiner's certificate prepared by a qualified medical examiner to maintain a medically certified status on the applicant's commercial driver licensing system.
driver record;

(ii) If the applicant operates or expects to operate a commercial motor vehicle in interstate commerce, but engages in transportation or operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements of 49 C.F.R. part 391, the applicant shall self-certify that the applicant is excepted interstate and is not required to obtain a medical examiner's certificate.

(b)(i) If the applicant operates only in intrastate commerce and is subject to state driver qualification requirements, the applicant shall self-certify that the applicant is non-excepted intrastate;

(ii) If the applicant operates only in intrastate commerce and is excepted from all or parts of the state driver qualification requirements, the applicant shall self-certify that the applicant is excepted intrastate.

(2) Notwithstanding the expiration date on a person's commercial driver's license or commercial driver's license temporary instruction permit, every commercial driver's license or commercial driver's license temporary instruction permit holder shall provide the registrar with the certification required by this section, on or after January 30, 2012, but prior to January 30, 2014.

(B) A person is qualified to drive a school bus if the person holds a valid commercial driver's license along with the proper endorsements, and if the person has been certified as medically qualified in accordance with rules adopted by the department of education.

(C)(1) Except as provided in division (C)(2) of this section, only a medical examiner who is listed on the national registry of certified medical examiners established by the federal motor
carrier safety administration shall perform a medical examination required by this section.

(2) A person licensed under Chapter 4725. of the Revised Code to practice optometry in this state, or licensed under any similar law of another state, may perform any part of an examination required by this section that pertains to visual acuity, field of vision, and the ability to recognize colors.

(3) The individual who performed an examination conducted pursuant to this section shall complete any written documentation of a physical examination on a form that substantially complies with the requirements of 49 C.F.R. 391.43(h).

(D) Whenever good cause appears, the registrar, upon issuing a commercial driver's license or commercial driver's license temporary instruction permit under this chapter, may impose restrictions suitable to the licensee's driving ability with respect to the type of motor vehicle or special mechanical control devices required on a motor vehicle that the licensee may operate, or such other restrictions applicable to the licensee as the registrar determines to be necessary.

The registrar may either issue a special restricted license or may set forth upon the usual license form the restrictions imposed.

The registrar, upon receiving satisfactory evidence of any violation of the restrictions of the license, may impose a class D license suspension of the license for the period of time specified in division (B)(4) of section 4510.02 of the Revised Code.

The registrar, upon receiving satisfactory evidence that an applicant or holder of a commercial driver's license or commercial driver's license temporary instruction permit has violated division (A)(4) or (A)(5) of section 4506.04 of the Revised Code and knowingly given false information in any application or
certification required by section 4506.07 of the Revised Code, shall cancel the person's commercial driver's license or commercial driver's license temporary instruction permit or any pending application from the person for a commercial driver's license, commercial driver's license temporary instruction permit, or class D driver's license for a period of at least sixty days, during which time no application for a commercial driver's license, commercial driver's license temporary instruction permit, or class D driver's license shall be received from the person.

(E) Whoever violates this section is guilty of a misdemeanor of the first degree.

Sec. 4506.11. (A) Every commercial driver's license shall be marked "commercial driver's license" or "CDL" and shall be of such material and so designed as to prevent its reproduction or alteration without ready detection. The commercial driver's license for licensees under twenty-one years of age shall have characteristics prescribed by the registrar of motor vehicles distinguishing it from that issued to a licensee who is twenty-one years of age or older. Every commercial driver's license shall display all of the following information:

(1) The name and residence address of the licensee;

(2) A color photograph of the licensee showing the licensee's uncovered face;

(3) A physical description of the licensee, including sex, height, weight, and color of eyes and hair;

(4) The licensee's date of birth;

(5) The licensee's social security number if the person has requested that the number be displayed in accordance with section 4501.31 of the Revised Code or if federal law requires the social security number to be displayed and any number or other identifier
the director of public safety considers appropriate and establishes by rules adopted under Chapter 119. of the Revised Code and in compliance with federal law;

(6) The licensee's signature;

(7) The classes of commercial motor vehicles the licensee is authorized to drive and any endorsements or restrictions relating to the licensee's driving of those vehicles;

(8) The name of this state;

(9) The dates of issuance and of expiration of the license;

(10) If the licensee has certified willingness to make an anatomical gift under section 2108.05 of the Revised Code, any symbol chosen by the registrar of motor vehicles to indicate that the licensee has certified that willingness;

(11) If the licensee has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the licensee wishes the license to indicate that the licensee has executed either type of instrument, any symbol chosen by the registrar to indicate that the licensee has executed either type of instrument;

(12) On and after October 7, 2009, if the licensee has specified that the licensee wishes the license to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the licensee's DD-214 form or an equivalent document, any symbol chosen by the registrar to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States;

(13) If the licensee is a noncitizen of the United States, a notation designating that the licensee is a noncitizen;
(14) Any other information the registrar considers advisable and requires by rule.

(B) The registrar may establish and maintain a file of negatives of photographs taken for the purposes of this section.

(C) Neither the registrar nor any deputy registrar shall issue a commercial driver's license to anyone under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the commercial driver's license issued to persons who are twenty-one years of age or older.

(D) Whoever violates division (C) of this section is guilty of a minor misdemeanor.

Sec. 4506.15. (A) No person who holds a commercial driver's license or commercial driver's license temporary instruction permit or who operates a motor vehicle for which a commercial driver's license or permit is required shall do any of the following:

(1) Drive a commercial motor vehicle while having a measurable or detectable amount of alcohol or of a controlled substance in the person's blood, breath, or urine;

(2) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one per cent or more by whole blood or breath;

(3) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one per cent or more by blood serum or blood plasma;

(4) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one per cent or more by urine;

(5) Drive a motor vehicle while under the influence of a
controlled substance;

(6) Drive a motor vehicle in violation of section 4511.19 of the Revised Code or a municipal OVI ordinance as defined in section 4511.181 of the Revised Code;

(7) Use a motor vehicle in the commission of a felony;

(8) Refuse to submit to a test under section 4506.17 or 4511.191 of the Revised Code;

(9) Operate a commercial motor vehicle while the person's commercial driver's license or permit or other commercial driving privileges are revoked, suspended, canceled, or disqualified;

(10) Cause a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;

(11) Fail to stop after an accident in violation of sections 4549.02 to 4549.03 of the Revised Code;

(12) Drive a commercial motor vehicle in violation of any provision of sections 4511.61 to 4511.63 of the Revised Code or any federal or local law or ordinance pertaining to railroad-highway grade crossings;

(13) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in section 3719.01 of the Revised Code or the possession with intent to manufacture, distribute, or dispense a controlled substance;

(14) Use a commercial motor vehicle in the commission of a violation of section 2905.32 of the Revised Code or any other substantially equivalent offense established under federal law or the laws of another state.

(B) Whoever violates this section is guilty of a misdemeanor.
of the first degree.

(C) The offenses established under this section are strict liability offenses and section 2901.20 of the Revised Code does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

Sec. 4506.16. (A) Any person who is found to have been convicted of a violation of an out-of-service order shall be disqualified by the registrar of motor vehicles as follows:

(1) If the person has not been convicted previously of a violation of an out-of-service order, the period of disqualification is one hundred eighty days.

(2) If, during any ten-year period, the driver is convicted of a second violation of an out-of-service order in an incident separate from the incident that resulted in the first violation, the period of disqualification is two years.

(3) If, during any ten-year period, the driver is convicted of a third or subsequent violation of an out-of-service order in an incident separate from the incidents that resulted in the previous violations during that ten-year period, the period of disqualification is three years.

(B)(1) A driver is disqualified for one hundred eighty days if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended, or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver.

(2) A driver is disqualified for a period of three years if,
during any ten-year period, the driver is convicted of a second or
subsequent violation, in an incident separate from the incident
that resulted in a previous violation during that ten-year period,
of an out-of-service order while transporting hazardous materials
required to be placarded under that act, or while operating a
motor vehicle designed to transport sixteen or more passengers,
including the driver.

(C) Whoever violates division (A)(1) of section 4506.15 of
the Revised Code or a similar law of another state or a foreign
district, immediately shall be placed out-of-service for
twenty-four hours, in addition to any disqualification required by
this section and any other penalty imposed by the Revised Code.

(D) The registrar of motor vehicles shall disqualify any
holder of a commercial driver's license or commercial driver's
license temporary instruction permit, or any operator of a
commercial motor vehicle for which a commercial driver's license
or permit is required, from operating a commercial motor vehicle
as follows:

(1) Upon a first conviction for a violation of any provision
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code
or a similar law of another state or a foreign jurisdiction, or
upon a first suspension imposed under section 4511.191 of the
Revised Code or a similar law of another state or foreign
district, one year;

(2) Upon a second conviction for a violation of any provision
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code
or a similar law of another state or a foreign jurisdiction, or
upon a second suspension imposed under section 4511.191 of the
Revised Code or a similar law of another state or foreign
district, or any combination of such violations arising from
two or more separate incidents, the person shall be disqualified
for life or for any other period of time as determined by the
United States secretary of transportation and designated by the director of public safety by rule;

(3) Upon a first conviction for any of the following violations while transporting hazardous materials, three years:

(a) Divisions (A)(2) to (12) of section 4506.15 of the Revised Code;

(b) A similar law of another state or a foreign jurisdiction.

(4) Upon conviction of a violation of division (A)(13) or (A)(14) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, the person shall be disqualified for life;

(5)(a) Upon conviction of two serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for sixty days, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section;

(b) Upon conviction of three or more serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for one hundred twenty days, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section;

(6)(a) Upon conviction of two serious traffic violations involving the operation of a vehicle other than a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for sixty days if the conviction results in the suspension, cancellation, or revocation of the holder's commercial driver's
license or commercial driver's license temporary instruction permit, or noncommercial motor vehicle driving privileges, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section;

(b) Upon conviction of three or more serious traffic violations involving the operation of a vehicle other than a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for one hundred twenty days if the conviction results in the suspension, cancellation, or revocation of the holder's commercial driver's license or permit, or noncommercial motor vehicle driving privileges, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section.

(7) Upon a first conviction involving the operation of a commercial motor vehicle in violation of any provisions of sections 4511.61 to 4511.63 of the Revised Code or a similar law of another state or foreign jurisdiction, not less than sixty days;

(8) Upon a second conviction involving the operation of a commercial motor vehicle in violation of any provisions of sections 4511.61 to 4511.63 of the Revised Code or a similar law of another state or foreign jurisdiction within three years of the first such conviction, not less than one hundred twenty days;

(9) Upon a third or subsequent conviction involving the operation of a commercial motor vehicle in violation of any provisions of sections 4511.61 to 4511.63 of the Revised Code or a similar law of another state or foreign jurisdiction within three years of the first such conviction, not less than one year;

(10) Upon receiving notification from the federal motor
carrier safety administration, the registrar immediately, prior to any hearing, shall disqualify any commercial motor vehicle driver whose driving is determined to constitute an imminent hazard as defined under federal motor carrier safety regulation 49 C.F.R. 383.52.

(E) For the purposes of this section, conviction of a violation for which disqualification is required includes conviction under any municipal ordinance that is substantially similar to any section of the Revised Code that is set forth in division (D) of this section and may be evidenced by any of the following:

(1) A judgment entry of a court of competent jurisdiction in this or any other state;

(2) An administrative order of a state agency of this or any other state having statutory jurisdiction over commercial drivers;

(3) A computer record obtained from or through the commercial driver's license information system;

(4) A computer record obtained from or through a state agency of this or any other state having statutory jurisdiction over commercial drivers or the records of commercial drivers.

(F) For purposes of this section, conviction of disqualifying offenses committed in a noncommercial motor vehicle are included if either of the following applies:

(1) The offense occurred after the person obtained the person's commercial driver's license or commercial driver's license temporary instruction permit.

(2) The offense occurs on or after September 30, 2005.

(G) If a person commits a serious traffic violation by operating a commercial motor vehicle without having a commercial driver's license or commercial driver's license temporary
instruction permit in the person's possession as described in division (II)(3)(e) of section 4506.01 of the Revised Code and the person then submits proof to either the enforcement agency that issued the citation for the violation or to the court with jurisdiction over the case before the date of the person's initial appearance that shows that the person held a valid commercial driver's license or permit at the time of the violation, the violation shall not be deemed to be a serious traffic violation.

(H) Any record described in division (C) of this section shall be deemed to be self-authenticating when it is received by the bureau of motor vehicles.

(I) When disqualifying a driver, the registrar shall cause the records of the bureau to be updated to reflect that action within ten days after it occurs.

(J) The registrar immediately shall notify a driver who is finally convicted of any offense described in section 4506.15 of the Revised Code or division (D)(4), (5), or (6) of this section and thereby is subject to disqualification, of the offense or offenses involved, of the length of time for which disqualification is to be imposed, and that the driver may request a hearing within thirty days of the mailing of the notice to show cause why the driver should not be disqualified from operating a commercial motor vehicle. If a request for such a hearing is not made within thirty days of the mailing of the notice, the order of disqualification is final. The registrar may designate hearing examiners who, after affording all parties reasonable notice, shall conduct a hearing to determine whether the disqualification order is supported by reliable evidence. The registrar shall adopt rules to implement this division.

(K) Any person who is disqualified from operating a commercial motor vehicle under this section may apply to the registrar for a driver's license to operate a motor vehicle other
than a commercial motor vehicle, provided the person's commercial driver's license is not otherwise suspended. A person whose commercial driver's license is suspended shall not apply to the registrar for or receive a driver's license under Chapter 4507. of the Revised Code during the period of suspension.

(L) The disqualifications imposed under this section are in addition to any other penalty imposed by the Revised Code.

(M) Any conviction for an offense that would lead to disqualification as specified in this section, whether committed in a commercial motor vehicle or a vehicle other than a commercial motor vehicle, shall be counted for the purposes of determining the number of violations and the appropriate disqualification period under this section.

Sec. 4506.17. (A) Both of the following are deemed to have given consent to a test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the person's alcohol concentration or the presence of any controlled substance or a metabolite of a controlled substance:

(1) A person while operating a commercial motor vehicle that requires a commercial driver's license or commercial driver's license temporary instruction permit;

(2) A person who holds a commercial driver's license or commercial driver's license temporary instruction permit while operating a motor vehicle, including a commercial motor vehicle.

(B) A test or tests as provided in division (A) of this section may be administered at the direction of a peace officer having reasonable ground to stop or detain the person and, after investigating the circumstances surrounding the operation of the motor vehicle, also having reasonable ground to believe the person
was driving the motor vehicle while having a measurable or 61860
detectable amount of alcohol or of a controlled substance or a 61861
metabolite of a controlled substance in the person's whole blood, 61862
blood serum or plasma, breath, or urine. Any such test shall be 61863
given within two hours of the time of the alleged violation. 61864

(C) A person requested by a peace officer to submit to a test 61865
under division (A) of this section shall be advised by the peace 61866
officer that a refusal to submit to the test will result in the 61867
person immediately being placed out-of-service for a period of 61868
twenty-four hours and being disqualified from operating a 61869
commercial motor vehicle for a period of not less than one year, 61870
and that the person is required to surrender the person's 61871
commercial driver's license or permit to the peace officer. 61872

(D) If a person refuses to submit to a test after being 61873
warned as provided in division (C) of this section or submits to a 61874
test that discloses the presence of an amount of alcohol or a 61875
controlled substance prohibited by divisions (A)(1) to (5)(6) of 61876
section 4506.15 of the Revised Code or a metabolite of a 61877
controlled substance, the person immediately shall surrender the 61878
person's commercial driver's license or permit to the peace 61879
officer. The peace officer shall forward the license or permit, 61880
together with a sworn report, to the registrar of motor vehicles 61881
certifying that the test was requested pursuant to division (A) of 61882
this section and that the person either refused to submit to 61883
testing or submitted to a test that disclosed the presence of one 61884
of the prohibited concentrations of a substance listed in 61885
divisions (A)(1) to (5)(6) of section 4506.15 of the Revised Code 61886
or a metabolite of a controlled substance. The form and contents 61887
of the report required by this section shall be established by the 61888
registrar by rule, but shall contain the advice to be read to the 61889
driver and a statement to be signed by the driver acknowledging 61890
that the driver has been read the advice and that the form was 61891
shown to the driver.

(E) Upon receipt of a sworn report from a peace officer as provided in division (D) of this section, or upon receipt of notification that a person has been disqualified under a similar law of another state or foreign jurisdiction, the registrar shall disqualify the person named in the report from driving a commercial motor vehicle for the period described below:

1. Upon a first incident, one year;

2. Upon an incident of refusal or of a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance after one or more previous incidents of either refusal or of a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance, the person shall be disqualified for life or such lesser period as prescribed by rule by the registrar.

(F) A test of a person's whole blood or a person's blood serum or plasma given under this section shall comply with the applicable provisions of division (D) of section 4511.19 of the Revised Code and any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws whole blood or blood serum or plasma from a person under this section, and any hospital, first-aid station, clinic, or other facility at which whole blood or blood serum or plasma is withdrawn from a person pursuant to this section, is immune from criminal liability, and from civil liability that is based upon a claim of assault and battery or based upon any other claim of malpractice, for any act performed in withdrawing whole blood or blood serum or plasma from the person. The immunity provided in this division also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician.
technician-paramedic who withdraws blood under this section.

(G) When a person submits to a test under this section, the results of the test, at the person's request, shall be made available to the person, the person's attorney, or the person's agent, immediately upon completion of the chemical test analysis. The person also may have an additional test administered by a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist of the person's own choosing as provided in division (D) of section 4511.19 of the Revised Code for tests administered under that section, and the failure to obtain such a test has the same effect as in that division.

(H) No person shall refuse to immediately surrender the person's commercial driver's license or permit to a peace officer when required to do so by this section.

(I) A peace officer issuing an out-of-service order or receiving a commercial driver's license or permit surrendered under this section may remove or arrange for the removal of any commercial motor vehicle affected by the issuance of that order or the surrender of that license.

(J)(1) Except for civil actions arising out of the operation of a motor vehicle and civil actions in which the state is a plaintiff, no peace officer of any law enforcement agency within this state is liable in compensatory damages in any civil action that arises under the Revised Code or common law of this state for an injury, death, or loss to person or property caused in the performance of official duties under this section and rules adopted under this section, unless the officer's actions were manifestly outside the scope of the officer's employment or official responsibilities, or unless the officer acted with malicious purpose, in bad faith, or in a wanton or reckless manner.
(2) Except for civil actions that arise out of the operation of a motor vehicle and civil actions in which the state is a plaintiff, no peace officer of any law enforcement agency within this state is liable in punitive or exemplary damages in any civil action that arises under the Revised Code or common law of this state for any injury, death, or loss to person or property caused in the performance of official duties under this section of the Revised Code and rules adopted under this section, unless the officer's actions were manifestly outside the scope of the officer's employment or official responsibilities, or unless the officer acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(K) When disqualifying a driver, the registrar shall cause the records of the bureau of motor vehicles to be updated to reflect the disqualification within ten days after it occurs.

(L) The registrar immediately shall notify a driver who is subject to disqualification of the disqualification, of the length of the disqualification, and that the driver may request a hearing within thirty days of the mailing of the notice to show cause why the driver should not be disqualified from operating a commercial motor vehicle. If a request for such a hearing is not made within thirty days of the mailing of the notice, the order of disqualification is final. The registrar may designate hearing examiners who, after affording all parties reasonable notice, shall conduct a hearing to determine whether the disqualification order is supported by reliable evidence. The registrar shall adopt rules to implement this division.

(M) Any person who is disqualified from operating a commercial motor vehicle under this section may apply to the registrar for a driver's license to operate a motor vehicle other than a commercial motor vehicle, provided the person's commercial driver's license or permit is not otherwise suspended. A person...
whose commercial driver's license or permit is suspended shall not apply to the registrar for or receive a driver's license under Chapter 4507. of the Revised Code during the period of suspension.

(N) Whoever violates division (H) of this section is guilty of a misdemeanor of the first degree.

(O) As used in this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code.

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," "motorized bicycle," "state," "owner," "operator," "chauffeur," and "highways" have the same meanings as in section 4501.01 of the Revised Code.

"Driver's license" means a class D license issued to any person to operate a motor vehicle or motor-driven cycle, other than a commercial motor vehicle, and includes "probationary license," "restricted license," "limited term license," and any operator's or chauffeur's license issued before January 1, 1990.

"Probationary license" means the license issued to any person between sixteen and eighteen years of age to operate a motor vehicle.

"Restricted license" means the license issued to any person to operate a motor vehicle subject to conditions or restrictions imposed by the registrar of motor vehicles.

"Commercial driver's license" means the license issued to a person under Chapter 4506. of the Revised Code to operate a commercial motor vehicle.

"Commercial motor vehicle" has the same meaning as in section 4506.01 of the Revised Code.

"Motorcycle operator's temporary instruction permit, license,
or endorsement" includes a temporary instruction permit, license, or endorsement for a motor-driven cycle or motor scooter unless otherwise specified.

"Motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person to operate a motorized bicycle including a "probationary motorized bicycle license."

"Probationary motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person between fourteen and sixteen years of age to operate a motorized bicycle.

"Identification card" means a card issued under sections 4507.50 and 4507.51 to 4507.52 of the Revised Code.

"Resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a permanent basis.

"Temporary resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a temporary basis.

(B) In the administration of this chapter and Chapter 4506. of the Revised Code, the registrar has the same authority as is conferred on the registrar by section 4501.02 of the Revised Code. Any act of an authorized deputy registrar of motor vehicles under direction of the registrar is deemed the act of the registrar.

To carry out this chapter, the registrar shall appoint such deputy registrars in each county as are necessary.

The registrar also shall provide at each place where an application for a driver's or commercial driver's license or identification card may be made the necessary equipment to take a color photograph of the applicant for such license or card as
required under section 4506.11 or 4507.06 of the Revised Code, and to conduct the vision screenings required by section 4507.12 of the Revised Code.

The registrar shall assign one or more deputy registrars to any driver's license examining station operated under the supervision of the director of public safety, whenever the registrar considers such assignment possible. Space shall be provided in the driver's license examining station for any such deputy registrar so assigned. The deputy registrars shall not exercise the powers conferred by such sections upon the registrar, unless they are specifically authorized to exercise such powers by such sections.

(C) No agent for any insurance company, writing automobile insurance, shall be appointed deputy registrar, and any such appointment is void. No deputy registrar shall in any manner solicit any form of automobile insurance, nor in any manner advise, suggest, or influence any licensee or applicant for license for or against any kind or type of automobile insurance, insurance company, or agent, nor have the deputy registrar's office directly connected with the office of any automobile insurance agent, nor impart any information furnished by any applicant for a license or identification card to any person, except the registrar. This division shall not apply to any nonprofit corporation appointed deputy registrar.

(D) The registrar shall immediately remove a deputy registrar who violates the requirements of this chapter.

Sec. 4507.06. (A)(1) Every application for a driver's license, motorcycle operator's license or endorsement, or motor-driven cycle or motor scooter license or endorsement, or duplicate of any such license or endorsement, shall be made upon the approved form furnished by the registrar of motor vehicles and
shall be signed by the applicant.

Every application shall state the following:

(a) The applicant's name, date of birth, social security number if such has been assigned, sex, general description, including height, weight, color of hair, and eyes, residence address, including county of residence, duration of residence in this state, and country of citizenship;

(b) Whether the applicant previously has been licensed as an operator, chauffeur, driver, commercial driver, or motorcycle operator and, if so, when, by what state, and whether such license is suspended or canceled at the present time and, if so, the date of and reason for the suspension or cancellation;

(c) Whether the applicant is now or ever has been afflicted with epilepsy, or whether the applicant now has any physical or mental disability or disease and, if so, the nature and extent of the disability or disease, giving the names and addresses of physicians then or previously in attendance upon the applicant;

(d) Whether an applicant for a duplicate driver's license, duplicate license containing a motorcycle operator endorsement, or duplicate license containing a motor-driven cycle or motor scooter endorsement has pending a citation for violation of any motor vehicle law or ordinance, a description of any such citation pending, and the date of the citation;

(e) If an applicant has not certified the applicant's willingness to make an anatomical gift under section 2108.05 of the Revised Code, whether the applicant wishes to certify willingness to make such an anatomical gift, which shall be given no consideration in the issuance of a license or endorsement;

(f) Whether the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to
1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the applicant's license to indicate that the applicant has executed the instrument;

(g) Whether the applicant is a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such, whether the applicant wishes the applicant's license to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the license.

(2) Every applicant for a driver's license applying in person at a deputy registrar office shall be photographed in color at the time the application for the license is made. The application shall state any additional information that the registrar requires.

(B) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any person who applies for a license or endorsement under division (A) of this section, or for a renewal or duplicate of the license or endorsement, if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to issue the applicant a license or endorsement, or a renewal or duplicate.

(C) The registrar or a deputy registrar, in accordance with section 3503.11 of the Revised Code, shall offer the opportunity of completing a notice of change of residence or change of name to any applicant for a driver's license or endorsement under division (A) of this section, or for a renewal or duplicate of the license
or endorsement, if the applicant is a registered elector who has changed the applicant's residence or name and has not filed such a notice.

(D) In addition to any other information it contains, the approved form furnished by the registrar of motor vehicles for an application for a license or endorsement or an application for a duplicate of any such license or endorsement shall inform applicants that the applicant must present a copy of the applicant's DD-214 or an equivalent document in order to qualify to have the license or duplicate indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States based on a request made pursuant to division (A)(1)(g) of this section.

Sec. 4507.061. (A) Beginning on and after July 1, 2022, the registrar of motor vehicles may authorize the online renewal of a driver's license, commercial driver's license, or identification card issued by the bureau of motor vehicles for eligible applicants. An applicant is eligible for online renewal if all of the following apply:

(1) The applicant's current driver's license, commercial driver's license, or identification card was processed in person at a deputy registrar office.

(2) The applicant has a photo on file with the bureau of motor vehicles from the applicant's current driver's license, commercial driver's license, or identification card.

(3) The applicant's current driver's license, commercial driver's license, or identification card expires on the birthday of the applicant in the fourth year after the date it was issued.

(4) The applicant is applying for a driver's license, commercial driver's license, or identification card that expires
on the birthday of the applicant in the fourth year after the date it is issued.

(5) The applicant's current driver's license, commercial driver's license, or identification card is unexpired or expired not more than six months prior to the date of the application.

(6) The applicant is a citizen or a permanent resident of the United States and a permanent resident of this state.

(7) The applicant's current driver's license, commercial driver's license, or identification card was issued when the applicant was twenty-one years of age or older, but

(8) The applicant is less than sixty-five years of age.

(9) The applicant's current driver's license, commercial driver's license, or driving privileges are not suspended, canceled, revoked, or restricted, and the applicant is not otherwise prohibited by law from obtaining a driver's license, commercial driver's license, or identification card.

(10) The applicant has no changes to the applicant's name or personal information, other than a change of address.

(11) The applicant has no medical restrictions that would require the applicant to apply for a driver's license, commercial driver's license, or identification card in person at a deputy registrar office. The registrar shall determine the medical restrictions that require in person applications.

(12) For a commercial driver's license, the applicant complies with all the requirements of Chapter 4506. of the Revised Code, including self-certification and medical certificate requirements.

(13) For a commercial driver's license, the applicant is not under any restriction specified by any federal regulation.

(B) An applicant may not submit an application online for any
of the following:

(1) A temporary instruction permit;

(2) A commercial driver's license or a commercial driver's license temporary instruction permit;

(3) An initial issuance of an Ohio driver's license, commercial driver's license, or identification card;

(4) An initial issuance of a federally compliant driver's license or identification card;

(5) An ignition interlock license;

(6) A nonrenewable limited term driver's license or nonrenewable commercial driver's license.

(C) The registrar may require an applicant to provide a digital copy of any identification documents and supporting documents as required by statute or administrative rule to comply with current state and federal requirements.

(D) Except as otherwise provided, an applicant shall comply with all other applicable laws related to the issuance of a driver's license, commercial driver's license, or identification card in order to renew a driver's license, commercial driver's license, or identification card under this section.

(E) The registrar may adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this section.

Sec. 4507.07. (A) As used in this section:

(1) "Minor's representative" means a person who has custody of a minor under the age of eighteen and who is one of the following:

(a) A representative of a PCPA or PCSA;

(b) A resource caregiver who has placement of a child in the
custody of a PCPA or PCSA.

(2) "PCPA" means a private child placing agency.

(3) "PCSQA" means a public children services agency.

(4) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(B)(1) The registrar of motor vehicles shall not grant the application of any minor under eighteen years of age for a probationary license, a restricted license, or a temporary instruction permit, unless the application is signed by one of the minor's parents, the minor's guardian, another person having custody of the applicant, or, if there is no parent or guardian, a responsible person who is willing to assume the obligation imposed under this section. A responsible person may include a minor's representative.

(2) At the time a minor under eighteen years of age submits an application for a license or permit at a driver's license examining station, the adult who signs the application shall present identification establishing that the adult is the individual whose signature appears on the application. The registrar shall prescribe, by rule, the types of identification that are suitable for the purposes of this paragraph. If the adult who signs the application does not provide identification as required by this paragraph, the application shall not be accepted.

(3) When a minor under eighteen years of age applies for a probationary license, a restricted license, or a temporary instruction permit, the registrar shall give the adult who signs the application notice of the potential liability that may be imputed to the adult pursuant to division (B)(C)(1) of this section and notice of how the adult may prevent any liability from being imputed to the adult pursuant to that division.
(C)(2) and (3) of this section, any negligence, or willful or wanton misconduct, that is committed by a minor under eighteen years of age when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of the minor for a probationary license, restricted license, or temporary instruction permit, which person shall be jointly and severally liable with the minor for any damages caused by the negligence or the willful or wanton misconduct. This joint and several liability is not subject to section 2307.22 or 2315.36 of the Revised Code with respect to a tort claim that otherwise is subject to that section.

(2) There shall be no imputed liability imposed under this division (C)(1) of this section if a minor under eighteen years of age has proof of financial responsibility with respect to the operation of a motor vehicle owned by the minor or, if the minor is not the owner of a motor vehicle, with respect to the minor's operation of any motor vehicle, in the form and in the amounts required under Chapter 4509. of the Revised Code.

(C)(3) There is no imputed liability under division (C)(1) of this section with respect to a minor's representative who signs an application for a probationary license, a restricted license, or a temporary instruction permit on behalf of the minor under division (B) of this section.

(4) The department of job and family services or minor's representative shall verify that the minor has proof of financial responsibility in the form and amounts required by Chapter 4509. of the Revised Code before the minor's representative signs the minor's application for a probationary license, restricted license, or temporary instruction permit. The department may provide proof of financial responsibility for the minor directly or through a third party acting on its behalf. The department, third party, or minor's representative shall provide the registrar...
proof of financial responsibility in the form and amounts required by Chapter 4509. of the Revised Code.

(D)(1) Any person who has signed the application of a minor under eighteen years of age for a license or permit subsequently may surrender to the registrar the license or temporary instruction permit of the minor and request that the license or permit be canceled. The registrar then shall cancel the license or temporary instruction permit, and the person who signed the application of the minor shall be relieved from the liability imposed by division (B)(C)(1) of this section.

(2) If the department of job and family services or a minor's representative determines that a minor does not have proof of financial responsibility, the department or minor's representative shall notify the registrar and surrender the minor's license or temporary instruction permit and request that it be canceled. The registrar shall cancel the license or temporary instruction permit.

(E) Any minor under eighteen years of age whose probationary license, restricted license, or temporary instruction permit is surrendered to the registrar by the person who signed the application for the license or permit and whose license or temporary instruction permit subsequently is canceled by the registrar may obtain a new license or temporary instruction permit without having to undergo the examinations otherwise required by sections 4507.11 and 4507.12 of the Revised Code and without having to tender the fee for that license or temporary instruction permit, if the minor is able to produce another parent, guardian, other person having custody of the minor, or other adult, and that adult is willing to assume the liability imposed under division (B)(C)(1) of this section. That adult shall comply with the procedures contained in division (A)(B) of this section.
Sec. 4507.08. (A) No probationary license shall be issued to any person under the age of eighteen who has been adjudicated an unruly or delinquent child or a juvenile traffic offender for having committed any act that if committed by an adult would be a drug abuse offense, as defined in section 2925.01 of the Revised Code, a violation of division (B) of section 2917.11, or a violation of division (A) of section 4511.19 of the Revised Code, unless the person has been required by the court to attend a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court and has satisfactorily completed the program.

(B) No temporary instruction permit or driver's license shall be issued to any person whose license has been suspended, during the period for which the license was suspended, nor to any person whose license has been canceled, under Chapter 4510. or any other provision of the Revised Code.

(C) No temporary instruction permit or driver's license shall be issued to any person whose commercial driver's license is suspended under Chapter 4510. or any other provision of the Revised Code during the period of the suspension.

No temporary instruction permit or driver's license shall be issued to any person when issuance is prohibited by division (A) of section 4507.091 of the Revised Code.

(D) No temporary instruction permit or driver's license shall be issued to, or retained by, any of the following persons:

(1) Any person who has alcoholism, or is addicted to the use of controlled substances to the extent that the use constitutes an impairment to the person's ability to operate a motor vehicle with the required degree of safety;

(2) Any person who is under the age of eighteen and has been
adjudicated an unruly or delinquent child or a juvenile traffic offender for having committed any act that if committed by an adult would be a drug abuse offense, as defined in section 2925.01 of the Revised Code, a violation of division (B) of section 2917.11, or a violation of division (A) of section 4511.19 of the Revised Code, unless the person has been required by the court to attend a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court and has satisfactorily completed the program;

(3) Any person who, in the opinion of the registrar, has a physical or mental disability or disease that prevents the person from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways, except that a restricted license effective for six months may be issued to any person otherwise qualified who is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and whose condition, in the opinion of the registrar, is dormant or is sufficiently under medical control that the person is capable of exercising reasonable and ordinary control over a motor vehicle. A restricted license effective for six months shall be issued to any person who otherwise is qualified and who is subject to any condition that causes episodic impairment of consciousness or a loss of muscular control if the person presents a statement from a licensed physician that the person's condition is under effective medical control and the period of time for which the control has been continuously maintained, unless, thereafter, a medical examination is ordered and, pursuant thereto, cause for denial is found.

A person to whom a six-month restricted license has been issued shall give notice of the person's medical condition to the registrar on forms provided by the registrar and signed by the licensee's physician at intervals required by the registrar. The
notice shall be sent to the registrar six months after the issuance of the license. Subsequent restricted licenses issued to the same individual shall be effective for six months determine the validity period of a restricted license.

(4) Any person who is unable to understand highway warnings or traffic signs or directions given in the English language;

(5) Any person making an application whose driver's license or driving privileges are under cancellation, revocation, or suspension in the jurisdiction where issued or any other jurisdiction, until the expiration of one year after the license was canceled or revoked or until the period of suspension ends. Any person whose application is denied under this division may file a petition in the municipal court or county court in whose jurisdiction the person resides agreeing to pay the cost of the proceedings and alleging that the conduct involved in the offense that resulted in suspension, cancellation, or revocation in the foreign jurisdiction would not have resulted in a suspension, cancellation, or revocation had the offense occurred in this state. If the petition is granted, the petitioner shall notify the registrar by a certified copy of the court's findings and a license shall not be denied under this division.

(6) Any person who is under a class one or two suspension imposed for a violation of section 2903.01, 2903.02, 2903.04, 2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised Code or whose driver's or commercial driver's license or permit was permanently revoked prior to January 1, 2004, for a substantially equivalent violation pursuant to section 4507.16 of the Revised Code;

(7) Any person who is not a resident or temporary resident of this state.

(E) No person whose driver's license or permit has been
suspended under Chapter 4510. of the Revised Code or any other provision of the Revised Code shall have driving privileges reinstated if the registrar determines that a warrant has been issued in this state or any other state for the person's arrest and that warrant is an active warrant.

**Sec. 4507.09.** (A)(1) Except as provided in division (B) of this section, every driver's license issued to a resident of this state expires on the birthday of the applicant in the fourth or eighth year after the date it is issued, based on the period of renewal requested by the applicant. A person resident who is sixty-five years of age or older may only apply for a driver's license that expires on the birthday of the applicant in the fourth year after the date it is issued. Every driver's license issued to a temporary resident expires in accordance with rules adopted by the registrar of motor vehicles. In no event shall any license be issued for a period longer than eight years and ninety days.

Subject to the requirements of section 4507.12 of the Revised Code, every driver's license issued to a resident is renewable at any time prior to its expiration and any license of a temporary resident is nonrenewable. A nonrenewable

(2) A driver's license issued to a temporary resident shall expire in accordance with rules adopted by the registrar of motor vehicles. A driver's license issued to a temporary resident is a limited term license, but may be replaced with a new license renewed within ninety days prior to its expiration in accordance with division (E) of this section. No

(3) No refund shall be made or credit given for the unexpired portion of the driver's license that is renewed. The registrar of motor vehicles shall notify each person whose driver's license has expired within forty-five days after the date of expiration.
Notification shall be made by regular mail sent to the person's last known address as shown in the records of the bureau of motor vehicles. Failure to provide such notification shall not be construed as a renewal or extension of any license.

(4) For the purposes of this section, the date of birth of any applicant born on the twenty-ninth day of February shall be deemed to be the first day of March in any year in which there is no twenty-ninth day of February.

(B) Every driver's license or renewal of a driver's license issued to a resident applicant who is sixteen years of age or older, but less than twenty-one years of age, expires on the twenty-first birthday of the applicant, except that an applicant who applies no more than thirty days before the applicant's twenty-first birthday shall be issued a license in accordance with division (A) of this section.

(C) Each person licensed as a driver under this chapter shall notify the registrar of any change in the person's address within ten days following that change. The notification shall be in writing on a form provided by the registrar and shall include the full name, date of birth, license number, county of residence, social security number, and new address of the person.

(D) No driver's license shall be renewed when renewal is prohibited by division (A) of section 4507.091 of the Revised Code.

(E) A nonrenewable (E)(1) Except as provided in division (E)(2) of this section, a limited term license shall not be issued to a temporary resident for a period longer than the expiration date of the temporary resident's authorized stay in the United States, or for four years from the date of issuance, whichever date is earliest.

(2) If there is no expiration date for a temporary resident's
authorized stay in the United States, a limited term license shall not be issued to the temporary resident for a period longer than one year from the date of issuance.

(3) A limited term license may be replaced with a new license renewed within ninety days prior to its expiration upon the applicant's presentation of documentation verifying the applicant's legal presence or continued temporary lawful status in the United States. A nonrenewable license expires on the same date listed on the legal presence documentation, or on the same date in the fourth year after the date the nonrenewable license is issued, whichever comes first.

(3) A nonrenewable limited term license is not transferable, and the applicant may not rely on it to obtain a driver's license in another state.

(4) In accordance with Chapter 119. of the Revised Code, the registrar of motor vehicles shall adopt rules governing nonrenewable limited term licenses for temporary residents. At a minimum, the rules shall include provisions specifying all of the following:

(1) That no nonrenewable license may extend beyond the duration of the applicant's temporary residence in this state;

(2) That no nonrenewable license may be replaced by a new license unless the applicant provides acceptable documentation of the person's identity and of the applicant's continued temporary residence in this state;

(3) That no nonrenewable license is valid to apply for a driver's license in any other state;

(4) That every nonrenewable license may contain any security features that the registrar prescribes.
issue a driver's license to every person licensed as an operator of motor vehicle other than commercial motor vehicles. No person licensed as a commercial motor vehicle driver under Chapter 4506. of the Revised Code need procure a driver's license, but no person shall drive any commercial motor vehicle unless licensed as a commercial motor vehicle driver.

(2) Every driver's license shall display all of the following information:

(a) The distinguishing number assigned to the licensee;
(b) The licensee's name and date of birth;
(c) The licensee's residence address and county of residence;
(d) A color photograph of the licensee;
(e) A brief description of the licensee for the purpose of identification;
(f) A facsimile of the signature of the licensee as it appears on the application for the license;
(g) A notation, in a manner prescribed by the registrar, indicating any condition described in division (D)(3) of section 4507.08 of the Revised Code to which the licensee is subject;
(h) If the licensee has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the licensee wishes the license to indicate that the licensee has executed either type of instrument, any symbol chosen by the registrar to indicate that the licensee has executed either type of instrument;
(i) If the licensee has specified that the licensee wishes the license to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States and
has presented a copy of the licensee's DD-214 form or an equivalent document, any symbol chosen by the registrar to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States;

(j) If the licensee is a noncitizen of the United States, a notation designating that the licensee is a noncitizen;

(k) Any additional information that the registrar requires by rule.

(3) No license shall display the licensee's social security number unless the licensee specifically requests that the licensee's social security number be displayed on the license. If federal law requires the licensee's social security number to be displayed on the license, the social security number shall be displayed on the license notwithstanding this section.

(4) The driver's license for licensees under twenty-one years of age shall have characteristics prescribed by the registrar distinguishing it from that issued to a licensee who is twenty-one years of age or older, except that a driver's license issued to a person who applies no more than thirty days before the applicant's twenty-first birthday shall have the characteristics of a license issued to a person who is twenty-one years of age or older.

(5) The driver's limited term license issued to a temporary resident shall contain the word "nonrenewable" "limited term" and shall have any additional characteristics prescribed by the registrar distinguishing it from a license issued to a resident.

(6) Every driver's or commercial driver's license displaying a motorcycle operator's endorsement and every restricted license to operate a motor vehicle also shall display the designation "novice," if the endorsement or license is issued to a person who is eighteen years of age or older and previously has not been licensed to operate a motorcycle by this state or another
jurisdiction recognized by this state. The "novice" designation shall be effective for one year after the date of issuance of the motorcycle operator's endorsement or license.

(7) Each license issued under this section shall be of such material and so designed as to prevent its reproduction or alteration without ready detection.

(B) Except in regard to a driver's license issued to a person who applies no more than thirty days before the applicant's twenty-first birthday, neither the registrar nor any deputy registrar shall issue a driver's license to anyone under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the driver's license issued to persons who are twenty-one years of age or older.

(C) The registrar shall ensure that driver's licenses issued in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et seq., comply with the regulations specified in 6 C.F.R. part 37.

(D) Whoever violates division (B) of this section is guilty of a minor misdemeanor.

Sec. 4507.18. (A) The registrar of motor vehicles shall permit all of the following to renew a driver's license or motorcycle operator's endorsement issued by this state by electronic means:

(1) Any person who is on active duty in the armed forces of the United States who is stationed outside of this state;

(2) The spouse of a person described in division (A)(1) of this section who is also outside of this state;

(3) The dependents of a person described in division (A)(1) of this section who are also outside of this state.

(B) The registrar shall require all of the following:
(1) That the applicant provide a digital copy of the applicant's military identification card or military dependent identification card;

(2) That any spouse or dependent applicant provide a digital copy of a form provided by the registrar demonstrating that the applicant received and passed a vision examination in accordance with the vision requirements under section 4507.12 of the Revised Code;

(3) That the applicant provide a digital copy of a current two inch by two inch color passport quality photograph with a white background to be used as the applicant's new driver's license or motorcycle operator's endorsement photograph;

(4) That the applicant provide a digital copy of any identification documents and supporting documents as required by statute or administrative rule to comply with current state and federal requirements.

(C) The registrar shall make it possible for applicants to upload and send by electronic means all required copies of supporting documents and photographs for a driver's license or motorcycle operator's endorsement renewal under this section.

(D)(1) This section does not impact a person's ability to use the exemption from the license requirements available under division (B) of section 4507.03 of the Revised Code.

(2) This section does not prevent a person who is permitted to renew a driver's license or motorcycle operator's endorsement by electronic means under this section from making an application, as provided in section 4507.10 of the Revised Code, in person at a deputy registrar's office.

(E) The registrar shall adopt rules under Chapter 119. of the Revised Code to implement and administer this section.
Sec. 4507.50. (A)(1) The registrar of motor vehicles or a deputy registrar shall issue an identification card to a person when all of the following apply:

(a) The registrar or deputy registrar receives an application completed in accordance with section 4507.51 of the Revised Code and, if the person is under seventeen years of age, payment of the applicable fees.

(b) The person is a resident or a temporary resident of this state.

(c) The person is not licensed as an operator of a motor vehicle in this state or another licensing jurisdiction.

(d) The person does not hold an identification card from another jurisdiction.

(2)(a) The registrar of motor vehicles or a deputy registrar may issue a temporary identification card when all of the following apply:

(i) The registrar or deputy registrar receives an application completed in accordance with section 4507.51 of the Revised Code and payment of the applicable fees.

(ii) The person is a resident or temporary resident of this state.

(iii) The person's Ohio driver's or commercial driver's license has been suspended or canceled.

(iv) The person does not hold an identification card from another jurisdiction.

(b) The temporary identification card shall be identical to an identification card, except that it shall be printed on its face with a statement that the card is valid during the effective dates of the suspension or cancellation of the cardholder's license.
license, or until the birthday of the cardholder in the fourth year after the date on which it is issued, whichever is shorter for a temporary period. The temporary period shall be in accordance with the expiration dates specified in section 4507.501 of the Revised Code.

(c) The cardholder shall surrender the temporary identification card to the registrar or any deputy registrar before the cardholder's driver's or commercial driver's license is restored or reissued.

(B)(1) Except as provided in division (D) of this section, an applicant who is under seventeen years of age shall pay the following fees prior to issuance of an identification card or a temporary identification card:

(a) A fee of three dollars and fifty cents if the card will expire on the applicant's birthday four years after the date of issuance or a fee of six dollars if the card will expire on the applicant's birthday eight years after the date of issuance;

(b) A fee equal to the amount established under section 4503.038 of the Revised Code if the card will expire on the applicant's birthday four years after the date of issuance or twice that amount if the card will expire on the applicant's birthday eight years after the date of issuance;

(c) A fee of one dollar and fifty cents if the card will expire on the applicant's birthday four years after the date of issuance or three dollars if the card will expire on the applicant's birthday eight years after the date of issuance, for the authentication of the documents required for processing an identification card or temporary identification card. A deputy registrar that authenticates the required documents shall retain the entire amount of the fee.

(2) The fees collected for issuing an identification card
under this section, except for any fees allowed to the deputy 62687
registrar, shall be paid into the state treasury to the credit of 62688
the public safety - highway purposes fund created in section 62689
4501.06 of the Revised Code.

(C) A person seventeen years of age or older may apply to the 62691
registrar or a deputy registrar for the issuance to that person of 62692
an identification card or a temporary identification card under 62693
this section without payment of any fee prescribed in division (B) 62694
of this section.

(D) A resident who is eligible for an identification card 62695
with an expiration date that is in accordance with division 62696
(A)(8)(b) of section 4507.52 of the Revised Code permanently or 62697
irreversibly disabled and who is under seventeen years of age may 62698
apply to the registrar or a deputy registrar for the issuance of 62700
an identification card under this section without payment of any 62701
fee as prescribed in division (B) of this section. As used in this 62702
section, "permanently or irreversibly disabled" means a condition 62703
of disability from which there is no present indication of 62704
recovery.

An application made under division (D) of this section shall 62706
be accompanied by such documentary evidence of disability as the 62707
registrar may require by rule.

**Sec. 4507.501.** (A) An identification card issued to a 62709
resident shall expire, unless canceled or surrendered earlier, on 62710
the birthday of the cardholder in the fourth or the eighth year 62711
after the date on which it is issued, based on the period of 62712
renewal requested by the applicant.

(B) A temporary identification card issued to a resident 62713
shall expire on the earliest of the following dates:

(1) After the effective dates of the suspension or 62716
cancellation of the cardholder's driver's or commercial driver's license;

(2) The birthday of the cardholder in the fourth year after the date on which it is issued.

(C)(1) Subject to rules adopted under division (D) of this section, a limited term identification card issued to a temporary resident who has a definite expiration date for the resident's authorized stay in the United States shall expire on the earliest of the following dates:

(a) The expiration date of the applicant's authorized stay in the United States;

(b) Four years from the date of issuance.

(2) Subject to rules adopted under division (D) of this section, a limited term identification card issued to a temporary resident who has no expiration date for the applicant's authorized stay in the United States shall expire one year from the date of issuance.

(D) The registrar of motor vehicles shall adopt rules in accordance with Chapter 119. of the Revised Code governing limited term identification cards for temporary residents and limited term temporary identification cards for temporary residents.

(E) A cardholder may renew the cardholder's identification card within ninety days prior to the day on which it expires by filing an application and paying the prescribed fee, if required, in accordance with section 4507.50 of the Revised Code. A limited term identification card or limited term temporary identification card may only be renewed upon verification of the applicant's continued temporary lawful status in the United States and the applicant's compliance with any other applicable requirements.

Sec. 4507.51. (A)(1) Every application for an identification
card or duplicate shall be made on a form furnished or in a manner
specified by the registrar of motor vehicles, shall be signed by
the applicant, and by the applicant's parent or guardian if the
applicant is under eighteen years of age, and shall contain the
following information pertaining to the applicant: name, date of
birth, sex, general description including the applicant's height,
weight, hair color, and eye color, address, country of
citizenship, and social security number. The application also
shall include, for an applicant who has not already certified the
applicant's willingness to make an anatomical gift under section
2108.05 of the Revised Code, whether the applicant wishes to
certify willingness to make such an anatomical gift and shall
include information about the requirements of sections 2108.01 to
2108.29 of the Revised Code that apply to persons who are less
than eighteen years of age. The statement regarding willingness to
make such a donation shall be given no consideration in the
decision of whether to issue an identification card. Each
applicant applying in person at a deputy registrar office shall be
photographed in color at the time of making application.

(2)(a) The application also shall state whether the applicant
has executed a valid durable power of attorney for health care
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has
executed a declaration governing the use or continuation, or the
withholding or withdrawal, of life-sustaining treatment pursuant
to sections 2133.01 to 2133.15 of the Revised Code and, if the
applicant has executed either type of instrument, whether the
applicant wishes the identification card issued to indicate that
the applicant has executed the instrument.

(b) The application also shall state whether the applicant is
a veteran, active duty, or reservist of the armed forces of the
United States and, if the applicant is such, whether the applicant
wishes the identification card issued to indicate that the
applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the identification card.

(3) The registrar or deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any person who applies for an identification card or duplicate if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to issue the applicant an identification card or duplicate.

(B) Except as provided in section 4507.061 of the Revised Code, the application for an identification card or duplicate shall be filed in the office of the registrar or deputy registrar. Each applicant shall present documentary evidence as required by the registrar of the applicant's age and identity, and the applicant shall swear that all information given is true. An identification card issued by the department of rehabilitation and correction under section 5120.59 of the Revised Code or an identification card issued by the department of youth services under section 5139.511 of the Revised Code shall be sufficient documentary evidence under this division upon verification of the applicant's social security number by the registrar or a deputy registrar. Upon issuing an identification card under this section for a person who has been issued an identification card under section 5120.59 or section 5139.511 of the Revised Code, the registrar or deputy registrar shall destroy the identification card issued under section 5120.59 or section 5139.511 of the Revised Code.

All applications for an identification card or duplicate under this section shall be filed in duplicate, and if submitted to a deputy registrar, a copy shall be forwarded to the registrar. The registrar shall prescribe rules for the manner in which a
deputy registrar is to file and maintain applications and other records. The registrar shall maintain a suitable, indexed record of all applications denied and cards issued or canceled.

(C) In addition to any other information it contains, the form furnished by the registrar of motor vehicles for an application for an identification card or duplicate shall inform applicants that the applicant must present a copy of the applicant's DD-214 or an equivalent document in order to qualify to have the card or duplicate indicate that the applicant is an honorably discharged veteran of the armed forces of the United States based on a request made pursuant to division (A)(2)(b) of this section.

Sec. 4507.52. (A)(1) Each identification card issued by the registrar of motor vehicles or a deputy registrar shall display a distinguishing number assigned to the cardholder, and shall display the following inscription:

"STATE OF OHIO IDENTIFICATION CARD

This card is not valid for the purpose of operating a motor vehicle. It is provided solely for the purpose of establishing the identity of the bearer described on the card, who currently is not licensed to operate a motor vehicle in the state of Ohio."

(2) The identification card shall display substantially the same information as contained in the application and as described in division (A)(1) of section 4507.51 of the Revised Code, including, if the cardholder is a noncitizen of the United States, a notation designating that the cardholder is a noncitizen. The identification card shall not display the cardholder's social security number unless the cardholder specifically requests that the cardholder's social security number be displayed on the card. If federal law requires the cardholder's social security number to be displayed on the identification card, the social security
number shall be displayed on the card notwithstanding this section.

(3) The identification card also shall display the color photograph of the cardholder.

(4) If the cardholder has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the cardholder wishes the identification card to indicate that the cardholder has executed either type of instrument, the card also shall display any symbol chosen by the registrar to indicate that the cardholder has executed either type of instrument.

(5) If the cardholder has specified that the cardholder wishes the identification card to indicate that the cardholder is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the cardholder's DD-214 form or an equivalent document, the card also shall display any symbol chosen by the registrar to indicate that the cardholder is a veteran, active duty, or reservist of the armed forces of the United States.

(6) The card shall be designed as to prevent its reproduction or alteration without ready detection.

(7) The identification card for persons under twenty-one years of age shall have characteristics prescribed by the registrar distinguishing it from that issued to a person who is twenty-one years of age or older, except that an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday shall have the characteristics of an identification card issued to a person who is twenty-one years of age or older.

(8)(a) Except as provided in division (A)(8)(b) of this
(8) Every identification card issued to a resident of this state shall expire, unless canceled or surrendered earlier, on the birthday of the cardholder in the fourth or the eighth year after the date on which it is issued, based on the period of renewal requested by the applicant display the expiration date of the card, in accordance with section 4507.501 of the Revised Code.

(b) Upon request, the registrar or a deputy registrar shall issue an identification card to a resident of this state who is permanently or irreversibly disabled that shall expire, unless canceled or surrendered earlier, on the birthday of the cardholder in the eighth year after the date on which it is issued. The registrar shall issue a reminder notice to a cardholder, at the last known address of the cardholder, six months before the identification card is scheduled to expire. The registrar shall adopt rules governing the documentation a cardholder shall submit to certify that the cardholder is permanently or irreversibly disabled.

As used in this section, "permanently or irreversibly disabled" means a condition of disability from which there is no present indication of recovery.

(9) Every identification card issued to a temporary resident shall expire in accordance with section 4507.501 of the Revised Code and rules adopted by the registrar and is nonrenewable, but may be replaced with a new identification card upon the applicant's compliance with all applicable requirements limited term. Every limited term identification card and limited term temporary identification card shall contain the words "limited term" and shall have any additional characteristics prescribed by the registrar distinguishing it from an identification card issued to a resident.

(9) A cardholder may renew the cardholder's identification
card within ninety days prior to the day on which it expires by filing an application and paying the prescribed fee, if required, in accordance with section 4507.50 of the Revised Code.

(10) If a cardholder applies for a driver's or commercial driver's license in this state or another licensing jurisdiction, the cardholder shall surrender the cardholder's identification card to the registrar or any deputy registrar before the license is issued.

(B)(1) If a card is lost, destroyed, or mutilated, the person to whom the card was issued may obtain a duplicate by doing both of the following:

(a) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar or a deputy registrar;

(b) Filing an application and presenting documentary evidence under section 4507.51 of the Revised Code.

(2) A cardholder may apply to obtain a reprint of the cardholder's identification card through electronic means in accordance with section 4507.40 of the Revised Code.

(3) Any person who loses a card and, after obtaining a duplicate or reprint, finds the original, immediately shall surrender the original to the registrar or a deputy registrar.

(4) A cardholder may obtain a replacement identification card that reflects any change of the cardholder's name by furnishing suitable proof of the change to the registrar or a deputy registrar and surrendering the cardholder's existing card.

(5) Except as provided in division (A)(6),(B)(5) or (7)(6) of this section, when a cardholder applies for a duplicate, reprint, or replacement identification card, the cardholder shall pay the following fees:

(a) Two dollars and fifty cents;
(b) A deputy registrar or service fee equal to the amount established under section 4503.038 of the Revised Code.

(6) The following cardholders may apply for a duplicate, reprint, or replacement identification card without payment of any fee prescribed in division (B)(5)(B)(4) of this section:

(a) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration;

(b) A resident who is permanently or irreversibly disabled and who is unemployed.

(7) A cardholder who is seventeen years of age or older may apply for a replacement identification card without payment of any fee prescribed in division (B)(5)(B)(4) of this section.

(8) A duplicate, reprint, or replacement identification card expires on the same date as the card it replaces.

(C) The registrar shall cancel any card upon determining that the card was obtained unlawfully, issued in error, or was altered. The registrar also shall cancel any card that is surrendered to the registrar or to a deputy registrar after the holder has obtained a duplicate, reprint, replacement, or driver's or commercial driver's license.

(D)(1) No agent of the state or its political subdivisions shall condition the granting of any benefit, service, right, or privilege upon the possession by any person of an identification card. Nothing in this section shall preclude any publicly operated or franchised transit system from using an identification card for the purpose of granting benefits or services of the system.

(2) No person shall be required to apply for, carry, or possess an identification card.

(E) Except in regard to an identification card issued to a person who applies no more than thirty days before the applicant's
twenty-first birthday, neither the registrar nor any deputy registrar shall issue an identification card to a person under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the identification card issued to persons who are twenty-one years of age or older.

(F) The registrar shall ensure that identification cards issued in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et seq., comply with the regulations specified in 6 C.F.R. part 37.

(G) Whoever violates division (E) of this section is guilty of a minor misdemeanor.

Sec. 4508.06. (A) The director of public safety may refuse to issue, or may suspend or revoke, a license or may impose a fine of not more than ten thousand dollars per occurrence in any case in which the director finds the applicant or licensee has violated any of the provisions of this chapter, or any of the rules adopted by the director, or has failed to pay a fine imposed under this division. No person whose license has been suspended or revoked under this section shall fail to return the license to the director.

(B) In addition to the reasons for a suspension under division (A) of this section, the director may suspend a driver training instructor license without a prior hearing if the director believes there exists clear and convincing evidence of any of the following:

(1) The license holder has engaged in conduct that presents a clear and present danger to a student or students.

(2) The license holder has engaged in inappropriate contact with a student. "Inappropriate contact" means any of the
(a) Causing or attempting to cause "physical harm," as defined in division (A)(3) of section 2901.01 of the Revised Code;

(b) "Sexual activity," as defined in division (C) of section 2907.01 of the Revised Code;

(c) Engaging in any communication, either directly or through "telecommunication," as defined in division (X) of section 2913.01 of the Revised Code, that is of a sexual nature or intended to abuse, threaten, or harass the student.

(3) The license holder has been convicted of a felony, or a misdemeanor that directly relates to the fitness of that person to provide driving instruction.

(C) In addition to the reasons for a suspension under division (A) of this section, the director may suspend a driver training school license without a prior hearing if the director believes there exists clear and convincing evidence of any of the following:

(1) There exists a clear and present danger to the health, safety, or welfare of students should the school be permitted to continue operation.

(2) At the time the contract for training was signed, there was no intention to provide training, or no ability to provide training to students.

(3) Any school official knowingly allowed inappropriate contact, as defined in division (B)(2) of this section, between instructors and students.

(D) Immediately following a decision to impose a suspension without a prior hearing under division (B) or (C) of this section, the director, in accordance with section sections 119.05 and 119.07 of the Revised Code, shall issue a written order of
suspension, cause it to be served on the license holder, and notify the license holder of the opportunity for a hearing. If timely requested by the license holder, a hearing shall be conducted in accordance with Chapter 119. of the Revised Code.

(E) The director shall deposit all fines collected under division (A) of this section into the state treasury to the credit of the public safety - highway purposes fund created by section 4501.06 of the Revised Code.

(F) Whoever fails to return a license that has been suspended or revoked under division (A), (B), or (C) of this section is guilty of failing to return a suspended or revoked license, a minor misdemeanor or, on a second or subsequent offense within two years after the first offense, a misdemeanor of the fourth degree.

Sec. 4510.43. (A)(1) The director of public safety, upon consultation with the director of health and in accordance with Chapter 119. of the Revised Code, shall certify immobilizing and disabling devices and, subject to section 4510.45 of the Revised Code, shall publish and make available to the courts, without charge, a list of licensed manufacturers of ignition interlock devices and approved devices together with information about the manufacturers of the devices and where they may be obtained. The manufacturer of an immobilizing or disabling device shall pay the cost of obtaining the certification of the device to the director of public safety, and the director shall deposit the payment in the state indigent drivers alcohol treatment fund established by section 4511.191 of the Revised Code.

(2) The director of public safety, in accordance with Chapter 119. of the Revised Code, shall adopt and publish rules setting forth the requirements for obtaining the certification of an immobilizing or disabling device. The director of public safety
shall not certify an immobilizing or disabling device under this section unless it meets the requirements specified and published by the director in the rules adopted pursuant to this division. A certified device may consist of an ignition interlock device, an ignition blocking device initiated by time or magnetic or electronic encoding, an activity monitor, or any other device that reasonably assures compliance with an order granting limited driving privileges. Ignition interlock devices shall be certified annually.

The requirements for an immobilizing or disabling device that is an ignition interlock device shall require that the manufacturer of the device submit to the department of public safety a certificate from an independent testing laboratory indicating that the device meets or exceeds the standards of the national highway traffic safety administration, as defined in section 4511.19 of the Revised Code, that are in effect at the time of the director's decision regarding certification of the device, shall include provisions for setting a minimum and maximum calibration range, and shall include, but shall not be limited to, specifications that the device complies with all of the following:

(a) It does not impede the safe operation of the vehicle.

(b) It has features that make circumvention difficult and that do not interfere with the normal use of the vehicle, and the features are operating and functioning.

(c) It correlates well with established measures of alcohol impairment.

(d) It works accurately and reliably in an unsupervised environment.

(e) It is resistant to tampering and shows evidence of tampering if tampering is attempted.

(f) It is difficult to circumvent and requires premeditation.
to do so.

(g) It minimizes inconvenience to a sober user.

(h) It requires a proper, deep-lung breath sample or other accurate measure of the concentration by weight of alcohol in the breath.

(i) It operates reliably over the range of automobile environments.

(j) It is made by a manufacturer who is covered by product liability insurance.

(k) Beginning January 1, 2020, it is equipped with a camera.

(3) The director of public safety may adopt, in whole or in part, the guidelines, rules, regulations, studies, or independent laboratory tests performed and relied upon by other states, or their agencies or commissions, in the certification or approval of immobilizing or disabling devices.

(4) The director of public safety shall adopt rules in accordance with Chapter 119. of the Revised Code for the design of a warning label that shall be affixed to each immobilizing or disabling device upon installation. The label shall contain a warning that any person tampering, circumventing, or otherwise misusing the device is subject to a fine, imprisonment, or both and may be subject to civil liability.

(5) The director of public safety shall establish a certificate of installation that a manufacturer of immobilizing or disabling devices shall sign and provide to a person upon the completion of the installation of such a device on the person's motor vehicle. The director also shall adopt rules in accordance with Chapter 119. of the Revised Code that govern procedures for confirming and inspecting the installation of immobilizing or disabling devices.
(B) A court considering the use of a prototype device in a pilot program shall advise the director of public safety, thirty days before the use, of the prototype device and its protocol, methodology, manufacturer, and licensor, lessor, other agent, or owner, and the length of the court's pilot program. A prototype device shall not be used for a violation of section 4510.14 or 4511.19 of the Revised Code, a violation of a municipal OVI ordinance, or in relation to a suspension imposed under section 4511.191 of the Revised Code. A court that uses a prototype device in a pilot program, periodically during the existence of the program and within fourteen days after termination of the program, shall report in writing to the director of public safety regarding the effectiveness of the prototype device and the program.

(C) If a person has been granted limited or unlimited driving privileges with a condition of the privileges being that the motor vehicle that is operated under the privileges must be equipped with an immobilizing or disabling device, the person may operate a motor vehicle that is owned by the person's employer only if the person is required to operate that motor vehicle in the course and scope of the offender's employment. Such a person may operate that vehicle without the installation of an immobilizing or disabling device, provided that the employer has been notified that the person has limited driving privileges and of the nature of the restriction and further provided that the person has proof of the employer's notification in the person's possession while operating the employer's vehicle for normal business duties. A motor vehicle owned by a business that is partly or entirely owned or controlled by a person with limited driving privileges is not a motor vehicle owned by an employer, for purposes of this division.

Sec. 4510.45. (A)(1) A manufacturer of ignition interlock devices that desires for its devices to be certified under section 4510.43 of the Revised Code and then to be included on the list of
certified devices that the department of public safety compiles and makes available to courts pursuant to that section first shall obtain a license from the department under this section. The department, in accordance with Chapter 119. of the Revised Code, shall adopt any rules that are necessary to implement this licensing requirement.

(2) A manufacturer shall apply to the department for the license and shall include all information the department may require by rule. Each application, including an application for license renewal, shall be accompanied by an application fee of one hundred dollars, which the department shall deposit into the state treasury to the credit of the state indigent drivers alcohol treatment fund created by section 4511.191 of the Revised Code. Each application also shall be accompanied by a signed agreement, in a form established by the director, affirming that the manufacturer agrees to install and monitor all devices produced by that manufacturer and affirming that the manufacturer agrees to charge a reduced fee, established by the department, for the installation and monitoring of a device used by a person who is deemed to be an indigent offender by the court that granted limited or unlimited driving privileges to the offender subject to the condition that the offender use a certified ignition interlock device.

(3) Upon receipt of a completed application, if the department finds that a manufacturer has complied with all application requirements, the department shall issue a license to the manufacturer. A manufacturer that has been issued a license under this section is eligible immediately to have the models of ignition interlock devices it produces certified under section 4510.43 of the Revised Code and then included on the list of certified devices that the department compiles and makes available to courts pursuant to that section.
(4) (a) A license issued under this section shall expire annually on a date selected by the department. The department shall reject the license application of a manufacturer if any of the following apply:

(i) The application is not accompanied by the application fee or the required agreement.

(ii) The department finds that the manufacturer has not complied with all application requirements.

(iii) The license application is a renewal application and the manufacturer failed to file the annual report or failed to pay the fee as required by division (B) of this section.

(iv) The license application is a renewal application and the manufacturer failed to monitor or report violations as required under section 4510.46 of the Revised Code.

(b) The department may reject the license application of a manufacturer if the manufacturer has a history of failing to properly install immobilizing or disabling devices.

(c) A manufacturer whose license application is rejected by the department may appeal the decision to the director of public safety. The director or the director's designee shall hold a hearing on the matter not more than thirty days from the date of the manufacturer's appeal. If the director or the director's designee upholds the denial of the manufacturer's application for a license, the manufacturer may appeal the decision to the Franklin county court of common pleas. If the director or the director's designee reverses the denial of the manufacturer's application for a license, the director or the director's designee shall issue a written order directing that the department issue a license to the manufacturer.

(B) Every manufacturer of ignition interlock devices that is issued a license under this section shall file an annual report.
with the department on a form the department prescribes on or
before a date the department prescribes. The annual report shall
state the amount of net profit the manufacturer earned during a
twelve-month period specified by the department that is
attributable to the sales of that manufacturer's certified
ignition interlock devices to purchasers in this state. Each
manufacturer shall pay a fee equal to five per cent of the amount
of the net profit described in this division.

The department may permit annual reports to be filed via
electronic means.

(C) The department shall deposit all fees it receives from
manufacturers under this section into the state treasury to the
credit of the state indigent drivers alcohol treatment fund
created by section 4511.191 of the Revised Code. All money so
deposited into that fund that is paid by the department of mental
health and addiction services to county indigent drivers alcohol
treatment funds, county juvenile indigent drivers alcohol
treatment funds, and municipal indigent drivers alcohol treatment
funds shall be used only as described in division (H)(3) of
section 4511.191 of the Revised Code.

(D)(1) The director may make an assessment, based on any
information in the director's possession, against any manufacturer
that fails to file an annual report or pay the fee required by
division (B) of this section. The director, in accordance with
Chapter 119. of the Revised Code, shall adopt rules governing
assessments and assessment procedures and related provisions. In
adopting these rules, the director shall incorporate the
provisions of section 5751.09 of the Revised Code to the greatest
extent possible, except that the director is not required to
incorporate any provisions of that section that by their nature
are not applicable, appropriate, or necessary to assessments made
by the director under this section.
(2) A manufacturer may appeal the final determination of the director regarding an assessment made by the director under this section. The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing such appeals. In adopting these rules, the director shall incorporate the provisions of section 5717.02 of the Revised Code to the greatest extent possible, except that the director is not required to incorporate any provisions of that section that by their nature are not applicable, appropriate, or necessary to appeals of assessments made by the director under this section.

(E) The director, in accordance with Chapter 119. of the Revised Code, shall adopt a penalty schedule setting forth the monetary penalties to be imposed upon a manufacturer that is issued a license under this section and fails to file an annual report or pay the fee required by division (B) of this section in a timely manner. The penalty amounts shall not exceed the maximum penalty amounts established in section 5751.06 of the Revised Code for similar or equivalent facts or circumstances.

(F)(1) No manufacturer of ignition interlock devices that is required by division (B) of this section to file an annual report with the department or to pay a fee shall fail to do so as required by that division.

(2) No manufacturer of ignition interlock devices that is required by division (B) of this section to file an annual report with the department shall file a report that contains incorrect or erroneous information.

(G) Whoever violates division (F)(2) of this section is guilty of a misdemeanor of the first degree. The department shall remove from the list of certified devices described in division (A)(1) of this section the ignition interlock devices manufactured by a manufacturer that violates division (F)(1) or (2) of this section.
Sec. 4511.191. (A)(1) As used in this section:

(a) "Physical control" has the same meaning as in section 4511.194 of the Revised Code.

(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

(c) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(d) "IDATF" means indigent drivers alcohol treatment fund.

(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this state or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance.

(3) The chemical test or tests under division (A)(2) of this section shall be administered at the request of a law enforcement
officer having reasonable grounds to believe the person was
operating or in physical control of a vehicle, streetcar, or
trackless trolley in violation of a division, section, or
ordinance identified in division (A)(2) of this section. The law
enforcement agency by which the officer is employed shall
designate which of the tests shall be administered.

(4) Any person who is dead or unconscious, or who otherwise
is in a condition rendering the person incapable of refusal, shall
be deemed to have consented as provided in division (A)(2) of this
section, and the test or tests may be administered, subject to
sections 313.12 to 313.16 of the Revised Code.

(5)(a) If a law enforcement officer arrests a person for a
violation of division (A) or (B) of section 4511.19 of the Revised
Code, section 4511.194 of the Revised Code or a substantially
equivalent municipal ordinance, or a municipal OVI ordinance and
if the person if convicted would be required to be sentenced under
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised
Code, the law enforcement officer shall request the person to
submit, and the person shall submit, to a chemical test or tests
of the person's whole blood, blood serum or plasma, breath, or
urine for the purpose of determining the alcohol, drug of abuse,
controlled substance, metabolite of a controlled substance, or
combination content of the person's whole blood, blood serum or
plasma, breath, or urine. A law enforcement officer who makes a
request pursuant to this division that a person submit to a
chemical test or tests is not required to advise the person of the
consequences of submitting to, or refusing to submit to, the test
or tests and is not required to give the person the form described
in division (B) of section 4511.192 of the Revised Code, but the
officer shall advise the person at the time of the arrest that if
the person refuses to take a chemical test the officer may employ
whatever reasonable means are necessary to ensure that the person
submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar of motor vehicles and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code.
suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code.

(b) If the arrested person, within ten years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test or had been convicted of or pleaded guilty to one violation of division (A) of section 4511.19 of the Revised Code or one other equivalent offense, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(c) If the arrested person, within ten years of the date on which the person refused the request to consent to the chemical test, had refused two previous requests to consent to a chemical test, had been convicted of or pleaded guilty to two violations of division (A) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused one previous request to consent to a chemical test and also had been convicted of or pleaded guilty to one violation of division (A) of section 4511.19 of the Revised Code or other equivalent offenses, which violation or offense arose from an incident other than the incident that led to the refusal, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code.

(d) If the arrested person, within ten years of the date on which the person refused the request to consent to the chemical test, had refused three or more previous requests to consent to a chemical test, had been convicted of or pleaded guilty to three or
more violations of division (A) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused a number of previous requests to consent to a chemical test and also had been convicted of or pleaded guilty to a number of violations of division (A) of section 4511.19 of the Revised Code or other equivalent offenses that cumulatively total three or more such refusals, convictions, and guilty pleas, the suspension shall be for five years.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (B)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section.

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the
person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within ten years of the date the test was conducted, one violation of division (A) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within ten years of the date the test was conducted, the person has been convicted of or pleaded guilty to two
violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(d) If, within ten years of the date the test was conducted, the person has been convicted of or pleaded guilty to more than two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (C)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (C)(1) of this section.

(D)(1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in division (B) or (C) of this section is effective immediately from the time at which
the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of this section does not affect the suspension.

(2) If a person is arrested for operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance, or for being in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under division (B) or (C) of this section or Chapter 4510. of the Revised Code, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or the issuance of the citation to the person, subject to any continuance granted by the court pursuant to section 4511.197 of the Revised Code regarding the issues specified in that division.

(E) When it finally has been determined under the procedures of this section and sections 4511.192 to 4511.197 of the Revised Code that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

(F) At the end of a suspension period under this section, under section 4511.194, section 4511.196, or division (G) of section 4511.19 of the Revised Code, or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance and upon the request of the person whose driver's or commercial
driver's license or permit was suspended and who is not otherwise subject to suspension, cancellation, or disqualification, the registrar shall return the driver's or commercial driver's license or permit to the person upon the occurrence of all of the conditions specified in divisions (F)(1) and (2) of this section:

(1) A showing that the person has proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standards set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in section 4509.51 of the Revised Code.

(2) Subject to the limitation contained in division (F)(3) of this section, payment by the person to the registrar or an eligible deputy registrar of a license reinstatement fee of four hundred seventy-five dollars, which fee shall be deposited in the state treasury and credited as follows:

(a) One hundred twelve dollars and fifty cents shall be credited to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code. Money credited to the fund under this section shall be used for purposes identified under section 5119.22 of the Revised Code.

(b) Seventy-five dollars shall be credited to the reparations fund created by section 2743.191 of the Revised Code.

(c) Thirty-seven dollars and fifty cents shall be credited to the state indigent drivers alcohol treatment fund, which is hereby established in the state treasury. The department of mental health and addiction services shall distribute the moneys in that fund to the county indigent drivers alcohol treatment funds IDATFs, the county juvenile indigent drivers alcohol treatment funds IDATFs, and the municipal indigent drivers alcohol treatment funds IDATFs.
that are required to be established by counties and municipal corporations pursuant to division (H) of this section to be used only as provided in division (H)(3) of this section. Moneys in the fund that are not distributed to a county indigent drivers alcohol treatment fund IDATF, a county juvenile indigent drivers alcohol treatment fund IDATF, or a municipal indigent drivers alcohol treatment fund IDATF under division (H) of this section because the director of mental health and addiction services does not have the information necessary to identify the county or municipal corporation where the offender or juvenile offender was arrested may be transferred by the director of budget and management to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code, upon certification of the amount by the director of mental health and addiction services.

(d) Seventy-five dollars shall be credited to the opportunities for Ohioans with disabilities agency established by section 3304.15 of the Revised Code, to the services for rehabilitation fund, which is hereby established. The fund shall be used to match available federal matching funds where appropriate, and or for any other purpose or program of the agency to rehabilitate persons with disabilities to help them become employed and independent.

(e) Seventy-five dollars shall be deposited into the state treasury and credited to the drug abuse resistance education programs fund, which is hereby established, to be used by the attorney general for the purposes specified in division (F)(4) of this section.

(f) Thirty dollars shall be credited to the public safety - highway purposes fund created by section 4501.06 of the Revised Code.

(g) Twenty dollars shall be credited to the trauma and emergency medical services fund created by section 4513.263 of the
Revised Code.

    (h) Fifty dollars shall be credited to the indigent drivers interlock and alcohol monitoring fund, which is hereby established in the state treasury. Moneys in the fund shall be distributed by the department of public safety to the county indigent drivers interlock and alcohol monitoring funds, the county juvenile indigent drivers interlock and alcohol monitoring funds, and the municipal indigent drivers interlock and alcohol monitoring funds that are required to be established by counties and municipal corporations pursuant to this section, and shall be used only to pay the cost of an immobilizing or disabling device, including a certified ignition interlock device, or an alcohol monitoring device used by an offender or juvenile offender who is ordered to use the device by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court judge not to have the means to pay for the person's use of the device.

    (3) If a person's driver's or commercial driver's license or permit is suspended under this section, under section 4511.196 or division (G) of section 4511.19 of the Revised Code, under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance or under any combination of the suspensions described in division (F)(3) of this section, and if the suspensions arise from a single incident or a single set of facts and circumstances, the person is liable for payment of, and shall be required to pay to the registrar or an eligible deputy registrar, only one reinstatement fee of four hundred seventy-five dollars. The reinstatement fee shall be distributed by the bureau in accordance with division (F)(2) of this section.

    (4) The attorney general shall use amounts in the drug abuse resistance education programs fund to award grants to law enforcement agencies to establish and implement drug abuse
resistance education programs in public schools. Grants awarded to a law enforcement agency under this section shall be used by the agency to pay for not more than fifty per cent of the amount of the salaries of law enforcement officers who conduct drug abuse resistance education programs in public schools. The attorney general shall not use more than six per cent of the amounts the attorney general's office receives under division (F)(2)(e) of this section to pay the costs it incurs in administering the grant program established by division (F)(2)(e) of this section and in providing training and materials relating to drug abuse resistance education programs.

The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in establishing and implementing drug abuse resistance education programs. These reports shall include an evaluation of the effectiveness of these programs.

(5) In addition to the reinstatement fee under this section, if the person pays the reinstatement fee to a deputy registrar, the deputy registrar shall collect a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, plus two dollars of the service fee, to the registrar in the manner the registrar shall determine.

(G) Suspension of a commercial driver's license under division (B) or (C) of this section shall be concurrent with any period of disqualification under section 3123.611 or 4506.16 of the Revised Code or any period of suspension under section 3123.58 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the
commercial driver's license was suspended under division (B) or (C) of this section. No person whose commercial driver's license is suspended under division (B) or (C) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(H)(1) Each county shall establish an indigent drivers alcohol treatment fund IDATF and a juvenile indigent drivers alcohol treatment fund IDATF. Each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol treatment fund IDATF. All revenue that the general assembly appropriates to the indigent drivers alcohol treatment fund state IDATF for transfer to a county indigent drivers alcohol treatment fund IDATF, a county juvenile indigent drivers alcohol treatment fund IDATF, or a municipal indigent drivers alcohol treatment fund IDATF, all portions of fees that are paid under division (F) of this section and that are credited under that division to the indigent drivers alcohol treatment fund state IDATF in the state treasury for a county indigent drivers alcohol treatment fund IDATF, a county juvenile indigent drivers alcohol treatment fund IDATF, or a municipal indigent drivers alcohol treatment fund IDATF, all portions of additional costs imposed under section 2949.094 of the Revised Code that are specified for deposit into a county, county juvenile, or municipal indigent drivers alcohol treatment fund IDATF by that section, and all portions of fines that are specified for deposit into a county or municipal indigent drivers alcohol treatment fund IDATF by section 4511.193 of the Revised Code shall be deposited into that county indigent drivers alcohol treatment fund IDATF, county juvenile indigent drivers alcohol treatment fund IDATF, or municipal indigent drivers alcohol treatment fund IDATF. The portions of the fees paid under division (F) of this section that are to be so deposited shall be determined in accordance with division (H)(2) of this section. Additionally, all portions of fines that are paid
for a violation of section 4511.19 of the Revised Code or of any prohibition contained in Chapter 4510. of the Revised Code, and that are required under section 4511.19 or any provision of Chapter 4510. of the Revised Code to be deposited into a county indigent drivers alcohol treatment fund IDATF or municipal indigent drivers alcohol treatment fund IDATF shall be deposited into the appropriate fund in accordance with the applicable division of the section or provision.

(2) That portion of the license reinstatement fee that is paid under division (F) of this section and that is credited under that division to the indigent drivers alcohol treatment fund IDATF shall be deposited into a county indigent drivers alcohol treatment fund IDATF, a county juvenile indigent drivers alcohol treatment fund IDATF, or a municipal indigent drivers alcohol treatment fund IDATF as follows:

(a) Regarding a suspension imposed under this section, that portion of the fee shall be deposited as follows:

(i) If the fee is paid by a person who was charged in a county court with the violation that resulted in the suspension or in the imposition of the court costs, the portion shall be deposited into the county indigent drivers alcohol treatment fund IDATF under the control of that court;

(ii) If the fee is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension or in the imposition of the court costs, the portion shall be deposited into the county juvenile indigent drivers alcohol treatment fund IDATF established in the county served by the court;

(iii) If the fee is paid by a person who was charged in a municipal court with the violation that resulted in the suspension or in the imposition of the court costs, the portion shall be
deposited into the municipal indigent drivers alcohol treatment fund IDATF under the control of that court.

(b) Regarding a suspension imposed under section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, that portion of the fee shall be deposited as follows:

(i) If the fee is paid by a person whose license or permit was suspended by a county court, the portion shall be deposited into the county indigent drivers alcohol treatment fund IDATF under the control of that court;

(ii) If the fee is paid by a person whose license or permit was suspended by a municipal court, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund IDATF under the control of that court.

(3)(a) As used in division (H)(3) of this section, "indigent person" means a person who is convicted determined to be indigent by a court under division (H)(4) of this section and to whom one or more of the following apply:

(i) The person is convicted of a criminal offense, and the court determines that substance abuse was a contributing factor leading to the commission of that offense.

(ii) The person is adjudicated a delinquent child or found to be a juvenile traffic offender, and the court determines that substance abuse was a contributing factor leading to that adjudication or finding.

(iii) The person is convicted of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or found to be a juvenile traffic offender by reason of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who and is ordered by the court to attend an
alcohol and drug addiction treatment program, and who is determined by the court under division (H)(5) of this section to be unable to pay the cost of the assessment or the cost of attendance at the treatment program.

(iv) The person is found to be a juvenile traffic offender by reason of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance and is ordered by the court to attend an alcohol and drug addiction treatment program.

(b) A county, juvenile, or municipal court judge, by order, may make expenditures from a county indigent drivers alcohol treatment fund IDATF, a county juvenile indigent drivers alcohol treatment fund IDATF, or a municipal indigent drivers alcohol treatment fund IDATF with respect to an indigent person for any of the following:

(i) To pay the cost of an assessment that is conducted by an appropriately licensed clinician at either a driver intervention program that is certified under section 5119.38 of the Revised Code or at a community addiction services provider whose alcohol and drug addiction services are certified under section 5119.36 of the Revised Code;

(ii) To pay the cost of alcohol addiction services, drug addiction services, or integrated alcohol and drug addiction services at a community addiction services provider whose alcohol and drug addiction services are certified under section 5119.36 of the Revised Code;

(iii) To pay the cost of transportation to attend an assessment as provided under division (H)(3)(b)(i) of this section or addiction services as provided under division (H)(3)(b)(ii) of this section.

(iv) To pay the cost of recovery supports, as defined in
section 5119.01 of the Revised Code.

The alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health service district in which the court is located shall administer the indigent drivers alcohol treatment program of the court. When a court orders an offender or juvenile traffic offender to obtain an assessment or attend an alcohol and drug addiction treatment program, the board shall determine which program is suitable to meet the needs of the offender or juvenile traffic offender, and when a suitable program is located and space is available at the program, the offender or juvenile traffic offender shall attend the program designated by the board. A reasonable amount not to exceed five per cent of the amounts credited to and deposited into the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund serving every court whose program is administered by that board shall be paid to the board to cover the costs it incurs in administering those indigent drivers alcohol treatment programs.

(c) If a county, juvenile, or municipal court, in consultation with the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the court is located, determines that the amount of money in its county IDATF, county juvenile IDATF, or municipal IDATF, as applicable, is more than sufficient to satisfy the purposes of the fund, the court may take one or more of the following actions:

(i) Transfer an amount determined appropriate by the court from that fund to another court in the same county to be used as specified in division (H)(3)(b) of this section. If funds are so
transferred, the court initiating the transfer shall notify the board it consulted with pursuant to division (H)(3)(c) of this section.

(ii) Transfer an amount determined appropriate by the court from that fund to the board of alcohol, drug addiction, and mental health services it consulted with pursuant to division (H)(3)(c) of this section. Such money shall be used by the board in a manner consistent with division (H)(3)(b) of this section.

(iii) Spend an amount determined appropriate by the court to cover part or all of the cost of purchasing alcohol monitoring devices to be used in conjunction with division (H)(3)(d) of this section, upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device.

(iv) Spend an amount determined appropriate by the court for staffing, equipment, supplies, training, drug testing, or any other expenses associated with the administration of any specialized docket program established within the court and certified by the supreme court.

(d) Upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device, a county, juvenile, or municipal court judge may use moneys in the county indigent drivers alcohol treatment fund IDATF, county juvenile indigent drivers alcohol treatment fund IDATF, or municipal indigent drivers alcohol treatment fund IDATF in either of the following manners:

(i) If the source of the moneys was an appropriation of the general assembly, a portion of a fee that was paid under division (F) of this section, a portion of a fine that was specified for deposit into the fund by section 4511.193 of the Revised Code, or a portion of a fine that was paid for a violation of section
4511.19 of the Revised Code or of a provision contained in Chapter 4510. of the Revised Code that was required to be deposited into the fund, to pay for the continued use of an alcohol monitoring device by an offender or juvenile traffic offender, in conjunction with a treatment program approved by the department of mental health and addiction services, when such use is determined clinically necessary by the treatment program and when the court determines that the offender or juvenile traffic offender is unable to pay all or part of the daily monitoring or cost of the device;

(ii) If the source of the moneys was a portion of an additional court cost imposed under section 2949.094 of the Revised Code, to pay for the continued use of an alcohol monitoring device by an offender or juvenile traffic offender when the court determines that the offender or juvenile traffic offender is unable to pay all or part of the daily monitoring or cost of the device. The moneys may be used for a device as described in this division if the use of the device is in conjunction with a treatment program approved by the department of mental health and addiction services, when the use of the device is determined clinically necessary by the treatment program, but the use of a device is not required to be in conjunction with a treatment program approved by the department in order for the moneys to be used for the device as described in this division.

(4) If a county, juvenile, or municipal court determines, in consultation with the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health district in which the court is located, that the funds in the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal
indigent drivers alcohol treatment fund under the control of the court are more than sufficient to satisfy the purpose for which the fund was established, as specified in divisions (H)(1) to (3) of this section, the court may declare a surplus in the fund. If the court declares a surplus in the fund, the court may take one or more of the following actions with regard to the amount of the surplus in the fund:

(a) Expend any of the surplus amount for alcohol and drug abuse assessment and treatment, and for the cost of transportation related to assessment and treatment, of persons who are charged in the court with committing a criminal offense or with being a delinquent child or juvenile traffic offender and in relation to whom both of the following apply:

(i) The court determines that substance abuse was a contributing factor leading to the criminal or delinquent activity or the juvenile traffic offense with which the person is charged.

(ii) The court determines that the person is unable to pay the cost of the alcohol and drug abuse assessment and treatment for which the surplus money will be used.

(b) Expend any of the surplus amount to pay all or part of the cost of purchasing alcohol monitoring devices to be used in conjunction with division (H)(3)(c) of this section, upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device.

(c) Transfer to another court in the same county any of the surplus amount to be utilized in a manner consistent with division (H)(3) of this section. If surplus funds are transferred to another court, the court that transfers the funds shall notify the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services that serves the alcohol, drug addiction, and mental health service district in...
which that court is located.

(d) Transfer to the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services that serves the alcohol, drug addiction, and mental health service district in which the court is located any of the surplus amount to be utilized in a manner consistent with division (H)(3) of this section or for board contracted recovery support services.

(e) Expend any of the surplus amount for the cost of staffing, equipment, training, drug testing, supplies, and other expenses of any specialized docket program established within the court and certified by the supreme court.

(5) In order to determine if an offender does not have the means to pay for the offender's attendance at an alcohol and drug addiction treatment program for purposes of division (H)(3) of this section or if an alleged offender or delinquent child is unable to pay the costs specified in division (H)(4) of this section, the

The court shall use the indigent client eligibility guidelines and the standards of indigency established by the state public defender to make the determination if an offender, juvenile traffic offender, or delinquent child is indigent and does not have the means to pay for any item specified in divisions (H)(3)(b)(i) to (H)(3)(b)(iv) of this section.

(6) The court shall identify and refer any community addiction services provider that intends to provide alcohol and drug addiction services and has not had its alcohol and drug addiction services certified under section 5119.36 of the Revised Code and that is interested in receiving amounts from the surplus in the fund declared under division (H)(4) of this section to the department of mental health and addiction services in order for
the community addiction services provider to have its alcohol and drug addiction services certified by the department. The department shall keep a record of applicant referrals received pursuant to this division and shall submit a report on the referrals each year to the general assembly. If a community addiction services provider interested in having its alcohol and drug addiction services certified makes an application pursuant to section 5119.36 of the Revised Code, the community addiction services provider is eligible to receive surplus funds as long as the application is pending with the department. The department of mental health and addiction services must offer technical assistance to the applicant. If the interested community addiction services provider withdraws the certification application, the department must notify the court, and the court shall not provide the interested community addiction services provider with any further surplus funds.

(7)(a) Not later than the fifteenth day of July of each year, each court with a county IDATF, county juvenile IDATF, or municipal IDATF, as applicable, shall submit all of the following information to the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the court is located:

(i) The balance of funds in each fund specified in division (H)(5)(a) of this section under the court's control on the thirtieth day of June of that year;

(ii) The amount, if any, the court transferred from each fund specified in division (H)(5)(a) of this section to another court in its same county;

(iii) The amount the court spent in the state fiscal year that ended on the thirtieth day of June of that year from each fund specified in division (H)(5)(a) of this section;
(iv) The number of indigent persons served in the state fiscal year that ended on the thirtieth day of June of that year from each fund specified in division (H)(5)(a) of this section.

(b) Each alcohol and drug addiction services board and board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code shall compile the information submitted by each court under division (H)(5)(a) of this section into an annual report for that board's area, clearly delineating the items specified in that division for each court. A board shall submit to the department of mental health and addiction services an its annual report for each indigent drivers alcohol treatment fund in that board's area to the department of mental health and addiction services not later than the first day of September of each year.

(b) The report, which shall be submitted not later than sixty days after the end of the state fiscal year, shall provide the total payment that was made from the fund, including the number of indigent consumers that received treatment services and the number of indigent consumers that received an alcohol monitoring device. The report shall identify the treatment program and expenditure for an alcohol monitoring device for which that payment was made. The report shall include the fiscal year balance of each indigent drivers alcohol treatment fund located in that board's area. In the event that a surplus is declared in the fund pursuant to division (H)(4) of this section, the report also shall provide the total payment that was made from the surplus moneys and identify the authorized purpose for which that payment was made.

(c) If a board is unable to obtain adequate information to develop the report to submit to the department for any particular indigent drivers alcohol treatment fund court for purposes of preparing its annual report, the board shall submit a report detailing the effort made in obtaining the information.
specify that fact in the annual report.

(I)(1) Each county shall establish an indigent drivers interlock and alcohol monitoring fund and a juvenile indigent drivers interlock and alcohol treatment fund. Each municipal corporation in which there is a municipal court shall establish an indigent drivers interlock and alcohol monitoring fund. All revenue that the general assembly appropriates to the indigent drivers interlock and alcohol monitoring fund for transfer to a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund, all portions of license reinstatement fees that are paid under division (F)(2) of this section and that are credited under that division to the indigent drivers interlock and alcohol monitoring fund shall be deposited into a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund in accordance with division (I)(2) of this section.

(2) That portion of the license reinstatement fee that is paid under division (F) of this section and that portion of the fine paid under division (G) of section 4511.19 of the Revised Code and that is credited under either division to the indigent drivers interlock and alcohol monitoring fund shall be deposited into a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund as follows:

(a) If the fee or fine is paid by a person who was charged in a county court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county indigent
drivers interlock and alcohol monitoring fund under the control of that court.

(b) If the fee or fine is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county juvenile indigent drivers interlock and alcohol monitoring fund established in the county served by the court.

(c) If the fee or fine is paid by a person who was charged in a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court.

(3) If a county, juvenile, or municipal court determines that the funds in the county indigent drivers interlock and alcohol monitoring fund, the county juvenile indigent drivers interlock and alcohol monitoring fund, or the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court are more than sufficient to satisfy the purpose for which the fund was established as specified in division (F)(2)(h) of this section, the court may declare a surplus in the fund. The court then may order the transfer of a specified amount into the county indigent drivers alcohol treatment fund IDATF, the county juvenile indigent drivers alcohol treatment fund IDATF, or the municipal indigent drivers alcohol treatment fund IDATF under the control of that court to be utilized in accordance with division (H) of this section.

Sec. 4511.204. (A) No person shall operate a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device.
(B) Division (A) of this section does not apply to any of the following:

(1) A person using an electronic wireless communications device to make contact, for emergency purposes, with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

(2) A person driving a public safety vehicle while using an electronic wireless communications device in the course of the person's duties;

(3) A person using an electronic wireless communications device when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a traffic control signal that is currently directing traffic to stop, or parked on a road or highway due to an emergency or road closure;

(4) A person using and holding an electronic wireless communications device directly near the person's ear for the purpose of making, receiving, or conducting a telephone call, provided that the person does not manually enter letters, numbers, or symbols into the device;

(5) A person receiving wireless messages on an electronic wireless communications device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle, provided that the person does not hold or support the device with any part of the person's body;

(6) A person using the speaker phone function of the electronic wireless communications device, provided that the person does not hold or support the device with any part of the person's body;

(7) A person using an electronic wireless communications device for navigation purposes, provided that the person does not
do either of the following during the use:

(a) Manually enter letters, numbers, or symbols into the device;

(b) Hold or support the device with any part of the person's body.

(8) A person using a feature or function of the electronic wireless communications device with a single touch or single swipe, provided that the person does not do either of the following during the use:

(a) Manually enter letters, numbers, or symbols into the device;

(b) Hold or support the device with any part of the person's body.

(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;

(10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;

(11) A person using an electronic wireless communications device in conjunction with a voice-operated or hands-free feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;

(12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:
(a) Manually enter letters, numbers, or symbols into the device;

(b) Hold or support the device with any part of the person's body.

(13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body.

(C)(1) On January 31 of each year, the department of public safety shall issue a report to the general assembly that specifies the number of citations issued for violations of this section during the previous calendar year.

(2) If a law enforcement officer issues an offender a ticket, citation, or summons for a violation of division (A) of this section, the officer shall do both of the following:

(a) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;

(b) Ensure that such report indicates the offender's race.

(D)(1) Whoever violates division (A) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor.

(a) Except as provided in divisions (D)(1)(b), (c), (d), and (2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars.

(b) If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars.

(c) If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior
violations of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars. The court also may impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days.

(d) Notwithstanding divisions (D)(1)(a) to (c) of this section, if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed for the violation under division (D)(1)(a), (b), or (c) of this section, as applicable.

(2) In lieu of payment of the fine of one hundred fifty dollars under division (D)(1)(a) of this section and the assessment of points under division (D)(4) of this section, the offender instead may elect to attend the distracted driving safety course, as described in section 4511.991 of the Revised Code. If the offender attends and successfully completes the course within ninety days of the violation of division (A) of this section, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall not be required to pay the fine and shall not have the points assessed against that offender's driver's license if the offender submits the written evidence to the court. However, successful completion of the course does not result in a dismissal of the charges for the violation, and the violation is a prior offense under divisions (D)(1)(b) and (c) of this section if the offender commits a subsequent violation or violations of division (A) of this section within two years of the offense for which the course was completed.
(3) The court may impose any other penalty authorized under sections 2929.21 to 2929.28 of the Revised Code. However, the court shall not impose a fine or a suspension not otherwise specified in division (D)(1) of this section. The court also shall not impose a jail term or community residential sanction.

(4) Except as provided in division (D)(2) of this section, points shall be assessed for a violation of division (A) of this section in accordance with section 4510.036 of the Revised Code.

(5) The offense established under this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(E) This section shall not be construed as invalidating, preempting, or superseding a substantially equivalent municipal ordinance that prescribes penalties for violations of that ordinance that are greater than the penalties prescribed in this section for violations of this section.

(F) A prosecution for an offense in violation of this section does not preclude a prosecution for an offense in violation of a substantially equivalent municipal ordinance based on the same conduct. However, the two offenses are allied offenses of similar import under section 2941.25 of the Revised Code.

(G)(1) A law enforcement officer does not have probable cause and shall not stop the operator of a motor vehicle for purposes of enforcing this section unless the officer visually observes the operator using, holding, or physically supporting with any part of the person's body the electronic wireless communications device.

(2) A law enforcement officer who stops the operator of a motor vehicle, trackless trolley, or streetcar for a violation of
division (A) of this section shall inform the operator that the operator may decline a search of the operator's electronic wireless communications device. The officer shall not do any of the following:

(a) Access the device without a warrant, unless the operator voluntarily and unequivocally gives consent for the officer to access the device;

(b) Confiscate the device while awaiting the issuance of a warrant to access the device;

(c) Obtain consent from the operator to access the device through coercion or any other improper means. Any consent by the operator to access the device shall be voluntary and unequivocal before the officer may access the device without a warrant.

(H) As used in this section:

(1) "Electronic wireless communications device" includes any of the following:

(a) A wireless telephone;

(b) A text-messaging device;

(c) A personal digital assistant;

(d) A computer, including a laptop computer and a computer tablet;

(e) Any device capable of displaying a video, movie, broadcast television image, or visual image;

(f) Any other substantially similar wireless device that is designed or used to communicate text, initiate or receive communication, or exchange information or data.

An "electronic wireless communications device" does not include a two-way radio transmitter or receiver used by a person who is licensed by the federal communications commission to
participate in the amateur radio service.

(2) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use an electronic wireless communications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

(3) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of section 4905.03 of the Revised Code.

(4) "Utility service vehicle" means a vehicle owned or operated by a utility.

Sec. 4511.34. (A) As used in this section:

(1) "Connected vehicle" means a motor vehicle that exchanges information with another motor vehicle, with infrastructure, or with other road users by way of electronic communications technology.

(2) "Vehicle platoon" means the linking of two or more connected vehicles using electronic vehicle-to-vehicle communication technology where the first connected vehicle in the platoon sets the speed and direction for the rest of the connected vehicles enabling all connected vehicles in the platoon to follow at a close distance.

(B)(1) The operator of a motor vehicle, streetcar, or trackless trolley shall not follow another vehicle, streetcar, or trackless trolley more closely than is reasonable and prudent, having due regard for the speed of such vehicle, streetcar, or trackless trolley, and the traffic upon and the condition of the highway.

(2) The driver of any truck, or motor vehicle drawing another vehicle, when traveling upon a roadway outside a business or residence district shall maintain a sufficient space, whenever
conditions permit, between such vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy such space without danger. This paragraph does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks.

(3) Outside a municipal corporation, the driver of any truck, or motor vehicle when drawing another vehicle, while ascending to the crest of a grade beyond which the driver's view of a roadway is obstructed, shall not follow within three hundred feet of another truck, or motor vehicle drawing another vehicle. This paragraph shall not apply to any either of the following:

(a) Any lane specially designated for use by trucks;

(b) A vehicle platoon.

(4) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, shall maintain a sufficient space between such vehicles so an overtaking vehicle may enter and occupy such space without danger. This paragraph shall not apply to funeral processions.

(D) (C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code.
Sec. 4511.69. (A) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than twelve inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within a municipal corporation unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic.

(B) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within twelve inches of the left-hand curb of a one-way roadway.

(C)(1)(a) Except as provided in division (C)(1)(b) of this section, no vehicle or trackless trolley shall be stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway.

(b) The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into a parking space that is located on the side of, and parallel to, a road or highway. The motorcycle may face any direction when so parked. Not more than two motorcycles at a time shall be parked in a parking space as described in division (C)(2) of this section irrespective of whether or not the space is metered.

(D) Notwithstanding any statute or any rule, resolution, or
ordinance adopted by any local authority, air compressors, tractors, trucks, and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the director of transportation.

(E) Accessible parking locations and privileges for persons with disabilities that limit or impair the ability to walk shall be provided and designated by all political subdivisions and by the state and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators, and ramps. All elevated signs posted in accordance with this division and division (C) of section 3781.111 of the Revised Code shall be mounted on a fixed or movable post, and the distance from the ground to the bottom edge of the sign shall measure not less than five feet. If a new sign or a replacement sign designating an accessible parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the designated accessible parking location if the motor vehicle is not legally entitled to be parked in that location.

(F)(1)(a) No person shall stop, stand, or park any motor vehicle at accessible parking locations provided under division (E) of this section or at accessible clearly marked parking locations provided in or on privately owned parking lots, parking
garages, or other parking areas and designated in accordance with that division, unless one of the following applies:

(i) The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or accessible license plates;

(ii) The motor vehicle is being operated by or for the transport of a person with a disability and is displaying a parking card or accessible license plates.

(b) Any motor vehicle that is parked in an accessible marked parking location in violation of division (F)(1)(a)(i) or (ii) of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the political subdivision in which the parking location is located. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles.

(c) If a person is charged with a violation of division (F)(1)(a)(i) or (ii) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in division (A)(1) of section 4503.44 of the Revised Code.

(2) No person shall stop, stand, or park any motor vehicle in
an area that is commonly known as an access aisle, which area is
marked by diagonal stripes and is located immediately adjacent to
an accessible parking location provided under division (E) of this
section or at an accessible clearly marked parking location
provided in or on a privately owned parking lot, parking garage,
or other parking area and designated in accordance with that
division.

(G) When a motor vehicle is being operated by or for the
transport of a person with a disability that limits or impairs the
ability to walk and is displaying a removable windshield placard
or a temporary removable windshield placard or accessible license
plates, or when a motor vehicle is being operated by or for the
transport of a person with a disability and is displaying a
parking card or accessible license plates, the motor vehicle is
permitted to park for a period of two hours in excess of the legal
parking period permitted by local authorities, except where local
ordinances or police rules provide otherwise or where the vehicle
is parked in such a manner as to be clearly a traffic hazard.

(H) No owner of an office, facility, or parking garage where
accessible parking locations are required to be designated in
accordance with division (E) of this section shall fail to
properly mark the accessible parking locations in accordance with
that division or fail to maintain the markings of the accessible
locations, including the erection and maintenance of the fixed or
movable signs.

(I) Nothing in this section shall be construed to require a
person or organization to apply for a removable windshield placard
or accessible license plates if the parking card or accessible
license plates issued to the person or organization under prior
law have not expired or been surrendered or revoked.

(J)(1) Whoever violates division (A) or (C) of this section
is guilty of a minor misdemeanor.
(2)(a) Whoever violates division (F)(1)(a)(i) or (ii) of this section is guilty of a misdemeanor and shall be punished as provided in division (J)(2)(a) and (b) of this section. Except as otherwise provided in division (J)(2)(a) of this section, an offender who violates division (F)(1)(a)(i) or (ii) of this section shall be fined not less than two hundred fifty nor more than five hundred dollars. An offender who violates division (F)(1)(a)(i) or (ii) of this section shall be fined not more than one hundred dollars if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

(i) At the time of the violation of division (F)(1)(a)(i) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or accessible license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in division (F)(1)(a)(i) of this section.

(ii) At the time of the violation of division (F)(1)(a)(ii) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or accessible license plates that then were valid but the offender or the person neglected to display the card or license plates as described in division (F)(1)(a)(ii) of this section.

(b) In no case shall an offender who violates division (F)(1)(a)(i) or (ii) of this section be sentenced to any term of imprisonment.

An arrest or conviction for a violation of division (F)(1)(a)(i) or (ii) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege,
or made in connection with the person's appearance as a witness.

The clerk of the court shall pay every fine collected under divisions (J)(2) and (3) of this section to the political subdivision in which the violation occurred. Except as provided in division (J)(2) of this section, the political subdivision shall use the fine moneys it receives under divisions (J)(2) and (3) of this section to pay the expenses it incurs in complying with the signage and notice requirements contained in division (E) of this section. The political subdivision may use up to fifty per cent of each fine it receives under divisions (J)(2) and (3) of this section to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the political subdivision that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.

(3) Whoever violates division (F)(2) of this section shall be fined not less than two hundred fifty nor more than five hundred dollars.

In no case shall an offender who violates division (F)(2) of this section be sentenced to any term of imprisonment. An arrest or conviction for a violation of division (F)(2) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(4) Whoever violates division (H) of this section shall be punished as follows:

(a) Except as otherwise provided in division (J)(4) of this section, the offender shall be issued a warning.

(b) If the offender previously has been convicted of or...
pleaded guilty to a violation of division (H) of this section or of a municipal ordinance that is substantially similar to that division, the offender shall not be issued a warning but shall be fined not more than twenty-five dollars for each parking location that is not properly marked or whose markings are not properly maintained.

(K) As used in this section:

1. "Person with a disability" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other disabling condition.

2. "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

3. "Accessible license plates" and "removable windshield placard" mean any license plates or, standard removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard issued under section 4503.41 or 4503.44 of the Revised Code, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country, or sovereignty.

Sec. 4511.76. (A) The department of public safety, by and with the advice of the superintendent of public instruction, shall adopt and enforce rules relating to the construction, design, and equipment, including lighting equipment required by section 4511.771 of the Revised Code, of all school buses both publicly and privately owned and operated in this state.

(B) The department of education, by and with the advice of
the director of public safety, shall adopt and enforce rules 64529
relating to the operation of all vehicles used for pupil 64530
transportation.

(C) No person shall operate a vehicle used for pupil 64532
transportation within this state in violation of the rules of the 64533
department of education or the department of public safety. No 64534
person, being the owner thereof or having the supervisory 64535
responsibility therefor, shall permit the operation of a vehicle 64536
used for pupil transportation within this state in violation of 64537
the rules of the department of education or the department of 64538
public safety.

(D) The department of public safety shall adopt and enforce 64540
rules relating to the issuance of a license under section 4511.763 64541
of the Revised Code. The rules may relate to the condition of the 64542
equipment to be operated; the liability and property damage 64543
insurance carried by the applicant; the posting of satisfactory 64544
and sufficient bond; and such other rules as the director of 64545
public safety determines reasonably necessary for the safety of 64546
the pupils to be transported.

(E) A chartered nonpublic school may own and operate, or 64548
contract with a vendor that supplies, a vehicle originally 64549
designed for not more than nine passengers, not including the 64550
driver, to transport students to and from regularly scheduled 64551
school sessions when one of the following applies:

(1) A student's school district of residence has declared the 64553
transportation of the student impractical pursuant to section 64554
3327.02 of the Revised Code; or 64555

(2) A student does not live within thirty minutes of the 64556
chartered nonpublic school and the student's school district is 64557
not required to transport the student under section 3327.01 of the 64558
Revised Code.
(F) A school district may own and operate, or contract with a vendor that supplies, a vehicle originally designed for not more than nine passengers, not including the driver, to transport students to and from regularly scheduled school sessions, if all of the following apply to the operation of that vehicle:

1. The number of students to be transported is not more than nine;

2. The students attend a chartered nonpublic school, and the school district regularly transports students to that chartered nonpublic school;

3. The driver of the vehicle meets the requirements specified for a driver of a school bus or motor van under section 3327.10 of the Revised Code and any corresponding rules adopted by the department of education. Notwithstanding that section or any department rules to the contrary, the driver is not required to have a commercial driver's license but shall have a current, valid driver's license, and shall be accustomed to operating the vehicle used to transport the students.

(G) As used in this section, "vehicle used for pupil transportation" means any vehicle that is identified as such by the department of education by rule and that is subject to Chapter 3301-83 of the Administrative Code.

(H) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.
Sec. 4511.991. (A) As used in this section and each section referenced in division (B) of this section, all of the following apply:

(1) "Distracted" means doing either of the following while operating a vehicle:

(a) Using an electronic wireless communications device, as defined in section 4511.204 of the Revised Code, in violation of that section;
(b) Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.

(2) "Distracted" does not include operating a motor vehicle while wearing an earphone or earplug over or in both ears at the same time. A person who so wears earphones or earplugs may be charged with a violation of section 4511.84 of the Revised Code.

(3) "Distracted" does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage, or a circumstance affecting the health or safety of individuals.

As used in division (A)(3) of this section:

(a) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of section 4905.03 of the Revised Code.
(b) "Utility service vehicle" means a vehicle owned or operated by a utility.

(B) If an offender violates section 4511.03, 4511.051, 4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 64619
4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, or 4511.73 of the Revised Code while distracted and the distracting activity is a contributing factor to the commission of the violation, the offender is subject to the applicable penalty for the violation and, notwithstanding section 2929.28 of the Revised Code, is subject to an additional fine of not more than one hundred dollars as follows:

(1) Subject to Traffic Rule 13, if a law enforcement officer issues an offender a ticket, citation, or summons for a violation of any of the aforementioned sections of the Revised Code that indicates that the offender was distracted while committing the violation and that the distracting activity was a contributing factor to the commission of the violation, the offender may enter a written plea of guilty and waive the offender's right to contest the ticket, citation, or summons in a trial provided that the offender pays the total amount of the fine established for the violation and pays the additional fine of one hundred dollars.

In lieu of payment of the additional fine of one hundred dollars, the offender instead may elect to attend a distracted driving safety course, the duration and contents of which shall be established by the director of public safety. If the offender attends and successfully completes the course within ninety days of the underlying violation that resulted in the imposition of the additional fine under division (B) of this section, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of one hundred dollars, so long as the offender submits to the court both the offender's
payment in full and such written evidence.

(2) If the offender appears in person to contest the ticket, citation, or summons in a trial and the offender pleads guilty to or is convicted of the violation, the court, in addition to all other penalties provided by law, may impose the applicable penalty for the violation and may impose the additional fine of not more than one hundred dollars.

If the court imposes upon the offender the applicable penalty for the violation and an additional fine of not more than one hundred dollars, the court shall inform the offender that, in lieu of payment of the additional fine of not more than one hundred dollars, the offender instead may elect to attend the distracted driving safety course described in division (B)(1) of this section. If the offender elects the course option and attends and successfully completes the course within ninety days of the underlying violation that resulted in the imposition of the additional fine under division (B) of this section, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall be required to pay the total amount of the fine established for the violation, but shall not be required to pay the additional fine of not more than one hundred dollars, so long as the offender submits to the court the offender's payment and such written evidence.

(C) If a law enforcement officer issues an offender a ticket, citation, or summons for a violation of any of the sections of the Revised Code listed in division (B) of this section that indicates that the offender was distracted while committing the violation and that the distracting activity was a contributing factor to the commission of the violation, the officer shall do both of the following:

(1) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;
(2) Ensure that such report indicates the offender's race.

Sec. 4513.17. (A) Whenever a motor vehicle equipped with headlights also is equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than three hundred candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a highway.

(B) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights, or auxiliary driving lights, that projects a beam of light of an intensity greater than three hundred candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(C)(1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing.

(2) The prohibition in division (C)(1) of this section does not apply to any of the following:

(a) Emergency vehicles, road service vehicles servicing or towing a disabled vehicle, stationary waste collection vehicles actively collecting garbage, refuse, trash, or recyclable materials on the roadside, rural mail delivery vehicles, vehicles as provided in section 4513.182 of the Revised Code, highway maintenance vehicles, and similar equipment operated by the department or local authorities, provided such vehicles are equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating, or rotating amber light;
(b) Vehicles or machinery permitted by section 4513.111 of the Revised Code to have a flashing red light;

(c) Farm machinery and vehicles escorting farm machinery, provided such machinery and vehicles are equipped with and display, when used on a street or highway, a flashing, oscillating, or rotating amber light. Farm machinery also may display the lights described in section 4513.111 of the Revised Code.

(d) A funeral hearse or funeral escort vehicle, provided that the funeral hearse or funeral escort vehicle is equipped with and displays, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating, or rotating purple or amber light;

(e) A vehicle being used for emergency preparedness, response, and recovery activities, as those terms are defined in section 5502.21 of the Revised Code, that is equipped with and displays, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating, or rotating amber or red and white light, provided that the vehicle is being operated by a person from one of the following and the vehicle is clearly marked with the applicable agency's or authority's insignia:

(i) The Ohio emergency management agency;

(ii) A countywide emergency management agency established under section 5502.26 of the Revised Code;

(iii) A regional authority for emergency management established under section 5502.27 of the Revised Code;

(iv) A program for emergency management established under section 5502.271 of the Revised Code.

(3) Division (C)(1) of this section does not apply to
animal-drawn vehicles subject to section 4513.114 of the Revised Code.

(D)(1) Except a person operating a public safety vehicle, as defined in division (E) of section 4511.01 of the Revised Code, an emergency management agency vehicle, as described in division (C)(2)(e) of this section, or a school bus, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light.

(2) Except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, operating a public safety vehicle when on duty, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(E) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway.

(F) Whoever violates this section is guilty of a minor misdemeanor.

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the...
Revised Code:

(A) "Persons" includes individuals, firms, partnerships, associations, joint stock companies, corporations, sole proprietorships, limited liability companies, limited liability partnerships, business trusts, and any other legally recognized business entities or any combinations of individuals.

(B) "Motor vehicle" means motor vehicle as defined in section 4501.01 of the Revised Code and also includes "all-purpose vehicle" and "off-highway motorcycle" as those terms are defined in section 4519.01 of the Revised Code. "Motor vehicle" does not include a snowmobile as defined in section 4519.01 of the Revised Code or manufactured and mobile homes.

(C) "New motor vehicle" means a motor vehicle, the legal title to which has never been transferred by a manufacturer, remanufacturer, distributor, or dealer to an ultimate purchaser.

(D) "Ultimate purchaser" means, with respect to any new motor vehicle, the first person, other than a dealer purchasing in the capacity of a dealer, who in good faith purchases such new motor vehicle for purposes other than resale.

(E) "Business" includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect, including activities conducted through the internet or another computer network.

(F) "Engaging in business" means commencing, conducting, or continuing in business, or liquidating a business when the liquidator thereof holds self out to be conducting such business; making a casual sale or otherwise making transfers in the ordinary course of business when the transfers are made in connection with the disposition of all or substantially all of the transferor's assets is not engaging in business.

(G) "Retail sale" or "sale selling at retail" means the act
or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle, including through use of the internet or another computer network, to an ultimate purchaser for use as a consumer.

(H) "Retail installment contract" includes any contract in the form of a note, chattel mortgage, conditional sales contract, lease, agreement, or other instrument payable in one or more installments over a period of time and arising out of the retail sale of a motor vehicle.

(I) "Farm machinery" means all machines and tools used in the production, harvesting, and care of farm products.

(J) "Dealer" or "motor vehicle dealer" means any new motor vehicle dealer, any motor vehicle leasing dealer, and any used motor vehicle dealer.

(K) "New motor vehicle dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in new motor vehicles pursuant to a contract or agreement entered into with the manufacturer, remanufacturer, or distributor of the motor vehicles.

(L) "Used motor vehicle dealer" means any person engaged in the business of selling, displaying, offering for sale, or dealing in used motor vehicles, at retail or wholesale, but does not mean any new motor vehicle dealer selling, displaying, offering for sale, or dealing in used motor vehicles incidentally to engaging in the business of selling, displaying, offering for sale, or dealing in new motor vehicles, any person engaged in the business of dismantling, salvaging, or rebuilding motor vehicles by means of using used parts, or any public officer performing official duties.

(M) "Motor vehicle leasing dealer" means any person engaged in the business of regularly making available, offering to make
available, or arranging for another person to use a motor vehicle pursuant to a bailment, lease, sublease, or other contractual arrangement under which a charge is made for its use at a periodic rate for a term of thirty days or more, and title to the motor vehicle is in and remains in the motor vehicle leasing dealer who originally leases it, irrespective of whether or not the motor vehicle is the subject of a later sublease, and not in the user, but including any financial institution acting as a lessor for a lease or sublease. "Motor vehicle leasing dealer" does not mean include a new motor vehicle dealer that is not the lessor and that only assists in arranging a lease on the lessor's behalf or a manufacturer or its affiliate leasing to its employees or to dealers.

(N) "Salesperson" means any person employed by a dealer to sell, display, and offer for sale, or deal in motor vehicles for a commission, compensation, or other valuable consideration, but does not mean any public officer performing official duties.

(O) "Casual sale" means any transfer of a motor vehicle by a person other than a new motor vehicle dealer, used motor vehicle dealer, motor vehicle salvage dealer, as defined in division (A) of section 4738.01 of the Revised Code, salesperson, motor vehicle auction owner, manufacturer, or distributor acting in the capacity of a dealer, salesperson, auction owner, manufacturer, or distributor, to a person who purchases the motor vehicle for use as a consumer.

(P) "Motor vehicle auction owner" means any person who is engaged wholly or in part in the business of auctioning motor vehicles, but does not mean a construction equipment auctioneer or a construction equipment auction licensee.

(Q) "Manufacturer" means a person who manufactures, assembles, or imports motor vehicles, including motor homes, but does not mean a person who only assembles or installs a body,
special equipment unit, finishing trim, or accessories on a motor vehicle chassis supplied by a manufacturer or distributor.

(R) "Tent-type fold-out camping trailer" means any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities, and that is subject to the following properties and limitations:

(1) A minimum of twenty-five per cent of the fold-out portion of the top and sidewalls combined must be constructed of canvas, vinyl, or other fabric, and form an integral part of the shelter.

(2) When folded, the unit must not exceed:
   (a) Fifteen feet in length, exclusive of bumper and tongue;
   (b) Sixty inches in height from the point of contact with the ground;
   (c) Eight feet in width;
   (d) One ton gross weight at time of sale.

(S) "Distributor" means any person authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed new motor vehicle dealers, but does not mean a person who only assembles or installs a body, special equipment unit, finishing trim, or accessories on a motor vehicle chassis supplied by a manufacturer or distributor.

(T) "Flea market" means a market place, other than a dealer's location licensed under this chapter, where a space or location is provided for a fee or compensation to a seller to exhibit and offer for sale or trade, motor vehicles to the general public.

(U) "Franchise" means any written agreement, contract, or understanding between any motor vehicle manufacturer or remanufacturer engaged in commerce and any motor vehicle dealer that purports to fix the legal rights and liabilities of the parties to such agreement, contract, or understanding.
(V) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise agreement and who offers, sells, and provides service for such new motor vehicles to the general public.

(W) "Franchisor" means a new motor vehicle manufacturer, remanufacturer, or distributor who supplies new motor vehicles under a franchise agreement to a franchisee.

(X) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of new motor vehicle dealers.

(Y) "Factory representative" means a representative employed by a manufacturer, remanufacturer, or by a factory branch primarily for the purpose of promoting the sale of its motor vehicles, parts, or accessories to dealers or for supervising or contacting its dealers or prospective dealers.

(Z) "Administrative or executive management" means those individuals who are not subject to federal wage and hour laws.

(AA) "Good faith" means honesty in the conduct or transaction concerned and the observance of reasonable commercial standards of fair dealing in the trade as is defined in section 1301.201 of the Revised Code, including, but not limited to, the duty to act in a fair and equitable manner so as to guarantee freedom from coercion, intimidation, or threats of coercion or intimidation; provided however, that recommendation, endorsement, exposition, persuasion, urging, or argument shall not be considered to constitute a lack of good faith.

(BB) "Coerce" means to compel or attempt to compel by failing to act in good faith or by threat of economic harm, breach of contract, or other adverse consequences. Coerce does not mean to argue, urge, recommend, or persuade.

(CC) "Relevant market area" means any area within a radius of
ten miles from the site of a potential new dealership, except that for manufactured home or recreational vehicle dealerships the radius shall be twenty-five miles. The ten-mile radius shall be measured from the dealer's established place of business that is used exclusively for the purpose of selling, displaying, offering for sale, or dealing in motor vehicles.

(DD) "Wholesale" or "at wholesale" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle to a transferee for the purpose of resale and not for ultimate consumption by that transferee.

(EE) "Motor vehicle wholesaler" means any person licensed as a dealer under the laws of another state and engaged in the business of selling, displaying, or offering for sale used motor vehicles, at wholesale, but does not mean any motor vehicle dealer as defined in this section.

(FF)(1) "Remanufacturer" means a person who assembles or installs passenger seating, walls, a roof elevation, or a body extension on a conversion van with the motor vehicle chassis supplied by a manufacturer or distributor, a person who modifies a truck chassis supplied by a manufacturer or distributor for use as a public safety or public service vehicle, a person who modifies a motor vehicle chassis supplied by a manufacturer or distributor for use as a limousine or hearse, or a person who modifies an incomplete motor vehicle cab and chassis supplied by a new motor vehicle dealer or distributor for use as a tow truck, but does not mean either of the following:

(a) A person who assembles or installs passenger seating, a roof elevation, or a body extension on a recreational vehicle as defined in division (Q) and referred to in division (B) of section 4501.01 of the Revised Code;

(b) A person who assembles or installs equipment or
accessories for persons with disabilities that limits or impairs the ability to walk, as defined in section 4503.44 of the Revised Code, upon a motor vehicle chassis supplied by a manufacturer or distributor.

(2) For the purposes of division (FF)(1) of this section, "public safety vehicle or public service vehicle" means a fire truck, ambulance, school bus, street sweeper, garbage packing truck, or cement mixer, or a mobile self-contained facility vehicle.

(3) For the purposes of division (FF)(1) of this section, "limousine" means a motor vehicle, designed only for the purpose of carrying nine or fewer passengers, that a person modifies by cutting the original chassis, lengthening the wheelbase by forty inches or more, and reinforcing the chassis in such a way that all modifications comply with all applicable federal motor vehicle safety standards. No person shall qualify as or be deemed to be a remanufacturer who produces limousines unless the person has a written agreement with the manufacturer of the chassis the person utilizes to produce the limousines to complete properly the remanufacture of the chassis into limousines.

(4) For the purposes of division (FF)(1) of this section, "hearse" means a motor vehicle, designed only for the purpose of transporting a single casket, that is equipped with a compartment designed specifically to carry a single casket that a person modifies by cutting the original chassis, lengthening the wheelbase by ten inches or more, and reinforcing the chassis in such a way that all modifications comply with all applicable federal motor vehicle safety standards. No person shall qualify as or be deemed to be a remanufacturer who produces hearses unless the person has a written agreement with the manufacturer of the chassis the person utilizes to produce the hearses to complete properly the remanufacture of the chassis into hearses.
(5) For the purposes of division (FF)(1) of this section, "mobile self-contained facility vehicle" means a mobile classroom vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, testing laboratory, and mobile display vehicle, each of which is designed for purposes other than for passenger transportation and other than the transportation or displacement of cargo, freight, materials, or merchandise. A vehicle is remanufactured into a mobile self-contained facility vehicle in part by the addition of insulation to the body shell, and installation of all of the following: a generator, electrical wiring, plumbing, holding tanks, doors, windows, cabinets, shelving, and heating, ventilating, and air conditioning systems.

(6) For the purposes of division (FF)(1) of this section, "tow truck" means both of the following:

(a) An incomplete cab and chassis that are purchased by a remanufacturer from a new motor vehicle dealer or distributor of the cab and chassis and on which the remanufacturer then installs in a permanent manner a wrecker body it purchases from a manufacturer or distributor of wrecker bodies, installs an emergency flashing light pylon and emergency lights upon the mast of the wrecker body or rooftop, and installs such other related accessories and equipment, including push bumpers, front grille guards with pads and other custom-ordered items such as painting, special lettering, and safety striping so as to create a complete motor vehicle capable of lifting and towing another motor vehicle.

(b) An incomplete cab and chassis that are purchased by a remanufacturer from a new motor vehicle dealer or distributor of the cab and chassis and on which the remanufacturer then installs in a permanent manner a car carrier body it purchases from a manufacturer or distributor of car carrier bodies, installs an emergency flashing light pylon and emergency lights upon the rooftop, and installs such other related accessories and
equipment, including push bumpers, front grille guards with pads and other custom-ordered items such as painting, special lettering, and safety striping.

As used in division (FF)(6)(b) of this section, "car carrier body" means a mechanical or hydraulic apparatus capable of lifting and holding a motor vehicle on a flat level surface so that one or more motor vehicles can be transported, once the car carrier is permanently installed upon an incomplete cab and chassis.

(GG) "Operating as a new motor vehicle dealership" means engaging in activities such as displaying, offering for sale, and selling new motor vehicles at retail, operating a service facility to perform repairs and maintenance on motor vehicles, offering for sale and selling motor vehicle parts at retail, and conducting all other acts that are usual and customary to the operation of a new motor vehicle dealership. For the purposes of this chapter only, possession of either a valid new motor vehicle dealer franchise agreement or a new motor vehicle dealers license, or both of these items, is not evidence that a person is operating as a new motor vehicle dealership.

(HH) "Outdoor power equipment" means garden and small utility tractors, walk-behind and riding mowers, chainsaws, and tillers.

(II) "Remote service facility" means premises that are separate from a licensed new motor vehicle dealer's sales facility by not more than one mile and that are used by the dealer to perform repairs, warranty work, recall work, and maintenance on motor vehicles pursuant to a franchise agreement entered into with a manufacturer of motor vehicles. A remote service facility shall be deemed to be part of the franchise agreement and is subject to all the rights, duties, obligations, and requirements of Chapter 4517. of the Revised Code that relate to the performance of motor vehicle repairs, warranty work, recall work, and maintenance work by new motor vehicle dealers.
(JJ) "Recreational vehicle" has the same meaning as in section 4501.01 of the Revised Code.

(KK) "Construction equipment auctioneer" means a person who holds both a valid auction firm license issued under Chapter 4707 of the Revised Code and a valid construction equipment auction license issued under this chapter.

(LL) "Large construction or transportation equipment" means vehicles having a gross vehicle weight rating of more than ten thousand pounds and includes road rollers, traction engines, power shovels, power cranes, commercial cars and trucks, or farm trucks, and other similar vehicles obtained primarily from the construction, mining, transportation or farming industries.

(MM) "Local market conditions" includes, but is not limited to:

1. Demographics in the franchisee's area;
2. Geographical and market characteristics in the franchisee's area;
3. Local economic circumstances;
4. The proximity of other motor vehicle dealers of the same line-make;
5. The proximity of motor vehicle manufacturing facilities;
6. The buying patterns of motor vehicle purchasers;
7. Customer drive time and drive distance.

(nn) "Established place of business" means a permanent, enclosed building or structure that meets all of the following requirements:

1. It is either owned, leased, or rented by the motor vehicle dealer.
2. It meets local zoning or municipal requirements.
It is regularly occupied by at least one person.

It is easily accessible to the public.

The records and files necessary to conduct the business are generally kept and maintained at the location or are readily accessible and available for reasonable inspection from the location.

"Established place of business" does not mean a residence, tent, temporary stand, storage shed, lot, or any temporary quarters, unless authorized by the registrar of motor vehicles.

**Sec. 4517.05.** (A) Each person applying for a used motor vehicle dealer's license shall annually biennially, before the first day of April, make out and deliver to the registrar of motor vehicles, upon a blank to be furnished by the registrar for that purpose, a separate application for license for each county in which such business is to be conducted. The application shall be in the form prescribed by the registrar, shall be signed and sworn to by the applicant, and, in addition to such other information as is required by the registrar, shall include the information specified in divisions (A) to (H) of section 4517.04 of the Revised Code. The application shall be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated, by the applicant. An application for a used motor vehicle dealer's license by any person who is subject to division (B)(1) of this section shall be accompanied by documentation, as prescribed by the motor vehicle dealers board, showing that within the immediately preceding six months, an owner, officer, partner, or director of the business entity applying for the used motor vehicle dealer's license has successfully completed a used motor vehicle dealer training course.

(B)(1) Except as provided in divisions (B)(2) and (3) of this
section, an owner, officer, partner, or director of a business entity applying for a used motor vehicle dealer license ninety days or more after the effective date of this amendment September 4, 2012, shall, within six months immediately preceding the date of applying for the license, successfully complete a used motor vehicle dealer training course that complies with the rules of the motor vehicle dealers board adopted under division (C) of this section.

(2) No person applying for a used motor vehicle dealer's license shall be required to have an owner, officer, partner, or director of the business entity complete a used motor vehicle dealer training course if any owner, officer, partner, or director of the business entity held a used or new motor vehicle dealer's license within the two-year period immediately preceding the date of application and the previously held license was not revoked or suspended.

(3) No person applying for a used motor vehicle dealer's license shall be required to have an owner, officer, partner, or director of the related business entity complete a used motor vehicle dealer training course if the person holds a salvage motor vehicle auction license pursuant to Chapter 4738. of the Revised Code or a motor vehicle auction owner license pursuant to Chapter 4517. of the Revised Code.

(C)(1) In accordance with Chapter 119. of the Revised Code, the motor vehicle dealers board shall adopt rules governing used motor vehicle dealer training courses. The rules shall do all of the following:

(a) Require a course provider to be an institution of higher education, as defined in section 3345.12 of the Revised Code, or a relevant professional or trade association that has been in existence for more than five years and has a majority of members who are motor vehicle dealers licensed in this state;
(b) Establish any additional qualifications for course providers;

(c) Establish the course curriculum, which shall include information on applicable federal and state law, including consumer protection laws, and shall require at least six hours but not more than twenty-four hours of instruction;

(d) Prescribe the form for the certificate of completion, which shall require the course provider to attest that the person named on the certificate successfully completed at least six hours of used motor vehicle dealer training;

(e) Establish any other reasonable requirements the board considers necessary.

(2) The board shall maintain information received from any course provider concerning course location, content, length, and cost and shall provide the information to any person upon request.

(3) The registrar shall not issue a used motor vehicle dealer license to any person subject to division (B)(1) of this section unless an owner, officer, partner, or director of a business entity applying for the used motor vehicle dealer license has successfully completed a used motor vehicle dealer training course that complies with the requirements of this division.

(D)(1) Any person offering used motor vehicle dealer training courses shall do all of the following:

(a) Conform the course to rules of the motor vehicle dealers board;

(b) Establish reasonable fees for courses offered;

(c) Issue, on a form prescribed by the board, a certificate of completion to each person who successfully completes a course of instruction;

(d) Notify the board of the course location, content, length,
and cost.

(2) A course provider may use information and material from the bureau of motor vehicles and the attorney general.

(E) Nothing in this section shall affect or apply to new motor vehicle dealer licensing.

Sec. 4517.06. Each person applying for a motor vehicle leasing dealer's license shall annually or biennially, before the first day of April, make out and deliver to the registrar of motor vehicles, upon a blank to be furnished by the registrar for that purpose, a separate application for license for each county in which the business of leasing motor vehicles, as described in division (M) of section 4517.01 of the Revised Code, is to be conducted. The application shall be in the form prescribed by the registrar, shall be signed and sworn to be by the applicant, and, in addition to such other information as is required by the registrar, shall include the information specified in divisions (A) to (H) of section 4517.04 of the Revised Code. The application shall be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated, by the applicant.

Sec. 4517.07. Each person applying for a motor vehicle auction owner's license shall annually or biennially, before the first day of April, make out and deliver to the registrar of motor vehicles, upon a blank to be furnished by the registrar for that purpose, a separate application for license for each county in which such business is to be conducted. The application shall be in the form prescribed by the registrar, shall be signed and sworn to be by the applicant, and, in addition to such other information as is required by the registrar, shall include the information specified in divisions (A) to (H) of section 4517.04 of the Revised Code.
Revised Code. The application shall be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated, by the applicant.

The business records, relating to the auctioning of motor vehicles, of a licensed motor vehicle auction owner shall be open for reasonable inspection by the registrar or his authorized agent.

Sec. 4517.08. Each person applying for a distributor's license shall annually, before the first day of April, make out and deliver to the registrar of motor vehicles, upon a blank to be furnished by the registrar for that purpose, a separate application for license for each place of business maintained. The application shall be in the form prescribed by the registrar, shall be signed and sworn to by the applicant, and, in addition to such other information as is required by the registrar, shall include:

(A) Name of applicant and location of principal place of distribution;

(B) The county or counties in which business is to be conducted;

(C) A statement showing the makes of motor vehicles to be distributed;

(D) The information specified in divisions (B), (C), (E), (F), (G), and (H) of section 4517.04 of the Revised Code.

At the time of application, the applicant shall furnish to the registrar a true copy of his appointment as a distributor by a motor vehicle manufacturer. The appointment shall be signed and sworn to by the applicant. The application shall also be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated,
by the applicant.

**Sec. 4517.10.** Except as provided by section 4517.101 of the Revised Code, at the time the registrar of motor vehicles grants the application of any person for a license as motor vehicle dealer, motor vehicle leasing dealer, distributor, motor vehicle auction owner, or motor vehicle salesperson, the registrar shall issue to the person a license. The registrar shall prescribe different forms for the licenses of motor vehicle dealers, motor vehicle leasing dealers, distributors, motor vehicle auction owners, and motor vehicle salespersons, and all licenses shall include the name and post-office address of the person licensed.

The fee for a motor vehicle dealer's license and a motor vehicle leasing dealer's license shall be fifty dollars. In addition to the license fee, the registrar shall collect from each applicant for an initial motor vehicle dealer's license and motor vehicle leasing dealer's license a separate fee in an amount equal to the last assessment required by section 4505.181 of the Revised Code for all motor vehicle dealers and motor vehicle leasing dealers. The registrar shall deposit the separate fee into the state treasury to the credit of the title defect recision fund created in section 1345.52 of the Revised Code. The fee for a salesperson's license shall be ten dollars. The fee for a motor vehicle auction owner's license shall be one hundred dollars for each location. The fee for a distributor's license shall be one hundred dollars for each distributorship. In all cases, the fee shall accompany the application for license.

The registrar may require each applicant for a license issued under this chapter to pay an additional fee, which shall be used by the registrar to pay the costs of obtaining a record of any arrests and convictions of the applicant from the Ohio bureau of identification and investigation. The amount of the fee shall be
equal to that paid by the registrar to obtain such record.

If a motor vehicle dealer or a motor vehicle leasing dealer has more than one place of business in the county, the dealer shall make application, in such form as the registrar prescribes, for a certified copy of the license issued to the dealer for each place of business operated. In the event of the loss, mutilation, or destruction of a license issued under sections 4517.01 to 4517.65 of the Revised Code, any licensee may make application to the registrar, in such form as the registrar prescribes, for a duplicate copy thereof. The fee for a certified or duplicate copy of a motor vehicle dealer's, motor vehicle leasing dealer's, distributor's, or auction owner's license, is two dollars, and the fee for a duplicate copy of a salesperson's license is one dollar. All fees for such copies shall accompany the applications.

Beginning on September 16, 2004, all motor vehicle dealers' licenses, motor vehicle leasing dealers' licenses, distributors' licenses, auction owners' licenses, and all salespersons' licenses issued or renewed shall expire biennially on a day within the two-year cycle that is prescribed by the registrar, unless sooner suspended or revoked. Before the first day after the day prescribed by the registrar in the year that the license expires, each licensed motor vehicle dealer, motor vehicle leasing dealer, distributor, and auction owner and each licensed salesperson, in the year in which the license will expire, shall file an application, in such form as the registrar prescribes, for the renewal of such license. The fee for renewing a motor vehicle dealer's license and a motor vehicle leasing dealer's license shall be fifty dollars. The fee for renewing a salesperson's license shall be ten dollars. The fee for renewing a motor vehicle auction owner's license shall be one hundred dollars for each location. The fee for renewing a distributor's license shall be one hundred dollars for each distributorship. In all cases the
license renewal fee shall accompany the renewal application.

Any salesperson's license shall be suspended upon the termination, suspension, or revocation of the license of the motor vehicle dealer for whom the salesperson is acting, or upon the salesperson leaving the service of the motor vehicle dealer; provided that upon the termination, suspension, or revocation of the license of the motor vehicle dealer for whom the salesperson is acting, or upon the salesperson leaving the service of a licensed motor vehicle dealer, the licensed salesperson, upon entering the service of any other licensed motor vehicle dealer, shall make application to the registrar, in such form as the registrar prescribes, to have the salesperson's license reinstated, transferred, and registered as a salesperson for the other dealer. If the information contained in the application is satisfactory to the registrar, the registrar shall have the salesperson's license reinstated, transferred, and registered as a salesperson for the other dealer. The fee for the reinstatement and transfer of license shall be two dollars. No license issued to a motor vehicle dealer, motor vehicle leasing dealer, auction owner, or salesperson, under sections 4517.01 to 4517.65 of the Revised Code shall be transferable to any other person.

Each motor vehicle dealer, motor vehicle leasing dealer, distributor, and auction owner shall keep the dealer's or auction owner's license or a certified copy thereof posted in a conspicuous place in each place of business. A dealer shall keep a current list of the dealer's licensed salespersons, showing the names, addresses, and serial numbers of their licenses and shall make the list available upon request. Each salesperson shall keep the salesperson's license or a certified copy thereof at the salesperson's place of business and shall provide such license or copy upon demand to any inspector of the bureau of motor vehicles, state highway patrol trooper, police officer, or person with whom
the salesperson seeks to transact business as a motor vehicle salesperson.

The notice of refusal to grant a license shall disclose the reason for refusal.

Sec. 4517.101. (A) When a person is first issued a used motor vehicle dealer license under this chapter, the registrar of motor vehicles shall issue a provisional license for a period of one hundred eighty days from the date of issuance. Not later than one hundred eighty days after the date of issuance of the provisional license, the registrar, or an agent of the registrar, shall inspect or cause to be inspected the place of business of the person who is the holder of the provisional license.

(B) If the person conducting the inspection determines that the provisional license holder has complied with all the requirements with which holders of used motor vehicle dealer licenses under this chapter are required to comply, the person shall notify the provisional license holder of that fact. The person conducting the inspection shall notify the registrar that the provisional license holder is in compliance, and the registrar shall issue to the provisional license holder a used motor vehicle dealer license without provisional status. A license without provisional status remains valid until its expiration date unless it is suspended or revoked in accordance with this chapter.

(C) If the person conducting the inspection determines that the provisional license holder has not complied with all the requirements with which holders of used motor vehicle dealer licenses issued under this chapter are required to comply, the person shall notify the provisional license holder of that fact. The person conducting the inspection shall notify the registrar of the noncompliance. In accordance with Chapter 119. of the Revised Code, the registrar shall send the provisional license holder
written notice informing the holder that the holder's license is revoked and that the holder may appeal the revocation to the motor vehicle dealers board. Immediately upon revoking the provisional license of the license holder, the registrar shall enter a final order together with the registrar's findings and certify the same to the motor vehicle dealers board.

(D) Notwithstanding any other provision of this section, any owner, officer, partner, or director of the applicant business entity that currently holds a valid new motor vehicle dealer license or held a new motor vehicle dealer license within the two-year period immediately preceding the date of the application that was not suspended or revoked is exempt from the issuance of a provisional used motor vehicle dealer license.

Sec. 4517.23. (A) Any licensed motor vehicle dealer, motor vehicle leasing dealer, or distributor shall notify the registrar of motor vehicles concerning any change in status as a dealer, motor vehicle leasing dealer, or distributor during the period for which the dealer, or distributor is licensed, if the change of status concerns any of the following:

(1) Personnel of owners, partners, officers, or directors;

(2) Location of office or principal place of business;

(3) The business telephone number or electronic mail address for the motor vehicle dealer, motor vehicle leasing dealer, or distributor;

(4) In the case of a motor vehicle dealer, any contract or agreement with any manufacturer or distributor; and in the case of a distributor, any contract or agreement with any manufacturer.

(B) The notification required by division (A) of this section shall be made by filing with the registrar, within fifteen days after the change of status, a supplemental statement in a form
prescribed by the registrar showing in what respect the status has been changed. If the change involves a change in any contract or agreement between any manufacturer or distributor, and dealer, or any manufacturer and distributor, the supplemental statement shall be accompanied by such copies of contracts, statements, and certificates as would have been required by sections 4517.01 to 4517.45 of the Revised Code if the change had occurred prior to the licensee's application for license.

The motor vehicle dealers board may adopt a rule exempting from the notification requirement of division (A)(1) of this section any dealer if stock in the dealer or its parent company is publicly traded and if there are public records with state or federal agencies that provide the information required by division (A)(1) of this section.

(C) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4701.13. The accountancy board shall publish annually and maintain a printed publicly available and searchable electronic register. The printed register shall contain in separate lists the names and business addresses, license numbers, license types, license status, and disciplinary history for any actions taken under section 4701.16 of the Revised Code of all certified public accountants and public accountants holding Ohio permits licenses issued under this chapter as of the date of preparation of the register is accessed.

Sec. 4703.01. The governor shall appoint an architects board, which shall be composed of five individuals, four of whom shall be architects who have been in active practice in the state for not less than ten years previous to their appointment, and one of whom shall be a member of the general public and who is not an
architect.

At the expiration of the term of office of each of the members the governor shall, with the advice and consent of the senate appoint a successor. Terms of office shall be for five years, commencing on the third day of October and ending on the second day of October. Each member shall hold office from the date of appointment until the end of the term for which appointed. The governor may, upon bona fide complaint and for good cause shown, after ten days' notice to the member against whom charges may be filed, and after opportunity for hearing, remove any member of said board for inefficiency, neglect of duty, or malfeasance in office. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

The members of said board shall, before entering upon the discharge of their duties, subscribe to and file with the secretary of state the constitutional oath of office.

**Sec. 4703.15.** (A) The architects board may by three concourting votes deny renewal of, revoke, or suspend any certificate of qualification to practice architecture, issued or renewed under sections 4703.10, 4703.13, and 4703.14 of the Revised Code, or any certificate of authorization, issued or renewed under sections 4703.13 and 4703.18 of the Revised Code, if proof satisfactory to the board is presented in any of the following cases:

(1) In case it is shown that the certificate was obtained by fraud;

(2) In case the holder of the certificate has been found
guilty by the board or by a court of justice of any fraud or deceit in the holder's professional practice, or has been convicted of a felony by a court of justice;

(3) In case the holder has been found guilty by the board of gross negligence, incompetency, or misconduct in the performance of the holder's services as an architect or in the practice of architecture;

(4) In case the holder of the certificate has been found guilty by the board of signing plans for the construction of a building as a "registered architect" where the holder is not the actual architect of such building and where the holder is without prior written consent of the architect originating the design or other documents used in the plans;

(5) In case the holder of the certificate has been found guilty by the board of aiding and abetting another person or persons not properly registered as required by sections 4703.01 to 4703.19 of the Revised Code, in the performance of activities that in any manner or extent constitute the practice of architecture.

(B) In addition to disciplinary action the board may take against a certificate holder under division (A) of this section or section 4703.151 of the Revised Code, the board may impose a fine against a certificate holder who obtained a certificate by fraud or who is found guilty of any act specified in divisions (A)(2) to (A)(5) of this section or who violates any rule governing the standards of service, conduct, and practice adopted pursuant to section 4703.02 of the Revised Code. The fine imposed shall be not more than one thousand dollars for each offense but shall not exceed five thousand dollars regardless of the number of offenses the certificate holder has committed between the time the fine is imposed and the time any previous fine was imposed.

(C) If a person fails to request a hearing within thirty days
after the date the board, in accordance with sections 119.05 and 119.07 of the Revised Code, notifies the person of the board's intent to act against the person under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against a person without holding an adjudication hearing.

Sec. 4703.44. The administrative procedures of the Ohio landscape architects board shall be governed by Chapter 119. of the Revised Code, and the board's authorized representatives may administer oaths, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, records, memoranda, or other information necessary to the carrying out of sections 4703.30 to 4703.52 of the Revised Code.

If a person fails to request a hearing within thirty days after the date the board, in accordance with sections 119.05 and 119.07 of the Revised Code, notifies the person of the board's intent to act against the person under section 4703.41 of the Revised Code, the board, by a majority vote of a quorum of the board members, may take the action against a person without holding an adjudication hearing.

Sec. 4707.101. (A) A licensed auctioneer shall complete eight hours of continuing education in accordance with this section prior to renewal of the license under section 4707.10 of the Revised Code. The auction firm manager of a licensed auction firm shall complete eight hours of continuing education in accordance with this section prior to the renewal of the auction firm license under section 4707.10 of the Revised Code.

(B)(1) Except as provided in division (B)(2) of this section, a licensed auctioneer and an auction firm manager shall complete the eight hours of continuing education as follows:
(a) Three of the hours shall include areas of instruction in any of the following areas: an overview of this chapter and rules adopted under it, including any recent amendments to that chapter or rules; contract law; the uniform commercial code; auction ethics; or trust or escrow accounts.

(b) Five of the hours shall include areas of instruction in any of the following areas: advertising and marketing; business math and accounting; insurance and liability; federal firearms law; business management; motor vehicle auctions; real estate auctions; or personal property auctions.

(2) If a licensed auctioneer has been issued a license with a period of validity of twelve months or less, the auctioneer shall complete four hours of continuing education as follows:

(a) One hour in the areas of instruction described in division (B)(1)(a) of this section;

(b) Three hours in the areas of instruction described in division (B)(1)(b) of this section.

(C) A licensed auctioneer or an auction firm manager of a licensed auction firm may complete an area of instruction for continuing education hours in another state if both of the following apply:

1. The area of instruction has been approved by the appropriate state governing body in the other state.

2. The Ohio auctioneers commission approves the completion of the area of instruction by the auctioneer or an auction firm manager in the other state.

(D) The continuing education requirements established under this section do not apply to a licensed auctioneer to which both of the following apply:

1. The licensed auctioneer was licensed as an apprentice.
auctioneer under section 4707.09 of the Revised Code, as it existed prior to its repeal by H.B. 321 of the 134th general assembly on September 13, 2022.

(2) The licensed auctioneer completed that apprenticeship prior to that date.

Sec. 4713.64. (A) The state cosmetology and barber board may take disciplinary action under this chapter for any of the following:

(1) Failure to comply with the safety, sanitation, and licensing requirements of this chapter or rules adopted under it;

(2) Continued practice by an individual knowingly having an infectious or contagious disease;

(3) Habitual drunkenness or addiction to any habit-forming drug;

(4) Willful false and fraudulent or deceptive advertising;

(5) Falsification of any record or application required to be filed with the board;

(6) Failure to pay a fine or abide by a suspension order issued by the board;

(7) Failure to cooperate with an investigation or inspection;

(8) Failure to respond to a subpoena;

(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;

(10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.

(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:
(1) Deny, revoke, or suspend a license, permit, or registration issued by the board under this chapter;

(2) Impose a fine;

(3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses.

(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.

(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual or salon who violates division (A)(9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code.

(3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license, permit, or registration issued under this chapter. A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board does not ratify a consent agreement, the admissions and findings contained in the agreement are of no effect, and the case shall be scheduled for adjudication under Chapter 119. of the Revised Code.

(D) The amount and content of corrective action courses and other relevant criteria shall be established by the board in rules adopted under section 4713.08 of the Revised Code.

(E)(1) The board may impose a separate fine for each offense listed in division (A) of this section. The amount of the first fine issued for a violation as the result of an inspection shall be not more than two hundred fifty dollars if the violator has not
previously been fined for that offense. Any fines issued for additional violations during such an inspection shall not be more than one hundred dollars for each additional violation. The fine shall be not more than five hundred dollars if the violator has been fined for the same offense once before. Any fines issued for additional violations during a second inspection shall not be more than two hundred dollars for each additional violation. The fine shall be not more than one thousand dollars if the violator has been fined for the same offense two or more times before. Any fines issued for additional violations during a third inspection shall not be more than three hundred dollars for each additional violation.

(2) The board shall issue an order notifying a violator of a fine imposed under division (E)(1) of this section. The notice shall specify the date by which the fine is to be paid. The date shall be less than forty-five days after the board issues the order.

(3) At the request of a violator who is temporarily unable to pay a fine, or upon its own motion, the board may extend the time period within which the violator shall pay the fine up to ninety days after the date the board issues the order.

(4) If a violator fails to pay a fine by the date specified in the board's order and does not request an extension within ten days after the date the board issues the order, or if the violator fails to pay the fine within the extended time period as described in division (E)(3) of this section, the board shall add to the fine an additional penalty equal to ten per cent of the fine.

(5) If a violator fails to pay a fine within ninety days after the board issues the order, the board shall add to the fine interest at a rate specified by the board in rules adopted under section 4713.08 of the Revised Code.
(6) If the fine, including any interest or additional penalty, remains unpaid on the ninety-first day after the board issues an order under division (E)(2) of this section, the amount of the fine and any interest or additional penalty shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general.

(F) In the case of an offense of failure to comply with division (A) or (B)(2) or (3) of section 4713.50 of the Revised Code, the board shall impose a fine of five hundred dollars if the violator has not previously been fined for that offense. If the violator has previously been fined for the offense, the board may impose a fine in accordance with this division or take another action in accordance with division (B) of this section.

(G) The board shall notify a licensee or registrant who is in violation of division (A) of this section and the owner of the salon in which the conditions constituting the violation were found. The individual receiving the notice of violation and the owner of the salon may request a hearing pursuant to section 119.07 of the Revised Code. If the individual or owner fails to request a hearing or enter into a consent agreement thirty days after the date the board, in accordance with sections 119.05 and 119.07 of the Revised Code and division (J) of this section, notifies the individual or owner of the board's intent to act against the individual or owner under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the individual or owner without holding an adjudication hearing.

(H) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a license, permit, or registration if the licensee, permit
holder, or registrant fails to correct an unsafe condition that exists in violation of the board's rules or fails to cooperate in an inspection. If a violation of this chapter or rules adopted under it has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any individual using the facility, the inspector may suspend the license or permit of the facility or the individual responsible for the violation without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held or a consent agreement is entered into and the board either upholds the suspension or reinstates the license, permit, or registration.

(I) The board shall not take disciplinary action against an individual licensed to operate a salon or school of cosmetology for a violation of this chapter that was committed by an individual licensed to practice a branch of cosmetology, while practicing within the salon or school, when the individual's actions were beyond the control of the salon owner or school.

(J) In addition to the methods of notification required under section 119.07 of the Revised Code, the board may send the notices required under divisions (C)(2), (E)(2), and (G) of this section by any delivery method that is traceable and requires that the delivery person obtain a signature to verify that the notice has been delivered. The board also may send the notices by electronic mail, provided that the electronic mail delivery system certifies that a notice has been received.

Sec. 4715.036. (A) As used in this section:

(1) "Personal identifying information" has the same meaning as in section 2913.49 of the Revised Code.

(2) "Confidential law enforcement investigatory record" has the same meaning as in section 149.43 of the Revised Code, except...
that it excludes information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity.

(B) If the state dental board notifies an applicant, license holder, or other individual of an opportunity for a hearing pursuant to sections 119.05 and 119.07 of the Revised Code, the board shall state in the notice that the individual is entitled to receive at least sixty days before the hearing, on the individual's request and as described in division (C) of this section, one copy of each item the board procures or creates in the course of its investigation on the individual. Such items may include, but are not limited to, the one or more complaints filed with the board; correspondence, reports, and statements; deposition transcripts; and patient dental records.

(C) On receipt of a request for copies of investigative items from an individual who is notified under division (B) of this section of an opportunity for a hearing, the board shall provide the copies to the individual in accordance with, and subject to, all of the following:

(1) The board shall provide the copies in a timely manner.

(2) The board may charge a fee for providing the copies, but the amount of the fee shall be set at a reasonable cost to the individual.

(3) Before providing the copies, the board shall determine whether the investigative items contain any personal identifying information regarding a complainant. If the board determines that the investigative items contain such personal identifying information, or any other information that would reveal the complainant's identity, the board shall redact the information from the copies it provides to the individual.
(4) The board shall not provide either of the following:

   (a) Any information that is subject to the attorney-client privilege or work product doctrine, or that would reveal the investigatory processes or methods of investigation used by the board;

   (b) Any information that would constitute a confidential law enforcement investigatory record.

   (D) If a request for copies of investigative items is made pursuant to this section, the board in its scheduling of a hearing for the individual shall, notwithstanding section 119.07 of the Revised Code, schedule the hearing for a date that is at least sixty-one days after the board provides the individual with the copies of the items.

   (E)(1) After the board notifies an individual of an opportunity for a hearing, the individual may ask the board to issue either or both of the following:

      (a) A subpoena to compel the attendance and testimony of any witness at the hearing;

      (b) A subpoena for the production of books, records, papers, or other tangible items.

   (2) On receipt of an individual's request under division (E)(1) of this section, the board shall issue the subpoena.

   In the case of a subpoena for the production of books, records, papers, or other tangible items, the person or government entity subject to the subpoena shall comply with the subpoena at least thirty days prior to the date the individual's hearing is scheduled to be held.

Sec. 4715.30. (A) Except as provided in division (K) of this section, an applicant for or holder of a certificate or license issued under this chapter is subject to disciplinary action by the
state dental board for any of the following reasons:

(1) Employing or cooperating in fraud or material deception in applying for or obtaining a license or certificate;

(2) Obtaining or attempting to obtain money or anything of value by intentional misrepresentation or material deception in the course of practice;

(3) Advertising services in a false or misleading manner or violating the board's rules governing time, place, and manner of advertising;

(4) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(5) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, any felony or of a misdemeanor committed in the course of practice;

(7) Engaging in lewd or immoral conduct in connection with the provision of dental services;

(8) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes, or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, a violation of any federal or state law regulating the possession, distribution, or use of any drug;

(9) Providing or allowing dental hygienists, expanded
function dental auxiliaries, or other practitioners of auxiliary dental occupations working under the certificate or license holder's supervision, or a dentist holding a temporary limited continuing education license under division (C) of section 4715.16 of the Revised Code working under the certificate or license holder's direct supervision, to provide dental care that departs from or fails to conform to accepted standards for the profession, whether or not injury to a patient results;

(10) Inability to practice under accepted standards of the profession because of physical or mental disability, dependence on alcohol or other drugs, or excessive use of alcohol or other drugs;

(11) Violation of any provision of this chapter or any rule adopted thereunder;

(12) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of the Revised Code;

(13) Except as provided in division (H) of this section, either of the following:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that certificate or license holder;

(b) Advertising that the certificate or license holder will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay.

(14) Failure to comply with section 4715.302 or 4729.79 of
the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(16) Failure to cooperate in an investigation conducted by the board under division (D) of section 4715.03 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(17) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;

(18) Failure to comply with the requirements of sections 4715.71 and 4715.72 of the Revised Code regarding the operation of a mobile dental facility.

(B) A manager, proprietor, operator, or conductor of a dental facility shall be subject to disciplinary action if any dentist,
dental hygienist, expanded function dental auxiliary, or qualified personnel providing services in the facility is found to have committed a violation listed in division (A) of this section and the manager, proprietor, operator, or conductor knew of the violation and permitted it to occur on a recurring basis.

(C) Subject to Chapter 119. of the Revised Code, the board may take one or more of the following disciplinary actions if one or more of the grounds for discipline listed in divisions (A) and (B) of this section exist:

(1) Censure the license or certificate holder;

(2) Place the license or certificate on probationary status for such period of time the board determines necessary and require the holder to:

   (a) Report regularly to the board upon the matters which are the basis of probation;

   (b) Limit practice to those areas specified by the board;

   (c) Continue or renew professional education until a satisfactory degree of knowledge or clinical competency has been attained in specified areas.

(3) Suspend the certificate or license;

(4) Revoke the certificate or license.

Where the board places a holder of a license or certificate on probationary status pursuant to division (C)(2) of this section, the board may subsequently suspend or revoke the license or certificate if it determines that the holder has not met the requirements of the probation or continues to engage in activities that constitute grounds for discipline pursuant to division (A) or (B) of this section.

Any order suspending a license or certificate shall state the conditions under which the license or certificate will be
restored, which may include a conditional restoration during which the holder is in a probationary status pursuant to division (C)(2) of this section. The board shall restore the license or certificate unconditionally when such conditions are met.

(D) If the physical or mental condition of an applicant or a license or certificate holder is at issue in a disciplinary proceeding, the board may order the license or certificate holder to submit to reasonable examinations by an individual designated or approved by the board and at the board's expense. The physical examination may be conducted by any individual authorized by the Revised Code to do so, including a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife. Any written documentation of the physical examination shall be completed by the individual who conducted the examination.

Failure to comply with an order for an examination shall be grounds for refusal of a license or certificate or summary suspension of a license or certificate under division (E) of this section.

(E) If a license or certificate holder has failed to comply with an order under division (D) of this section, the board may apply to the court of common pleas of the county in which the holder resides for an order temporarily suspending the holder's license or certificate, without a prior hearing being afforded by the board, until the board conducts an adjudication hearing pursuant to Chapter 119. of the Revised Code. If the court temporarily suspends a holder's license or certificate, the board shall give written notice of the suspension personally or by certified mail to the license or certificate holder. Such notice shall inform the license or certificate holder of the right to a hearing pursuant to Chapter 119. of the Revised Code.

(F) Any holder of a certificate or license issued under this
chapter who has pleaded guilty to, has been convicted of, or has had a judicial finding of eligibility for intervention in lieu of conviction entered against the holder in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or who has pleaded guilty to, has been convicted of, or has had a judicial finding of eligibility for treatment or intervention in lieu of conviction entered against the holder in another jurisdiction for any substantially equivalent criminal offense, is automatically suspended from practice under this chapter in this state and any certificate or license issued to the holder under this chapter is automatically suspended, as of the date of the guilty plea, conviction, or judicial finding, whether the proceedings are brought in this state or another jurisdiction.

Continued practice by an individual after the suspension of the individual's certificate or license under this division shall be considered practicing without a certificate or license. The board shall notify the suspended individual of the suspension of the individual's certificate or license under this division by certified mail or in person in accordance with sections \(119.05\) and \(119.07\) of the Revised Code. If an individual whose certificate or license is suspended under this division fails to make a timely request for an adjudicatory hearing, the board shall enter a final order revoking the individual's certificate or license.

(G) If the supervisory investigative panel determines both of the following, the panel may recommend that the board suspend an individual's certificate or license without a prior hearing:

(1) That there is clear and convincing evidence that an individual has violated division (A) of this section;

(2) That the individual's continued practice presents a
danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than four dentist members of the board and seven of its members in total, excluding any member on the supervisory investigative panel, may suspend a certificate or license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency or any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(H) Sanctions shall not be imposed under division (A)(13) of this section against any certificate or license holder who waives deductibles and copayments as follows:
(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person who holds a certificate or license issued pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

(I) In no event shall the board consider or raise during a hearing required by Chapter 119. of the Revised Code the circumstances of, or the fact that the board has received, one or more complaints about a person unless the one or more complaints are the subject of the hearing or resulted in the board taking an action authorized by this section against the person on a prior occasion.

(J) The board may share any information it receives pursuant to an investigation under division (D) of section 4715.03 of the Revised Code, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state dental board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or
complainants whose confidentiality was protected by the state dental board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(K) The board shall not refuse to issue a license or certificate to an applicant for either of the following reasons unless the refusal is in accordance with section 9.79 of the Revised Code:

(1) A conviction or plea of guilty to an offense;
(2) A judicial finding of eligibility for treatment or intervention in lieu of a conviction.

Sec. 4717.04. (A) The board of embalmers and funeral directors shall adopt rules in accordance with Chapter 119. of the Revised Code for the government, transaction of the business, and the management of the affairs of the board of embalmers and funeral directors and the crematory review board, and for the administration and enforcement of this chapter. These rules shall include all of the following:

(1) The nature, scope, content, and form of the application that must be completed and license examination that must be passed in order to receive an embalmer's license or a funeral director's license under section 4717.05 of the Revised Code. The rules shall ensure both of the following:

(a) That the embalmer's license examination tests the applicant's knowledge through at least a comprehensive section and an Ohio laws section;
(b) That the funeral director's license examination tests the applicant's knowledge through at least a comprehensive section, an Ohio laws section, and a sanitation section.
(2) The minimum license examination score necessary to be licensed under section 4717.05 of the Revised Code as an embalmer or as a funeral director;

(3) Procedures for determining the dates of the embalmer's and funeral director's license examinations, which shall be administered at least once each year, the time and place of each examination, and the supervision required for each examination;

(4) Procedures for determining whether the board shall accept an applicant's compliance with the licensure, registration, or certification requirements of another state as grounds for granting the applicant a license under this chapter;

(5) A determination of whether completion of a nationally recognized embalmer's or funeral director's examination sufficiently meets the license requirements for the comprehensive section of either the embalmer's or the funeral director's license examination administered under this chapter;

(6) Continuing education requirements for licensed embalmers and funeral directors;

(7) Requirements for the licensing and operation of funeral homes;

(8) Requirements for the licensing and operation of embalming facilities;

(9) A schedule that lists, and specifies a forfeiture commensurate with, each of the following types of conduct which, for the purposes of division (A)(9) of this section and section 4717.15 of the Revised Code, are violations of this chapter:

(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;

(b) Purposely violating any provision of sections 4717.01 to
4717.15 of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code;

(c) Committing unprofessional conduct;

(d) Knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee's supervision;

(e) Refusing to promptly submit the custody of a dead human body or cremated remains upon the express order of the person legally entitled to the body;

(f) Transferring a license to operate a funeral home, embalming facility, or crematory facility from one owner or operator to another, or from one location to another, without notifying the board and following the requirements of section 4717.11 of the Revised Code;

(g) Misleading the public using false or deceptive advertising;

(h) Failing to forward to the board on or before its due date the annual report of preneed funeral sales required by division (J) of section 4717.31 of the Revised Code. If the annual report is sent to the board by United States mail, it shall be postmarked on or before the due date for the submission of the annual report in order to be timely filed with the board. Mail that is not postmarked shall be considered filed on the date it is received by the board.

Each instance of the commission of any of the types of conduct described in division (A)(9) of this section is a separate violation. The rules adopted under division (A)(9) of this section
shall establish the amount of the forfeiture for a violation of each of those divisions. The forfeiture for a first violation shall not exceed five thousand dollars, and the forfeiture for a second or subsequent violation shall not exceed ten thousand dollars. The amount of the forfeiture may differ among the types of violations according to what the board considers the seriousness of each violation.

(10) Requirements for the licensing and operation of crematory facilities;

(11) Procedures for the board to take possession of and to arrange the lawful disposition of unclaimed cremated remains that were held or stored at a funeral home or crematory that has been closed;

(12) Procedures for the issuance of duplicate licenses;

(13) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

(14) The amount and content of corrective action courses required by the board under section 4717.14 of the Revised Code.

(B) The board may adopt rules governing the educational standards for licensure as an embalmer or funeral director, or obtaining a permit to be a crematory operator, and the standards of service and practice to be followed in embalming, funeral directing, and cremation, and in the operation of funeral homes, embalming facilities, and crematory facilities in this state.

(C) Nothing in this chapter authorizes the board of embalmers and funeral directors to regulate cemeteries, except that the board shall license and regulate funeral homes, embalming facilities, and crematory facilities located at cemeteries in accordance with this chapter.

(D) If the executive director of the board has knowledge or
notice of a violation of division (A)(1), (3), (5), or (6) of section 4717.13 of the Revised Code or that a person is engaging in the business or profession of funeral directing in violation of division (A)(14) of that section, the executive director shall investigate the matter, and, upon probable cause appearing, cause an attorney employed by or contracting with the board to file a complaint and prosecute the offender. When requested by the executive director, the prosecuting attorney of the proper county or the attorney general shall take charge of and conduct such prosecution notify the appropriate law enforcement authority for investigation.

Sec. 4717.14. (A) The board of embalmers and funeral directors may, except as provided in division (G) of this section, refuse to grant or renew, or may suspend or revoke, any license or permit issued under this chapter or may require the holder of a license or permit to take corrective action courses for any of the following reasons:

(1) The holder of a license or permit obtained the license or permit by fraud or misrepresentation either in the application or in passing the examination.

(2) The licensee or permit holder has been convicted of or has pleaded guilty to a felony or of any crime involving moral turpitude.

(3) The applicant, licensee, or permit holder has recklessly violated any provision of sections 4717.01 to 4717.15 or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code; or any provisions of sections 4717.31 to 4717.38 of the Revised Code; any rule or order of the
department of health or a board of health of a health district

governing the disposition of dead human bodies; or any other rule

or order applicable to the applicant or licensee.

(4) The licensee or permit holder has committed immoral or

unprofessional conduct.

(5) The applicant or licensee knowingly permitted an

unlicensed person, other than a person serving an apprenticeship,

to engage in the profession or business of embalming or funeral

directing under the applicant's or licensee's supervision.

(6) The applicant, licensee, or permit holder has been

habitually intoxicated, or is addicted to the use of morphine,

cocaine, or other habit-forming or illegal drugs.

(7) The applicant, licensee, or permit holder has refused to

promptly submit the custody of a dead human body or cremated

remains upon the express order of the person legally entitled to

the body or cremated remains.

(8) The licensee or permit holder loaned the licensee's own

license or the permit holder's own permit, or the applicant,

licensee, or permit holder borrowed or used the license or permit

of another person, or knowingly aided or abetted the granting of

an improper license or permit.

(9) The applicant, licensee, or permit holder misled the

public by using false or deceptive advertising. As used in this

division, "false and deceptive advertising" includes, but is not

limited to, any of the following:

(a) Using the names of persons who are not licensed to

practice funeral directing in a way that leads the public to

believe that such persons are engaging in funeral directing;

(b) Using any name for the funeral home other than the name

under which the funeral home is licensed;
(c) Using in the funeral home's name the surname of an individual who is not directly, actively, or presently associated with the funeral home, unless such surname has been previously and continuously used by the funeral home.

(B)(1) The board of embalmers and funeral directors shall refuse to grant or renew, or shall suspend or revoke a license or permit only in accordance with Chapter 119. of the Revised Code.

(2) The board shall send to the crematory review board written notice that it proposes to refuse to issue or renew, or proposes to suspend or revoke, a license to operate a crematory facility. If, after the conclusion of the adjudicatory hearing on the matter conducted under division (F) of section 4717.03 of the Revised Code, the board of embalmers and funeral directors finds that any of the circumstances described in divisions (A)(1) to (9) of this section apply to the person named in its proposed action, the board may issue a final order under division (F) of section 4717.03 of the Revised Code refusing to issue or renew, or suspending or revoking, the person's license to operate a crematory facility.

(C) If the board of embalmers and funeral directors determines that there is clear and convincing evidence that any of the circumstances described in divisions (A)(1) to (9) of this section apply to the holder of a license or permit issued under this chapter and that the licensee's or permit holder's continued practice presents a danger of immediate and serious harm to the public, the board may suspend the licensee's license or permit holder's permit without a prior adjudicatory hearing. The executive director of the board shall prepare written allegations for consideration by the board.

The board, after reviewing the written allegations, may suspend a license or permit without a prior hearing.
Notwithstanding section 121.22 of the Revised Code, the board may suspend a license or permit under this division by utilizing a telephone conference call to review the allegations and to take a vote.

The board shall issue a written order of suspension by a delivery system or in person in accordance with sections 119.05 and 119.07 of the Revised Code. Such an order is not subject to suspension by the court during the pendency of any appeal filed under section 119.12 of the Revised Code. If the licensee or permit holder requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the licensee or permit holder has requested a hearing, unless the board and the licensee or permit holder agree to a different time for holding the hearing.

Upon issuing a written order of suspension to the holder of a license to operate a crematory facility, the board of embalmers and funeral directors shall send written notice of the issuance of the order to the crematory review board. The crematory review board shall hold an adjudicatory hearing on the order under division (F) of section 4717.03 of the Revised Code within fifteen days, but not earlier than seven days, after the issuance of the order, unless the crematory review board and the licensee agree to a different time for holding the adjudicatory hearing.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicatory order issued by the board of embalmers and funeral directors pursuant to this division and Chapter 119. of the Revised Code, or division (F) of section 4717.03 of the Revised Code, as applicable, becomes effective. The board of embalmers and funeral directors shall issue its final adjudicatory order within sixty days after the completion of its hearing or, in the case of
the summary suspension of a license to operate a crematory facility, within sixty days after completion of the adjudicatory hearing by the crematory review board. A failure to issue the order within that time results in the dissolution of the summary suspension order, but does not invalidate any subsequent final adjudicatory order.

(D) If the board of embalmers and funeral directors suspends or revokes a funeral director's license or a license to operate a funeral home for any reason identified in division (A) of this section, the board may file a complaint with the court of common pleas in the county where the violation occurred requesting appointment of a receiver and the sequestration of the assets of the funeral home that held the suspended or revoked license or the licensed funeral home that employs the funeral director that held the suspended or revoked license. If the court of common pleas is satisfied with the application for a receivership, the court may appoint a receiver.

The board or a receiver may employ and procure whatever assistance or advice is necessary in the receivership or liquidation and distribution of the assets of the funeral home, and, for that purpose, may retain officers or employees of the funeral home as needed. All expenses of the receivership or liquidation shall be paid from the assets of the funeral home and shall be a lien on those assets, and that lien shall be a priority to any other lien.

(E) Any holder of a license or permit issued under this chapter who has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the individual in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or
aggravated burglary, or who has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had a judicial finding of eligibility for treatment in lieu of conviction entered against the individual in another jurisdiction for any substantially equivalent criminal offense, is hereby suspended from practice under this chapter by operation of law, and any license or permit issued to the individual under this chapter is hereby suspended by operation of law as of the date of the guilty plea, verdict or finding of guilt, or judicial finding of eligibility for treatment in lieu of conviction, regardless of whether the proceedings are brought in this state or another jurisdiction. The board shall notify the suspended individual of the suspension of the individual's license or permit by the operation of this division by a delivery system or in person law in accordance with sections 119.05 and 119.07 of the Revised Code. If an individual whose license or permit is suspended under this division fails to make a timely request for an adjudicatory hearing, the board shall enter a final order revoking the license.

(F) No person whose license or permit has been suspended or revoked under or by the operation of this section shall knowingly practice embalming, funeral directing, or cremation, or operate a funeral home, embalming facility, or crematory facility until the board has reinstated the person's license or permit.

(G) The board shall not refuse to issue a license or permit to an applicant because of a conviction of or plea of guilty to a criminal offense unless the refusal is in accordance with section 9.79 of the Revised Code.

Sec. 4717.26. (A) The crematory facility may schedule the time for the cremation of a dead human body to occur at the crematory facility's own convenience at any time after the conditions set forth in division (A) or (B) of section 4717.23 of
the Revised Code, as applicable, have been met and the decedent or body parts have been delivered to the facility, unless, in the case of a dead human body, the crematory facility has received specific instructions to the contrary on the cremation authorization form authorizing the cremation of the decedent executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code. The crematory facility becomes responsible for a dead human body or body parts when the body or body parts have been delivered to or accepted by the facility or an employee or agent of the facility.

(B) No crematory operator or crematory facility shall fail to do either of the following:

(1) Upon receipt at the crematory facility of any dead human body that has not been embalmed, and subject to the prohibition set forth in division (C)(1) of this section, place the body in a holding or refrigerated facility at the crematory facility and keep the body in the holding or refrigerated facility until near the time the cremation process commences or until the body is held at the facility for eight hours or longer. If the body is held for eight hours or longer, place the body in a refrigerated facility at the crematory facility and keep the body in the refrigerated facility until near the time the cremation process commences;

(2) Upon receipt of any dead human body that has been embalmed, place the body in a holding facility at the crematory facility and keep the body in the holding facility until the cremation process commences.

(C) No crematory operator or crematory facility shall do either of the following, unless the instructions contained in the cremation authorization form authorizing the cremation of the decedent executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code specifically provide otherwise:
(1) Remove any dead human body from the casket or alternative container in which the body was delivered to or accepted by the crematory facility;

(2) Fail to cremate the casket or alternative container in which the body was delivered or accepted, in its entirety with the body.

(D) No crematory facility shall simultaneously cremate more than one decedent or body parts removed from more than one decedent or living person in the same cremation chamber unless the cremation authorization forms executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code authorizing the cremation of each of the decedents or body parts removed from each decedent or living person specifically authorize such a simultaneous cremation. This division does not prohibit the use of cremation equipment that contains more than one cremation chamber.

(E) No crematory facility shall permit any persons other than employees of the crematory facility, the authorizing agent for the cremation of the decedent who is to be, is being, or was cremated, persons designated to be present at the cremation of the decedent on the cremation authorization form executed under section 4717.21 or 4717.24 of the Revised Code, and persons authorized by the individual who is actually in charge of the crematory facility, to be present in the holding facility or cremation room while any dead human bodies or body parts are being held there prior to cremation or are being cremated or while any cremated remains are being removed from the cremation chamber.

(F)(1) No crematory facility shall remove any dental gold, body parts, organs, or other items of value from a dead human body prior to the cremation or from the cremated remains after cremation unless the cremation authorization form authorizing the cremation of the decedent executed under section 4717.21 or 4717.24 of the Revised Code specifically authorizes the removal
thereof.

(2) No crematory facility that removes any dental gold, body parts, organs, or other items from a dead human body or assists in such removal shall charge a fee for doing so that exceeds the actual cost to the crematory facility for performing or assisting in the removal.

(G) Upon the completion of each cremation, the crematory facility shall remove from the cremation chamber all of the cremation residue that is practicably recoverable. If the cremation authorization form executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code specifies that the cremated remains are to be placed in an urn, the crematory facility shall place them in the type of urn specified on the authorization form. If the authorization form does not specify that the cremated remains are to be placed in an urn, the crematory facility shall place them in a temporary container. If not all of the recovered cremated remains will fit in the urn selected or the temporary container, the crematory facility shall place the remainder in a separate temporary container, and the cremated remains placed in the separate temporary container shall be delivered, released, or disposed of along with those in the urn or other temporary container. Nothing in this section requires a crematory facility to recover any specified quantity or quality of cremated remains upon the completion of a cremation, but only requires a crematory facility to recover from the cremation chamber all of the cremation residue that is practicably recoverable.

(H) No crematory facility shall knowingly represent to an authorizing agent or a designee of an authorizing agent that an urn or temporary container contains the recovered cremated remains of a specific decedent or of body parts removed from a specific decedent or living person when it does not. This division does not
prohibit the making of such a representation because of the presence in the recovered cremated remains of de minimus amounts of the cremated remains of another decedent or of body parts removed from another decedent or living person that were not practicably recoverable and that remained in the cremation chamber after the cremated remains from previous cremations were removed.

(I) No crematory facility or funeral director shall ship or cause to be shipped any cremated remains by a class or method of mail, common carrier service, or delivery service that does not have an internal system for tracing the location of the cremated remains during shipment and that does not require a signed receipt from the person accepting delivery of the cremated remains.

(J) No crematory facility shall fail to establish and maintain a system for accurately identifying each dead human body in the facility's possession, and for identifying each decedent or living person from which body parts in the facility's possession were removed, throughout all phases of the holding and cremation process.

(K) No crematory facility shall knowingly use or allow the use of the same cremation chamber for the cremation of dead human bodies, or human body parts, and animals.

Sec. 4723.281. (A) As used in this section, with regard to offenses committed in Ohio, "aggravated murder," "murder," "voluntary manslaughter," "felonious assault," "kidnapping," "rape," "sexual battery," "gross sexual imposition," "aggravated arson," "aggravated robbery," and "aggravated burglary" mean such offenses as defined in Title XXIX of the Revised Code; with regard to offenses committed in other jurisdictions, the terms mean offenses comparable to offenses defined in Title XXIX of the Revised Code.

(B) When there is clear and convincing evidence that
continued practice by an individual licensed under this chapter presents a danger of immediate and serious harm to the public, as determined on consideration of the evidence by the president and the executive director of the board of nursing, the president and director shall impose on the individual a summary suspension without a hearing. An individual serving as president or executive director in the absence of the president or executive director may take any action that this section requires or authorizes the president or executive director to take.

Immediately following the decision to impose a summary suspension, the board shall issue a written order of suspension and cause it to be delivered by certified mail or in person in accordance with sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during the pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the suspension requests an adjudication, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the individual makes the request, unless another date is agreed to by both the individual and the board. The summary suspension shall remain in effect, unless reversed by the board, until a final adjudication order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective.

The board shall issue its final adjudication order within ninety days after completion of the adjudication. If the board does not issue a final order within the ninety-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the ninety-day period shall not be affected.

(C) The license or certificate issued to an individual under this chapter is automatically suspended on that individual's conviction of, plea of guilty to, or judicial finding with regard
to any of the following: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. The suspension shall remain in effect from the date of the conviction, plea, or finding until an adjudication is held under Chapter 119. of the Revised Code. If the board has knowledge that an automatic suspension has occurred, it shall notify the individual subject to the suspension. If the individual is notified and either fails to request an adjudication within the time periods established by Chapter 119. of the Revised Code or fails to participate in the adjudication, the board shall enter a final order permanently revoking the person's license or certificate.

**Sec. 4723.89.** (A) As used in this section:

(1) "Doula" means a trained, nonmedical professional who provides continuous physical, emotional, and informational support to a pregnant woman during any of the following periods, regardless of whether the woman's pregnancy results in a live birth:

(a) The antepartum period;

(b) The intrapartum period;

(c) The postpartum period.

(2) "Doula certification organization" means all of the following organizations that are recognized, at an international, national, state, or local level, for training and certifying doulas:

(a) Birthing beautiful communities;

(b) Restoring our own through transformation;

(c) The international childbirth education association;
(d) DONA international;
(e) Birthworks international;
(f) Childbirth and postpartum professional association;
(g) Childbirth international;
(h) Commonsense childbirth inc.;
(i) Any other recognized organization that the board of nursing considers appropriate.

(B) Beginning on the date that occurs one year after the effective date of this section, a person shall not use or assume the title "certified doula" unless the person holds a certificate issued under this section by the board of nursing.

(C) The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for issuing certificates to doulas under this section. The rules shall include all of the following:

(1) Requirements for certification as a doula, including a requirement that a doula either be certified by a doula certification organization or, if not certified, have education and experience considered by the board to be appropriate, as specified in the rules;

(2) Requirements for renewal of a certificate and continuing education;

(3) Requirements for training on racial bias, health disparities, and cultural competency as a condition of initial certification and certificate renewal;

(4) Certificate application and renewal fees, as well as a waiver of those fees for applicants with a family income not exceeding three hundred per cent of the federal poverty line;

(5) Requirements and standards of practice for certified
doulas;

(6) The amount of a fine to be imposed under division (E) of this section;

(7) Any other standards or procedures the board considers necessary to implement this section.

(D) The board shall develop and regularly update a registry of doulas who hold certificates issued under this section. The registry shall be made available to the public on a web site maintained by the board.

(E) In an adjudication under Chapter 119. of the Revised Code, the board may impose a fine against any person who violates division (B) of this section. On request of the board, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under this division that remains unpaid.

Sec. 4723.90. (A) For the period of the program operated under section 5164.071 of the Revised Code, there is hereby established within the board of nursing the doula advisory board.

(B)(1) The advisory board shall consist of at least thirteen but not more than fifteen members appointed by the board of nursing, including at least one representative from birthing beautiful communities and one representative from restoring our own through transformation.

The overall composition of the membership of the advisory board shall be as follows:

(a) At least three members shall represent communities most impacted by negative maternal and infant health outcomes.

(b) At least six members shall be doulas with current, valid certification from a doula certification organization.
(c) At least one member shall be a public health official, physician, nurse, or social worker.

(d) At least one member shall be a consumer.

(2) Both of the following apply to the board of nursing in appointing members to the advisory board:

(a) A good faith effort shall be made to select members who represent counties with higher rates of infant and maternal mortality, particularly those counties with the largest disparities.

(b) Priority shall be given to individuals with direct service experience providing care to infants and pregnant and postpartum women.

(C) The advisory board, by a majority vote of a quorum of its members, shall select an individual to serve as its chairperson. The advisory board may replace a chairperson in the same manner.

(D) Of the initial appointments to the advisory board, half shall be appointed to a term of one year and half shall be appointed to a term of two years. Thereafter, all terms shall be two years. The board of nursing shall fill a vacancy as soon as practicable.

(E) If requested, a member shall receive per diem compensation for, as well as reimbursement of actual and necessary expenses incurred pursuant to, fulfilling the member's duties on the advisory board.

(F) The advisory board shall meet at the call of the advisory board's chairperson as often as the chairperson determines necessary for timely completion of the board's duties as described in this section.

(G) The board of nursing shall provide meeting space, staff services, and other technical assistance required by the advisory
board in carrying out its duties.

(H) The advisory board shall do all of the following:

(1) Provide general advice, guidance, and recommendations to the board of nursing regarding doula certification and the adoption of rules under divisions (C)(3) and (5) of section 4723.89 of the Revised Code;

(2) Provide general advice, guidance, and recommendations to the department of medicaid regarding the program operated under section 5164.071 of the Revised Code;

(3) Make recommendations to the medicaid director regarding the adoption of rules for purposes of section 5164.071 of the Revised Code.

Sec. 4725.24. If the secretary of the state vision professionals board and the board's supervising member of investigations determine that there is clear and convincing evidence that an optometrist has violated division (B) of section 4725.19 of the Revised Code and that the optometrist's continued practice presents a danger of immediate and serious harm to the public, they may recommend that the board suspend without a prior hearing the optometrist's certificate of licensure. Written allegations shall be prepared for consideration by the full board.

The board, upon review of those allegations and by an affirmative vote of three members other than the secretary and supervising member may order the suspension without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue serve a written order of suspension by certified mail or in person in accordance with sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal.
filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to section 4725.19 of the Revised Code and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. A failure to issue the order within sixty days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

Sec. 4730.25. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a physician assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) Except as provided in division (N) of this section, the board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a physician assistant or prescriber number, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Failure to practice in accordance with the supervising physician's supervision agreement with the physician assistant, including, if applicable, the policies of the health care facility
in which the supervising physician and physician assistant are practicing;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(6) Administering drugs for purposes other than those authorized under this chapter;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because
of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;
(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

(18) Any of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established;

(20) Violation of the conditions placed by the board on a license to practice as a physician assistant;

(21) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;
(23) Assisting suicide, as defined in section 3795.01 of the Revised Code;

(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;

(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;

(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked;

(28) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;

(29) Failure to comply with terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a physician assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute
the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(D) For purposes of divisions (B)(12), (15), and (16) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing or expungement of conviction records by any court shall have no effect upon a prior board order entered under the provisions of this section or upon the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(F) For purposes of this division, any individual who holds a license issued under this chapter, or applies for a license issued under this chapter, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.
(1) In enforcing division (B)(4) of this section, the board, upon a showing of a possible violation, may compel any individual who holds a license issued under this chapter or who has applied for a license pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds a physician assistant unable to practice because of the reasons set forth in division (B)(4) of this section, the board shall require the physician assistant to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed license. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(5) of this section, if the board has reason to believe that any individual who holds a license issued under this chapter or any applicant for a license suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.
Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for initial, continued, reinstated, or renewed licensure, to submit to treatment.

Before being eligible to apply for reinstatement of a license suspended under this division, the physician assistant shall demonstrate to the board the ability to resume practice or prescribing in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired physician assistant resumes practice or prescribing, the board shall require continued monitoring of the
physician assistant. The monitoring shall include compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the physician assistant has maintained sobriety.

(G) If the secretary and supervising member determine that there is clear and convincing evidence that a physician assistant has violated division (B) of this section and that the individual's continued practice or prescribing presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's license without a prior hearing. Written allegations shall be prepared for consideration by the board.

The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the physician assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the physician assistant requests the hearing, unless otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain

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in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition and supporting court documents, the board shall reinstate the individual's license. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions identified under division (B) of this section.

(I) The license to practice issued to a physician assistant and the physician assistant's practice in this state are automatically suspended as of the date the physician assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another state for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder,
murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.05 and 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license to practice.

(J) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the physician assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue to an applicant a license to practice as a physician assistant, revokes an
individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold the license and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license in accordance with section 4730.14 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

(N) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial finding of guilt, judicial finding of eligibility for intervention in lieu of conviction, or the commission of an act that constitutes a criminal offense, unless the refusal is in accordance with section 9.79 of the Revised Code.

Sec. 4731.22. (A) The state medical board, by an affirmative vote of not fewer than six of its members, may limit, revoke, or suspend a license or certificate to practice or certificate to recommend, refuse to grant a license or certificate, refuse to renew a license or certificate, refuse to reinstate a license or
certificate, or reprimand or place on probation the holder of a license or certificate if the individual applying for or holding the license or certificate is found by the board to have committed fraud during the administration of the examination for a license or certificate to practice or to have committed fraud, misrepresentation, or deception in applying for, renewing, or securing any license or certificate to practice or certificate to recommend issued by the board.

(B) Except as provided in division (P) of this section, the board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend a license or certificate to practice or certificate to recommend, refuse to issue a license or certificate, refuse to renew a license or certificate, refuse to reinstate a license or certificate, or reprimand or place on probation the holder of a license or certificate for one or more of the following reasons:

1) Permitting one's name or one's license or certificate to practice to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;

2) Failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;

3) Except as provided in section 4731.97 of the Revised Code, selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug;
(4) Willfully betraying a professional confidence.

For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports under sections 307.621 to 307.629 of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports under sections 307.631 to 307.6410 of the Revised Code to a drug overdose fatality review committee, a suicide fatality review committee, or hybrid drug overdose fatality and suicide fatality review committee; does not include providing any information, documents, or reports under sections 307.651 to 307.659 of the Revised Code to a domestic violence fatality review board; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code; does not include written notice to a mental health professional under section 4731.62 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section 2305.33 or 4731.62 of the Revised Code upon a physician who makes a report in accordance with section 2305.33 or notifies a mental health professional in accordance with section 4731.62 of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited
branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice;

(16) Failure to pay license renewal fees specified in this chapter;

(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;

(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose license or certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.

For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a
physician of an employee's use of a drug of abuse, or of a
condition of an employee other than one involving the use of a
drug of abuse, to the employer of the employee as described in
division (B) of section 2305.33 of the Revised Code. Nothing in
this division affects the immunity from civil liability conferred
by that section upon a physician who makes either type of report
in accordance with division (B) of that section. As used in this
division, "employee," "employer," and "physician" have the same
meanings as in section 2305.33 of the Revised Code.

(19) Inability to practice according to acceptable and
prevailing standards of care by reason of mental illness or
physical illness, including, but not limited to, physical
deterioration that adversely affects cognitive, motor, or
perceptive skills.

In enforcing this division, the board, upon a showing of a
possible violation, may compel any individual authorized to
practice by this chapter or who has submitted an application
pursuant to this chapter to submit to a mental examination,
physical examination, including an HIV test, or both a mental and
a physical examination. The expense of the examination is the
responsibility of the individual compelled to be examined. Failure
to submit to a mental or physical examination or consent to an HIV
test ordered by the board constitutes an admission of the
allegations against the individual unless the failure is due to
circumstances beyond the individual's control, and a default and
final order may be entered without the taking of testimony or
presentation of evidence. If the board finds an individual unable
to practice because of the reasons set forth in this division, the
board shall require the individual to submit to care, counseling,
or treatment by physicians approved or designated by the board, as
a condition for initial, continued, reinstated, or renewed
authority to practice. An individual affected under this division
shall be afforded an opportunity to demonstrate to the board the 
ability to resume practice in compliance with acceptable and 
prevailing standards under the provisions of the individual's 
license or certificate. For the purpose of this division, any 
individual who applies for or receives a license or certificate to 
practice under this chapter accepts the privilege of practicing in 
this state and, by so doing, shall be deemed to have given consent 

(20) Except as provided in division (F)(1)(b) of section 4731.282 of the Revised Code or when civil penalties are imposed 
under section 4731.225 of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, 
directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or 
any rule promulgated by the board.

This division does not apply to a violation or attempted 
violation of, assisting in or abetting the violation of, or a 
conspiracy to violate, any provision of this chapter or any rule 
adopted by the board that would preclude the making of a report by 
a physician of an employee's use of a drug of abuse, or of a 
condition of an employee other than one involving the use of a 
drug of abuse, to the employer of the employee as described in 
division (B) of section 2305.33 of the Revised Code. Nothing in 
this division affects the immunity from civil liability conferred 
by that section upon a physician who makes either type of report 
in accordance with division (B) of that section. As used in this 
division, "employee," "employer," and "physician" have the same 
meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or
of any abortion rule adopted by the director of health pursuant to
section 3701.341 of the Revised Code;

(22) Any of the following actions taken by an agency
responsible for authorizing, certifying, or regulating an
individual to practice a health care occupation or provide health
care services in this state or another jurisdiction, for any
reason other than the nonpayment of fees: the limitation,
revocation, or suspension of an individual's license to practice;
acceptance of an individual's license surrender; denial of a
license; refusal to renew or reinstate a license; imposition of
probation; or issuance of an order of censure or other reprimand;

(23) The violation of section 2919.12 of the Revised Code or
the performance or inducement of an abortion upon a pregnant woman
with actual knowledge that the conditions specified in division
(B) of section 2317.56 of the Revised Code have not been satisfied
or with a heedless indifference as to whether those conditions
have been satisfied, unless an affirmative defense as specified in
division (H)(2) of that section would apply in a civil action
authorized by division (H)(1) of that section;

(24) The revocation, suspension, restriction, reduction, or
termination of clinical privileges by the United States department
of defense or department of veterans affairs or the termination or
suspension of a certificate of registration to prescribe drugs by
the drug enforcement administration of the United States
department of justice;

(25) Termination or suspension from participation in the
medicare or medicaid programs by the department of health and
human services or other responsible agency;

(26) Impairment of ability to practice according to
acceptable and prevailing standards of care because of habitual or
excessive use or abuse of drugs, alcohol, or other substances that
impair ability to practice.

For the purposes of this division, any individual authorized

to practice by this chapter accepts the privilege of practicing in

this state subject to supervision by the board. By filing an

application for or holding a license or certificate to practice

under this chapter, an individual shall be deemed to have given

consent to submit to a mental or physical examination when ordered

to do so by the board in writing, and to have waived all

objections to the admissibility of testimony or examination

reports that constitute privileged communications.

If it has reason to believe that any individual authorized to

practice by this chapter or any applicant for licensure or

certification to practice suffers such impairment, the board may

compel the individual to submit to a mental or physical

examination, or both. The expense of the examination is the

responsibility of the individual compelled to be examined. Any

mental or physical examination required under this division shall

be undertaken by a treatment provider or physician who is

qualified to conduct the examination and who is chosen by the

board.

Failure to submit to a mental or physical examination ordered

by the board constitutes an admission of the allegations against

the individual unless the failure is due to circumstances beyond

the individual's control, and a default and final order may be

entered without the taking of testimony or presentation of

evidence. If the board determines that the individual's ability to

practice is impaired, the board shall suspend the individual's

license or certificate or deny the individual's application and

shall require the individual, as a condition for initial,

continued, reinstated, or renewed licensure or certification to

practice, to submit to treatment.

Before being eligible to apply for reinstatement of a license
or certificate suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or certificate. The demonstration shall include, but shall not be limited to, the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination.

The board may reinstate a license or certificate suspended under this division after that demonstration and after the individual has entered into a written consent agreement.

When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety.

(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;
(28) Except as provided in division (N) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's medical record;

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;
(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;

(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;

(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;

(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;

(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;

(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;

(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;

(41) Failure to comply with the standards and procedures
established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;

(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;

(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;

(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;

(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;

(47) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;

(48) Failure to comply with the requirements in section...
3719.061 of the Revised Code before issuing for a minor a
prescription for an opioid analgesic, as defined in section
3719.01 of the Revised Code;

(49) Failure to comply with the requirements of section
4731.30 of the Revised Code or rules adopted under section
4731.301 of the Revised Code when recommending treatment with
medical marijuana;

(50) Practicing at a facility, clinic, or other location that
is subject to licensure as a category III terminal distributor of
dangerous drugs with an office-based opioid treatment
classification unless the person operating that place has obtained
and maintains the license with the classification;

(51) Owning a facility, clinic, or other location that is
subject to licensure as a category III terminal distributor of
dangerous drugs with an office-based opioid treatment
classification unless that place is licensed with the
classification;

(52) A pattern of continuous or repeated violations of
division (E)(2) or (3) of section 3963.02 of the Revised Code;

(53) Failure to fulfill the responsibilities of a
collaboration agreement entered into with an athletic trainer as
described in section 4755.621 of the Revised Code;

(54) Failure to take the steps specified in section 4731.911
of the Revised Code following an abortion or attempted abortion in
an ambulatory surgical facility or other location that is not a
hospital when a child is born alive.

(C) Disciplinary actions taken by the board under divisions
(A) and (B) of this section shall be taken pursuant to an
adjudication under Chapter 119. of the Revised Code, except that
in lieu of an adjudication, the board may enter into a consent
agreement with an individual to resolve an allegation of a
violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license or certificate to practice or certificate to recommend. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 or 2919.124 of the Revised Code, the disciplinary action shall consist of a suspension of the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice. Any consent agreement entered into under this division with an individual that pertains to a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of that section shall provide for a suspension of the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice.

(D) For purposes of divisions (B)(10), (12), and (14) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial
court renders a final judgment in the individual's favor and that the judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing or expungement of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal or expunge the records. The board shall not be required to seal, expunge, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F)(1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the
supervising member. No member of the board who supervises the
investigation of a case shall participate in further adjudication
of the case.

(3) In investigating a possible violation of this chapter or
any rule adopted under this chapter, or in conducting an
inspection under division (E) of section 4731.054 of the Revised
Code, the board may question witnesses, conduct interviews,
administer oaths, order the taking of depositions, inspect and
copy any books, accounts, papers, records, or documents, issue
subpoenas, and compel the attendance of witnesses and production
of books, accounts, papers, records, documents, and testimony,
except that a subpoena for patient record information shall not be
issued without consultation with the attorney general's office and
approval of the secretary and supervising member of the board.

(a) Before issuance of a subpoena for patient record
information, the secretary and supervising member shall determine
whether there is probable cause to believe that the complaint
filed alleges a violation of this chapter or any rule adopted
under it and that the records sought are relevant to the alleged
violation and material to the investigation. The subpoena may
apply only to records that cover a reasonable period of time
surrounding the alleged violation.

(b) On failure to comply with any subpoena issued by the
board and after reasonable notice to the person being subpoenaed,
the board may move for an order compelling the production of
persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a
sheriff, the sheriff's deputy, or a board employee or agent
designated by the board. Service of a subpoena issued by the board
may be made by delivering a copy of the subpoena to the person
named therein, reading it to the person, or leaving it at the
person's usual place of residence, usual place of business, or
address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that consent or a waiver of that nature is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.
The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the complaint;
(d) The disposition of the case.

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing:

(1) That there is clear and convincing evidence that an individual has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall serve a written order of suspension by certified mail or in person in accordance with sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall
remain in effect, unless reversed on appeal, until a final
adjudicative order issued by the board pursuant to this section
and Chapter 119. of the Revised Code becomes effective. The board
shall issue its final adjudicative order within seventy-five days
after completion of its hearing. A failure to issue the order
within seventy-five days shall result in dissolution of the
summary suspension order but shall not invalidate any subsequent,
final adjudicative order.

(H) If the board takes action under division (B)(9), (11), or
(13) of this section and the judicial finding of guilt, guilty
plea, or judicial finding of eligibility for intervention in lieu
of conviction is overturned on appeal, upon exhaustion of the
criminal appeal, a petition for reconsideration of the order may
be filed with the board along with appropriate court documents.
Upon receipt of a petition of that nature and supporting court
documents, the board shall reinstate the individual's license or
certificate to practice. The board may then hold an adjudication
under Chapter 119. of the Revised Code to determine whether the
individual committed the act in question. Notice of an opportunity
for a hearing shall be given in accordance with Chapter 119. of
the Revised Code. If the board finds, pursuant to an adjudication
held under this division, that the individual committed the act or
if no hearing is requested, the board may order any of the
sanctions identified under division (B) of this section.

(I) The license or certificate to practice issued to an
individual under this chapter and the individual's practice in
this state are automatically suspended as of the date of the
individual's second or subsequent plea of guilty to, or judicial
finding of guilt of, a violation of section 2919.123 or 2919.124
of the Revised Code. In addition, the license or certificate to
practice or certificate to recommend issued to an individual under
this chapter and the individual's practice in this state are
automatically suspended as of the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after suspension shall be considered practicing without a license or certificate.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section sections 119.05 and 119.07 of the Revised Code. If an individual whose license or certificate is automatically suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall do whichever of the following is applicable:

(1) If the automatic suspension under this division is for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 or 2919.124 of the Revised Code, the board shall enter an order suspending the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, imposing a more serious sanction involving the individual's license or certificate to practice.

(2) In all circumstances in which division (I)(1) of this section does not apply, enter a final order permanently revoking the individual's license or certificate to practice.

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the
individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license or certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for
acceptance of the surrender of an individual's license or certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a license or certificate made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license or certificate to practice in accordance with this chapter or a certificate to recommend in accordance with rules adopted under section 4731.301 of the Revised Code shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a license or certificate holder shall immediately surrender to the board a license or certificate that the board has suspended, revoked, or permanently revoked.

(N) Sanctions shall not be imposed under division (B)(28) of this section against any person who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(O) Under the board's investigative duties described in this
section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

(P) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial finding of guilt, judicial finding of eligibility for intervention
in lieu of conviction, or the commission of an act that constitutes a criminal offense, unless the refusal is in accordance with section 9.79 of the Revised Code.

Sec. 4731.37. (A) As used in this section:

(1) "Physician" means an individual authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery.

(2) "Sonographer" means an individual who uses ultrasonic imaging devices to produce diagnostic images, scans, or videos or three-dimensional volumes of anatomical and diagnostic data.

(B) A physician may delegate to a sonographer the authority to administer intravenously an ultrasound enhancing agent if all of the following conditions are met:

(1) The physician's normal course of practice and expertise includes the intravenous administration of ultrasound enhancing agents.

(2) The facility where the physician practices has developed, in accordance with clinical standards and industry guidelines, standards for administering ultrasound enhancing agents intravenously and has included the facility's standards in a written practice protocol.

(3) The sonographer, as determined by the facility where the physician practices, satisfies all of the following:

(a) Has successfully completed an education and training program in sonography;

(b) Is certified or registered as a sonographer by another jurisdiction or a nationally recognized accrediting organization;

(c) Has successfully completed training in the intravenous administration of ultrasound enhancing agents that was provided in
any of the following ways:

   (i) As part of an education and training program in
   sonography;

   (ii) As part of training provided to the sonographer by the
   physician who delegates to the sonographer the authority to
   administer intravenously an ultrasound enhancing agent;

   (iii) As part of a training program developed and offered by
   the facility in which the physician practices.

   (C) A sonographer may administer intravenously an ultrasound
   enhancing agent if all of the following conditions are met:

   (1) In accordance with division (B) of this section, a
   physician delegates to the sonographer the authority to administer
   the agent.

   (2) The sonographer administers the agent in accordance with
   the written practice protocol described in division (B) of this
   section.

   (3) The delegating physician is physically present at the
   facility where the sonographer administers the agent.

Division (C)(3) of this section does not require the
delegating physician to be in the same room as the sonographer
when the sonographer administers the agent.

   (D) This section does not prohibit any of the following from
administering intravenously an ultrasound enhancing agent:

   (1) An individual who is otherwise authorized by the Revised
Code to administer intravenously an ultrasound enhancing agent,
including a physician assistant licensed under Chapter 4730. of
the Revised Code or a registered nurse or licensed practical nurse
licensed under Chapter 4723. of the Revised Code;

   (2) An individual who meets all of the following conditions:
(a) Has successfully completed an education and training program in sonography;

(b) Has applied for certification or registration as a sonographer with another jurisdiction or a nationally recognized accrediting organization;

(c) Is awaiting that certification’s or registration’s issuance;

(d) Administers intravenously an ultrasound enhancing agent under the general supervision of a physician and the direct supervision of either a sonographer described in divisions (B) and (C) of this section or an individual otherwise authorized to administer intravenously ultrasound enhancing agents.

(3) An individual who is enrolled in an education and training program in sonography and, as part of the program, administers intravenously ultrasound enhancing agents.

(E) For purposes of this section, the authority to administer an ultrasound enhancing agent intravenously also includes the authority to insert, maintain, and remove any mechanism necessary for the agent’s administration.

Sec. 4731.481. No physician shall do either of the following:

(A) Furnish a person with a prescription in order to enable the person to be issued a standard removable windshield placard, temporary removable windshield placard, permanent removable windshield placard, or license plates under section 4503.44 of the Revised Code, knowing that the person does not meet any of the criteria contained in division (A)(1) of that section;

(B) Furnish a person with a prescription described in division (A) of this section and knowingly misstate on the prescription the length of time the physician expects the person
to have the disability that limits or impairs the person's ability to walk in order to enable the person to retain a placard issued under section 4503.44 of the Revised Code for a period of time longer than that which would be estimated by a similar practitioner under the same or similar circumstances.

Sec. 4732.17. (A) Subject to division (F) of this section and except as provided in division (G) of this section, the state board of psychology may take any of the actions specified in division (C) of this section against an applicant for or a person who holds a license issued under this chapter on any of the following grounds as applicable:

(1) Conviction, including a plea of guilty or no contest, of a felony, or of any offense involving moral turpitude, in a court of this or any other state or in a federal court;

(2) A judicial finding of eligibility for intervention in lieu of conviction for a felony or any offense involving moral turpitude in a court of this or any other state or in a federal court;

(3) Using fraud or deceit in the procurement of the license to practice psychology, independent school psychology, or school psychology or knowingly assisting another in the procurement of such a license through fraud or deceit;

(4) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;

(5) Willful, unauthorized communication of information received in professional confidence;

(6) Being negligent in the practice of psychology, independent school psychology, or school psychology;

(7) Inability to practice according to acceptable and prevailing standards of care by reason of a mental, emotional,
physiological, or pharmacological condition or substance abuse;

(8) Subject to section 4732.28 of the Revised Code, violating any rule of professional conduct promulgated by the board;

(9) Practicing in an area of psychology for which the person is clearly untrained or incompetent;

(10) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have the person's license issued or restored only upon determination by a court that the person is competent for the purpose of holding the license and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration.

(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(12) Advertising that the person will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay;

(13) Any of the following actions taken by the agency responsible for authorizing or certifying the person to practice or regulating the person's practice of a health care occupation or provision of health care services in this state or another jurisdiction, as evidenced by a certified copy of that agency's records and findings for any reason other than the nonpayment of fees:
(a) Limitation, revocation, or suspension of the person's license to practice;

(b) Acceptance of the person's license surrender;

(c) Denial of a license to the person;

(d) Refuse to renew or reinstate the person's license;

(e) Imposition of probation on the person;

(f) Issuance of an order of censure or other reprimand against the person;

(g) Other negative action or finding against the person about which information is available to the public.

(14) Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;

(15) Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;

(16) Unless the person is an independent school psychologist or school psychologist licensed under this chapter:

(a) Offering or rendering independent school psychological or school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;

(b) Offering or rendering independent school psychological or school psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code.

(17) Violating any adjudication order or consent agreement
adopted by the board;

(18) Failure to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, ordered by the board under division (E) of this section.

(B) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any license holder who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

(C) For any of the reasons specified in division (A) of this section, the board may do one or more of the following:

(1) Refuse to issue a license to an applicant;

(2) Issue a reprimand to a license holder;

(3) Suspend the license of a license holder;

(4) Revoke the license of a license holder;

(5) Limit or restrict the areas of practice of an applicant or a license holder;

(6) Require mental, substance abuse, or physical evaluations, or any combination of these evaluations, of an applicant or a license holder;

(7) Require remedial education and training of an applicant or a license holder.

(D) When it revokes the license of a license holder under
division (C)(4) of this section, the board may specify that the
revocation is permanent. An individual subject to permanent
revocation is forever thereafter ineligible to hold a license, and
the board shall not accept an application for reinstatement of the
license or issuance of a new license.

(E) When the board issues a notice of opportunity for a
hearing on the basis of division (A)(7) of this section, the
supervising member of the board, with cause and upon consultation
with the board's executive director and the board's legal counsel,
may compel the applicant or license holder to submit to mental,
cognitive, substance abuse, or medical evaluations, or a
combination of these evaluations, by a person or persons selected
by the board. Notice shall be given to the applicant or license
holder in writing signed by the supervising member, the executive
director, and the board's legal counsel. The applicant or license
holder is deemed to have given consent to submit to these
evaluations and to have waived all objections to the admissibility
of testimony or evaluation reports that constitute a privileged
communication. The expense of the evaluation or evaluations shall
be the responsibility of the applicant or license holder who is
evaluated.

(F) Before the board may take action under this section,
written charges shall be filed with the board by the secretary and
a hearing shall be had thereon in accordance with Chapter 119. of
the Revised Code, except as follows:

(1) On receipt of a complaint that any of the grounds listed
in division (A) of this section exist, the state board of
psychology may suspend a license issued under this chapter prior
to holding a hearing in accordance with Chapter 119. of the
Revised Code if it determines, based on the complaint, that there
is an immediate threat to the public. A telephone conference call
may be used to conduct an emergency meeting for review of the
matter by a quorum of the board, taking the vote, and memorializing the action in the minutes of the meeting.

After suspending a license pursuant to division (F)(1) of this section, the board shall notify the license holder of the suspension in accordance with section sections 119.05 and 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the license.

(2) The board shall adopt rules establishing a case management schedule for pre-hearing procedures by the hearing examiner or presiding board member. The schedule shall include applicable deadlines related to the hearing process, including all of the following:

(a) The date of the hearing;
(b) The date for the disclosure of witnesses and exhibits;
(c) The date for the disclosure of the identity of expert witnesses and the exchange of written reports;
(d) The deadline for submitting a request for the issuance of a subpoena for the hearing as provided under Chapter 119. of the Revised Code and division (F)(4) of this section.

(3) Either party to the hearing may submit a written request to the other party for a list of witnesses and copies of documents intended to be introduced at the hearing. The request shall be in writing and shall be served not less than thirty-seven days prior to the hearing, unless the hearing officer or presiding board member grants an extension of time to make the request. Not later than thirty days before the hearing, the responding party shall provide the requested list of witnesses, summary of their testimony, and copies of documents to the requesting party, unless the hearing officer or presiding board member grants an extension.
Failure to timely provide a list or copies requested in accordance with this section may, at the discretion of the hearing officer or presiding board member, result in exclusion from the hearing of the witnesses, testimony, or documents.

(4) In addition to subpoenas for the production of books, records, and papers requested under Chapter 119. of the Revised Code, either party may ask the board to issue a subpoena for the production of other tangible items.

The person subject to a subpoena for the production of books, records, papers, or other tangible items shall respond to the subpoena at least twenty days prior to the date of the hearing. If a person fails to respond to a subpoena issued by the board, after providing reasonable notice to the person, the board, the hearing officer, or both may proceed with enforcement of the subpoena pursuant to section 119.09 of the Revised Code.

(G) The board shall not refuse to issue a license to an applicant because of a conviction or plea of guilty or no contest to an offense or a judicial finding of eligibility for intervention in lieu of conviction, unless the refusal is in accordance with section 9.79 of the Revised Code.

**Sec. 4734.161.** No chiropractor shall do either of the following:

(A) Furnish a person with a prescription in order to enable the person to be issued a standard removable windshield placard, temporary removable windshield placard, permanent removable windshield placard, or license plates under section 4503.44 of the Revised Code, knowing that the person does not meet any of the criteria contained in division (A)(1) of that section;

(B) Furnish a person with a prescription described in division (A) of this section and knowingly misstate on the
prescription the length of time the chiropractor expects the
person to have the disability that limits or impairs the person's
ability to walk in order to enable the person to retain a placard
issued under section 4503.44 of the Revised Code for a period of
time longer than that which would be estimated by a similar
practitioner under the same or similar circumstances.

Sec. 4734.36. A chiropractor who in this state pleads guilty
to or is convicted of aggravated murder, murder, voluntary
manslaughter, felonious assault, kidnapping, rape, sexual battery,
gross sexual imposition, aggravated arson, aggravated robbery, or
aggravated burglary, or who in another jurisdiction pleads guilty
to or is convicted of any substantially equivalent criminal
offense, is automatically suspended from practice in this state
and the license issued under this chapter to practice chiropractic
is automatically suspended as of the date of the guilty plea or
conviction. If applicable, the chiropractor's certificate issued
under this chapter to practice acupuncture is automatically
suspended at the same time. Continued practice after suspension
under this section shall be considered practicing chiropractic
without a license and, if applicable, acupuncture without a
certificate. On receiving notice or otherwise becoming aware of
the conviction, the state chiropractic board shall notify the
individual of the suspension under this section by certified mail
or in person in accordance with section sections 119.05 and 119.07
of the Revised Code. If an individual whose license and, if
applicable, certificate to practice acupuncture is suspended under
this section fails to make a timely request for an adjudication,
the board shall enter a final order revoking the individual's
license and, if applicable, certificate to practice acupuncture.

Sec. 4734.37. If the state chiropractic board determines that
there is clear and convincing evidence that a person who has been
granted a license to practice chiropractic and, if applicable, certificate to practice acupuncture under this chapter has committed an act that subjects the person's license and, if applicable, certificate to board action under section 4734.31 of the Revised Code and that the person's continued practice presents a danger of immediate and serious harm to the public, the board may suspend the license and, if applicable, certificate without a prior hearing. A telephone conference call may be utilized for reviewing the matter and taking the vote.

The board shall **issue** serve a written order of suspension by certified mail or in person in accordance with sections 119.05 and 119.07 of the Revised Code. The order is not subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the person subject to the suspension requests an adjudication by the board, the date set for the adjudication shall be within twenty days, but not earlier than seven days, after the request, unless otherwise agreed to by both the board and the person subject to the suspension.

Any summary suspension imposed under this section shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to section 4734.31 and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its adjudication. A failure to issue the order within sixty days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

**Sec. 4735.01.** As used in this chapter:

(A) "Real estate broker" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation, foreign or domestic, who for another,
whether pursuant to a power of attorney or otherwise, and who for a fee, commission, or other valuable consideration, or with the intention, or in the expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration does any of the following:

1. Sells, exchanges, purchases, rents, or leases, or negotiates the sale, exchange, purchase, rental, or leasing of any real estate;

2. Offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of any real estate;

3. Lists, or offers, attempts, or agrees to list, or auctions, or offers, attempts, or agrees to auction, any real estate;

4. Buys or offers to buy, sells or offers to sell, or otherwise deals in options on real estate;

5. Operates, manages, or rents, or offers or attempts to operate, manage, or rent, other than as custodian, caretaker, or janitor, any building or portions of buildings to the public as tenants;

6. Advertises or holds self out as engaged in the business of selling, exchanging, purchasing, renting, or leasing real estate;

7. Directs or assists in the procuring of prospects or the negotiation of any transaction, other than mortgage financing, which does or is calculated to result in the sale, exchange, leasing, or renting of any real estate;

8. Is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby the broker undertakes primarily to promote the sale, exchange, purchase, rental, or leasing of real estate
through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both, except that this division does not apply to a publisher of listings or compilations of sales of real estate by their owners;

(9) Collects rental information for purposes of referring prospective tenants to rental units or locations of such units and charges the prospective tenants a fee.

(B) "Real estate" includes leaseholds as well as any and every interest or estate in land situated in this state, whether corporeal or incorporeal, whether freehold or nonfreehold, and the improvements on the land, but does not include cemetery interment rights.

(C) "Real estate salesperson" means any person associated with a licensed real estate broker to do or to deal in any acts or transactions set out or comprehended by the definition of a real estate broker, for compensation or otherwise.

(D) "Institution of higher education" includes all of the following:

(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(2) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;

(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code.

(4) An institution with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code that is approved to offer degree programs in accordance with section 3332.05 of the Revised Code.
(E) "Foreign real estate" means real estate not situated in this state and any interest in real estate not situated in this state.

(F) "Foreign real estate dealer" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation, foreign or domestic, who for another, whether pursuant to a power of attorney or otherwise, and who for a fee, commission, or other valuable consideration, or with the intention, or in the expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration, does or deals in any act or transaction specified or comprehended in division (A) of this section with respect to foreign real estate.

(G) "Foreign real estate salesperson" means any person associated with a licensed foreign real estate dealer to do or deal in any act or transaction specified or comprehended in division (A) of this section with respect to foreign real estate, for compensation or otherwise.

(H) Any person, partnership, association, limited liability company, limited liability partnership, or corporation, who, for another, in consideration of compensation, by fee, commission, salary, or otherwise, or with the intention, in the expectation, or upon the promise of receiving or collecting a fee, does, or offers, attempts, or agrees to engage in, any single act or transaction contained in the definition of a real estate broker, whether an act is an incidental part of a transaction, or the entire transaction, shall be constituted a real estate broker or real estate salesperson under this chapter.

(I)(1) The terms "real estate broker," "real estate salesperson," "foreign real estate dealer," and "foreign real estate salesperson" do not include a person, partnership, association, limited liability company, limited liability
partnership, or corporation, or the regular employees thereof, who perform any of the acts or transactions specified or comprehended in division (A) of this section, whether or not for, or with the intention, in expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration:

(a) With reference to real estate situated in this state owned by such person, partnership, association, limited liability company, limited liability partnership, or corporation, or acquired on its own account in the regular course of, or as an incident to the management of the property and the investment in it;

(b) As receiver or trustee in bankruptcy, as guardian, executor, administrator, trustee, assignee, commissioner, or any person doing the things mentioned in this section, under authority or appointment of, or incident to a proceeding in, any court, or as a bona fide public officer, or as executor, trustee, or other bona fide fiduciary under any trust agreement, deed of trust, will, or other instrument that has been executed in good faith creating a like bona fide fiduciary obligation;

(c) As a public officer while performing the officer's official duties;

(d) As an attorney at law in the performance of the attorney's duties;

(e) As a person who engages in the brokering of the sale of business assets, not including the sale, lease, exchange, or assignment of any interest in real estate;

(f) As a person who engages in the sale of manufactured homes as defined in division (C)(4) of section 3781.06 of the Revised Code, or of mobile homes as defined in division (O) of section 4501.01 of the Revised Code, provided the sale does not include the negotiation, sale, lease, exchange, or assignment of any
interest in real estate;

(g) As a person who engages in the sale of commercial real
estate pursuant to the requirements of section 4735.022 of the
Revised Code;

(h) As an oil and gas land professional in the performance of
the oil and gas land professional's duties, provided the oil and
gas land professional is not engaged in the purchase or sale of a
fee simple absolute interest in oil and gas or other real estate
and the oil and gas land professional complies with division (A)
of section 4735.023 of the Revised Code;

(i) As an oil and gas land professional employed by the
person, partnership, association, limited liability company,
limited liability partnership, or corporation for which the oil
and gas land professional is performing the oil and gas land
professional's duties.

(2) A person, partnership, association, limited liability
company, limited liability partnership, or corporation exempt
under division (I)(1)(a) of this section shall be limited by the
legal interest in the real estate held by that person or entity to
performing any of the acts or transactions specified in or
comprehended by division (A) of this section.

(J) "Disabled licensee" means a person licensed pursuant to
this chapter who is under a severe disability which is of such a
nature as to prevent the person from being able to attend any
instruction lasting at least three hours in duration.

(K) "Division of real estate" may be used interchangeably
with, and for all purposes has the same meaning as, "division of
real estate and professional licensing."

(L) "Superintendent" or "superintendent of real estate" means
the superintendent of the division of real estate and professional
licensing of this state. Whenever the division or superintendent
of real estate is referred to or designated in any statute, rule, contract, or other document, the reference or designation shall be deemed to refer to the division or superintendent of real estate and professional licensing, as the case may be.

(M) "Inactive license" means the license status in which a salesperson's license is in the possession of the division, renewed as required under this chapter or rules adopted under this chapter, and not associated with a real estate broker.

(N) "Broker's license on deposit" means the license status in which a broker's license is in the possession of the division of real estate and professional licensing and renewed as required under this chapter or rules adopted under this chapter.

(O) "Suspended license" means the license status that prohibits a licensee from providing services that require a license under this chapter for a specified interval of time.

(P) "Reactivate" means the process prescribed by the superintendent of real estate and professional licensing to remove a license from an inactive, suspended, or broker's license on deposit status to allow a licensee to provide services that require a license under this chapter.

(Q) "Revoked" means the license status in which the license is void and not eligible for reactivation.

(R) "Commercial real estate" means any parcel of real estate in this state other than real estate containing one to four residential units. "Commercial real estate" does not include single-family residential units such as condominiums, townhouses, manufactured homes, or homes in a subdivision when sold, leased, or otherwise conveyed on a unit-by-unit basis, even when those units are a part of a larger building or parcel of real estate containing more than four residential units.

(S) "Out-of-state commercial broker" includes any person,
partnership, association, limited liability company, limited liability partnership, or corporation that is licensed to do business as a real estate broker in a jurisdiction other than Ohio.

(T) "Out-of-state commercial salesperson" includes any person affiliated with an out-of-state commercial broker who is not licensed as a real estate salesperson in Ohio.

(U) "Exclusive right to sell or lease listing agreement" means an agency agreement between a seller and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property;

(2) Provides the broker will be compensated if the broker, the seller, or any other person or entity produces a purchaser or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement to anyone other than to specifically exempted persons or entities.

(V) "Exclusive agency agreement" means an agency agreement between a seller and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property;

(2) Provides the broker will be compensated if the broker or any other person or entity produces a purchaser or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement, unless the property is sold or leased solely through the efforts of the seller or to the specifically exempted persons or entities.
(W) "Exclusive purchaser agency agreement" means an agency agreement between a purchaser and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

1. Grants the broker the exclusive right to represent the purchaser in the purchase or lease of property;

2. Provides the broker will be compensated in accordance with the terms specified in the exclusive agency agreement or if a property is purchased or leased by the purchaser during the term of the agency agreement unless the property is specifically exempted in the agency agreement.

The agreement may authorize the broker to receive compensation from the seller or the seller's agent and may provide that the purchaser is not obligated to compensate the broker if the property is purchased or leased solely through the efforts of the purchaser.

(X) "Seller" means a party in a real estate transaction who is the potential transferor of property. "Seller" includes an owner of property who is seeking to sell the property and a landlord who is seeking to rent or lease property to another person.

(Y) "Resigned" means the license status in which a license has been voluntarily and permanently surrendered to or is otherwise in the possession of the division of real estate and professional licensing, may not be renewed or reactivated in accordance with the requirements specified in this chapter or the rules adopted pursuant to it, and is not associated with a real estate broker.

(Z) "Bona fide" means made in good faith or without purpose of circumventing license law.

(AA) "Associate broker" means an individual licensed as a
real estate broker under this chapter who does not function as the principal broker or a management level licensee.

(BB) "Brokerage" means a corporation, partnership, limited partnership, association, limited liability company, limited liability partnership, or sole proprietorship, foreign or domestic, that has been issued a broker's license. "Brokerage" includes the affiliated licensees who have been assigned management duties that include supervision of licensees whose duties may conflict with those of other affiliated licensees.

(CC) "Credit-eligible course" means a credit or noncredit-bearing course that is both of the following:

(1) The course is offered by an institution of higher education.

(2) The course is eligible for academic credit that may be applied toward the requirements for a degree at the institution of higher education.

(DD) "Distance education" means courses required by divisions (B)(6) and (G) of section 4735.07, divisions (F)(6) and (J) of section 4735.09, and division (A) of section 4735.141 of the Revised Code in which instruction is accomplished through use of interactive, electronic media and where the teacher and student are separated by distance or time, or both.

(EE) "Licensee" means any individual licensed as a real estate broker or salesperson by the Ohio real estate commission pursuant to this chapter.

(FF) "Management level licensee" means a licensee who is employed by or affiliated with a real estate broker and who has supervisory responsibility over other licensees employed by or affiliated with that real estate broker.

(GG) "Oil and gas land professional" means a person regularly
engaged in the preparation and negotiation of agreements for the purpose of exploring for, transporting, producing, or developing oil and gas mineral interests, including, but not limited to, oil and gas leases and pipeline easements.

(HH) "Principal broker" means an individual licensed as a real estate broker under this chapter who oversees and directs the operations of the brokerage.

(II) "Right-to-list home sale agreement" means an agreement whereby the owner of residential real estate agrees to provide another person with exclusive rights to list the real estate for sale at a future date in exchange for monetary consideration, or an equivalent to monetary consideration, and that meets one or both of the following:

(1) The agreement states that it runs with the land or otherwise purports to bind future owners of the residential real estate;

(2) The agreement purports to be a lien, encumbrance, or other real property security interest.

Sec. 4735.03. There is hereby created the Ohio real estate commission, consisting of five members who shall be appointed by the governor, with the advice and consent of the senate. Four members shall have been engaged in the real estate business as licensed real estate brokers in the state for a period of ten years immediately preceding the appointment. One member shall represent the public. Terms of office shall be for five years, commencing on the first day of July and ending on the thirtieth day of June. Each member shall hold office from the date of appointment until the end of the term for which appointed. No more than three members shall be members of any one political party and no member of the commission concurrently may be a member of the commission and the real estate appraiser board created pursuant to
section 4763.02 of the Revised Code. Each member, before entering upon the duties of office, shall subscribe to and file with the secretary of state the constitutional oath of office. All vacancies which occur shall be filled in the manner prescribed for the regular appointments to the commission. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No member shall hold office for more than two consecutive full terms. Annually, upon the qualification of the member appointed in such year, the commission shall organize by selecting from its members a president and vice-president, and shall do all things necessary and proper to carry out and enforce this chapter. A majority of the members of the commission shall constitute a quorum, but a lesser number may adjourn from time to time. Each member of the commission shall receive an amount fixed pursuant to section 124.14 of the Revised Code for each day employed in the discharge of official duties, and the member's actual and necessary expenses incurred in the discharge of those duties.

The commission or the superintendent of real estate may investigate complaints concerning the violation of section 4735.02 or 4735.25 of the Revised Code and may subpoena witnesses in connection with such investigations as provided in section 4735.04 of the Revised Code. The commission or the superintendent may make application to the appropriate court for an order enjoining the violation of section 4735.02 or 4735.25 of the Revised Code, and upon a showing by the commission or the superintendent that any person, firm, partnership, association, limited liability company, limited liability partnership, or corporation has violated or is about to violate section 4735.02 or 4735.25 of the Revised Code,
an injunction, restraining order, or such other order as may be appropriate shall be granted by such court.

The commission shall:

(A) Adopt canons of ethics for the real estate industry;

(B) Upon appeal by any party affected, or may upon its own motion, review any order or application determination of the superintendent, and may reverse, vacate, or modify any order of the superintendent;

(C) Administer the real estate education and research fund and hear appeals from orders of the superintendent regarding claims against that fund or against the real estate recovery fund;

(D) Direct the superintendent on the content, scheduling, instruction, and offerings of real estate courses for salesperson and broker educational requirements;

(E) Disseminate to licensees and the public, information relative to commission activities and decisions;

(F) Notify licensees of changes in state and federal civil rights laws pertaining to discrimination in the purchase or sale of real estate and relevant case law, and inform licensees that they are subject to disciplinary action if they do not comply with the changes;

(G) Publish and furnish to public libraries and to brokers booklets on housing and remedies available to dissatisfied clients under this chapter and Chapter 4112. of the Revised Code;

(H) Provide training to commission members and employees of the division of real estate and professional licensing on issues relative to the real estate industry, which may include but not be limited to investigative techniques, real estate law, and real estate practices and procedures.
Sec. 4735.05. (A) The Ohio real estate commission is a part of the department of commerce for administrative purposes. The director of commerce is ex officio the executive officer of the commission, or the director may designate any employee of the department as superintendent of real estate and professional licensing to act as executive officer of the commission.

The commission and the real estate appraiser board created pursuant to section 4763.02 of the Revised Code shall each submit to the director a list of three persons whom the commission and the board consider qualified to be superintendent within sixty days after the office of superintendent becomes vacant. The director shall appoint a superintendent from the lists submitted by the commission and the board, and the superintendent shall serve at the pleasure of the director.

(B) The superintendent, except as otherwise provided, shall do all of the following in regard to this chapter:

(1) Administer this chapter;
(2) Issue all orders necessary to implement this chapter;
(3) Investigate complaints concerning the violation of this chapter or the conduct of any licensee;
(4) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The investigators or auditors have the right to review and audit the business records of licensees and continuing education course providers during normal business hours.
(5) Appoint a hearing examiner for any proceeding involving disciplinary action under section 3123.47, 4735.052, or 4735.18 of the Revised Code;
(6) Administer the real estate recovery fund.

(C) The superintendent may do all of the following:

(1) In connection with investigations and audits under division (B) of this section, subpoena witnesses as provided in section 4735.04 of the Revised Code;

(2) Apply to the appropriate court to enjoin any violation of this chapter. Upon a showing by the superintendent that any person has violated or is about to violate any provision of this chapter, the court shall grant an injunction, restraining order, or other appropriate order.

(3) Recommend the appointment of an ancillary trustee who is qualified as determined by the superintendent in any of the following instances:

(a) Upon the death of a licensed broker, if there is no other licensed broker within the brokerage, upon application by any interested party, subject to the approval by the appropriate probate court, to conclude the business transactions of the deceased broker;

(b) Upon the revocation of a licensed broker, if there is no other licensed broker within the brokerage, to conclude the business transactions of the revoked broker;

(c) Upon the incapacitation, suspension, or incarceration of a licensed broker, if there is no other licensed broker within the brokerage, to continue the business transactions of the brokerage for a period of time not to exceed the period of incapacitation, suspension, or incarceration.

(4) In conjunction with the enforcement of this chapter, when the superintendent of real estate has reasonable cause to believe that an applicant or licensee has committed a criminal offense, the superintendent of real estate may request the superintendent...
of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant or licensee. The superintendent of the bureau of criminal identification and investigation shall obtain information from the federal bureau of investigation as part of the criminal records check of the applicant or licensee. The superintendent of real estate may assess the applicant or licensee a fee equal to the fee assessed for the criminal records check.

(5) In conjunction with the enforcement of this chapter, issue advisory letters in lieu of initiating disciplinary action under section 4735.051 or 4735.052 of the Revised Code or issuing a citation under section 4735.16 or 4735.181 of the Revised Code.

(D) All information that is obtained by investigators and auditors performing investigations or conducting inspections, audits, and other inquiries pursuant to division (B)(4) of this section, from licensees, complainants, or other persons, and all reports, documents, and other work products that arise from that information and that are prepared by the investigators, auditors, or other personnel of the department, shall be held in confidence by the superintendent, the investigators and auditors, and other personnel of the department. Notwithstanding any provision of the Revised Code to the contrary, all information obtained by investigators or auditors from an informal mediation meeting held pursuant to section 4735.051 of the Revised Code, including but not limited to the agreement to mediate and the accommodation agreement, shall be held in confidence by the superintendent, investigators, auditors, and other personnel of the department.

(E) This section does not require or prevent the division of real estate and professional licensing from releasing information relating to licensees to the superintendent of financial institutions for purposes relating to the administration of Chapter 1322. of the Revised Code.
institutions, division of securities, and the division of
industrial compliance for purposes relating to the administration
of the Revised Code chapters enforced by those divisions; to the
superintendent of insurance for purposes relating to the
administration of Chapter 3953. of the Revised Code to the
attorney general or to local law enforcement agencies and local
prosecutors. Information released by the division pursuant to this
section remains confidential.

Sec. 4735.052. (A) Upon receipt of a written complaint or
upon the superintendent's own motion, the superintendent may
investigate any person that has allegedly violated section
4735.02, 4735.023, or 4735.25 of the Revised Code, except that the
superintendent shall not initiate an investigation, pursuant to
this section, of any person who held a suspended or inactive
license under this chapter on the date of the alleged violation.

(B) If, after investigation, the superintendent determines
there exists reasonable evidence of a violation of section
4735.02, 4735.023, or 4735.25 of the Revised Code, within fourteen
business days after that determination, the superintendent shall
send the party who is the subject of the investigation, a written
notice, by regular mail, that includes all of the following
information:

(1) A description of the activity in which the party
allegedly is engaging or has engaged that is a violation of
section 4735.02, 4735.023, or 4735.25 of the Revised Code;

(2) The applicable law allegedly violated;

(3) A statement informing the party that a hearing concerning
the alleged violation will be held, upon the party's request,
before a hearing examiner pursuant to Chapter 119. of the Revised
Code.
(C)(1) If a hearing is requested, the hearing examiner shall hear the testimony of all parties present at the hearing and consider any written testimony submitted pursuant to this section, and determine if there has been a violation of section 4735.02, 4735.023, or 4735.25 of the Revised Code.

(2) After the conclusion of formal hearings, the hearing examiner shall file a report of findings of fact and conclusions of law with the superintendent, the commission, the complainant, and the parties. Within twenty days of receipt of such copy of the written report of findings of fact and conclusions of law, the parties and the division may file with the commission written objections to the report, which shall be considered by the commission before approving, modifying, or disapproving the report.

(3) The commission shall review the hearing examiner's report at the next regularly scheduled commission meeting held at least twenty business days after receipt of the hearing examiner's report. The commission shall hear the testimony of the complainant or the parties upon request.

(4) The commission shall decide whether to impose disciplinary sanctions upon a party for a violation of section 4735.02 or 4735.023 of the Revised Code. If the commission finds that a violation has occurred, the commission may assess a civil penalty, in an amount it determines, not to exceed one thousand dollars per violation. Each day a violation occurs or continues is a separate violation. The commission shall determine the terms of payment. The commission shall maintain a record of the proceedings of the hearing and issue a written opinion to all parties, citing its findings and grounds for any action taken.

(D) Civil penalties collected under this section shall be deposited in the real estate operating fund, which is created in the state treasury under section 4735.211 of the Revised Code.
(E) If a party fails to pay a civil penalty assessed pursuant to this section within the time prescribed by the commission, the superintendent shall forward to the attorney general the name of the party, any other identifying information, and the amount of the civil penalty, for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the party also shall pay any fee assessed by the attorney general for collection of the civil penalty.

(F) The superintendent may reserve the right to bring a civil action against a party that fails to pay a civil penalty for breach of contract in a court of competent jurisdiction.

Sec. 4735.06. (A) Application for a license as a real estate broker shall be made to the superintendent of real estate on forms furnished by the superintendent and filed with the superintendent and shall be signed by the applicant or its members or officers. Each application shall state the name of the person applying and the location of the place of business for which the license is desired, and give such other information as the superintendent requires in the form of application prescribed by the superintendent.

(B)(1) If the applicant is a partnership, limited liability company, limited liability partnership, or association, the names of all the members also shall be stated, and, if the applicant is a corporation, the names of its president and of each of its officers also shall be stated.

The superintendent has the right to reject the application of any partnership, association, limited liability company, limited liability partnership, or corporation if the name proposed to be used by such partnership, association, limited liability company, limited liability partnership, or corporation is likely to mislead the public or if the name is not such as to distinguish it from
the name of any existing partnership, association, limited liability company, limited liability partnership, or corporation licensed under this chapter, unless there is filed with the application the written consent of such existing partnership, association, limited liability company, limited liability partnership, or corporation, executed by a duly authorized representative of it, permitting the use of the name of such existing partnership, association, limited liability company, limited liability partnership, or corporation.

(2) The superintendent shall approve the use of a trade name by a brokerage, if the name meets both of the following criteria:

(a) The proposed name is not the same as or is clearly distinguishable from a name registered with the division of real estate and professional licensing by another existing brokerage. If the superintendent determines that the proposed name is not clearly distinguishable from any other existing brokerage, the superintendent may approve the use of the trade name if there is filed with the superintendent the written consent of the existing brokerage with the same or similar name.

(b) The name is not misleading or likely to mislead the public.

(3) The superintendent may approve the use of more than one trade name for a brokerage.

(4) When a brokerage has received the approval of the superintendent to conduct business under one or more trade names, those trade names shall be the only identifying names used by the brokerage in all advertising.

(C) A fee of one hundred thirty-five dollars shall accompany the application for a real estate broker's license. The initial licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. However, if the
applicant was an inactive or active salesperson immediately preceding application for a broker's license, then the initial licensing period shall commence at the time the broker's license is issued and ends on the date the licensee's continuing education is due as set when the applicant was a salesperson. The application fee shall be nonrefundable. A fee of one hundred thirty-five dollars shall be charged by the superintendent for each successive application made by an applicant. In the case of issuance of a three-year license, upon passing the examination, or upon waiver of the examination requirement, if the superintendent determines it is necessary, the applicant shall submit an additional fee determined by the superintendent based upon the number of years remaining in a real estate salesperson's licensing period.

(D) One dollar of each application fee for a real estate broker's license shall be credited to the real estate education and research fund, which is hereby created in the state treasury. The Ohio real estate commission may use the division of real estate operating fund created under section 4735.211 of the Revised Code in discharging the duties prescribed in divisions (E), (F), (G), and (H) of section 4735.03 of the Revised Code and shall may use it in the advancement of education and research in real estate at any institution of higher education in the state, or in contracting with any such institution or a trade organization for a particular research or educational project in the field of real estate, or in advancing loans, not exceeding two thousand dollars, to applicants for salesperson licenses, to defray the costs of satisfying the educational requirements of division (F) of section 4735.09 of the Revised Code. Such loans shall be made according to rules established by the commission under the procedures of Chapter 119. of the Revised Code, and they shall be repaid to the fund within three years of the time they are made. No more than twenty-five thousand dollars shall be lent.
from the fund in any one fiscal year.

The governor may appoint a representative from the executive branch to be a member ex officio of the commission for the purpose of advising on research requests or educational projects. The commission shall report to the general assembly on the third Tuesday after the third Monday in January of each year setting forth the total amount contained in the fund and the amount of each research grant that it has authorized and the amount of each research grant requested. A copy of all research reports shall be submitted to the state library of Ohio and the library of the legislative service commission.

(E) If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate broker's examination, pursuant to division (A) of section 4735.07 of the Revised Code, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, each applicant shall submit to the superintendent a processing fee in an amount determined by the Ohio real estate commission pursuant to division (A)(2) of section 4735.10 of the Revised Code.

Sec. 4735.07. (A) The superintendent of real estate, with the consent of the Ohio real estate commission, may enter into agreements with recognized national testing services to administer the real estate broker's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of such examination.

(B) No applicant for a real estate broker's license shall take the broker's examination who has not established to the satisfaction of the superintendent that the applicant:
(1) Is honest and truthful;

(2) (a) Has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code;

(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant's activities and employment record since the adjudication show that the applicant is honest and truthful, and there is no basis in fact for believing that the applicant will again violate the laws involved.

(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to, this chapter, or, if the applicant has violated any such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) Has been a licensed real estate broker or salesperson for at least two years; during at least two of the five years preceding the person's application, has worked as a licensed real estate broker or salesperson for an average of at least thirty hours per week; and has completed one of the following:

(a) At least twenty real estate transactions, in which property was sold for another by the applicant while acting in the capacity of a real estate broker or salesperson;

(b) Such equivalent experience as is defined by rules adopted by the commission.
(6)(a) If licensed as a real estate salesperson prior to August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:

(i) Thirty hours of instruction in real estate practice;

(ii) Thirty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(iii) Thirty hours of instruction in real estate appraisal;

(iv) Thirty hours of instruction in real estate finance;

(v) Three quarter hours, or its equivalent in semester hours, in financial management;

(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;

(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;

(viii) Three quarter hours, or its equivalent in semester hours, in business law.

(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of
higher education all of the following credit-eligible courses by either classroom instruction or distance education:

(i) Forty hours of instruction in real estate practice;

(ii) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(iii) Twenty hours of instruction in real estate appraisal;

(iv) Twenty hours of instruction in real estate finance;

(v) The training in the amount of hours specified under divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section.

(c) Division (B)(6)(a) or (b) of this section does not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), (vi), (vii), and (viii) or division (B)(6)(b)(v) of this section do not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 3, 1984.

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this section do not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate broker's license.
(e) Successful completion of the instruction required by division (B)(6)(a) or (b) of this section shall be determined by the law in effect on the date the instruction was completed.

(7) If licensed as a real estate salesperson on or after January 3, 1984, satisfactorily has completed a minimum of two years of post-secondary education, or its equivalent in semester or quarter hours, at an institution of higher education, and has fulfilled the requirements of division (B)(6)(a) or (b) of this section. The requirements of division (B)(6)(a) or (b) of this section may be included in the two years of post-secondary education, or its equivalent in semester or quarter hours, that is required by this division. The post-secondary education requirement may be satisfied by completing the credit-eligible courses using either classroom instruction or distance education. Successful completion of any course required by this section shall be determined by the law in effect on the date the course was completed.

(C) Each applicant for a broker's license shall be examined in the principles of real estate practice, Ohio real estate law, and financing and appraisal, and as to the duties of real estate brokers and real estate salespersons, the applicant's knowledge of real estate transactions and instruments relating to them, and the canons of business ethics pertaining to them. The commission from time to time shall promulgate such canons and cause them to be published in printed form.

(D) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101. The contents of an examination shall be consistent with the requirements of division (B)(6) of this section and with the other specific requirements of this section. An applicant who has completed the requirements of division (B)(6) of this section
at the time of application shall be examined no later than twelve months after the applicant is notified of admission to the examination.

(E) The superintendent may waive one or more of the requirements of this section in the case of an application from a nonresident real estate broker pursuant to a reciprocity agreement with the licensing authority of the state from which the nonresident applicant holds a valid real estate broker license.

(F) There shall be no limit placed on the number of times an applicant may retake the examination.

(G)(1) Not earlier than the date of issue of a real estate broker's license to a licensee, but not later than twelve months after the date of issue of a real estate broker's license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of ten hours of instruction that shall be completed in schools, seminars, and educational institutions that are approved by the commission. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education. If the required proof of completion is not submitted to the superintendent within twelve months of the date a license is issued under this section, the license of the real estate broker is suspended automatically without the taking of any action by the superintendent. The broker's license shall not be reactivated by the superintendent until it is established, to the satisfaction of the superintendent, that the requirements of this division have been met and that the licensee is in compliance with this chapter. A licensee's license is revoked automatically without the taking of any action by the superintendent if the licensee fails to submit proof of completion of the education requirements specified
under division (G)(1) of this section within twelve months of the date the license is suspended.

(2) If the license of a real estate broker is suspended pursuant to division (G)(1) of this section, the license of a real estate salesperson associated with that broker correspondingly is suspended pursuant to division (H) of section 4735.20 of the Revised Code. However, the suspended license of the associated real estate salesperson shall be reactivated and no fee shall be charged or collected for that reactivation if all of the following occur:

(a) That broker subsequently submits satisfactory proof to the superintendent that the broker has complied with the requirements of division (G)(1) of this section and requests that the broker's license as a real estate broker be reactivated;

(b) The superintendent then reactivates the broker's license as a real estate broker;

(c) The associated real estate salesperson intends to continue to be associated with that broker and otherwise is in compliance with this chapter.

**Sec. 4735.09.** (A) Application for a license as a real estate salesperson shall be made to the superintendent of real estate on forms furnished by the superintendent and signed by the applicant. The application shall be in the form prescribed by the superintendent and shall contain such information as is required by this chapter and the rules of the Ohio real estate commission. The application shall be accompanied by the recommendation of the real estate broker with whom the applicant is associated or with whom the applicant intends to be associated, certifying that the applicant is honest and truthful, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers.
or sellers of real estate, which conviction or adjudication the
applicant has not disclosed to the superintendent, and
recommending that the applicant be admitted to the real estate
salesperson examination.

(B) A fee of eighty-one dollars shall accompany the
application, which fee includes the fee for the initial year of
the licensing period, if a license is issued. The initial year of
the licensing period commences at the time the license is issued
and ends on the applicant's first birthday thereafter. The
application fee shall be nonrefundable. A fee of eighty-one
dollars shall be charged by the superintendent for each successive
application made by the applicant. One dollar of each application
fee shall be credited to the real estate education and research
fund.

(C) There shall be no limit placed on the number of times an
applicant may retake the examination.

(D) The superintendent, with the consent of the commission,
may enter into an agreement with a recognized national testing
service to administer the real estate salesperson's examination
under the superintendent's supervision and control, consistent
with the requirements of this chapter as to the contents of the
examination.

If the superintendent, with the consent of the commission,
enters into an agreement with a national testing service to
administer the real estate salesperson's examination, the
superintendent may require an applicant to pay the testing
service's examination fee directly to the testing service. If the
superintendent requires the payment of the examination fee
directly to the testing service, each applicant shall submit to
the superintendent a processing fee in an amount determined by the
Ohio real estate commission pursuant to division (A)(1) of section
4735.10 of the Revised Code.

(E) The superintendent shall issue a real estate
salesperson's license when satisfied that the applicant has
received a passing score on each portion of the salesperson's
examination as determined by rule by the real estate commission,
except that the superintendent may waive one or more of the
requirements of this section in the case of an applicant who is a
licensed real estate salesperson in another state pursuant to a
reciprocity agreement with the licensing authority of the state
from which the applicant holds a valid real estate salesperson's
license.

(F) No applicant for a salesperson's license shall take the
salesperson's examination who has not established to the
satisfaction of the superintendent that the applicant:

(1) Is honest and truthful;

(2)(a) Has not been convicted of a disqualifying offense as
determined in accordance with section 9.79 of the Revised Code;

(b) Has not been finally adjudged by a court to have violated
any municipal, state, or federal civil rights laws relevant to the
protection of purchasers or sellers of real estate or, if the
applicant has been so adjudged, at least two years have passed
since the court decision and the superintendent has disregarded
the adjudication because the applicant has proven, by a
preponderance of the evidence, that the applicant is honest and
truthful, and there is no basis in fact for believing that the
applicant again will violate the laws involved.

(3) Has not, during any period in which the applicant was
licensed under this chapter, violated any provision of, or any
rule adopted pursuant to this chapter, or, if the applicant has
violated such provision or rule, has established to the
satisfaction of the superintendent that the applicant will not
again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued by the department of education;

(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:

(a) Forty hours of instruction in real estate practice;

(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(c) Twenty hours of instruction in real estate appraisal;

(d) Twenty hours of instruction in real estate finance.

(G)(1) Successful completion of the instruction required by division (F)(6) of this section shall be determined by the law in effect on the date the instruction was completed.

(2) Division (F)(6)(c) of this section does not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real
estate salesperson's license.

(H) Only for noncredit course offerings, an institution of higher education shall obtain approval from the appropriate state authorizing entity prior to offering a real estate course that is designed and marketed as satisfying the salesperson license education requirements of division (F)(6) of this section. The state authorizing entity may consult with the superintendent in reviewing the course for compliance with this section.

(I) Any person who has not been licensed as a real estate salesperson or broker within a four-year period immediately preceding the person's current application for the salesperson's examination shall have successfully completed the prelicensure instruction required by division (F)(6) of this section within a ten-year period immediately preceding the person's current application for the salesperson's examination.

(J) Not earlier than the date of issue of a real estate salesperson's license to a licensee, but not later than twelve months after the date of issue of a real estate salesperson license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of twenty hours of instruction that shall be completed in schools, seminars, and educational institutions approved by the commission. The instruction shall include, but is not limited to, current practices relating to commercial real estate, property management, short sales, and land contracts; contract law; federal and state programs; economic conditions; and fiduciary responsibility. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education.

If proof of completion of the required instruction is not submitted within twelve months of the date a license is issued...
under this section, the licensee's license is suspended automatically without the taking of any action by the superintendent. The superintendent immediately shall notify the broker with whom such salesperson is associated of the suspension of the salesperson's license. A salesperson whose license has been suspended under this division shall have twelve months after the date of the suspension of the salesperson's license to submit proof of successful completion of the instruction required under this division. No such license shall be reactivated by the superintendent until it is established, to the satisfaction of the superintendent, that the requirements of this division have been met and that the licensee is in compliance with this chapter. A licensee's license is revoked automatically without the taking of any action by the superintendent when the licensee fails to submit the required proof of completion of the education requirements under division (I) of this section within twelve months of the date the license is suspended.

(K) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12189. The contents of an examination shall be consistent with the classroom instructional requirements of division (F)(6) of this section. An applicant who has completed the classroom instructional requirements of division (F)(6) of this section at the time of application shall be examined no later than twelve months after the applicant is notified of the applicant's admission to the examination.

Sec. 4735.12. (A) The real estate recovery fund is hereby created in the state treasury, to be administered by the superintendent of real estate. Amounts collected by the superintendent as prescribed in this section and interest earned on the assets of the fund shall be credited by the treasurer of
state to the fund. The amount of money in the fund shall be 
ascertained by the superintendent as of the first day of July of 
each year.

The commission, in accordance with rules adopted under 
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 
impose a special assessment not to exceed ten dollars per year for 
each year of a licensing period on each licensee filing a notice 
of renewal under section 4735.14 of the Revised Code if the amount 
available in the fund is less than two hundred fifty thousand 
dollars on the first day of July preceding that filing. The 
commission shall not impose a special assessment if the amount 
available in the fund exceeds two hundred fifty thousand dollars 
on the first day of July preceding that filing.

(B)(1) Any person who obtains a final judgment in any court 
of competent jurisdiction against any broker or salesperson 
licensed under this chapter, on the grounds of conduct that is in 
violation of this chapter or the rules adopted under it, and that 
is associated with an act or transaction that only a licensed real 
estate broker or licensed real estate salesperson is authorized to 
perform as specified in division (A) or (C) of section 4735.01 of 
the Revised Code, may file a verified application, as described in 
division (B)(3) of this section, in the court of common pleas of 
Franklin county for an order directing payment out of the real 
estate recovery fund of the portion of the judgment that remains 
unpaid and that represents the actual and direct loss sustained by 
the applicant.

(2) Punitive damages, attorney's fees, and interest on a 
judgment are not recoverable from the fund. In the discretion of 
the superintendent of real estate, court costs may be recovered 
from the fund, and, if the superintendent authorizes the recovery 
of court costs, the order of the court of common pleas then may 
direct their payment from the fund.
(3) The application shall specify the nature of the act or transaction upon which the underlying judgment was based, the activities of the applicant in pursuit of remedies available under law for the collection of judgments, and the actual and direct losses, attorney's fees, and the court costs sustained or incurred by the applicant. The applicant shall attach to the application a copy of each pleading and order in the underlying court action.

(4) The court shall order the superintendent to make such payments out of the fund when the person seeking the order has shown all of the following:

(a) The person has obtained a judgment, as provided in this division;

(b) All appeals from the judgment have been exhausted and the person has given notice to the superintendent, as required by division (C) of this section;

(c) The person is not a spouse of the judgment debtor, or the personal representative of such spouse;

(d) The person has diligently pursued the person's remedies against all the judgment debtors and all other persons liable to the person in the transaction for which the person seeks recovery from the fund;

(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment.

(5) Divisions (B)(1) to (4) of this section do not apply to any of the following:

(a) Actions arising from property management accounts maintained in the name of the property owner;

(b) A bonding company when it is not a principal in a real estate transaction;
(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code;

(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment.

(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed salesperson is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that the superintendent shall give written notice to the applicant at least ten days before such motion. The superintendent may, subject to court approval, compromise a claim based upon the application of an aggrieved party. The superintendent shall not be bound by any prior compromise or stipulation of the judgment debtor.

(D) Notwithstanding any other provision of this section, the liability of the fund shall not exceed forty thousand dollars for any one licensee. If a licensee's license is reactivated as provided in division (E) of this section, the liability of the fund for the licensee under this section shall again be forty
thousand dollars, but only for transactions that occur subsequent to the time of reactivation.

If the forty-thousand-dollar liability of the fund is insufficient to pay in full the valid claims of all aggrieved persons by whom claims have been filed against any one licensee, the forty thousand dollars shall be distributed among them in the ratio that their respective claims bear to the aggregate of valid claims or in such other manner as the court finds equitable. Distribution of moneys shall be among the persons entitled to share in it, without regard to the order of priority in which their respective judgments may have been obtained or their claims have been filed. Upon petition of the superintendent, the court may require all claimants and prospective claimants against one licensee to be joined in one action, to the end that the respective rights of all such claimants to the fund may be equitably adjudicated and settled.

(E) If the superintendent pays from the fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensed broker or salesperson, the license of the broker or salesperson shall be automatically suspended upon the date of payment from the fund. The superintendent shall not reactivate the suspended license of that broker or salesperson until the broker or salesperson has repaid in full, plus interest per annum at the rate specified in division (A) of section 1343.03 of the Revised Code, the amount paid from the fund on the broker's or salesperson's account. A discharge in bankruptcy does not relieve a person from the suspension and requirements for reactivation provided in this section unless the underlying judgment has been included in the discharge and has not been reaffirmed by the debtor.

(F) If, at any time, the money deposited in the fund is insufficient to satisfy any duly authorized claim or portion of a
claim, the superintendent shall, when sufficient money has been deposited in the fund, satisfy such unpaid claims or portions, in the order that such claims or portions were originally filed, plus accumulated interest per annum at the rate specified in division (A) of section 1343.03 of the Revised Code.

(G) When, upon the order of the court, the superintendent has paid from the fund any sum to the judgment creditor, the superintendent shall be subrogated to all of the rights of the judgment creditor to the extent of the amount so paid, and the judgment creditor shall assign all the judgment creditor's right, title, and interest in the judgment to the superintendent to the extent of the amount so paid. Any amount and interest so recovered by the superintendent on the judgment shall be deposited in the fund.

(H) Nothing contained in this section shall limit the authority of the superintendent to take disciplinary action against any licensee under other provisions of this chapter; nor shall the repayment in full of all obligations to the fund by any licensee nullify or modify the effect of any other disciplinary proceeding brought pursuant to this chapter.

(I) The superintendent may collect from the fund a service fee in an amount equivalent to the interest rate specified in division (A) of section 1343.03 of the Revised Code multiplied by the annual interest earned on the assets of the fund, to defray the expenses incurred in the administration of the fund.

Sec. 4735.13. (A) Every real estate broker licensed under this chapter shall have and maintain a definite place of business in this state. A post office box address is not a definite place of business for purposes of this section. The license of a real estate broker shall be prominently displayed in the office or place of business of the broker, and no license shall authorize
the licensee to do business except from the location specified in it. If the broker maintains more than one place of business within the state, the broker shall apply for and procure a duplicate license for each branch office maintained by the broker. Each branch office shall be in the charge of a licensed broker or salesperson. The branch office license shall be prominently displayed at the branch office location.

(B) The license of each real estate salesperson shall be mailed to and remain in the possession of the licensed broker with whom the salesperson is or is to be associated until the licensee places the license on inactive or resigned status or until the salesperson leaves the brokerage or is terminated. The broker shall keep each salesperson's license in a way that it can, and shall on request, be made immediately available for public inspection at the office or place of business of the broker. Except as provided in divisions (G) and (H) of this section, immediately upon the salesperson's leaving the association or termination of the association of a real estate salesperson with the broker, the broker shall return the salesperson's license to the superintendent of real estate.

The failure of a broker to return the license of a real estate salesperson or broker who leaves or who is terminated, via certified mail return receipt requested, within three business days of the receipt of a written request from the superintendent for the return of the license, is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(C) A licensee shall notify the superintendent in writing within fifteen days of any of the following occurrences:

(1) The licensee is convicted of a felony.

(2) The licensee is convicted of a crime involving moral
turpitude.

(3) The licensee is found to have violated any federal, state, or municipal civil rights law pertaining to discrimination in housing.

(4) The licensee is found to have engaged in a discriminatory practice pertaining to housing accommodations described in division (H) of section 4112.02 of the Revised Code.

(5) The licensee is the subject of an order by the department of commerce, the department of insurance, or the department of agriculture revoking or permanently surrendering any professional license, certificate, or registration.

(6) The licensee is the subject of an order by any government agency concerning real estate, financial matters, or the performance of fiduciary duties with respect to any license, certificate, or registration.

If a licensee fails to notify the superintendent within the required time, the superintendent immediately may suspend the license of the licensee.

Any court that convicts a licensee of a violation of any municipal civil rights law pertaining to housing discrimination also shall notify the Ohio civil rights commission within fifteen days of the conviction.

(D) In case of any change of business location, a broker shall give notice to the superintendent, on a form prescribed by the superintendent, within thirty days after the change of location, whereupon the superintendent shall issue new licenses for the unexpired period without charge. If a broker changes a business location without giving the required notice and without receiving new licenses that action is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.
(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The application shall be made on a form prescribed by the superintendent and shall be accompanied by the recommendation of the real estate broker with whom the applicant intends to become associated and a fee of thirty-four dollars for the real estate salesperson's license. One dollar of the fee shall be credited to the real estate education and research fund. If the superintendent is satisfied that the applicant is honest and truthful, has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, and that the association of the real estate broker and the applicant will be in the public interest, the superintendent shall grant the application and issue a real estate salesperson's license to the applicant. Any license so deposited with the superintendent shall be subject to this chapter. A broker who intends to deposit the broker's license with the superintendent, as provided in this section, shall give written notice of this fact in a format prescribed by the superintendent to all salespersons associated with the broker when applying to place the broker's license on deposit.

(F) If a real estate broker desires to become a member or officer of a partnership, association, limited liability company, limited liability partnership, or corporation that is or intends to become a licensed real estate broker, the broker shall notify the superintendent of the broker's intentions. The notice of intention shall be on a form prescribed by the superintendent and shall be accompanied by a fee of thirty-four dollars. One dollar
of the fee shall be credited to the real estate education and research fund.

A licensed real estate broker who is a member or officer of a partnership, association, limited liability company, limited liability partnership, or corporation shall only act as a real estate broker for such partnership, association, limited liability company, limited liability partnership, or corporation.

(G)(1) If a real estate broker or salesperson enters the armed forces, the broker or salesperson may place the broker's or salesperson's license on deposit with the Ohio real estate commission. The licensee shall not be required to renew the license until the renewal date that follows the date of discharge from the armed forces. Any license deposited with the commission shall be subject to this chapter.

Any licensee whose license is on deposit under this division and who fails to meet the continuing education requirements of section 4735.141 of the Revised Code because the licensee is in the armed forces shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months of the licensee's first birthday after discharge or within the amount of time equal to the total number of months the licensee spent on active duty, whichever is greater. The licensee shall submit proper documentation of active duty service and the length of that active duty service to the superintendent. The extension shall not exceed the total number of months that the licensee served in active duty. The superintendent shall notify the licensee of the licensee's obligations under section 4735.141 of the Revised Code at the time the licensee applies for reactivation of the licensee's license.

(2) If a licensee is a spouse of a member of the armed forces and the spouse's service resulted in the licensee's absence from this state, both of the following apply:
(a) The licensee shall not be required to renew the license until the renewal date that follows the date of the spouse's discharge from the armed forces.

(b) If the licensee fails to meet the continuing education requirements of section 4735.141 of the Revised Code, the licensee shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months after the licensee's first birthday after the spouse's discharge or within the amount of time equal to the total number of months the licensee's spouse spent on active duty, whichever is greater. The licensee shall submit proper documentation of the spouse's active duty service and the length of that active duty service. This extension shall not exceed the total number of months that the licensee's spouse served in active duty.

(3) In the case of a licensee as described in division (G)(2) of this section, who holds the license through a reciprocity agreement with another state, the spouse's service shall have resulted in the licensee's absence from the licensee's state of residence for the provisions of that division to apply.

(4) As used in this division, "armed forces" means the armed forces of the United States or reserve component of the armed forces of the United States including the Ohio national guard or the national guard of any other state.

(H) If a licensed real estate salesperson submits an application to the superintendent to leave the association of one broker to associate with a different broker, the broker possessing the licensee's license need not return the salesperson's license to the superintendent. The superintendent may process the application regardless of whether the licensee's license is returned to the superintendent.

Sec. 4735.143. (A) Each person applying for a license
pursuant to section 4735.07 or 4735.09 of the Revised Code shall submit one complete set of fingerprint impressions directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The applicant shall provide the fingerprint impressions using a method the superintendent of the bureau of criminal identification and investigation prescribes and fill out the form the superintendent prescribes pursuant to division (C) of section 109.572 of the Revised Code. Upon receiving an application under this section, the superintendent of real estate and professional licensing shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprint impressions in accordance with division (A)(16) of section 109.572 of the Revised Code. Notwithstanding division (K)-(L) of section 121.08 of the Revised Code, the superintendent of real estate and professional licensing shall request that criminal record information based on the applicant's fingerprints be obtained from the federal bureau of investigation as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the applicant.

(B) An applicant who disclosed on the application that the applicant has been convicted of any criminal offense shall only be permitted to take the examination after the results of the criminal records check have been received by the superintendent and the superintendent has made a determination to disregard the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again
will violate the laws involved.

(C) Persons who have indicated on the application that they have not been convicted of any criminal offense, shall, if all other requirements for licensure have been satisfied, be permitted to take the real estate examination for which the applicant has applied prior to the superintendent's receipt of the results of the criminal records check. If the applicant receives a passing score on the examination and meets the other requirements for the license, the superintendent shall issue a provisional license pending the results of the criminal records check. During this provisional status, the licensee may perform acts that require a real estate license. If the results of the criminal records check subsequently confirm that the licensee has no convictions, the provisional status shall be removed. If it is determined that the licensee has been convicted of any criminal offense, the superintendent may immediately suspend the license of the licensee.

(D) Any entity offering the prelicensure education required to obtain a real estate license in this state shall, prior to a student's enrollment in a class, notify the student of both of the following:

(1) That a conviction of a criminal offense may disqualify an individual from obtaining a real estate license;

(2) The student's rights under section 9.78 of the Revised Code to request a determination as to whether such a conviction will disqualify the student.

Sec. 4735.15. (A) The nonrefundable fees for reactivation or transfer of a license shall be as follows:

(1) Reactivation or transfer of a broker's license into or out of a partnership, association, limited liability company,
limited liability partnership, or corporation or from one partnership, association, limited liability company, limited liability partnership, or corporation to another partnership, association, limited liability company, limited liability partnership, or corporation, thirty-four dollars. An application for such transfer shall be made to the superintendent of real estate on forms provided by the superintendent.

(2) Reactivation or transfer of a license by a real estate salesperson, thirty-four dollars.

(B) Except as may otherwise be specified pursuant to division (F) of this section or any rules adopted by the Ohio real estate commission pursuant to division (A)(2)(b) of section 4735.10 of the Revised Code, the nonrefundable fees are as follows for each licensing period:

(1) Branch office license, twenty dollars;

(2) Renewal of a three-year real estate broker's license, two hundred forty-three dollars. If the licensee is a partnership, association, limited liability company, limited liability partnership, or corporation, the full broker's renewal fee shall be required for each member of such partnership, association, limited liability company, limited liability partnership, or corporation that is a real estate broker. If the real estate broker has not less than eleven nor more than twenty real estate salespersons associated with the broker, an additional fee of sixty-four dollars shall be assessed to the brokerage. For every additional ten real estate salespersons or fraction of that number, the brokerage assessment fee shall be increased in the amount of thirty-seven dollars.

(3) Renewal of a three-year real estate salesperson's license, one hundred eighty-two dollars;

(4) Renewal of a real estate broker's or salesperson's
license filed within twelve months after the licensee's renewal date, an additional late filing penalty of fifty per cent of the required three-year fee;

(5) Foreign real estate dealer's license and each renewal of the license, thirty dollars per salesperson employed by the dealer, but not less than two hundred three dollars;

(6) Foreign real estate salesperson's license and each renewal of the license, sixty-eight dollars.

(C) All fees collected under this section shall be paid to the treasurer of state. One dollar of each such fee shall be credited to the real estate education and research fund, except that for fees that are assessed only once every three years, one dollar and fifty cents of each triennial fee shall be credited to the real estate education and research fund.

(D) In all cases, the fee and any penalty shall accompany the application for the license, license transfer, or license reactivation or shall accompany the filing of the renewal.

(E) The commission may establish by rule reasonable fees for services not otherwise established by this chapter.

(F) The commission may adopt rules that provide for a reduction in the fees established in divisions (B)(2) and (3) of this section.

Sec. 4735.18. (A) Subject to section 4735.32 of the Revised Code, the superintendent of real estate, upon the superintendent's own motion, may investigate the conduct of any licensee. Subject to division (E) of this section and section 4735.32 of the Revised Code, the Ohio real estate commission shall impose disciplinary sanctions upon any licensee who, whether or not acting in the licensee's capacity as a real estate broker or salesperson, or in handling the licensee's own property, is found to have been
convicted of a felony or a crime of moral turpitude, and may 
impose disciplinary sanctions upon any licensee who, in the 
licensee's capacity as a real estate broker or salesperson, or in 
handling the licensee's own property, is found guilty of:

(1) Knowingly making any misrepresentation;

(2) Making any false promises with intent to influence, 
persuade, or induce;

(3) A continued course of misrepresentation or the making of 
false promises through agents, salespersons, advertising, or 
otherwise;

(4) Acting for more than one party in a transaction except as 
permitted by and in compliance with section 4735.71 of the Revised 
Code;

(5) Failure within a reasonable time to account for or to 
remit any money coming into the licensee's possession which 
belongs to others;

(6) Dishonest or illegal dealing, gross negligence, 
incompetency, or misconduct;

(7)(a) By final adjudication by a court, a violation of any 
municipal or federal civil rights law relevant to the protection 
of purchasers or sellers of real estate or, by final adjudication 
by a court, any unlawful discriminatory practice pertaining to the 
purchase or sale of real estate prohibited by Chapter 4112. of the 
Revised Code, provided that such violation arose out of a 
situation wherein parties were engaged in bona fide efforts to 
purchase, sell, or lease real estate, in the licensee's practice 
as a licensed real estate broker or salesperson;

(b) A second or subsequent violation of any unlawful 
discriminatory practice pertaining to the purchase or sale of real 
estate prohibited by Chapter 4112. of the Revised Code or any
second or subsequent violation of municipal or federal civil
rights laws relevant to purchasing or selling real estate whether
or not there has been a final adjudication by a court, provided
that such violation arose out of a situation wherein parties were
engaged in bona fide efforts to purchase, sell, or lease real
estate. For any second offense under this division, the commission
shall suspend for a minimum of two months or revoke the license of
the broker or salesperson. For any subsequent offense, the
commission shall revoke the license of the broker or salesperson.

(8) Procuring a license under this chapter, for the licensee
or any salesperson by fraud, misrepresentation, or deceit;

(9) Having violated or failed to comply with any provision of
sections 4735.51 to 4735.74 of the Revised Code or having
willfully disregarded or violated any other provisions of this
chapter;

(10) As a real estate broker, having demanded, without
reasonable cause, other than from a broker licensed under this
chapter, a commission to which the licensee is not entitled, or, as
a real estate salesperson, having demanded, without reasonable
cause, a commission to which the licensee is not entitled;

(11) Except as permitted under section 4735.20 of the Revised
Code, having paid commissions or fees to, or divided commissions
or fees with, anyone not licensed as a real estate broker or
salesperson under this chapter or anyone not operating as an
out-of-state commercial real estate broker or salesperson under
section 4735.022 of the Revised Code;

(12) Having falsely represented membership in any real estate
professional association of which the licensee is not a member;

(13) Having accepted, given, or charged any undisclosed
commission, rebate, or direct profit on expenditures made for a
principal;
(14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on real estate as a prize in a lottery or scheme of chance;

(15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and undisclosed principal, in any transaction;

(16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property;

(17) Having advertised or placed a sign on any property offering it for sale or for rent without the consent of the owner or the owner's authorized agent;

(18) Having induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu of it a new contract with another principal;

(19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, or tenant knowing that such seller, purchaser, lessor, or tenant is represented by another broker under a written exclusive agency agreement, exclusive right to sell or lease listing agreement, or exclusive purchaser agency agreement with respect to such property except as provided for in section 4735.75 of the Revised Code;

(20) Having offered real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized agent, or on any terms other than those authorized by the owner or the owner's authorized agent;

(21) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having
misrepresented any properties, terms, values, policies, or services of the business conducted;

(22) Having knowingly withheld from or inserted in any statement of account or invoice any statement that made it inaccurate in any material particular;

(23) Having published or circulated unjustified or unwarranted threats of legal proceedings which tended to or had the effect of harassing competitors or intimidating their customers;

(24) Having failed to keep complete and accurate records of all transactions for a period of three years from the date of the transaction, such records to include copies of listing forms, earnest money receipts, offers to purchase and acceptances of them, records of receipts and disbursements of all funds received by the licensee as broker and incident to the licensee's transactions as such, and records required pursuant to divisions (C)(4) and (5) of section 4735.20 of the Revised Code, and any other instruments or papers related to the performance of any of the acts set forth in the definition of a real estate broker;

(25) Failure of a real estate broker or salesperson to furnish all parties involved in a real estate transaction true copies of all listings and other agreements to which they are a party, at the time each party signs them;

(26) Failure to maintain at all times a special or trust bank account in a depository of a state or federally chartered institution located in this state. The account shall be noninterest-bearing, separate and distinct from any personal or other account of the broker, and, except as provided in division (A)(27) of this section, shall be used for the deposit and maintenance of all escrow funds, security deposits, and other moneys received by the broker in a fiduciary capacity. The name,
account number, if any, and location of the depository wherein such special or trust account is maintained shall be submitted in writing to the superintendent. Checks drawn on such special or trust bank accounts are deemed to meet the conditions imposed by section 1349.21 of the Revised Code. Funds deposited in the trust or special account in connection with a purchase agreement shall be maintained in accordance with section 4735.24 of the Revised Code.

(27) Failure to maintain at all times a special or trust bank account in a depository of a state or federally chartered institution in this state, to be used exclusively for the deposit and maintenance of all rents, security deposits, escrow funds, and other moneys received by the broker in a fiduciary capacity in the course of managing real property. This account shall be separate and distinct from any other account maintained by the broker. The name, account number, and location of the depository shall be submitted in writing to the superintendent. This account may earn interest, which shall be paid to the property owners on a pro rata basis.

Division (A)(27) of this section does not apply to brokers who are not engaged in the management of real property on behalf of real property owners.

(28) Having failed to put definite expiration dates in all written agency agreements to which the broker is a party;

(29) Having an unsatisfied final judgment or lien in any court of record against the licensee arising out of the licensee's conduct as a licensed broker or salesperson;

(30) Failing to render promptly upon demand a full and complete statement of the expenditures by the broker or salesperson of funds advanced by or on behalf of a party to a real estate transaction to the broker or salesperson for the purpose of
performing duties as a licensee under this chapter in conjunction with the real estate transaction;

(31) Failure within a reasonable time, after the receipt of the commission by the broker, to render an accounting to and pay a real estate salesperson the salesperson's earned share of it;

(32) Performing any service for another constituting the practice of law, as determined by any court of law;

(33) Having been adjudicated incompetent for the purpose of holding the license by a court, as provided in section 5122.301 of the Revised Code. A license revoked or suspended under this division shall be reactivated upon proof to the commission of the removal of the disability.

(34) Having authorized or permitted a person to act as an agent in the capacity of a real estate broker, or a real estate salesperson, who was not then licensed as a real estate broker or real estate salesperson under this chapter or who was not then operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;

(35) Having knowingly inserted or participated in inserting any materially inaccurate term in a document, including naming a false consideration;

(36) Having failed to inform the licensee's client of the existence of an offer or counteroffer or having failed to present an offer or counteroffer in a timely manner, unless otherwise instructed by the client, provided the instruction of the client does not conflict with any state or federal law;

(37) Having failed to comply with section 4735.24 of the Revised Code;

(38) Having acted as a broker without authority, impeded the ability of a principal broker to perform any of the duties
described in section 4735.081 of the Revised Code, or impeded the ability a management level licensee to perform the licensee's duties;

(39) Entering into a right-to-list home sale agreement.

(B) Whenever the commission, pursuant to section 4735.051 of the Revised Code, imposes disciplinary sanctions for any violation of this section, the commission also may impose such sanctions upon the broker with whom the salesperson is affiliated if the commission finds that the broker had knowledge of the salesperson's actions that violated this section.

(C) The commission shall, pursuant to section 4735.051 of the Revised Code, impose disciplinary sanctions upon any foreign real estate dealer or salesperson who, in that capacity or in handling the dealer's or salesperson's own property, is found guilty of any of the acts or omissions specified or comprehended in division (A) of this section insofar as the acts or omissions pertain to foreign real estate. If the commission imposes such sanctions upon a foreign real estate salesperson for a violation of this section, the commission also may suspend or revoke the license of the foreign real estate dealer with whom the salesperson is affiliated if the commission finds that the dealer had knowledge of the salesperson's actions that violated this section.

(D) The commission may suspend, in whole or in part, the imposition of the penalty of suspension of a license under this section.

(E) A person licensed under this chapter who represents a party to a transaction or a proposed transaction involving the sale, purchase, exchange, lease, or management of real property that is or will be used in the cultivation, processing, dispensing, or testing of medical marijuana under Chapter 3796. of the Revised Code, or who receives, holds, or disburses funds from
a real estate brokerage trust account in connection with such a transaction, shall not be subject to disciplinary sanctions under this chapter solely because the licensed person engaged in activities permitted under this chapter and related to activities under Chapter 3796. of the Revised Code.

Sec. 4735.211. All fines imposed under section 4735.051 of the Revised Code, and all fees and charges collected under sections 4735.06, 4735.09, 4735.13, 4735.15, 4735.25, 4735.27, 4735.28, and 4735.29 of the Revised Code, except such fees as are paid to the real estate education and research fund and real estate recovery fund as provided in this chapter, shall be paid into the state treasury to the credit of the division of real estate operating fund, which is hereby created. All operating expenses of the division of real estate shall be paid from the division of real estate operating fund.

The division of real estate operating fund shall be assessed a proportionate share of the administrative costs of the department of commerce in accordance with procedures prescribed by the director of commerce. Such assessments shall be paid from the division of real estate operating fund to the division of administration fund.

If funds in the division of real estate operating fund are determined by the director of commerce to be in excess of those necessary to fund all the expenses of the division in any biennium, the director may pay the excess funds to the real estate education and research fund.

Sec. 4738.071. (A) When a person is first issued a license under this chapter, the registrar of motor vehicles shall issue a provisional license shall have provisional status for a period of one hundred eighty days from the date of issuance. Not later than
one hundred eighty days after the date of issuance of a provisional license, the registrar of motor vehicles, or an agent of the registrar, shall inspect or cause to be inspected the place of business of any person who is the holder of the provisional license. If

(B) If the person conducting the inspection determines that the provisional license holder has complied with all the requirements with which holders of licenses issued under this chapter are required to comply, he shall notify the license holder of that fact. The notification initially may be verbal, but shall be followed by a written notice. The person conducting the inspection shall also notify the registrar of that fact, and the registrar shall send written notice informing him that his license no longer has provisional status and shall remain. A license without provisional status remains valid until its expiration date unless it is suspended or revoked in accordance with this chapter.

(C) If the person conducting the inspection determines that the provisional license holder has not complied with all the requirements with which holders of licenses issued under this chapter are required to comply, he shall notify the provisional license holder of that fact. The notification initially may be verbal, but shall be followed by a written notice. The person conducting the inspection shall also notify the registrar of that fact, and the noncompliance. In accordance with Chapter 119. of the Revised Code, the registrar shall send the provisional license holder written notice informing him that his license is revoked and that he may appeal the revocation to the motor vehicle salvage dealer's licensing board. Immediately upon revoking the provisional license of the license holder, the registrar shall enter a final order together with his findings and
Sec. 4738.08. (A) Any person licensed under this chapter shall notify the registrar of motor vehicles concerning any change in the status of his the person's business during the period for which the person is licensed, if the change of status concerns the following:

(A) (1) Personnel of owners, partners, officers, or directors;

(B) (2) Location of office or principal place of business;

(3) Contact information where the person can be reached, including a valid telephone number and electronic mail address.

(B) Notification shall be made by filing with the registrar, within fifteen days after the change of status, a supplemental statement in a form prescribed by the registrar showing in what respects the status has been changed.

Sec. 4740.16. (A) An investigator appointed by the director of commerce, on behalf of the appropriate specialty section of the Ohio construction industry licensing board may investigate any person who allegedly has violated section 4740.13 of the Revised Code. If, after an investigation pursuant to section 4740.05 of the Revised Code, the appropriate specialty section determines that reasonable evidence exists that a person has violated section 4740.13 of the Revised Code, the appropriate specialty section shall send serve a written notice to that person in the same manner as prescribed in section sections 119.05 and 119.07 of the Revised Code for licensees.

(B) The appropriate specialty section shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the appropriate specialty section, after the hearing,
determines a violation has occurred, the appropriate specialty section, upon an affirmative vote of a majority of its members, may impose a fine on the person, not exceeding one thousand dollars per violation per day and may file a complaint against the person with the appropriate local prosecutor for criminal prosecution. The appropriate specialty section's determination is an order that the person may appeal in accordance with section 119.12 of the Revised Code.

(C) If the appropriate specialty section assesses a person a civil penalty for a violation of section 4740.13 of the Revised Code and the person fails to pay that civil penalty within the time period prescribed by the appropriate specialty section, the appropriate specialty section shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.

(D) If a person fails to request a hearing within thirty days after the date the appropriate specialty section, in accordance with section 119.07 of the Revised Code, notifies the person of the section's intent to act against the person under division (A) of this section, the section, by majority vote of a quorum of the section members, may take the action against a person without holding an adjudication hearing.

Sec. 4741.22. (A) The state veterinary medical licensing board may, except as provided in division (B) of this section, refuse to issue or renew a license, limited license, registration, or temporary permit to or of any applicant who, and may issue a reprimand to, suspend or revoke the license, limited license, registration, or the temporary permit of, or impose a civil
penalty pursuant to this section upon any person holding a license, limited license, or temporary permit to practice veterinary medicine or any person registered as a registered veterinary technician who:

(1) In the conduct of the person's practice does not conform to the rules of the board or the standards of the profession governing proper, humane, sanitary, and hygienic methods to be used in the care and treatment of animals;

(2) Uses fraud, misrepresentation, or deception in any application or examination for licensure, or any other documentation created in the course of practicing veterinary medicine;

(3) Is found to be physically or psychologically addicted to alcohol or an illegal or controlled substance, as defined in section 3719.01 of the Revised Code, to such a degree as to render the person unfit to practice veterinary medicine;

(4) Directly or indirectly employs or lends the person's services to a solicitor for the purpose of obtaining patients;

(5) Obtains a fee on the assurance that an incurable disease can be cured;

(6) Advertises in a manner that violates section 4741.21 of the Revised Code;

(7) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed;

(8) Sells any biologic containing living, dead, or sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed;

(9) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs, or fails to report to the...
board within sixty days of the individual's conviction of, plea of

guilty to, or treatment in lieu of conviction involving a felony,
misdemeanor of the first degree, or offense involving illegal or
prescription drugs;

(10) Is convicted of any violation of section 959.13 of the
Revised Code;

(11) Swears falsely in any affidavit required to be made by
the person in the course of the practice of veterinary medicine;

(12) Fails to report promptly to the proper official any
known reportable disease;

(13) Fails to report promptly vaccinations or the results of
tests when required to do so by law or rule;

(14) Has been adjudicated incompetent for the purpose of
holding the license or permit by a court, as provided in Chapter
2111. of the Revised Code, and has not been restored to legal
capacity for that purpose;

(15) Permits a person who is not a licensed veterinarian, a
veterinary student, or a registered veterinary technician to
engage in work or perform duties in violation of this chapter;

(16) Is guilty of gross incompetence or gross negligence;

(17) Has had a license to practice veterinary medicine or a
license, registration, or certificate to engage in activities as a
registered veterinary technician revoked, suspended, or acted
against by disciplinary action by an agency similar to this board
of another state, territory, or country or the District of
Columbia;

(18) Is or has practiced with a revoked, suspended, inactive,
expired, or terminated license or registration;

(19) Represents self as a specialist unless certified as a
specialist by the board;
(20) In the person's capacity as a veterinarian or registered
veterinary technician makes or files a report, health certificate,
vaccination certificate, or other document that the person knows
is false or negligently or intentionally fails to file a report or
record required by any applicable state or federal law;

(21) Fails to use reasonable care in the administration of
drugs or acceptable scientific methods in the selection of those
drugs or other modalities for treatment of a disease or in conduct
of surgery;

(22) Makes available a dangerous drug, as defined in section
4729.01 of the Revised Code, to any person other than for the
specific treatment of an animal patient;

(23) Refuses to permit a board investigator or the board's
designee to inspect the person's business premises during regular
business hours, except as provided in division (A) of section
4741.26 of the Revised Code;

(24) Violates any order of the board or fails to comply with
a subpoena of the board;

(25) Fails to maintain medical records as required by rule of
the board;

(26) Engages in cruelty to animals;

(27) Uses, prescribes, or sells any veterinary prescription
drug or biologic, or prescribes any extra-label use of any
over-the-counter drug or dangerous drug in the absence of a valid
veterinary-client-patient relationship.

(B) The board shall not refuse to issue a license, limited
license, registration, or temporary permit to an applicant because
of a conviction of or plea of guilty to an offense unless the
refusal is in accordance with section 9.79 of the Revised Code.

(C) Except as provided in division (D) of this section,
before the board may revoke, deny, refuse to renew, or suspend a license, registration, or temporary permit or otherwise discipline the holder of a license, registration, or temporary permit, the executive director shall file written charges with the board. The board shall conduct a hearing on the charges as provided in Chapter 119. of the Revised Code.

(D)(1) Except as otherwise provided in division (D)(2) of this section, if the board, after a hearing conducted pursuant to Chapter 119. of the Revised Code, revokes, refuses to renew, or suspends a license, registration, or temporary permit for a violation of this section, section 4741.23, division (C) or (D) of section 4741.19, or division (B), (C), or (D) of section 4741.21 of the Revised Code, the board may impose a civil penalty upon the holder of the license, permit, or registration of not less than one hundred dollars or more than one thousand dollars.

(2) Except as provided in division (D) of this section, the board shall impose a civil penalty for a violation of division (B)(1) of section 959.07 or division (C) of section 959.09 of the Revised Code by a licensed veterinarian as follows:

(a) One hundred dollars for a second violation of division (B)(1) of section 959.07 of the Revised Code or a first violation of division (C) of section 959.09 of the Revised Code;

(b) Five hundred dollars for any subsequent violation of division (B)(1) of section 959.07 or division (C) of section 959.09 of the Revised Code.

(3) In addition to the civil penalty and any other penalties imposed pursuant to this chapter, the board may assess any holder of a license, permit, or registration the costs of the hearing conducted under this section if the board determines that the holder has violated any provision for which the board may impose a civil penalty under this section.
(E) For a first violation of division (B)(1) of section 959.07 of the Revised Code by a licensed veterinarian, the board shall issue a confidential written warning to the licensed veterinarian and shall not take any other disciplinary action under this section. The board shall include in the warning an explanation of the violation and the reporting requirement specified under section 959.07 of the Revised Code.

(F) The executive director may recommend that the board suspend an individual's certificate of license without a prior hearing if the executive director determines both of the following:

1. There is clear and convincing evidence that division (A)(3), (9), (14), (22), or (26) of this section applies to the individual.

2. The individual's continued practice presents a danger of immediate and serious harm to the public.

The executive director shall prepare written allegations for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than four of its members, may suspend the certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the suspension.

The board shall serve a written order of suspension by certified mail or in person in accordance with sections 119.05 and 119.07 of the Revised Code. If the individual subject to the suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be not later than fifteen days, but not earlier than seven days after the individual requests the hearing unless otherwise agreed to by both the board and the individual.

A suspension imposed under this division shall remain in effect for twenty days.
effect, unless reversed on appeal, until a final adjudicative
order issued by the board under this section and Chapter 119. of
the Revised Code becomes effective. The board shall issue its
final adjudicative order not later than ninety days after
completion of its hearing. Failure to issue the order within
ninety days results in dissolution of the suspension order, but
does not invalidate any subsequent, final adjudicative order.

(F)(G) A license or registration issued to an individual
under this chapter is automatically suspended upon that
individual's conviction of or plea of guilty to or upon a judicial
finding with regard to any of the following: aggravated murder,
murder, voluntary manslaughter, felonious assault, kidnapping,
rape, sexual battery, gross sexual imposition, aggravated arson,
aggravated robbery, or aggravated burglary. The suspension shall
remain in effect from the date of the conviction, plea, or finding
until an adjudication is held under Chapter 119. of the Revised
Code. If the board has knowledge that an automatic suspension has
occurred, it shall notify the individual subject to the
suspension. If the individual is notified and either fails to
request an adjudication within the time periods established by
Chapter 119. of the Revised Code or fails to participate in the
adjudication, the board shall enter a final order permanently
revoking the individual's license or registration.

Sec. 4743.05. (A) Except as otherwise provided in sections
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the
Revised Code, all money collected under Chapters 3773., 4701.,
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732.,
4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 4757.,
4758., 4771., 4775., 4779., and 4781., and 4789. of the Revised
Code shall be paid into the state treasury to the credit of the
occupational licensing and regulatory fund, which is hereby
created for use in administering such chapters.
(B) At the end of each quarter, the director of budget and management shall transfer from the occupational licensing and regulatory fund to the nurse education assistance fund created in section 3333.28 of the Revised Code the amount certified to the director under division (B) of section 4723.08 of the Revised Code.

(C) At the end of each quarter, the director shall transfer from the occupational licensing and regulatory fund to the certified public accountant education assistance fund created in section 4701.26 of the Revised Code the amount certified to the director under division (H)(2) of section 4701.10 of the Revised Code.

(D) On August 30, 2021, and every two years thereafter, the director shall transfer from the occupational licensing and regulatory fund to the veterinary student debt assistance fund created in section 4741.56 of the Revised Code the amount certified to the director under section 4741.57 of the Revised Code.

Sec. 4745.05. Each licensing agency shall ask each person applying for or renewing a license whether the person wishes to make a voluntary contribution to the save our sight fund established under section 3701.21 of the Revised Code. All donations collected under this section during each calendar quarter shall be forwarded to the treasurer of state, who shall deposit the donations into the save our sight fund.

Sec. 4751.02. (A) There is hereby established in the department of aging a board of executives of long-term services and supports, which board shall be composed of the following eleven members:

(1) Four members who are nursing home administrators, owners
of nursing homes, or officers of corporations owning nursing homes, and who shall have an understanding of person-centered care, and experience with a range of long-term services and supports settings;

(2) (a) Three members who work in long-term services and supports settings that are not nursing homes, and who shall have an understanding of person-centered care, and experience with a range of long-term services and supports settings;

(b) At least one of the members described in division (A)(2)(a) of this section shall be a home health administrator, hospice administrator, an owner of a home health agency or hospice care program, or an officer of a home health agency or hospice care program.

(3) One member who is a member of the academic community;

(4) One member who is a consumer of services offered, or who represents a consumer of services, in a long-term services and supports setting;

(5) One nonvoting member who is a representative of the department of health, designated by the director of health, who is involved in the nursing home survey and certification process, who shall serve in an advisory capacity only;

(6) One nonvoting member who is a representative of the office of the state long-term care ombudsman, designated by the state long-term care ombudsman, who shall serve in an advisory capacity only.

All members of the board shall be citizens of the United States and residents of this state. No member of the board who is appointed under divisions (A)(3) to (6) of this section may have or acquire any direct financial interest in a nursing home or long-term services and supports settings.
(B) The term of office for each appointed member of the board shall be for three years, commencing on the twenty-eighth day of May and ending on the twenty-seventh day of May. Each member shall serve from the date of appointment until the end of the term for which appointed. No member shall serve more than two consecutive full terms.

(C) Appointments to the board shall be made by the governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(D) The governor may remove any member of the board for misconduct, incapacity, incompetence, or neglect of duty after the member so charged has been served with a written statement of charges and has been given an opportunity to be heard.

(E) Each member of the board, except the member designated by the director of health and the member designated by the ombudsman, shall be paid in accordance with section 124.15 of the Revised Code and each member shall be reimbursed for the member's actual and necessary expenses incurred in the discharge of such duties.

(F) The board shall elect annually from its membership a chairperson and a vice-chairperson.

(G) The board shall hold and conduct meetings quarterly and at such other times as its business requires. A majority of the voting members of the board shall constitute a quorum. The affirmative vote of a majority of the voting members of the board is necessary for the board to act.

(H) The board shall appoint a secretary who has no financial
interest in a long-term services and supports setting, and may
employ and prescribe the powers and duties of such employees and
consultants as are necessary to carry out this chapter and the
rules adopted under it.

Sec. 4751.30. (A) Any person may submit to the board of
executives of long-term services and supports a complaint that the
person reasonably believes that another person has violated, or
failed to comply with a requirement of, this chapter or a rule
adopted under section 4751.04 of the Revised Code. All of the
following apply to complaints submitted to the board under this
section:

(1) They are Complaints and all information and documentation
related to an investigation conducted by the board pursuant to a
complaint, are confidential and not subject to discovery in any
civil action, except that the confidential information may be used
by the board in any hearing it conducts pursuant to Chapter 119.
of the Revised Code.

(2) They Complaints are not public records for purposes of
section 149.43 of the Revised Code.

(3) They Complaints are not subject to inspection or copying
under section 1347.08 of the Revised Code.

(B) Except as provided in division (D) of section 4751.31 of
the Revised Code, the board shall protect the confidentiality of
each person who submits a complaint to the board under this
section. Any entity that receives confidential information shall
maintain the confidentiality of the information in the same manner
as the board, notwithstanding any conflicting provision of the
Revised Code or procedure of the entity.

(C) Information that is confidential under this section may
be admitted in a judicial proceeding only in accordance with the
Rules of Evidence of the court. The court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or a person who submitted a complaint to the board under this section. The court shall take measures to ensure confidentiality, which may include sealing records or redacting or deleting specific information from records.

Sec. 4755.11. (A) In accordance with Chapter 119. of the Revised Code, the occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or, except as provided in division (B) of this section, refuse to issue or renew an occupational therapist license or occupational therapy assistant license, or may reprimand, fine, place a license holder on probation, or require the license holder to take corrective action courses, for any of the following:

(1) Conviction of an offense involving moral turpitude or a felony, regardless of the state or country in which the conviction occurred;

(2) Violation of any provision of sections 4755.04 to 4755.13 of the Revised Code;

(3) Violation of any lawful order or rule of the occupational therapy section;

(4) Obtaining or attempting to obtain a license issued by the occupational therapy section by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statement in relation to these activities;

(5) Negligence, unprofessional conduct, or gross misconduct in the practice of the profession of occupational therapy;
(6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;

(7) Communicating, without authorization, information received in professional confidence;

(8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist or occupational therapy assistant;

(9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent;

(10) Failing the licensing or Ohio jurisprudence examination;

(11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;

(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(13) Except as provided in division (C) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay.

(14) Working or representing oneself as an occupational
therapist or occupational therapy assistant without a current and valid license issued by the occupational therapy section;

(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;

(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the occupational therapy section;

(17) A departure from, or the failure to conform to, minimal standards of care required of licensees, whether or not actual injury to a patient is established;

(18) An adjudication by a court that the applicant or licensee is incompetent for the purpose of holding a license and has not thereafter been restored to legal capacity for that purpose;

(19)(a) Except as provided in division (A)(19)(b) of this section, failure to cooperate with an investigation conducted by the occupational therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.

(20) Conviction of a misdemeanor reasonably related to the practice of occupational therapy, regardless of the state or country in which the conviction occurred;

(21) Inability to practice according to acceptable and prevailing standards of care because of mental or physical
illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;

(22) Violation of conditions, limitations, or agreements placed by the occupational therapy section on a license to practice;

(23) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of occupational therapy;

(24) Failure to complete continuing education requirements as prescribed in rules adopted by the occupational therapy section under section 4755.06 of the Revised Code;

(25) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the occupational therapist or occupational therapy assistant:

(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;

(b) Sexual contact, as defined in section 2907.01 of the Revised Code;

(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(B) The occupational therapy section shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.

(C) Sanctions shall not be imposed under division (A)(13) of this section against any individual who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments...
shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the section upon request.

(2) For professional services rendered to any other person licensed pursuant to sections 4755.04 to 4755.13 of the Revised Code to the extent allowed by those sections and the rules of the occupational therapy section.

(D) Except as provided in division (E) of this section, the suspension or revocation of a license under this section is not effective until either the order for suspension or revocation has been affirmed following an adjudication hearing, or the time for requesting a hearing has elapsed.

When a license is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation. The occupational therapy section may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition of reinstatement.

When a license holder is placed on probation under this section, the occupational therapy section's probation order shall be accompanied by a statement of the conditions under which the individual may be removed from probation and restored to unrestricted practice.

(E) On receipt of a complaint that a person who holds a license issued by the occupational therapy section has committed any of the prohibited actions listed in division (A) of this section, the section may immediately suspend the license prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the licensee poses an immediate threat to the public. The section may review the allegations and vote on the suspension by telephone conference call. If the section votes to suspend a license under this
division, the section shall issue a written order of summary suspension to the licensee in accordance with sections 119.05 and 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section shall enter a final order permanently revoking the individual's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the section pursuant to division (A) of this section becomes effective. The section shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

(F) If any person other than a person who holds a license issued under section 4755.08 of the Revised Code has engaged in any practice that is prohibited under sections 4755.04 to 4755.13 of the Revised Code or the rules of the occupational therapy section, the section may apply to the court of common pleas of the county in which the violation occurred, for an injunction or other appropriate order restraining this conduct, and the court shall issue this order.

Sec. 4755.411. The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall adopt rules in accordance with Chapter 119. of the Revised Code pertaining to the following:
(A) Fees for the verification of a license and license reinstatement, and other fees established by the section;

(B) Provisions for the section's government and control of its actions and business affairs;

(C) Minimum curricula for physical therapy education programs that prepare graduates to be licensed in this state as physical therapists and physical therapist assistants;

(D) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;

(E) The form and manner for filing applications for licensure with the section;

(F) For purposes of section 4755.46 of the Revised Code, all of the following:

   (1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;

   (2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;

   (3) The conditions under which the license of a person who files a late application for renewal will be reinstated.

(G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;

(H) Appropriate ethical conduct in the practice of physical therapy;

(I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;

(J) Conditions that may be imposed for reinstatement of a
license following suspension pursuant to section 4755.47 of the Revised Code;

(K) For purposes of sections 4755.45 and 4755.451 of the Revised Code, both of the following:

(1) Identification of the credentialing organizations from which the section will accept education equivalency evaluations for foreign physical therapist education and foreign physical therapist assistant education. The physical therapy section shall identify only those credentialing organizations that use a course evaluation tool or form approved by the physical therapy section.

(2) Evidence, other than the evaluations described in division (K)(1) of this section, that the section will consider for purposes of evaluating whether an applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state as a physical therapist or physical therapist assistant on the date of either of the following:

(a) The applicant's initial licensure or registration in another state or country;

(b) The applicant's completion of a physical therapist education program or physical therapist assistant education program if the country in which the education program was completed does not issue a physical therapist or physical therapist assistant license or registration.

(L) Standards of conduct for physical therapists and physical therapist assistants, including requirements for supervision, delegation, and practicing with or without referral or prescription;

(M) Appropriate display of a license;

(N) Procedures for a licensee to follow in notifying the
section within thirty days of a change in name or address, or both;

(O) The amount and content of corrective action courses required by the board under section 4755.47 of the Revised Code.

Sec. 4755.45. (A) The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue to an applicant a license to practice as a physical therapist without requiring the applicant to have passed the national examination for physical therapists described in division (A) of section 4755.43 of the Revised Code within one year of filing an application described in section 4755.42 of the Revised Code if all of the following conditions are met:

(1) The applicant presents evidence satisfactory to the physical therapy section that the applicant received a score on the national physical therapy examination described in division (A) of section 4755.43 of the Revised Code that would have been a passing score according to the board in the year the applicant sat for the examination;

(2) The applicant presents evidence satisfactory to the physical therapy section that the applicant passed the jurisprudence examination described in division (B) of section 4755.43 of the Revised Code;

(3) The applicant holds either:

(a) Holds a current and valid license or registration to practice physical therapy in another state or country;

(b) Completed a physical therapist education program in a country that does not issue a physical therapist license or registration.

(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably
equivalent to the educational requirements that were in force for licensure in this state on the date of either of the following:

(a) The applicant's initial licensure or registration in the other state or country;

(b) The applicant's completion of a physical therapist education program if the country in which the education program was completed does not issue a physical therapist license or registration.

(5) The applicant pays the fee described in division (B) of section 4755.42 of the Revised Code;

(6) The applicant is not in violation of any section of this chapter or rule adopted under it.

(B) For purposes of division (A)(4) of this section, if after receiving the results of an education equivalency evaluation from a credentialing organization identified by the section pursuant to rules adopted under section 4755.411 of the Revised Code, the section determines that the applicant's education is does not reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in another state or foreign country meet the conditions of division (A)(4) of this section, the section shall send a written notice to the applicant stating that the section is denying the applicant's application and stating the specific reason why the section is denying the applicant's application. The section shall send the notice to the applicant through certified mail within thirty days after the section makes that determination.

Sec. 4755.451. (A) The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers...
board shall issue to an applicant a license as a physical therapist assistant without requiring the applicant to have passed the national examination for physical therapist assistants described in division (A) of section 4755.431 of the Revised Code within one year of filing an application described in section 4755.421 of the Revised Code if all of the following conditions are true met:

1. The applicant presents evidence satisfactory to the physical therapy section that the applicant received a score on the national physical therapy examination described in division (A) of section 4755.431 of the Revised Code that would have been a passing score according to the board in the year the applicant sat for the examination;

2. The applicant presents evidence satisfactory to the physical therapy section that the applicant passed the jurisprudence examination described in division (B) of section 4755.431 of the Revised Code;

3. The applicant holds either:
   a. Holds a current and valid license or registration to practice as a physical therapist assistant in another state or country;
   b. Completed a physical therapist assistant education program in a country that does not issue a physical therapist assistant license or registration.

4. Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of either of the following:
   a. The applicant's initial licensure or registration in the other state or country;
(b) The applicant's completion of a physical therapist assistant education program if the country in which the education program was completed does not issue a physical therapist assistant license or registration.

(5) The applicant pays the fee described in division (B) of section 4755.421 of the Revised Code;

(6) The applicant is not in violation of any section of this chapter or rule adopted under it.

(B) For purposes of division (A)(4) of this section, if, after receiving the results of an education equivalency evaluation from a credentialing organization identified by the section pursuant to rules adopted under section 4755.411 of the Revised Code, the section determines that, regardless of the results of the evaluation, the applicant's education does not reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in another state or foreign country meet the conditions of division (A)(4) of this section, the section shall send a written notice to the applicant stating that the section is denying the applicant's application and stating the specific reason why the section is denying the applicant's application. The section shall send the notice to the applicant through certified mail within thirty days after the section makes the determination.

Sec. 4755.47. (A) In accordance with Chapter 119. of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may, except as provided in division (B) of this section, refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical therapist assistant or, by an affirmative vote of not less than five
members, may limit, suspend, or revoke the license of a physical
therapist or physical therapist assistant or reprimand, fine,
place a license holder on probation, or require the license holder
to take corrective action courses, on any of the following
grounds:

(1) Habitual indulgence in the use of controlled substances,
other habit-forming drugs, or alcohol to an extent that affects
the individual's professional competency;

(2) Conviction of a felony or a crime involving moral
turpitude, regardless of the state or country in which the
conviction occurred;

(3) Obtaining or attempting to obtain a license issued by the
physical therapy section by fraud or deception, including the
making of a false, fraudulent, deceptive, or misleading statement;

(4) An adjudication by a court, as provided in section
5122.301 of the Revised Code, that the applicant or licensee is
incompetent for the purpose of holding the license and has not
thereafter been restored to legal capacity for that purpose;

(5) Subject to section 4755.471 of the Revised Code,
violation of the code of ethics adopted by the physical therapy
section;

(6) Violating or attempting to violate, directly or
indirectly, or assisting in or abetting the violation of or
conspiring to violate sections 4755.40 to 4755.56 of the Revised
Code or any order issued or rule adopted under those sections;

(7) Failure of one or both of the examinations required under
section 4755.43 or 4755.431 of the Revised Code;

(8) Permitting the use of one's name or license by a person,
group, or corporation when the one permitting the use is not
directing the treatment given;
(9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 4729.01 of the Revised Code, or failure to employ acceptable scientific methods in the selection of drugs, as defined in section 4729.01 of the Revised Code, or other modalities for treatment;

(11) Willful betrayal of a professional confidence;

(12) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of physical therapy;

(13) A departure from, or the failure to conform to, minimal standards of care required of licensees when under the same or similar circumstances, whether or not actual injury to a patient is established;

(14) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(15) Violation of the conditions of limitation or agreements placed by the physical therapy section on a license to practice;

(16) Failure to renew a license in accordance with section 4755.46 of the Revised Code;

(17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business;

(18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects
cognitive, motor, or perception skills;

(19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs;

(20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the Revised Code;

(21) Failure of a physical therapist to maintain supervision of a student, physical therapist assistant, unlicensed support personnel, other assistant personnel, or a license applicant in accordance with the requirements of sections 4755.40 to 4755.56 of the Revised Code and rules adopted under those sections;

(22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section;

(23) Conviction of a misdemeanor when the act that constitutes the misdemeanor occurs during the practice of physical therapy;

(24)(a) Except as provided in division (A)(24)(b) of this section, failure to cooperate with an investigation conducted by the physical therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a
subpoena or permits the individual to withhold the testimony or evidence at issue.

(25) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the physical therapist or physical therapist assistant:

(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;

(b) Sexual contact, as defined in section 2907.01 of the Revised Code;

(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(26) Failure to notify the physical therapy section of a change in name, business address, or home address within thirty days after the date of change;

(27) Except as provided in division (C) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay.

(28) Violation of any section of this chapter or rule adopted under it.

(B) The physical therapy section shall not refuse to issue a
license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.

(C) Sanctions shall not be imposed under division (A)(27) of this section against any individual who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the physical therapy section upon request.

(2) For professional services rendered to any other person licensed pursuant to sections 4755.40 to 4755.56 of the Revised Code to the extent allowed by those sections and the rules of the physical therapy section.

(D) When a license is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation. The physical therapy section may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement.

When a license holder is placed on probation under this section, the physical therapy section's order for placement on probation shall be accompanied by a statement of the conditions under which the individual may be removed from probation and restored to unrestricted practice.

(E) When an application for an initial or renewed license is refused under this section, the physical therapy section shall notify the applicant in writing of the section's decision to refuse issuance of a license and the reason for its decision.

(F) On receipt of a complaint that a person licensed by the
physical therapy section has committed any of the actions listed in division (A) of this section, the physical therapy section may immediately suspend the license of the physical therapist or physical therapist assistant prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the person poses an immediate threat to the public. The physical therapy section may review the allegations and vote on the suspension by telephone conference call. If the physical therapy section votes to suspend a license under this division, the physical therapy section shall issue a written order of summary suspension to the person in accordance with sections 119.05 and 119.07 of the Revised Code. If the person fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the physical therapy section shall enter a final order permanently revoking the person's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the physical therapy section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the physical therapy section pursuant to division (A) of this section becomes effective. The physical therapy section shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

**Sec. 4755.482.** (A) Except as otherwise provided in divisions (B) and (C) of this section, a person shall not teach a physical therapy theory and procedures course in physical therapy education...
without obtaining a license as a physical therapist from the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board.

(B) A person who is registered or licensed as a physical therapist under the laws of another state shall not teach a physical therapy theory and procedures course in physical therapy education for more than one year without obtaining a license as a physical therapist from the physical therapy section.

(C) A person who is registered or licensed as a physical therapist under the laws of a foreign country and is not registered or licensed as a physical therapist in any state who wishes to teach a physical therapy theory and procedures course in physical therapy education in this state, or an institution that wishes the person to teach such a course at the institution, may apply to the physical therapy section to request authorization for the person to teach such a course for a period of not more than one year. Any member of the physical therapy section may approve the person's or institution's application. No person described in this division shall teach such a course for longer than one year without obtaining a license from the physical therapy section.

(D) The physical therapy section may investigate any person who allegedly has violated this section. The physical therapy section has the same powers to investigate an alleged violation of this section as those powers specified in section 4755.02 of the Revised Code. If, after investigation, the physical therapy section determines that reasonable evidence exists that a person has violated this section, within seven days after that determination, the physical therapy section shall send serve a written notice to that person in the same manner as prescribed in sections 119.05 and 119.07 of the Revised Code for licensees, except that the notice shall specify that a hearing
will be held and specify the date, time, and place of the hearing.

The physical therapy section shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the physical therapy section, after the hearing, determines a violation has occurred, the physical therapy section may discipline the person in the same manner as the physical therapy section disciplines licensees under section 4755.47 of the Revised Code. The physical therapy section's determination is an order that the person may appeal in accordance with section 119.12 of the Revised Code.

If a person who allegedly committed a violation of this section fails to appear for a hearing, the physical therapy section may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the physical therapy section for a hearing. If the physical therapy section assesses a person a civil penalty for a violation of this section and the person fails to pay that civil penalty within the time period prescribed by the physical therapy section, the physical therapy section shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.

Sec. 4755.64. (A) In accordance with Chapter 119. of the Revised Code, the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or, except as provided in division (B) of this section, refuse to issue or renew an athletic trainers license, or reprimand, fine, or place a licensee on probation, for
any of the following:

(1) Conviction of a felony or offense involving moral turpitude, regardless of the state or country in which the conviction occurred;

(2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;

(3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;

(4) Negligence or gross misconduct in the practice of athletic training;

(5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section 4755.61 of the Revised Code;

(6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;

(7) Practicing in an area of athletic training for which the individual is untrained or incompetent, or practicing without the referral of a practitioner described in division (A) of section 4755.623 of the Revised Code;

(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;

(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;

(10) Failing the licensing examination;

(11) Aiding or abetting the unlicensed practice of athletic
(12) Denial, revocation, suspension, or restriction of
authority to practice a health care occupation, including athletic
training, for any reason other than a failure to renew, in Ohio or
another state or jurisdiction;

(13) Regardless of whether it is consensual, engaging in any
of the following with a patient other than the spouse of the
athletic trainer:

(a) Sexual conduct, as defined in section 2907.01 of the
Revised Code;

(b) Sexual contact, as defined in section 2907.01 of the
Revised Code;

(c) Verbal behavior that is sexually demeaning to the patient
or may be reasonably interpreted by the patient as sexually
demeaning;

(14) In the case of an athletic trainer who has entered into
a collaboration agreement as described in section 4755.621 of the
Revised Code, failing to practice in accordance with the
agreement.

(B) The athletic trainers section shall not refuse to issue a
license to an applicant because of a criminal conviction unless
the refusal is in accordance with section 9.79 of the Revised
Code.

(C) If the athletic trainers section places a licensee on
probation under division (A) of this section, the section's order
for placement on probation shall be accompanied by a written
statement of the conditions under which the person may be removed
from probation and restored to unrestricted practice.

(D) A licensee whose license has been revoked under division
(A) of this section may apply to the athletic trainers section for
reinstatement of the license one year following the date of revocation. The athletic trainers section may accept or deny the application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement.

(E) On receipt of a complaint that a person licensed by the athletic trainers section has committed any of the prohibited actions listed in division (A) of this section, the section may immediately suspend the license of a licensed athletic trainer prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the licensee poses an immediate threat to the public. The section may review the allegations and vote on the suspension by telephone conference call. If the section votes to suspend a license under this division, the section shall issue a written order of summary suspension to the licensed athletic trainer in accordance with sections 119.05 and 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section shall enter a final order permanently revoking the individual's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the section pursuant to division (A) of this section becomes effective. The section shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.
Sec. 4757.03. (A) There is hereby created the counselor, social worker, and marriage and family therapist board, consisting of fifteen members. The governor shall appoint the members with the advice and consent of the senate.

(1) Four members shall be individuals licensed under this chapter as licensed professional clinical counselors or licensed professional counselors. At all times, the counselor membership shall include at least one individual who has received a doctoral degree in counseling from an accredited educational institution recognized by the board and holds a graduate level teaching position in a counselor education program.

(2) Four members shall be individuals licensed under this chapter as independent marriage and family therapists or marriage and family therapists. At all times, the marriage and family therapist membership shall include one educator who holds a teaching position in a master's degree marriage and family therapy program at an accredited educational institution recognized by the board.

(3) Two members shall be individuals licensed under this chapter as independent social workers. Two members or social workers, provided that at least one member, at the time the member is appointed to the board, shall be individuals licensed under this chapter as a social workers, at least one of whom must hold a bachelor's or master's degree in social work from an accredited educational institution recognized by the board worker. At all times, the social worker membership at least one of the members appointed under this division shall include one an educator who holds a teaching position in a baccalaureate or master's degree social work program at an accredited educational institution recognized by the board.

(4) Three members shall be representatives of the general
public who have not practiced professional counseling, marriage and family therapy, or social work and have not been involved in the delivery of professional counseling, marriage and family therapy, or social work services. At least one of the members representing the general public shall be at least sixty years of age. During their terms the public members shall not practice professional counseling, marriage and family therapy, or social work or be involved in the delivery of professional counseling, marriage and family therapy, or social work services.

(B) Both of the following apply to each member specified in divisions (A)(1), (2), and (3) of this section:

(1) During the five years preceding appointment to the board, the member shall have actively engaged in the practice of the member's profession. A member holding a teaching position shall have actively engaged in the practice of the member's profession by conducting research in the member's profession or by educating and training master's, doctoral, or postdoctoral students in the member's profession, as applicable.

(2) During the two years immediately preceding appointment, the member shall have devoted the majority of their professional time to the activity described in division (B)(1) of this section while residing in this state.

(C) At least three members, one from each of the board's professional standards committees, during the five years preceding appointment, shall have practiced at a public agency or at an organization that is certified or licensed by the department of developmental disabilities, the department of alcohol and drug addiction services, the department of job and family services, or the department of mental health.

(D) Not more than eight members of the board may be members of the same political party or sex.
(E) At least one member of the board shall be of African, Native American, Hispanic, or Asian descent.

(F) Terms of office shall be three years, each term ending on the same day of the same month of the year as did the term that it succeeds. As a result of the dates of initial appointment, the number of terms expiring each year are four, five, or six.

(G) A member shall hold office from the date of appointment until the end of the term for which the member was appointed. A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office after the expiration date of the member's term until a successor takes office. Members may be reappointed, except that if a person has held office for two consecutive full terms, the person shall not be reappointed to the board sooner than one year after the expiration of the second full term as a member of the board.

Sec. 4757.361. (A) As used in this section, with regard to offenses committed in Ohio, "aggravated murder," "murder," "voluntary manslaughter," "felonious assault," "kidnapping," "rape," "sexual battery," "gross sexual imposition," "aggravated arson," "aggravated robbery," and "aggravated burglary" mean such offenses as defined in Title XXIX of the Revised Code; with regard to offenses committed in other jurisdictions, the terms mean offenses comparable to offenses defined in Title XXIX of the Revised Code.

(B) When there is clear and convincing evidence that continued practice by an individual licensed under this chapter presents a danger of immediate and serious harm to the public, as determined on consideration of the evidence by the professional standards committees of the counselor, social worker, and marriage
and family therapist board, the appropriate committee shall impose on the individual a summary suspension without a hearing.

Immediately following the decision to impose a summary suspension, the appropriate committee shall issue, serve a written order of suspension and cause it to be delivered by certified mail or in person in accordance with sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during the pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the suspension requests an adjudication, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the individual makes the request, unless another date is agreed to by both the individual and the committee imposing the suspension. The summary suspension shall remain in effect, unless reversed by the committee, until a final adjudication order issued by the committee pursuant to this section and Chapter 119. of the Revised Code becomes effective.

The committee shall issue its final adjudication order within ninety days after completion of the adjudication. If the committee does not issue a final order within the ninety-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the ninety-day period shall not be affected.

(C) The license issued to an individual under this chapter is automatically suspended on that individual's conviction of, plea of guilty to, or judicial finding with regard to any of the following: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. The suspension shall remain in effect from the date of the conviction, plea, or finding until an adjudication is held under Chapter 119. of the Revised Code. If the appropriate committee has knowledge that an automatic suspension has occurred,
it shall notify the individual subject to the suspension. If the individual is notified and either fails to request an adjudication within the time periods established by Chapter 119. of the Revised Code or fails to participate in the adjudication, the committee shall enter a final order permanently revoking the person's license or certificate.

Sec. 4759.07. (A) The state medical board, by an affirmative vote of not fewer than six members, shall, except as provided in division (B) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license or limited permit, refuse to issue a license or limited permit to an individual, refuse to renew a license or limited permit, refuse to reinstate a license or limited permit, or reprimand or place on probation the holder of a license or limited permit for one or more of the following reasons:

(1) Except when civil penalties are imposed under section 4759.071 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the rules adopted by the board;

(2) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of dietetics; or in securing or attempting to secure any license or permit issued by the board under this chapter.

As used in division (A)(2) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications
that in reasonable probability will cause an ordinarily prudent
person to misunderstand or be deceived.

(3) Committing fraud during the administration of the
examination for a license to practice or committing fraud,
misrepresentation, or deception in applying for, renewing, or
securing any license or permit issued by the board;

(4) A plea of guilty to, a judicial finding of guilt of, or a
judicial finding of eligibility for intervention in lieu of
conviction for, a felony;

(5) Commission of an act that constitutes a felony in this
state, regardless of the jurisdiction in which the act was
committed;

(6) A plea of guilty to, a judicial finding of guilt of, or a
judicial finding of eligibility for intervention in lieu of
conviction for, a misdemeanor committed in the course of practice;

(7) Commission of an act in the course of practice that
constitutes a misdemeanor in this state, regardless of the
jurisdiction in which the act was committed;

(8) A plea of guilty to, a judicial finding of guilt of, or a
judicial finding of eligibility for intervention in lieu of
conviction for, a misdemeanor involving moral turpitude;

(9) Commission of an act involving moral turpitude that
constitutes a misdemeanor in this state, regardless of the
jurisdiction in which the act was committed;

(10) A record of engaging in incompetent or negligent conduct
in the practice of dietetics;

(11) A departure from, or failure to conform to, minimal
standards of care of similar practitioners under the same or
similar circumstances, whether or not actual injury to a patient
is established;
(12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(13) Violation of the conditions of limitation placed by the board on a license or permit;

(14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs;

(17) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (A)(11), (12), or (14) of this section;

(18) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(19) Failure to cooperate in an investigation conducted by
the board under division (B) of section 4759.05 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(20) Representing with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured.

(B) The board shall not refuse to issue a license or limited permit to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(C) Any action taken by the board under division (A) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or permit may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or permit suspended pursuant to division (A) of this section requires an affirmative vote of not fewer than six members of the board.

(D) When the board refuses to grant or issue a license or permit to an applicant, revokes an individual's license or permit, refuses to renew an individual's license or permit, or refuses to reinstate an individual's license or permit, the board may specify that its action is permanent. An individual subject to a permanent
action taken by the board is forever thereafter ineligible to hold a license or permit and the board shall not accept an application for reinstatement of the license or permit or for issuance of a new license or permit.

(E) Disciplinary actions taken by the board under division (A) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

(F) In enforcing division (A)(14) of this section, the board, upon a showing of a possible violation, may compel any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of
testimony or presentation of evidence. If the board finds an individual unable to practice because of the reasons set forth in division (A)(14) of this section, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or permit. For the purpose of division (A)(14) of this section, any individual who applies for or receives a license or permit under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(G) For the purposes of division (A)(18) of this section, any individual authorized to practice by this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license or permit under this chapter, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination reports that constitute privileged communications.

If it has reason to believe that any individual authorized to practice by this chapter or any applicant for a license or permit suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual.
compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board. Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or permit or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license or permit, to submit to treatment.

Before being eligible to apply for reinstatement of a license or permit suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or permit. The demonstration shall include, but shall not be limited to, the following:

(1) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(2) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(3) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the
assessments and shall describe the basis for their determination.

The board may reinstate a license or permit suspended under this division after that demonstration and after the individual has entered into a written consent agreement.

When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety.

(H) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or permit without a prior hearing:

(1) That there is clear and convincing evidence that an individual has violated division (A) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or permit without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal.
filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(I) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) of this section.

(J) For purposes of divisions (A)(5), (7), and (9) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues
an order of dismissal upon technical or procedural grounds.

(K) The sealing or expungement of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(L) If the board takes action under division (A)(4), (6), or (8) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition for reconsideration and supporting court documents, the board shall reinstate the individual's license or permit. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of an opportunity for a hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act or if no hearing is requested, the board may order any of the sanctions identified under division (A) of this section.

(M) The license or permit issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in
lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after suspension shall be considered practicing without a license or permit.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section sections 119.05 and 119.07 of the Revised Code. If an individual whose license or permit is automatically suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license or permit.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license or permit issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or permit surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a license or permit made under the provisions of this chapter may not be withdrawn without approval of the board.
(3) Failure by an individual to renew a license or permit in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

Sec. 4760.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as an anesthesiologist assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as an anesthesiologist assistant, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as an anesthesiologist assistant.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

(17) Any of the following actions taken by the state agency responsible for regulating the practice of anesthesiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(18) Violation of the conditions placed by the board on a license to practice;
(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(20) Failure to cooperate in an investigation conducted by the board under section 4760.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(21) Failure to comply with any code of ethics established by the national commission for the certification of anesthesiologist assistants;

(22) Failure to notify the state medical board of the revocation or failure to maintain certification from the national commission for certification of anesthesiologist assistants.

(C) The board shall not refuse to issue a certificate to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an anesthesiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall
constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(E) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(F) The sealing or expungement of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(G) For purposes of this division, any individual who holds a license to practice issued under this chapter, or applies for a license to practice, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.
(1) In enforcing division (B)(5) of this section, the board, on a showing of a possible violation, may compel any individual who holds a license to practice issued under this chapter or who has applied for a license to practice pursuant to this chapter to submit to a mental or physical examination, or both. A physical examination may include an HIV test. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an anesthesiologist assistant unable to practice because of the reasons set forth in division (B)(5) of this section, the board shall require the anesthesiologist assistant to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed license to practice. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a license to practice issued under this chapter or any applicant for a license to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.
Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a license suspended under this division, the anesthesiologist assistant shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired anesthesiologist assistant resumes practice, the board shall require continued monitoring of the
anesthesiologist assistant. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the anesthesiologist assistant has maintained sobriety.

(H) If the secretary and supervising member determine that there is clear and convincing evidence that an anesthesiologist assistant has violated division (B) of this section and that the individual's continued practice presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's license without a prior hearing. Written allegations shall be prepared for consideration by the board.

The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue serve a written order of suspension by certified mail or in person in accordance with sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the anesthesiologist assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the anesthesiologist assistant requests the hearing, unless otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative
order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the license to practice. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions specified in division (B) of this section.

(J) The license to practice of an anesthesiologist assistant and the assistant's practice in this state are automatically suspended as of the date the anesthesiologist assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault,
kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.

The board shall notify serve the individual subject to the suspension by certified mail or in person in accordance with section sections 119.05 and 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license to practice.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the anesthesiologist assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to practice as an anesthesiologist assistant to an applicant, revokes an individual's license, refuses to renew an individual's license,
or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as an anesthesiologist assistant and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license to practice issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license to practice in accordance with section 4760.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

Sec. 4761.09. (A) The state medical board, by an affirmative vote of not fewer than six members, shall, except as provided in division (B) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license or limited permit, refuse to issue a license or limited permit to an individual, refuse to renew a license or limited permit, refuse to reinstate a license or limited permit, or reprimand or place on probation the holder of a license or limited permit for one or more of the following reasons:

(1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;
(2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(3) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(4) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(5) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(6) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(7) Except when civil penalties are imposed under section 4761.091 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the rules adopted by the board;

(8) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of respiratory care; or in securing or attempting to secure any license or permit issued by the board under this chapter.

As used in division (A)(8) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications...
that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board;

(10) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(11) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care;

(12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(13) Violation of the conditions of limitation placed by the board upon a license or permit;

(14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;
(16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs;

(17) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (A)(10), (12), or (14) of this section;

(18) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(19) Failure to cooperate in an investigation conducted by the board under division (E) of section 4761.03 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(20) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code;

(21) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures;

(22) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the
(23) Assisting suicide as defined in section 3795.01 of the Revised Code;

(24) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured.

Disciplinary actions taken by the board under division (A) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

(B) The board shall not refuse to issue a license or limited permit to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(C) Any action taken by the board under division (A) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which
the individual's license or permit may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or permit suspended pursuant to division (A) of this section requires an affirmative vote of not fewer than six members of the board.

(D) When the board refuses to grant or issue a license or permit to an applicant, revokes an individual's license or permit, refuses to renew an individual's license or permit, or refuses to reinstate an individual's license or permit, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or permit and the board shall not accept an application for reinstatement of the license or permit or for issuance of a new license or permit.

(E) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) of this section.

(F) In enforcing division (A)(14) of this section, the board, upon a showing of a possible violation, may compel any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an
admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an individual unable to practice because of the reasons set forth in division (A)(14) of this section, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or permit. For the purpose of division (A)(14) of this section, any individual who applies for or receives a license or permit to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(G) For the purposes of division (A)(18) of this section, any individual authorized to practice by this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license or permit under this chapter, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination reports that constitute privileged communications.

If it has reason to believe that any individual authorized to practice by this chapter or any applicant for a license or permit
suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or permit or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license or permit, to submit to treatment.

Before being eligible to apply for reinstatement of a license or permit suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or permit. The demonstration shall include, but shall not be limited to, the following:

(1) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(2) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(3) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has
been found capable of practicing according to acceptable and
prevailing standards of care. The reports shall be made by
individuals or providers approved by the board for making the
assessments and shall describe the basis for their determination.

The board may reinstate a license or permit suspended under
this division after that demonstration and after the individual
has entered into a written consent agreement.

When the impaired practitioner resumes practice, the board
shall require continued monitoring of the individual. The
monitoring shall include, but not be limited to, compliance with
the written consent agreement entered into before reinstatement or
with conditions imposed by board order after a hearing, and, upon
termination of the consent agreement, submission to the board for
at least two years of annual written progress reports made under
penalty of perjury stating whether the individual has maintained
sobriety.

(H) If the secretary and supervising member determine both of
the following, they may recommend that the board suspend an
individual's license or permit without a prior hearing:

(1) That there is clear and convincing evidence that an
individual has violated division (A) of this section;

(2) That the individual's continued practice presents a
danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by
the board. The board, upon review of those allegations and by an
affirmative vote of not fewer than six of its members, excluding
the secretary and supervising member, may suspend a license or
permit without a prior hearing. A telephone conference call may be
utilized for reviewing the allegations and taking the vote on the
summary suspension.

The board shall issue serve a written order of suspension by
certified mail or in person in accordance with sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(I) For purposes of divisions (A)(2), (4), and (6) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.

(J) The sealing or expungement of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in
lieu of conviction, the board issued a notice of opportunity for a
hearing prior to the court's order to seal or expunge the records.
The board shall not be required to seal, destroy, redact, or
otherwise modify its records to reflect the court's sealing or
expungement of conviction records.

(K) If the board takes action under division (A)(1), (3), or
(5) of this section, and the judicial finding of guilt, guilty
plea, or judicial finding of eligibility for intervention in lieu
of conviction is overturned on appeal, upon exhaustion of the
criminal appeal, a petition for reconsideration of the order may
be filed with the board along with appropriate court documents.
Upon receipt of a petition for reconsideration and supporting
court documents, the board shall reinstate the individual's
license or permit. The board may then hold an adjudication under
Chapter 119. of the Revised Code to determine whether the
individual committed the act in question. Notice of an opportunity
for a hearing shall be given in accordance with Chapter 119. of
the Revised Code. If the board finds, pursuant to an adjudication
held under this division, that the individual committed the act or
if no hearing is requested, the board may order any of the
sanctions identified under division (A) of this section.

(L) The license or permit issued to an individual under this
chapter and the individual's practice in this state are
automatically suspended as of the date the individual pleads
guilty to, is found by a judge or jury to be guilty of, or is
subject to a judicial finding of eligibility for intervention in
lieu of conviction in this state or treatment or intervention in
lieu of conviction in another jurisdiction for any of the
following criminal offenses in this state or a substantially
equivalent criminal offense in another jurisdiction: aggravated
murder, murder, voluntary manslaughter, felonious assault,
kidnapping, rape, sexual battery, gross sexual imposition,
aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after suspension shall be considered practicing without a license or permit.

The board shall notify serve the individual subject to the suspension by certified mail or in person in accordance with section sections 119.05 and 119.07 of the Revised Code. If an individual whose license or permit is automatically suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license or permit.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license or permit issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or permit surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a license or permit made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license or permit in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that...
the board has suspended, revoked, or permanently revoked.

Sec. 4762.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely
affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was
committed;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

(18) Any of the following actions taken by the state agency responsible for regulating the practice of oriental medicine or acupuncture in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(19) Violation of the conditions placed by the board on a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist;

(20) Failure to use universal blood and body fluid
precautions established by rules adopted under section 4731.051 of the Revised Code;

(21) Failure to cooperate in an investigation conducted by the board under section 4762.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(22) Failure to comply with the standards of the national certification commission for acupuncture and oriental medicine regarding professional ethics, commitment to patients, commitment to the profession, and commitment to the public;

(23) Failure to have adequate professional liability insurance coverage in accordance with section 4762.22 of the Revised Code;

(24) Failure to maintain a current and active designation as a diplomate in oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate in acupuncture, as applicable, from the national certification commission for acupuncture and oriental medicine, including revocation by the commission of the individual's designation, failure by the individual to meet the commission's requirements for redesignation, or failure to notify the board that the appropriate designation has not been maintained.

(C) The board shall not refuse to issue a certificate to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in
accordance with section 9.79 of the Revised Code.

(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an oriental medicine practitioner or acupuncturist or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(E) For purposes of divisions (B)(12), (15), and (16) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal upon technical or procedural grounds.

(F) The sealing or expungement of conviction records by any court shall have no effect upon a prior board order entered under the provisions of this section or upon the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing or entered into a consent agreement prior to the court's order to seal or expunge.
the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(G) For purposes of this division, any individual who holds a license to practice issued under this chapter, or applies for a license to practice, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, upon a showing of a possible violation, may compel any individual who holds a license to practice issued under this chapter or who has applied for a license pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an oriental medicine practitioner or acupuncturist unable to practice because of the reasons set forth in division (B)(5) of this section, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed license to practice. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.
(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a license to practice issued under this chapter or any applicant for a license suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license, to submit to treatment.

Before being eligible to apply for reinstatement of a license suspended under this division, the oriental medicine practitioner or acupuncturist shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's
ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired individual resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the individual has maintained sobriety.

(H) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license to practice without a prior hearing:

(1) That there is clear and convincing evidence that an oriental medicine practitioner or acupuncturist has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the
summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the oriental medicine practitioner or acupuncturist requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the hearing is requested, unless otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition and supporting court documents, the board shall reinstate the license. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual
committed the act, or if no hearing is requested, it may order any
of the sanctions specified in division (B) of this section.

(J) The license to practice of an oriental medicine
practitioner or acupuncturist and the practitioner's or
acupuncturist's practice in this state are automatically suspended
as of the date the practitioner or acupuncturist pleads guilty to,
is found by a judge or jury to be guilty of, or is subject to a
judicial finding of eligibility for intervention in lieu of
conviction in this state or treatment or intervention in lieu of
conviction in another jurisdiction for any of the following
criminal offenses in this state or a substantially equivalent
criminal offense in another jurisdiction: aggravated murder,
murder, voluntary manslaughter, felonious assault, kidnapping,
rape, sexual battery, gross sexual imposition, aggravated arson,
aggravated robbery, or aggravated burglary. Continued practice
after the suspension shall be considered practicing without a
license.

The board shall notify serve the individual subject to the
suspension by certified mail or in person in accordance with
sections 119.05 and 119.07 of the Revised Code. If an
individual whose license is suspended under this division fails to
make a timely request for an adjudication under Chapter 119. of
the Revised Code, the board shall enter a final order permanently
revoking the individual's license.

(K) In any instance in which the board is required by Chapter
119. of the Revised Code to give notice of opportunity for hearing
and the individual subject to the notice does not timely request a
hearing in accordance with section 119.07 of the Revised Code, the
board is not required to hold a hearing, but may adopt, by an
affirmative vote of not fewer than six of its members, a final
order that contains the board's findings. In the final order, the
board may order any of the sanctions identified under division (A)
or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license in accordance with section 4762.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this
Sec. 4763.05. (A)(1)(a) A person shall make application for an initial state-certified general real estate appraiser certificate, an initial state-certified residential real estate appraiser certificate, an initial state-licensed residential real estate appraiser license, or an initial state-registered real estate appraiser assistant registration in writing to the superintendent of real estate on a form the superintendent prescribes. The application shall include the address of the applicant's principal place of business and all other addresses at which the applicant currently engages in the business of performing real estate appraisals and the address of the applicant's current residence. The superintendent shall retain the applicant's current residence address in a separate record which does not constitute a public record for purposes of section 149.43 of the Revised Code. The application shall indicate whether the applicant seeks certification as a general real estate appraiser or as a residential real estate appraiser, licensure as a residential real estate appraiser, or registration as a real estate appraiser assistant and be accompanied by the prescribed examination and certification, registration, or licensure fees set forth in section 4763.09 of the Revised Code. The application also shall include a pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter; and a statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter.

(b) Upon the filing of an application and payment of any examination and certification, registration, or licensure fees, the superintendent of real estate shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check
based on the applicant's fingerprints in accordance with section 109.572 of the Revised Code. Notwithstanding division (K)(L) of section 121.08 of the Revised Code, the superintendent of real estate shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the applicant.

(2) For purposes of providing funding for the real estate appraiser recovery fund established by section 4763.16 of the Revised Code, the real estate appraiser board shall levy an assessment against each person issued an initial certificate, registration, or license and against current licensees, registrants, and certificate holders, as required by board rule. The assessment is in addition to the application and examination fees for initial applicants required by division (A)(1) of this section and the renewal fees required for current certificate holders, registrants, and licensees. The superintendent of real estate shall deposit the assessment into the state treasury to the credit of the real estate appraiser recovery fund. The assessment for initial certificate holders, registrants, and licensees shall be paid prior to the issuance of a certificate, registration, or license, and for current certificate holders, registrants, and licensees, at the time of renewal.

(B) An applicant for an initial general real estate appraiser certificate, residential real estate appraiser certificate, or residential real estate appraiser license shall possess experience in real estate appraisal as the board prescribes by rule. In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or
the board, shall make available for examination a sample of the appraisal reports prepared by the applicant in the course of the applicant's practice.

(C) An applicant for an initial certificate, registration, or license shall be at least eighteen years of age, honest, and truthful and shall present satisfactory evidence to the superintendent that the applicant has successfully completed any education requirements the board prescribes by rule.

(D) An applicant for an initial general real estate appraiser or residential real estate appraiser certificate or residential real estate appraiser license shall take and successfully complete a written examination in order to qualify for the certificate or license.

The board shall prescribe the examination requirements by rule.

(E)(1) A person who has obtained a residential real estate appraiser license, a residential real estate appraiser certificate, or a general real estate appraiser certificate from another state may apply to obtain a license or certificate issued under this chapter provided the state that issued the license or certificate has requirements that meet or exceed the requirements found in this chapter. The board shall adopt rules relating to this division. The application for obtaining a license or certificate under this division may include any of the following:

(a) A pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter;

(b) A statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter;

(c) A consent to service of process.
(2)(a) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply:

(i) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction.

(ii) The appraiser's business in this state is of a temporary nature.

(iii) The appraiser registers with the board pursuant to this division.

(b) An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction.

(c) The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal assignment in this state. The board shall not issue more than two registrations for temporary practice to any one applicant in any calendar year. The application for obtaining a registration under this division may include any of the following:

(i) A pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter;

(ii) A statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter;

(iii) A consent to service of process.

(3) The board may enter into reciprocal agreements with other
states. The board shall prescribe reciprocal agreement requirements by rule.

(F) The superintendent shall not issue a certificate, registration, or license to, or recognize on a temporary basis an appraiser from another state that is a corporation, partnership, or association. This prohibition shall not be construed to prevent a certificate holder or licensee from signing an appraisal report on behalf of a corporation, partnership, or association.

(G) Every person licensed, registered, or certified under this chapter shall notify the superintendent, on a form provided by the superintendent, of a change in the address of the licensee's, registrant's, or certificate holder's principal place of business or residence within thirty days of the change. If a licensee's, registrant's, or certificate holder's license, registration, or certificate is revoked or not renewed, the licensee, registrant, or certificate holder immediately shall return the annual and any renewal certificate, registration, or license to the superintendent.

(H)(1) The superintendent shall not issue a certificate, registration, or license to any person, or recognize on a temporary basis an appraiser from another state, who does not meet applicable minimum criteria for state certification, registration, or licensure prescribed by federal law or rule.

(2) The superintendent shall not refuse to issue a general real estate appraiser certificate, residential real estate appraiser certificate, residential real estate appraiser license, or real estate appraiser assistant registration to any person because of a conviction of or plea of guilty to any criminal offense unless the refusal is in accordance with section 9.79 of the Revised Code.

**Sec. 4763.11.** (A) Within ten business days after a person
files a written complaint against a person certified, registered, or licensed under this chapter with the division of real estate, the superintendent of real estate shall acknowledge receipt of the complaint by sending notice to the certificate holder, registrant, or licensee that includes a copy of the complaint. The acknowledgement to the complainant and the notice to the certificate holder, registrant, or licensee may state that an informal mediation meeting will be held with the complainant, the certificate holder, registrant, or licensee, and an investigator from the investigation and audit section of the division, if the complainant and certificate holder, registrant, or licensee both file a request for such a meeting within twenty calendar days after the acknowledgment and notice are mailed.

(B) If the complainant and certificate holder, registrant, or licensee both file with the division requests for an informal mediation meeting, the superintendent shall notify the complainant and certificate holder, registrant, or licensee of the date of the meeting, by regular mail. If the complainant and certificate holder, registrant, or licensee reach an accommodation at an informal mediation meeting, the investigator shall report the accommodation to the superintendent, the complainant, and the certificate holder, registrant, or licensee and the complaint file shall be closed upon the superintendent receiving satisfactory notice that the accommodation has been fulfilled.

(C) If the complainant and certificate holder, registrant, or licensee fail to agree to an informal mediation meeting or fail to reach an accommodation agreement, or fail to fulfill an accommodation agreement, the superintendent shall assign the complaint to an investigator for an investigation into the conduct of the certificate holder, registrant, or licensee against whom the complaint is filed.
(D) Upon the conclusion of the investigation, the investigator shall file a written report of the results of the investigation with the superintendent. The superintendent shall review the report and determine whether there exists reasonable and substantial evidence of a violation of division (G) of this section by the certificate holder, registrant, or licensee.

(1) If the superintendent finds evidence exists showing a violation of division (G) of this section by a certificate holder, registrant, or licensee, the superintendent shall notify the complainant and certificate holder, registrant, or licensee of the determination. The certificate holder, registrant, or licensee may enter into a settlement agreement with the superintendent. The settlement agreement is subject to board approval, and the board shall prescribe requirements by rule for such settlement agreements. The certificate holder, registrant, or licensee may request a hearing pursuant to Chapter 119. of the Revised Code. If a formal hearing is conducted, the hearing examiner shall file a report that contains findings of fact and conclusions of law with the division hearing administrator. The division hearing administrator shall serve the hearing examiner report on the superintendent, the assistant attorney general representing the superintendent in the matter, the board, the complainant and the certificate holder, licensee, or registrant, and if applicable, counsel representing the complainant, certificate holder, licensee, or registrant. Service of the hearing examiner report on the complainant and on the certificate holder, licensee, or registrant shall comply with division (K) of this section. Service of the hearing examiner's report on the superintendent, the assistant attorney general representing the superintendent in the matter, and the board shall be by either regular mail or electronic means. Service of the hearing examiner report on counsel representing the complainant, certificate holder, licensee, or registrant shall be by regular mail.
Within ten calendar days of receipt by the assistant attorney general representing the superintendent of the copy of the hearing examiner's report served by the division hearing administrator, the assistant attorney general may file with the board written objections to the hearing examiner's report, which shall be considered by the board before approving, modifying, or rejecting the hearing examiner's report. Within ten calendar days of receipt by the certificate holder, licensee, or registrant of the copy of the hearing examiner's report served by the division hearing administrator, the certificate holder, licensee, or registrant may file with the board written objections to the hearing examiner's report, which shall be considered by the board before approving, modifying, or rejecting the hearing examiner's report. Within ten calendar days of receipt by the superintendent of the copy of the hearing examiner's report served by the division hearing administrator, the superintendent may grant an extension of time to file written objections to the hearing examiner's report for good cause shown.

(2) If the superintendent finds, following the conclusion of the investigation, that evidence does not exist showing a violation of division (G) of this section by the certificate holder, registrant, or licensee, the superintendent shall notify the complainant and certificate holder, registrant, or licensee of that determination and the basis for the determination. Within fifteen business days after the superintendent notifies the complainant and certificate holder, registrant, or licensee that such evidence does not exist, the complainant may file with the division a request that the real estate appraiser board review the determination. If the complainant files such request, the board shall review the determination at the next regularly scheduled meeting held at least fifteen business days after the request is filed but no longer than six months after the request is filed. The board may hear the testimony of the complainant, certificate holder, registrant, or licensee.
holder, registrant, or licensee at the meeting upon the request of that party. If the board affirms the determination of the superintendent, the superintendent shall notify the complainant and the certificate holder, registrant, or licensee within five business days thereafter. If the board reverses the determination of the superintendent, the matter shall be returned to the superintendent for additional investigation or review.

(E) The board shall review the hearing examiner's report and the evidence at the next regularly scheduled board meeting held at least fifteen business days after receipt of the examiner's report. The board may hear the testimony of the complainant, certificate holder, registrant, or licensee upon request. If the complainant is the Ohio civil rights commission, the board shall review the complaint.

(F) If the board determines that a licensee, registrant, or certificate holder has violated this chapter for which disciplinary action may be taken under division (G) of this section, after review of the hearing examiner's report and the evidence as provided in division (E) of this section, or after review of a settlement agreement entered into pursuant to division (D)(1) of this section, the board shall order the disciplinary action the board considers appropriate, which may include, but is not limited to, any of the following:

(1) Reprimand of the certificate holder, registrant, or licensee;

(2) Imposition of a fine, not exceeding, two thousand five hundred dollars per violation;

(3) Requirement of the completion of additional education courses. Any course work imposed pursuant to this section shall not count toward continuing education requirements or prelicense or precertification requirements set forth in section 4763.05 of
the Revised Code.

(4) Suspension of the certificate, registration, or license for a specific period of time;

(5) Revocation or surrender of the certificate, registration, or license.

The decision and order of the board is final, except that following the review of the hearing examiner report and the evidence as provided in division (E) of this section, the decision and order of the board is subject to review in the manner provided for in Chapter 119. of the Revised Code and appeal to any court of common pleas. If the board orders a disciplinary action as provided in division (F)(2) or (3) of this section, the superintendent may grant an extension of time to satisfy the board-ordered disciplinary action for good cause shown.

(G) The board shall take any disciplinary action authorized by this section against a certificate holder, registrant, or licensee or an applicant who obtains a certificate, registration, or license pursuant to this chapter who is found to have committed any of the following acts, omissions, or violations:

(1) As an applicant, procuring or attempting to procure a certificate, registration, or license pursuant to section 4763.05, 4763.06, or 4763.07 of the Revised Code by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification, registration, or licensure, or by any means of fraud or misrepresentation;

(2) Paying, or attempting to pay, anything of value, other than the fees or assessments required by this chapter, to any member or employee of the board for the purpose of procuring a certificate, registration, or license;

(3) In a criminal proceeding, being convicted of or pleading
guilty or no contest to a felony; a crime involving moral
turpitude; or a crime involving theft, receiving stolen property,
embezzlement, forgery, fraud, passing bad checks, money
laundering, drug trafficking, or any criminal offense involving
money or securities, including a violation of an existing or
former law of this state, any other state, or the United States
that is substantially equivalent to such an offense;

(4) Dishonesty, fraud, or misrepresentation, with the intent
to either benefit the certificate holder, registrant, or licensee
or another person or injure another person;

(5) Violation of any of the standards for the development,
preparation, communication, or reporting of an appraisal report
set forth in this chapter and rules of the board;

(6) Failure or refusal to exercise reasonable diligence in
developing, preparing, or communicating an appraisal report;

(7) Negligence or incompetence in developing, preparing,
communicating, or reporting an appraisal report;

(8) Violating this chapter or the rules adopted thereunder;

(9) Accepting an appraisal assignment where the employment is
contingent upon the appraiser preparing or reporting a
predetermined estimate, analysis, or opinion, or where the fee to
be paid for the appraisal is contingent upon the opinion,
conclusion, or valuation attained or upon the consequences
resulting from the appraisal assignment;

(10) Violating the confidential nature of governmental
records to which the certificate holder, registrant, or licensee
gained access through employment or engagement as an appraiser by
a governmental agency;

(11) Entry of final judgment against the certificate holder,
registrant, or licensee on the grounds of fraud, deceit,
misrepresentation, or gross negligence in performing any appraisal of real estate;

(12) Violating any federal or state civil rights law;

(13) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any appraisal or specialized service;

(14) Failing to provide copies of records to the superintendent or failing to maintain records as required by section 4763.14 of the Revised Code. Failure of a certificate holder, licensee, or registrant to comply with a subpoena issued under division (C)(1) of section 4763.03 of the Revised Code is prima-facie evidence of a violation of division (G)(14) of section 4763.11 of the Revised Code.

(15) Failing to provide notice to the board as required in division (I) of this section;

(16) In the case of a certificate holder acting as a supervisory appraiser, refusing to sign an appraiser experience log required by rule for a person making application for an initial state-certified general real estate appraiser certificate, state-certified residential real estate appraiser certificate, or state-licensed residential real estate appraiser license, unless there is reasonable and substantial evidence that there is false information contained within the log;

(17) Being sanctioned or disciplined in another jurisdiction as a real estate appraiser;

(18) Failing to provide assistance, whenever possible, to the members and staff of the board or to the division of real estate in the enforcement of this chapter and the rules adopted under it.

(H) The board immediately shall notify the superintendent of
real estate of any disciplinary action taken under this section against a certificate holder, registrant, or licensee who also is licensed under Chapter 4735. of the Revised Code, and also shall notify any other federal, state, or local agency and any other public or private association that the board determines is responsible for licensing or otherwise regulating the professional or business activity of the appraiser. Additionally, the board shall notify the complainant and any other party who may have suffered financial loss because of the certificate holder's, registrant's, or licensee's violations, that the complainant or other party may sue for recovery under section 4763.16 of the Revised Code. The notice provided under this division shall specify the conduct for which the certificate holder, registrant, or licensee was disciplined and the disciplinary action taken by the board and the result of that conduct.

(I) A certificate holder, registrant, or licensee shall notify the board within fifteen days of the agency's issuance of an order revoking or permanently surrendering any professional license, certificate, or registration by any public entity other than the division of real estate. A certificate holder, registrant, or licensee who is convicted of or pleads guilty or no contest to a crime as described in division (G)(3) of this section shall notify the board of the conviction or plea within fifteen days of the conviction or plea.

(J) If the board determines that a certificate holder, registrant, or licensee has violated this chapter for which disciplinary action may be taken under division (G) of this section as a result of an investigation conducted by the superintendent upon the superintendent's own motion or upon the request of the board, the superintendent shall notify the certificate holder, registrant, or licensee of the certificate holder's, registrant's, or licensee's right to a hearing pursuant
to Chapter 119. of the Revised Code and, if applicable, to an appeal of a final determination of such administrative proceedings to any court of common pleas.

(K) Notwithstanding sections 119.05 and 119.07 of the Revised Code, acknowledgment of complaint notices issued under division (A) of this section and continuance notices associated with hearings conducted under this section may be sent by regular mail and a certificate of mailing shall be obtained for the notices. All other notices issued to a complainant and to a certificate holder, registrant, licensee, or other party pursuant to this section shall be mailed via certified mail, return receipt requested. When any notice is sent by certified mail, return receipt requested, and is returned because the notice was unclaimed, then that notice is deemed served if the superintendent subsequently sends the notice by regular mail and a certificate of mailing is obtained for the notice. If a notice, whether sent by certified mail, return receipt requested, or by regular mail with a certificate of mailing, is returned for failure of delivery, then the superintendent shall make personal delivery of the notice by an employee or agent of the department of commerce or shall cause a summary of the substantive provisions of the notice to be published once a week for three consecutive weeks in a newspaper of general circulation in the county where the last known address of the party is located. When notice is given by publication, a proof of publication affidavit, with the first publication of the notice set forth in the affidavit, shall be mailed by regular mail to the party at the party's last known address. The notice shall be deemed received as of the date of the last publication of the summary. An employee or agent of the department of commerce may make personal delivery of the notice upon the party at any time. Refusal of delivery by personal service or by mail is not failure of delivery and service is deemed to be complete. Failure of delivery occurs only when a mailed notice is returned by the
postal authorities marked undeliverable, address or addressee unknown, or forwarding address unknown or expired.

Sec. 4763.15. Except for moneys required to be transferred into the real estate appraiser recovery fund pursuant to section 4763.16 of the Revised Code or as required pursuant to this section, the superintendent of real estate may deposit all fees collected under this chapter into the state treasury to the credit of the real estate appraiser operating fund, which is hereby created under section 4735.211 of the Revised Code. All operating expenses of the real estate appraiser board and the superintendent of real estate relating to the administration and enforcement of this chapter and Chapter 4768. of the Revised Code shall be paid from this the real estate operating fund. The fund shall be assessed a proportionate share of the administrative cost of the department of commerce in accordance with procedures prescribed by the director of commerce, and the assessment shall be paid from the operating fund to the division of administration fund.

If, in any biennium, the director of commerce determines that moneys in the operating fund exceed those necessary to fund the activities of the board and of the superintendent of real estate that relate to this chapter and Chapter 4768. of the Revised Code, the director may pay the excess funds to the real estate appraiser recovery fund.

Sec. 4763.16. (A) The real estate appraiser recovery fund is hereby created in the state treasury, to be administered by the superintendent of real estate. The treasurer of state shall credit to the fund amounts collected by the superintendent as prescribed in this section and interest earned on the assets of the fund. The superintendent shall ascertain the balance of the fund as of the first day of October of each year. If that balance is less than two hundred thousand dollars at any time, the director of budget
and management, upon the request of the superintendent and
approval of the controlling board, may transfer from the real
estate appraiser operating fund created under section 4735.211 of
the Revised Code to the real estate appraiser recovery fund a sum
as will bring the real estate appraiser recovery fund to that
amount.

(B) When any person obtains a final judgment in any court of
competent jurisdiction against a certificate holder, registrant,
or licensee, based upon conduct that is in violation of this
chapter or the rules adopted under it, which conduct occurred on
or after the date of their certification, registration, or
licensure, and that is associated with an act or transaction of a
certificate holder, registrant, or licensee specified in this
chapter, that person may file a verified complaint, as described
in this division, in the Franklin county court of common pleas for
an order directing payment out of the real estate appraiser
recovery fund of the portion of the judgment that remains unpaid
and that represents the actual and direct loss of the person for
the act or transaction upon which the underlying judgment was
based, and court costs, if awarded in the underlying judgment,
provided that no person shall receive more than ten thousand
dollars from the fund for any one judgment. A bonding or insurance
company or any partnership, corporation, or association that uses
any tool to develop a valuation of real property for purposes of a
loan or that employs, retains, or engages as an independent
contractor a person licensed, registered, or certified as a real
estate appraiser in its usual or occasional operations may not
seek an order directing, and is not eligible for, payment out of
the fund. Punitive or exemplary damages are not recoverable from
the fund.

The complaint shall specify the nature of the act or
transaction upon which the underlying judgment was based, the
activities of the applicant in pursuit of remedies available under law for the collection of judgments, and the amount of the fee paid by the applicant to the certificate holder, registrant, or licensee. The applicant shall attach to the complaint a copy of each pleading and order in the underlying court action.

The Franklin county court of common pleas shall order the superintendent to make payments out of the fund when the person seeking the order has shown all of the following:

(1) The person has obtained a judgment, as provided in this division;

(2) All appeals from the judgment have been exhausted and the person has given notice to the superintendent, as required by division (C) of this section;

(3) The person is not a spouse of the certificate holder, registrant, or licensee, or the personal representative of the spouse;

(4) The person has diligently pursued the person's remedies against all the certificate holders, registrants, licensees, and all other persons liable to the person in the transaction for which the person seeks recovery from the fund;

(5) The person is making a complaint not more than one year after termination of all proceedings, including appeals, in connection with the judgment.

(C) A person who applies to the Franklin county court of common pleas for an order directing payment out of the fund shall file notice of the complaint with the superintendent. The superintendent shall send notice to the affected certificate holder, registrant, or licensee, where possible. The superintendent may defend the action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses.
move the court at any time to dismiss the complaint when it appears there are no triable issues and the complaint is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the complaint, including the judgment referred to in the complaint, does not form the basis for a meritorious recovery claim. The superintendent may, subject to court approval, compromise a claim based upon the complaint of an aggrieved party. The superintendent is not bound by any prior compromise or stipulation of the certificate holder, registrant, or licensee. Upon petition of the superintendent, the court may require all claimants and prospective claimants against one certificate holder, registrant, or licensee to be joined in one action, to the end that the respective rights of all such claimants to the fund may be equitably adjudicated and settled.

(D) If the superintendent pays from the fund any amount in settlement of a claim or toward satisfaction of a judgment against a certificate holder, registrant, or licensee, the certificate, registration, or license of the certificate holder, registrant, or licensee automatically is suspended upon the date of payment from the fund. No certificate, registration, or license that has been suspended pursuant to this division shall be reinstated until the certificate holder, registrant, or licensee has repaid in full, plus interest per annum at the rate specified in division (A) of section 1343.03 of the Revised Code, the amount paid from the fund on the certificate holder's, registrant's, or licensee's account. A discharge in bankruptcy does not relieve a person from the suspension and requirements for reinstatement provided in this section.

(E) If, at any time, the money deposited in the fund is insufficient to satisfy any duly authorized claim or portion of a claim, the superintendent shall, when sufficient money has been
deposited in the fund, satisfy the unpaid claims or portions, in
the order that the claims or portions were originally filed, plus
accumulated interest per annum at the rate specified in division
(A) of section 1343.03 of the Revised Code.

(F) When, upon the order of the court, the superintendent has
paid from the fund any sum to the judgment creditor, the
superintendent is subrogated to all of the rights of the judgment
creditor to the extent of the amount so paid, and the judgment
creditor shall assign all of the judgment creditor's right, title,
and interest in the judgment to the superintendent to the extent
of the amount so paid. The superintendent shall deposit in the
fund any amount and interest so recovered by the superintendent on
the judgment.

(G) Nothing contained in this section shall limit the
authority of the real estate appraiser board to take disciplinary
action against a certificate holder, registrant, or licensee under
other provisions of this chapter. The repayment in full of all
obligations to the fund by a certificate holder, registrant, or
licensee does not nullify or modify the effect of any other
disciplinary proceeding brought pursuant to this chapter, unless
repayment is imposed as a condition in that proceeding.

(H) The superintendent shall collect from the fund a service
fee in an amount equivalent to the interest rate specified in
division (A) of section 1343.03 of the Revised Code multiplied by
the annual interest earned on the assets of the fund, to defray
the expenses incurred in the administration of the fund.

Sec. 4764.04.  (A) There is hereby created the Ohio home
inspector board consisting of seven members. The governor shall
appoint five members who are licensed home inspectors. The
president of the senate and the speaker of the house of
representatives each shall appoint one member who represents the
public and has no financial interest in the home inspection industry. Not more than four members of the board shall be members of the same political party.

(B) The governor, president of the senate, and speaker of the house of representatives shall make the initial appointments to the board not later than ninety days after the effective date of this section April 5, 2019. Of the initial appointments to the board, the governor shall appoint one member to a term ending one year after the effective date of this section April 5, 2019, two members to a term ending three years after that date, and two members to a term ending five years after that date. The president of the senate shall appoint one member to a term ending two years after that date, and the speaker of the house of representatives shall appoint one member to a term ending four years after that date. Thereafter, each term shall be for five years, ending on the same day of the same month as the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Vacancies shall be filled in the manner provided for original appointments. A member appointed to fill a vacancy prior to the expiration of a term shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration of the term until the member's successor takes office.

(C) Annually, at the first regularly scheduled board meeting following the first day of September, the board shall organize by selecting from among its members a chairperson and a vice chairperson by majority vote. The board shall meet at least once per calendar quarter to conduct its business. A majority of the members of the board constitutes a quorum to transact and vote on all business that comes before the board.

(D) The members of the board shall not be compensated but
shall be reimbursed for actual expenses reasonably incurred in the performance of their duties as members.

(E) The person who, or office that, appointed a member may remove that member for misconduct, neglect of duty, incapacity, or malfeasance.

(F) The Ohio home inspector board is a part of the department of commerce for administrative purposes. The director of commerce is ex officio the executive officer of the board, or the director may designate the superintendent of real estate and professional licensing to act as executive officer of the board.

Sec. 4764.05. (A) The In addition to any other duties imposed on the Ohio home inspector board, the board shall adopt rules in accordance with Chapter 119. of the Revised Code, in furtherance of this chapter, including, but not limited to, rules to do all of the following:

(1) Establish standards to govern the issuance, renewal, suspension, and revocation of licenses, other sanctions that may be imposed for violations of this chapter, the conduct of hearings related to these actions, and the process of reactivating a license;

(2) Establish the amount of the following fees:

(a) Establish the following fees in an amount that is sufficient to defray necessary expenses incurred in the administration of this chapter:

(i) The fee for applying for and receiving a license issued under section 4764.07 of the Revised Code and the special assessment for the home inspection recovery fund created in section 4764.21 of the Revised Code, which together shall not exceed two hundred fifty dollars;

(ii) The fee for renewal of a license under section 4764.09
of the Revised Code and the special assessment for the home inspection recovery fund created in section 4764.21 of the Revised Code, which together shall not exceed two hundred fifty dollars.

(b) The renewal late fee described in division (B)(2) of section 4764.09 of the Revised Code;

(c) The fee an institution or organization described in division (A)(7) of this section shall pay to receive approval to offer continuing education courses and programs;

(d) The fee an institution or organization that is approved to offer continuing education courses and programs shall pay for each course or program that the institution or organization wishes to have the superintendent of real estate and professional licensing approve pursuant to the rules adopted by the board under division (A)(8) of this section;

(e) Any other fees as required by this chapter.

(3) In accordance with division (C) of this section, specify methods and procedures the board shall use to approve a curriculum of education a person must successfully complete to obtain a license under this chapter;

(4) In accordance with division (D) of this section, specify methods and procedures the board shall use to approve a curriculum of experience that a person may elect to complete the proof of experience requirement specified in division (D)(6) of section 4764.07 of the Revised Code;

(5) Establish the administrative reporting and review requirements for parallel inspections or equivalency for field experience to assure that an applicant for a license satisfies the requirements of division (D)(6) of section 4764.07 of the Revised Code, as applicable;

(6) Establish a curriculum for continuing education that a
licensed home inspector shall complete to satisfy the requirements for continuing education specified in section 4764.08 of the Revised Code and procedures to assure continuing education requirements are updated periodically to make those requirements consistent with home inspection industry practices;

(7) Establish requirements an institution or organization shall satisfy to obtain approval to provide courses or programs that enable a licensed home inspector to satisfy the requirements for continuing education specified in section 4764.08 of the Revised Code and establish procedures that the superintendent of real estate and professional licensing shall use to approve an institution or organization that satisfies the requirements the board establishes;

(8) Establish procedures and standards that the superintendent shall use to approve courses and programs, including online courses and programs, offered by an institution or organization that is approved by the superintendent to offer continuing education courses or programs pursuant to the rules adopted by the board under division (A)(7) of this section;

(9) Establish reporting requirements for a licensed home inspector to follow to demonstrate that the licensed home inspector successfully completed the continuing education requirements specified in section 4764.08 of the Revised Code;

(10) Establish requirements for conducting home inspections, standards of practice for home inspectors, and conflict of interest prohibitions to the extent that those provisions do not conflict with divisions (A)(2) to (5) of section 4764.14 of the Revised Code;

(11) Specify requirements for settlement agreements entered into between the superintendent and a licensed home inspector under division (C) of section 4764.13 of the Revised Code;
(12) Establish procedures for providing licensees with notice and applications for renewal under section 4764.09 of the Revised Code;

(13) Establish a set of standards of practice and canons of ethics for the home inspection industry;

(14) Establish directions for the superintendent of real estate and professional licensing to follow regarding the scheduling, instruction, and offerings of home inspection courses a person must successfully complete to obtain a license issued under this chapter;

(15) Establish requirements a licensed home inspector shall satisfy to obtain approval to prepare and conduct peer review sessions;

(16) Authorize the board, as the board determines appropriate, to request the superintendent of real estate and professional licensing to initiate investigations for possible violations of this chapter or the rules adopted pursuant thereto;

(17) Any other rules necessary in furtherance of this chapter.

(B) The board shall do all of the following:

(1) On appeal by any party affected, or on its own motion, review any order of or application determination made by the superintendent, and as the board determines necessary, reverse, vacate, modify, or sustain such an order or determination;

(2) Hear appeals from orders of the superintendent regarding claims against the home inspection recovery fund created under section 4764.21 of the Revised Code;

(3) Disseminate to licensees and the public information relative to board activities and decisions;

(4) Notify licensees of changes in state and federal laws
pertaining to home inspections and relevant case law and inform licensees that they are subject to disciplinary action if they do not comply with the changes.

(C) The board shall approve a curriculum of education a person must successfully complete to obtain a license issued under this chapter. The board shall approve a curriculum of education that satisfies all of the following requirements:

(1) The curriculum is offered by an accredited public or private institution of higher education or a professional organization that has been approved by the board to offer a curriculum.

(2) The curriculum includes a requirement that a person, to successfully complete the curriculum, complete at least eighty hours of classroom or online prelicensing instruction, including instruction about compliance with the requirements specified in this chapter, inspection safety, report writing, and any other administrative matters required by the board.

(3) The curriculum satisfies any other requirements the board established in rules it adopts.

(D) The board shall determine the equivalency of field experience that a person may elect to complete to satisfy the proof of experience requirement specified in division (D)(6) of section 4764.07 of the Revised Code. The board shall approve only a curriculum of experience that includes a requirement that a person, to successfully complete the curriculum, must perform at least forty hours of work in the home inspection field that allows the person to obtain practical experience or training regarding home inspections. The board shall approve only a curriculum of experience that includes a requirement that a person, to successfully complete the curriculum, must complete a peer review session with a licensed home inspector approved by the board.
before applying for a license. The peer review session may be used as part of the required eighty hours of prelicensing education.

Sec. 4764.06. (A) The superintendent of real estate and professional licensing shall do all of the following:

(1) Administer this chapter;

(2) Provide the Ohio home inspector board with meeting space, staff services, and other technical assistance required by the board to carry out the duties of the board under this chapter;

(3) Provide each applicant for a home inspector license with a copy of the requirements for home inspections specified in rules adopted by the board pursuant to division (A)(10) of section 4764.05 of the Revised Code, and make those requirements available to the public by posting them on the web site maintained by the department of commerce;

(4) In accordance with division (B) of this section, issue a home inspector license to, or renew a home inspector license for, any person who satisfies the requirements specified in this chapter for such licensure or renewal, and make a list of those licensed home inspectors available to the public by posting the list on the web site maintained by the department of commerce;

(5) Administer the home inspector recovery fund created under section 4764.21 of the Revised Code;

(6) Establish procedures, in accordance with division (K)-(L) of section 121.08 of the Revised Code, to have fingerprint-based criminal records checks conducted by the bureau of criminal identification and investigation for all applicants for licensure;

(7) In accordance with the procedures specified in rules adopted by the board in accordance with division (A)(7) of section 4764.05 of the Revised Code, approve an institution or organization wishing to provide continuing education courses or
programs if that institution or organization satisfies the requirements specified in rules adopted by the board in accordance with that division and pays the fee established in rules adopted by the board pursuant to division (A)(2)(c) of that section;

(8) In accordance with the procedures specified in rules adopted by the board in accordance with division (A)(8) of section 4764.05 of the Revised Code, approve a course or program that a licensed home inspector may complete to satisfy the continuing education requirements specified in section 4764.08 of the Revised Code if all of the following are satisfied:

(a) The course or program is offered by an institution or organization approved by the superintendent pursuant to division (A)(7) of this section.

(b) The course or program satisfies the standards established in rules adopted by the board pursuant to division (A)(8) of section 4764.05 of the Revised Code.

(c) The institution or organization pays the fee established in rules adopted by the board pursuant to division (A)(2)(d) of section 4764.05 of the Revised Code.

(9) Issue all orders necessary to implement this chapter;

(10) In accordance with section 4764.12 of the Revised Code, investigate complaints concerning an alleged violation of this chapter or the conduct of any licensee and subpoena witnesses in connection with those investigations, as provided in that section. The subpoena may contain a direction that the witness produce and bring any documents, work files, inspection reports, records, or papers mentioned in the subpoena.

(11) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The superintendent shall
utilize the investigators and auditors employed pursuant to division (B)(4) of section 4735.05 of the Revised Code to assist in performing the duties specified in division (A)(10) of this section.

(12) Specify the information that must be provided on an application for licensure under this chapter;

(13) Establish procedures for processing, approving, and denying applications for licensure under this chapter;

(14) Specify the format and content of all affidavits and other documents required for the administration of this chapter;

(15) Appoint a hearing officer for any proceeding involving a determination under section 3123.47 of the Revised Code, disciplinary action arising under section 4764.02 or division (A)(6) of section 4764.14 of the Revised Code, or a proceeding under section 4764.16 of the Revised Code.

(B) The superintendent shall not issue a license to a corporation, limited liability company, partnership, or association, although a licensed home inspector may sign a home inspection report in a representative capacity on behalf of any of those types of entities.

Sec. 4764.07. (A) To obtain a license to perform home inspections, a person shall submit both of the following to the superintendent of real estate and professional licensing:

(1) An application meeting the requirements of division (D) of this section on a form the superintendent provides;

(2) The fee established in rules adopted by the Ohio home inspector board pursuant to division (A)(2)(a) of section 4764.05 of the Revised Code.

(B) Each person applying for a license shall submit one complete set of fingerprints directly to the superintendent of the
bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The person shall provide the fingerprints using a method the superintendent of the bureau of criminal identification and investigation prescribes pursuant to division (C)(2) of section 109.572 of the Revised Code and fill out the form the superintendent of the bureau of criminal identification and investigation prescribes pursuant to division (C)(1) of section 109.572 of the Revised Code. Upon receiving an application under this section, the superintendent of real estate and professional licensing shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprint impressions in accordance with division (A)(15) of section 109.572 of the Revised Code. Notwithstanding division (K)(L) of section 121.08 of the Revised Code, the superintendent of real estate and professional licensing shall request that criminal record information based on the applicant's fingerprints be obtained from the federal bureau of investigation as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the applicant.

(C) The superintendent shall issue a license to perform home inspections to applicants who satisfy the requirements set forth in this section, subject to section 4768.14 of the Revised Code.

(D) Except as otherwise specified in division (E) of this section, the application shall include all of the following:

(1) A pledge the applicant signs, agreeing to comply with the rules adopted by the board pursuant to division (A)(10) of section 4764.05 of the Revised Code;

(2) A statement that the applicant understands the grounds for any disciplinary action that may be initiated under this chapter;
(3) Proof of holding a comprehensive general liability insurance policy or a commercial general liability insurance policy in accordance with division (A) of section 4764.11 of the Revised Code;

(4) Proof of successfully passing, within two years before the date of the application, the national home inspector examination;

(5) Proof of successfully completing a curriculum of education approved by the board in accordance with rules the board adopts pursuant to division (A)(3) of section 4764.05 of the Revised Code;

(6) Proof that the applicant has experience in the field of home inspections through either of the following:

(a) Successful completion of a curriculum of experience approved by the board in accordance with rules the board adopts pursuant to divisions (A)(4) and (D) of section 4764.05 of the Revised Code;

(b) Successful completion of ten parallel inspections or equivalent experience as determined by the board pursuant to division (A)(5) of section 4764.05 of the Revised Code;

(7) Proof that the applicant is at least eighteen years of age;

(8) Proof that the applicant has graduated from the twelfth grade, received a general educational development diploma, or satisfactorily completed a program that is the equivalent to graduating from the twelfth grade or receiving a general educational development diploma;

(9) Any other information the board requires that the board determines is relevant to receiving a license to practice as a licensed home inspector.
(E) The superintendent shall not require a person described in division (B) or (C) of section 4764.03 of the Revised Code who wishes to obtain a license to perform home inspections under this chapter to submit proof of education and experience as required under divisions (D)(5) and (6) of this section in the person's application in order for that person to receive a license. Such a person, however, shall satisfy all other requirements specified in divisions (A) and (D) of this section and provide proof of licensure in good standing described in division (B) or (C) of section 4764.03 of the Revised Code to receive a license.

(F) The act of submitting an application to the superintendent does not create, shall not be construed as creating, and is not intended to indicate licensure as a home inspector.

Sec. 4764.08. During each three-year period that a license is valid, a licensed home inspector shall successfully complete not less than fourteen forty-two hours of continuing education instruction annually in courses or programs directly applicable to the standards of practice and requirements specified in rules adopted by the Ohio home inspector board pursuant to division (A)(10) of section 4764.05 of the Revised Code.

The superintendent of real estate and professional licensing shall accept only those courses and programs the superintendent approves in accordance with division (A)(8) of section 4764.06 of the Revised Code prior to the date the licensed home inspector completes the course or program. The superintendent shall not include parallel inspections completed by a person for credit toward satisfying the continuing education requirements specified in this section.

Sec. 4764.16. (A) Upon receipt of a written complaint or upon
the motion of the superintendent of real estate and professional licensing, the superintendent may investigate any person who is not a licensed home inspector who has allegedly violated section 4764.02 of the Revised Code.

(B) The superintendent has the same powers to investigate an alleged violation of section 4764.02 of the Revised Code by a person who is not licensed as a home inspector as those powers are specified in section 4764.12 of the Revised Code. If, after an investigation pursuant to section 4764.12 of the Revised Code, the superintendent determines that reasonable evidence exists that an unlicensed person has violated section 4764.02 of the Revised Code, within seven days after that determination, the superintendent shall send a written notice to that person by regular mail in accordance with sections 119.05 and 119.07 of the Revised Code and shall include in the notice the information specified in section 119.07 of the Revised Code for notices given to licensees, except that the notice shall specify that a hearing will be held and specify the date, time, and place of the hearing.

(C) The Ohio home inspector board shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the board, after the hearing, determines a violation has occurred, the board may impose a civil penalty on the person, not exceeding five hundred dollars per violation which is distinct from any criminal fine imposed pursuant to section 4764.99 of the Revised Code. Each day a violation occurs or continues is a separate violation. The superintendent may approve a payment plan if the unlicensed person requests such. The board shall maintain a transcript of the proceedings of the hearing and issue a written order to all parties, citing its findings and grounds for any action taken. The board's determination regarding a violation of section 4764.02 of the Revised Code is an order that the person...
may appeal in accordance with section 119.12 of the Revised Code.

(D) If the unlicensed person who allegedly committed a violation of section 4764.02 of the Revised Code fails to appear for a hearing, the board may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the board for a hearing.

(E) If the board assesses an unlicensed person a civil penalty for a violation of section 4764.02 of the Revised Code and the person fails to pay that civil penalty within the time period prescribed by the board, the superintendent shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.

If the board finds, or an unlicensed person admits to the board, a violation of section 4764.02 of the Revised Code, the superintendent shall not issue to the person a home inspector license without prior board approval.

Sec. 4764.18. Except as provided in section 4764.21 of the Revised Code, the superintendent of real estate and professional licensing shall deposit all money collected under this chapter in the state treasury to the credit of the home inspectors real estate operating fund, which is hereby created. Money credited to the fund shall be used solely by the superintendent to pay costs associated with the administration and enforcement of this chapter.

Sec. 4764.21. (A) The home inspection recovery fund is hereby created in the state treasury, to be administered by the superintendent of real estate and professional licensing. Amounts
collected by the superintendent as prescribed in this section and interest earned on the assets of the fund shall be ascertained by the superintendent as of the first day of July each year.

The Ohio home inspector board, in accordance with rules adopted under division (A)(2) of section 4764.05 of the Revised Code, shall impose a special assessment not to exceed five dollars per year for each year of a licensing period on each person applying for a license under section 4764.07 of the Revised Code and on each licensee filing a notice of renewal under section 4764.09 of the Revised Code if the amount available in the fund is less than two hundred and fifty thousand one million dollars on the first day of July preceding that filing. The board may impose a special assessment not to exceed three dollars per year for each year of a licensing period if the amount available is greater than five hundred thousand dollars, but less than one million dollars on the first day of July preceding that filing. The board shall not impose a special assessment if the amount available in the fund equals or exceeds one million dollars on the first day of July preceding that filing.

(B)(1) Any person who obtains a final judgment in any court of competent jurisdiction against any home inspector licensed under this chapter, on the grounds of conduct that is in violation of this chapter or the rules adopted under it, and that is associated with an act or transaction that only a licensed home inspector is authorized to perform as specified in section 4764.02 of the Revised Code, may file an application, as described in division (B)(3) of this section, in the court of common pleas of Franklin county for an order directing payment out of the home inspection recovery fund of the portion of the judgment that remains unpaid and that represents an actual and direct loss sustained by the applicant.
(2) Punitive damages, attorney's fees, and interest on a judgment are not recoverable from the fund. The superintendent may allow court costs to be recovered from the fund, and, if the superintendent authorizes the recovery of court costs, the order of the court of common pleas then may direct their payment from the fund.

(3) The applicant shall describe in the application the nature of the act or transaction on which the underlying judgment was based, the activities of the applicant in pursuit of remedies available under law for the collection of judgments, and the actual and direct losses, attorney's fees, and the court costs sustained or incurred by the applicant. The applicant shall attach to the application a copy of each pleading and order in the underlying court action.

(4) The court shall order the superintendent to make payments out of the fund when the person seeking the order has shown all of the following:

(a) The person has obtained a judgment, as provided in this division;

(b) All appeals from the judgment have been exhausted and the person has given notice to the superintendent, as required by division (C) of this section;

(c) The person is not a spouse of the judgment debtor, or the personal representative of the spouse;

(d) The person has diligently pursued the person's remedies against all the judgment debtors and all other persons liable to the person in the transaction for which the person seeks recovery from the fund;

(e) The person is applying not more than one year after termination of all proceedings, including appeals, in connection with the judgment.
(5) Divisions (B)(1) to (4) of this section do not apply to any of the following:

(a) Actions arising from home inspections conducted by an unlicensed individual;

(b) A bonding company when it is not a principal in the real estate transaction;

(c) A person in an action for the payment of a fee or other compensation for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4764.02 of the Revised Code;

(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment.

(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed home inspector is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that the superintendent shall give written notice to the applicant at least ten days before making the motion. The superintendent may, subject to court approval, compromise a claim based upon the application.
of an aggrieved party. The superintendent shall not be bound by any prior compromise or stipulation of the judgment debtor.

(D) Notwithstanding any other provision of this section to the contrary, the liability of the fund shall not exceed forty thousand dollars for any one licensee. If a licensee's license is reactivated as provided in division (E) of this section, the liability of the fund for the licensee under this section shall again be forty thousand dollars, but only for transactions that occur subsequent to the time of reactivation.

If the forty-thousand-dollar liability of the fund is insufficient to pay in full the valid claims of all aggrieved persons by whom claims have been filed against any one licensee, the forty thousand dollars shall be distributed among them in the ratio that their respective claims bear to the aggregate of valid claims or in any other manner as the court finds equitable.

Distribution of moneys shall be among the persons entitled to share in it, without regard to the order of priority in which their respective judgments may have been obtained or their claims have been filed. Upon petition of the superintendent, the court may require all claimants and prospective claimants against one licensee to be joined in one action, to the end that the respective rights of all the claimants to the fund may be equitably adjudicated and settled.

(E) If the superintendent pays from the fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensed home inspector, the superintendent may suspend the home inspector's license. The superintendent shall not reactivate the suspended license of that home inspector until the home inspector has repaid in full, plus interest per annum at the rate specified in division (A) of section 1343.03 of the Revised Code, the amount paid from the fund on the home inspector's account. A discharge in bankruptcy does not relieve a person from the suspension and
requirements for reactivation provided in this section unless the underlying judgment has been included in the discharge and has not been reaffirmed by the debtor.

(F) If, at any time, the money deposited in the fund is insufficient to satisfy any duly authorized claim or portion of a claim, the superintendent shall, when sufficient money has been deposited in the fund, satisfy the unpaid claims or portions, in the order that the claims or portions were originally filed, plus accumulated interest per annum at the rate specified in division (A) of section 1343.03 of the Revised Code.

(G) When, upon the order of the court, the superintendent has paid from the fund any sum to the judgment creditor, the superintendent shall be subrogated to all of the rights of the judgment creditor to the extent of the amount so paid, and the judgment creditor shall assign all the judgment creditor's right, title, and interest in the judgment to the superintendent to the extent of the amount so paid. Any amount and interest so recovered by the superintendent on the judgment shall be deposited in the fund.

(H) Nothing contained in this section shall limit the authority of the superintendent to take disciplinary action against any licensee under other provisions of this chapter; nor shall the repayment in full of all obligations to the fund by any licensee nullify or modify the effect of any other disciplinary proceeding brought pursuant to this chapter.

(I) The superintendent shall collect from the fund a service fee in an amount equivalent to the interest rate specified in division (A) of section 1343.03 of the Revised Code multiplied by the annual interest earned on the assets of the fund, to defray the expenses incurred in the administration of the fund.

Sec. 4765.02. (A)(1) There is hereby created the state board
of emergency medical, fire, and transportation services within the division of emergency medical services of the department of public safety. The board shall consist of the members specified in this section who are residents of this state. The governor, with the advice and consent of the senate, shall appoint all members of the board, except the employee of the department of public safety designated by the director of public safety under this section to be a member of the board. In making the appointments, the governor shall appoint only members with background or experience in emergency medical services or trauma care and shall attempt to include members representing urban and rural areas, various geographical regions of the state, and various schools of training.

(2) One member of the board shall be a physician certified by the American board of emergency medicine or the American osteopathic board of emergency medicine who is active in the practice of emergency medicine and is actively involved with an emergency medical service organization. The governor shall appoint this member from among three persons nominated by the Ohio chapter of the American college of emergency physicians and three persons nominated by the Ohio osteopathic association. One member shall be a physician certified by the American board of surgery or the American osteopathic board of surgery who is active in the practice of trauma surgery and is actively involved with emergency medical services. The governor shall appoint this member from among three persons nominated by the Ohio chapter of the American college of surgeons and three persons nominated by the Ohio osteopathic association. One member shall be a physician certified by the American academy of pediatrics or American osteopathic board of pediatrics who is active in the practice of pediatric emergency medicine and actively involved with an emergency medical service organization. The governor shall appoint this member from among three persons nominated by the Ohio chapter of the American academy of pediatrics.
academy of pediatrics and three persons nominated by the Ohio osteopathic association. One member shall be the administrator of a hospital located in this state. The governor shall appoint this member from among three persons nominated by OHA: the association for hospitals and health systems, three persons nominated by the Ohio osteopathic association, and three persons nominated by the association of Ohio children's hospitals. One member shall be an adult or pediatric trauma program manager or trauma program director who is involved in the daily management of a verified trauma center. The governor shall appoint this member from among three persons nominated by the Ohio nurses association, three persons nominated by the Ohio society of trauma nurse leaders, and three persons nominated by the Ohio state council of the emergency nurses association. One member shall be the chief of a fire department that is also an emergency medical service organization in which more than fifty per cent of the persons who provide emergency medical services are full-time paid employees. The governor shall appoint this member from among three persons nominated by the Ohio fire chiefs' association. One member shall be the chief of a fire department that is also an emergency medical service organization in which more than fifty per cent of the persons who provide emergency medical services are volunteers. The governor shall appoint this member from among three persons nominated by the Ohio fire chiefs' association. One member shall be a person who is certified to teach under section 4765.23 of the Revised Code and holds a valid certificate to practice as an EMT, AEMT, or paramedic. The governor shall appoint this member from among three persons nominated by the Ohio emergency medical technician instructors association and the Ohio instructor/coordinators' society. One member shall be an EMT, AEMT, or paramedic, and one member shall be a paramedic. The governor shall appoint these members from among three EMTs or AEMTs and three paramedics nominated by the Ohio association of
professional fire fighters and three EMTs, three AEMTs, and three paramedics nominated by the northern Ohio fire fighters. One member shall be an EMT, AEMT, or paramedic, and one member shall be a paramedic. The governor shall appoint these members from among three EMTs or three AEMTs and three paramedics nominated by the Ohio state firefighter's association. One member shall be a person whom the governor shall appoint from among an EMT, AEMT, or a paramedic nominated by the Ohio association of emergency medical services or the Ohio ambulance and medical transportation association. One member shall be an EMT, AEMT, or a paramedic, whom the governor shall appoint from among three persons nominated by the Ohio ambulance and medical transportation association. One member shall be a member of a third-service emergency medical service agency or organization whom the governor shall appoint from among three persons nominated by the Ohio EMS chiefs association. One member shall be a provider of mobile intensive care unit transportation in this state whom the governor shall appoint from among three persons nominated by the Ohio association of critical care transport. One member shall be a provider of air-medical transportation in this state whom the governor shall appoint from among three persons nominated by the Ohio association of critical care transport. One member shall be the owner or operator of a nonemergency medical service organization in this state that provides ambulette services whom the governor shall appoint from among three persons nominated by the Ohio ambulance and medical transportation association.

The governor may refuse to appoint any of the persons.
nominated by one or more organizations under division (A)(2) of this section, except the employee of the department of public safety designated by the director of public safety under this section to be a member of the board. In that event, the organization or organizations shall continue to nominate the required number of persons until the governor appoints to the board one or more of the persons nominated by the organization or organizations. If any nominating organization ceases to exist or fails to make a nomination of a member within sixty days of a vacancy, the governor may appoint any person who meets the designated professional qualifications for that member.

The director of public safety shall designate an employee of the department of public safety to serve as a member of the board at the director's pleasure. This member shall serve as a liaison between the department and the division of emergency medical services in cooperation with the executive director of the board.

(B) Terms of office of all members appointed by the governor shall be for three years, each term ending on the same day of the same month as did the term it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days three years has elapsed, whichever occurs first.

Each vacancy shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the unexpired term.

The term of a member shall expire if the member ceases to meet any of the requirements to be appointed as that member. The governor may remove any member from office for neglect of duty,
malfeasance, misfeasance, or nonfeasance, after an adjudication hearing held in accordance with Chapter 119. of the Revised Code.

(C) The members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in carrying out their duties as board members.

(D) The board shall organize by annually selecting a chair and vice-chair from among its members. The board may adopt bylaws to regulate its affairs. A majority of all members of the board shall constitute a quorum. No action shall be taken without the concurrence of a majority of all members of the board. The board shall meet at least four times annually and at the call of the chair. The chair shall call a meeting on the request of the executive director or the medical director of the board or on the written request of five members. The board shall maintain written or electronic records of its meetings.

(E) Upon twenty-four hours' notice from a member of the board, the member's employer shall release the member from the member's employment duties to attend meetings of the full board. Nothing in this division requires the employer of a member of the board to compensate the member for time the member is released from employment duties under this paragraph, but any civil immunity, workers' compensation, disability, or similar coverage that applies to a member of the board as a result of the member's employment shall continue to apply while the member is released from employment duties under this paragraph.

Sec. 4765.04. (A) The firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services is hereby created and shall consist of the members of the board who are chiefs of fire departments, and the members of the board who are emergency medical technicians-basic, emergency medical technicians-intermediate, and
emergency medical technicians-paramedic appointed from among persons nominated by the Ohio association of professional fire fighters or the northern Ohio fire fighters and from among persons nominated by the Ohio state firefighter's association. Each member of the committee, except the chairperson, may designate a person with fire experience to serve in that member's place. The members of the committee or their designees shall select a chairperson from among the members or their designees.

The committee may conduct investigations in the course of discharging its duties under this chapter. In the course of an investigation, the committee may issue subpoenas. If a person subpoenaed fails to comply with the subpoena, the committee may authorize its chairperson to apply to the court of common pleas in the county where the person to be subpoenaed resides for an order compelling compliance in the same manner as compliance with a subpoena issued by the court is compelled.

(B) The trauma committee of the state board of emergency medical, fire, and transportation services is hereby created and shall consist of the following members appointed by the director of public safety:

(1) A physician who is certified by the American board of surgery or American osteopathic board of surgery and actively practices general trauma surgery, appointed from among three persons nominated by the Ohio chapter of the American college of surgeons, three persons nominated by the Ohio state medical association, and three persons nominated by the Ohio osteopathic association;

(2) A physician who is certified by the American board of surgery or the American osteopathic board of surgery and actively practices orthopedic trauma surgery, appointed from among three persons nominated by the Ohio orthopedic society and three persons...
nominated by the Ohio osteopathic association;

(3) A physician who is certified by the American board of neurological surgeons or the American osteopathic board of surgery and actively practices neurosurgery on trauma victims, appointed from among three persons nominated by the Ohio state neurological society and three persons nominated by the Ohio osteopathic association;

(4) A physician who is certified by the American board of surgeons or American osteopathic board of surgeons and actively specializes in treating burn victims, appointed from among three persons nominated by the Ohio chapter of the American college of surgeons and three persons nominated by the Ohio osteopathic association;

(5) A dentist who is certified by the American board of oral and maxillofacial surgery and actively practices oral and maxillofacial surgery, appointed from among three persons nominated by the Ohio dental association;

(6) A physician who is certified by the American board of physical medicine and rehabilitation or American osteopathic board of physical medicine and rehabilitation and actively provides rehabilitative care to trauma victims, appointed from among three persons nominated by the Ohio society of physical medicine and rehabilitation and three persons nominated by the Ohio osteopathic association;

(7) A physician who is certified by the American board of surgery or American osteopathic board of surgery with special qualifications in pediatric surgery and actively practices pediatric trauma surgery, appointed from among three persons nominated by the Ohio chapter of the American academy of pediatrics and three persons nominated by the Ohio osteopathic association;
(8) A physician who is certified by the American board of emergency medicine or American osteopathic board of emergency medicine, actively practices emergency medicine, and is actively involved in emergency medical services, appointed from among three persons nominated by the Ohio chapter of the American college of emergency physicians and three persons nominated by the Ohio osteopathic association;

(9) A physician who is certified by the American board of pediatrics, American osteopathic board of pediatrics, American board of emergency medicine, or American osteopathic board of emergency medicine, is sub-boarded in pediatric emergency medicine, actively practices pediatric emergency medicine, and is actively involved in emergency medical services, appointed from among three persons nominated by the Ohio chapter of the American academy of pediatrics, three persons nominated by the Ohio chapter of the American college of emergency physicians, and three persons nominated by the Ohio osteopathic association;

(10) A physician who is certified by the American board of surgery, American osteopathic board of surgery, American board of emergency medicine, or American osteopathic board of emergency medicine and is the chief medical officer of an air medical organization, appointed from among three persons nominated by the Ohio association of air medical services;

(11) A coroner or medical examiner appointed from among three persons nominated by the Ohio state coroners' association;

(12) A registered nurse who actively practices trauma nursing at an adult or pediatric trauma center, appointed from among three persons nominated by the Ohio association of trauma nurse coordinators;

(13) A registered nurse who actively practices emergency nursing and is actively involved in emergency medical services,
appointed from among three persons nominated by the Ohio chapter of the emergency nurses' association;

(14) The chief trauma registrar of an adult or pediatric trauma center, appointed from among three persons nominated by the alliance of Ohio trauma registrars;

(15) The administrator of an adult or pediatric trauma center, appointed from among three persons nominated by the Ohio hospital association, three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and three persons nominated by the health forum of Ohio;

(16) The administrator of a hospital that is not a trauma center and actively provides emergency care to adult or pediatric trauma patients, appointed from among three persons nominated by the Ohio hospital association, three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and three persons nominated by the health forum of Ohio;

(17) The operator of an ambulance company that actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio ambulance association;

(18) The chief of a fire department that actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio fire chiefs' association;

(19) An EMT or paramedic who is certified under this chapter and actively provides trauma care to emergency patients, appointed from among three persons nominated by the Ohio association of professional firefighters, three persons nominated by the northern Ohio fire fighters, three persons nominated by the Ohio state firefighters' association, and three persons nominated by the Ohio association of emergency medical services;
(20) A person who actively advocates for trauma victims, appointed from three persons nominated by the Ohio brain injury association;

(21) A physician or nurse who has substantial administrative responsibility for trauma care provided in or by an adult or pediatric trauma center, appointed from among three persons nominated by the Ohio hospital association, three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and three persons nominated by the health forum of Ohio;

(22) Three representatives of hospitals that are not trauma centers and actively provide emergency care to trauma patients, appointed from among three persons nominated by the Ohio hospital association, three persons nominated by the Ohio osteopathic association, three persons nominated by the association of Ohio children's hospitals, and three persons nominated by the health forum of Ohio. The representatives may be hospital administrators, physicians, nurses, or other clinical professionals.

Members of the committee shall have substantial experience in the categories they represent, shall be residents of this state, and may be members of the state board of emergency medical, fire, and transportation services. In appointing members of the committee, the director shall attempt to include members representing urban and rural areas, various geographical areas of the state, and various schools of training. The director shall not appoint to the committee more than one member who is employed by or who primarily practices at the same hospital, health system, or emergency medical service organization.

The director may refuse to appoint any of the persons nominated by an organization or organizations under this division. In that event, the organization or organizations shall continue to nominate the required number of persons until the director
appoints to the committee one or more of the persons nominated by
the organization or organizations. If any nominating organization
ceases to exist or fails to make a nomination of a member to the
committee within sixty days of a vacancy, the director may appoint
any person who meets the designated professional qualifications
for that member.

Initial appointments to the committee shall be made by the
director not later than ninety days after November 3, 2000.
Members of the committee shall serve at the pleasure of the
director, except that any member of the committee who ceases to be
qualified for the position to which the member was appointed shall
cease to be a member of the committee. Vacancies on the committee
shall be filled in the same manner as original appointments.

The members of the committee shall serve without compensation
but shall be reimbursed for actual and necessary expenses incurred
in carrying out duties as members of the committee.

The committee shall select a chairperson and vice-chairperson
from among its members. A majority of all members of the committee
shall constitute a quorum. No action shall be taken without the
concurrence of a majority of all members of the committee. The
committee shall meet at the call of the chair, upon written
request of five members of the committee, and at the direction of
the state board of emergency medical, fire, and transportation
services. The committee shall not meet at times or locations that
conflict with meetings of the board. The executive director and
medical director of the state board of emergency medical, fire,
and transportation services may participate in any meeting of the
committee and shall do so at the request of the committee.

The committee shall advise and assist the state board of
emergency medical, fire, and transportation services in matters
related to adult and pediatric trauma care and the establishment
and operation of the state trauma registry. In matters relating to
the state trauma registry, the board and the committee shall consult with trauma registrars from adult and pediatric trauma centers in the state. The committee may appoint a subcommittee to advise and assist with the trauma registry. The subcommittee may include persons with expertise relevant to the trauma registry who are not members of the board or committee.

(C)(1) The medical transportation committee of the state board of emergency medical, fire, and transportation services is hereby created. The committee shall consist of members appointed by the board in accordance with rules adopted by the board. In appointing members of the committee, the board shall attempt to include members representing urban and rural areas and various geographical areas of the state, and shall ensure the members have substantial experience in the transportation of patients, including addressing the unique issues of mobile intensive care and air medical services. The members of the committee shall be residents of this state and may be members of the board. The members of the committee shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in carrying out duties as members of the committee. The committee shall select a chairperson and vice-chairperson from among its members. A majority of all members of the committee shall constitute a quorum. No action shall be taken without the concurrence of a majority of all members of the committee. The committee shall meet at the call of the chair and at the direction of the board. The committee shall not meet at times or locations that conflict with meetings of the board. The committee shall advise and assist the board in matters related to the licensing of nonemergency medical service, emergency medical service, and air medical service organizations in this state.

(2) There is hereby created the critical care subcommittee of the medical transportation committee. The membership of the
subcommittee and the conduct of the subcommittee's business shall conform to rules adopted by the board. The subcommittee shall advise and assist the committee and board in matters relating to mobile intensive care and air medical service organizations in this state.

(D) The state board of emergency medical, fire, and transportation services may appoint other committees and subcommittees as it considers necessary.

(E) The state board of emergency medical, fire, and transportation services, and any of its committees or subcommittees, may request assistance from any state agency. The board and its committees and subcommittees may permit persons who are not members of those bodies to participate in deliberations of those bodies, but no person who is not a member of the board shall vote on the board and no person who is not a member of a committee created under division (A), (B), or (C) of this section shall vote on that committee.

(F) Sections 101.82 to 101.87 of the Revised Code do not apply to the committees established under divisions (A), (B), and (C) of this section.

Sec. 4765.11. (A) The state board of emergency medical, fire, and transportation services shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and divisions (C) and (D) of this section that establish all of the following:

(1) Procedures for its governance and the control of its actions and business affairs;

(2) Standards for the performance of emergency medical services by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical
technicians-paramedic;

(3) Application fees for certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, which shall be deposited into the trauma and emergency medical services fund created in section 4513.263 of the Revised Code;

(4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee;

(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including any measures necessary to implement section 9.79 of the Revised Code and any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (D) of section 4765.30 of the Revised Code;

(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;

(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;

(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;

(9) Standards for certificates of accreditation and certificates of approval;

(10) Qualifications for certificates to teach;

(11) Requirements for a certificate to practice;

(12) The curricula, number of hours of instruction and
training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;

(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;

(14) Examinations for certificates to practice;

(15) Procedures for administering examinations for certificates to practice;

(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;

(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;

(18) Specifications of the emergency medical services that first responders are authorized to perform under section 4765.35 of the Revised Code, that EMTs-basic are authorized to perform under section 4765.37 of the Revised Code, that EMTs-I are authorized to perform under section 4765.38 of the Revised Code, and that paramedics are authorized to perform under section 4765.39 of the Revised Code;

(19) Standards and procedures for implementing the requirements of section 4765.06 of the Revised Code, including designations of the persons who are required to report information to the board and the types of information to be reported;

(20) Procedures for administering the emergency medical
services grant program established under section 4765.07 of the Revised Code;

(21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board;

(22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical direction to emergency medical service personnel, including, subject to division (B) of section 4765.42 of the Revised Code, qualifications for a physician to be eligible to serve as the medical director of an emergency medical service organization or a member of its cooperating physician advisory board;

(23) The manner in which a patient, or a patient's parent, guardian, or custodian, may consent to the board releasing identifying information about the patient under division (D) of section 4765.102 of the Revised Code;

(24) Circumstances under which a training program or continuing education program, or portion of either type of program, may be taught by a person who does not hold a certificate to teach issued under section 4765.23 of the Revised Code;

(25) Certification cycles for certificates issued under sections 4765.23 and 4765.30 of the Revised Code and certificates issued by the executive director of the state board of emergency medical, fire, and transportation services under section 4765.55 of the Revised Code that establish a common expiration date for all certificates.

(B) The board may adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and divisions (C) and (D) of this section that establish any of the following:

(1) Specifications of information that may be collected under the trauma system registry and incidence reporting system created under section 4765.06 of the Revised Code;
(2) Standards and procedures for implementing any of the recommendations made by any committees of the board or under section 4765.04 of the Revised Code;

(3) Procedures and requirements for conducting background checks on applicants for the issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice in accordance with section 109.578 of the Revised Code;

(4) Any other rules necessary to implement this chapter.

(C) In developing and administering rules adopted under this chapter, the state board of emergency medical, fire, and transportation services shall consult with regional directors and regional advisory boards appointed under section 4765.05 of the Revised Code and emphasize the special needs of pediatric and geriatric patients.

(D) On and after April 6, 2023, the executive director shall not require certification issue to any new applicant a certificate to practice as an emergency medical services assistant instructor, and shall not adopt or enforce rules or issue a certificate regarding the position of an emergency medical services assistant instructor. Any emergency medical services assistant instructor certificate that was issued in accordance with rules adopted under division (A) of this section prior to April 6, 2023, remains valid only until the expiration date of the certificate, subject to any conditions or responsibilities of retaining the validity of that certificate, until the holder of the certificate allows it to expire or lapse. The certificate may be renewed by the holder of that certificate. The board shall adopt, amend, or rescind rules in accordance with Chapter 119. of the Revised Code in order to effectuate this division.

(E) Except as otherwise provided in this division, before
adopting, amending, or rescinding any rule under this chapter, the board shall submit the proposed rule to the director of public safety for review. The director may review the proposed rule for not more than sixty days after the date it is submitted. If, within this sixty-day period, the director approves the proposed rule or does not notify the board that the rule is disapproved, the board may adopt, amend, or rescind the rule as proposed. If, within this sixty-day period, the director notifies the board that the proposed rule is disapproved, the board shall not adopt, amend, or rescind the rule as proposed unless at least twelve members of the board vote to adopt, amend, or rescind it.

This division does not apply to an emergency rule adopted in accordance with section 119.03 of the Revised Code.

Sec. 4765.112. (A) The state board of emergency medical, fire, and transportation services, by an affirmative vote of the majority of its members, may suspend without a prior hearing a certificate to practice issued under this chapter if the board determines that there is clear and convincing evidence that continued practice by the certificate holder presents a danger of immediate and serious harm to the public and that the certificate holder has done any of the following:

(1) Furnished false, fraudulent, or misleading information to the board;

(2) Engaged in activities that exceed those permitted by the individual's certificate;

(3) In a court of this or any other state or federal court been convicted of, pleaded guilty to, or been the subject of a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony or for a misdemeanor committed in the course of practice or
involving gross immorality or moral turpitude.

(B) Immediately following the decision to impose a summary suspension, the board, in accordance with section sections 119.05 and 119.07 of the Revised Code, shall issue serve a written order of suspension, cause it to be delivered to on the certificate holder, and notify the certificate holder of the opportunity for a hearing. If timely requested by the certificate holder, a hearing shall be conducted in accordance with section 4765.115 of the Revised Code.

Sec. 4765.114. (A) A certificate to practice emergency medical services issued under this chapter is automatically suspended on the certificate holder's conviction of, plea of guilty to, or judicial finding of guilt of any of the following: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated burglary, aggravated robbery, or a substantially equivalent offense committed in this or another jurisdiction. Continued practice after the suspension is practicing without a certificate.

(B) If the state board of emergency medical, fire, and transportation services has knowledge that an automatic suspension has occurred, it shall notify serve, in accordance with section sections 119.05 and 119.07 of the Revised Code, the certificate holder of the suspension and of the opportunity for a hearing. If timely requested by the certificate holder, a hearing shall be conducted in accordance with section 4765.115 of the Revised Code.

Sec. 4765.55. (A) The executive director of the state board of emergency medical, fire, and transportation services, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire,
and transportation services, shall assist in the establishment and maintenance by any state agency, or any county, township, city, village, school district, or educational service center of a fire service training program for the training of all persons in positions of any fire training certification level approved by the executive director, including full-time paid firefighters, part-time paid firefighters, volunteer firefighters, and fire safety inspectors in this state. The executive director, with the advice and counsel of the committee, shall adopt rules to regulate those firefighter and fire safety inspector training programs, and other training programs approved by the executive director. The rules may include, but need not be limited to, training curriculum, certification examinations, training schedules, minimum hours of instruction, attendance requirements, required equipment and facilities, basic physical requirements, and methods of training for all persons in positions of any fire training certification level approved by the executive director, including full-time paid firefighters, part-time paid firefighters, volunteer firefighters, and fire safety inspectors. The rules adopted to regulate training programs for volunteer firefighters shall not require more than thirty-six hours of training.

The executive director, with the advice and counsel of the committee, shall provide for the classification and chartering of fire service training programs in accordance with rules adopted under division (B) of this section, and may take action against any chartered training program or applicant, in accordance with rules adopted under divisions (B)(4) and (5) of this section, for failure to meet standards set by the adopted rules.

(B) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall adopt, and may amend or rescind, rules under
Chapter 119. of the Revised Code that establish all of the following:

(1) Requirements for, and procedures for chartering, the training programs regulated by this section;

(2) Requirements for, and requirements and procedures for obtaining and renewing, an instructor certificate to teach the training programs and continuing education classes regulated by this section;

(3) Requirements for, and requirements and procedures for obtaining and renewing, any of the fire training certificates regulated by this section;

(4) Grounds and procedures for suspending, revoking, restricting, or refusing to issue or renew any of the certificates or charters regulated by this section, which grounds shall be limited to one of the following:

   (a) Failure to satisfy the education or training requirements of this section;

   (b) Conviction of a felony offense;

   (c) Conviction of a misdemeanor involving moral turpitude;

   (d) Conviction of a misdemeanor committed in the course of practice;

   (e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.

(5) Grounds and procedures for imposing and collecting fines, not to exceed one thousand dollars, in relation to actions taken under division (B)(4) of this section against persons holding certificates and charters regulated by this section, the fines to be deposited into the trauma and emergency medical services fund established under section 4513.263 of the Revised Code;
(6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities. The continuing education requirements shall not require more than thirty-six hours of continuing education every three-year certification cycle. Local entities may require additional continuing education, provided that completion of such additional continuing education is not required for renewal of certification.

(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements;

(8) Certification cycles for which the certificates and charters regulated by this section are valid;

(9) If determined necessary by the executive director, procedures and requirements for conducting background checks on applicants for the issuance and renewal of certification as a fire safety inspector in accordance with section 109.578 of the Revised Code.

(C)(1) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall issue or renew an instructor certificate to teach the training programs and continuing education classes regulated by this section to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary action against an instructor certificate holder or applicant in accordance with rules adopted under division (B) of this section.

(2) On and after the effective date of this amendment April 6, 2023, the executive director shall not require certification issue to any new applicant a certificate to practice as an assistant fire instructor and shall not adopt or enforce rules or
issue a certificate regarding the position of assistant fire instructor. Any assistant fire instructor certificate that was issued in accordance with rules adopted under division (B) of this section prior to the effective date of this amendment April 6, 2023, remains valid until the expiration date of the certificate, subject to any conditions or responsibilities of retaining the validity of that certificate, until the holder of the certificate allows it to expire or lapse. The certificate shall not may be renewed by the holder of that certificate. The executive director shall adopt, amend, or rescind rules in accordance with Chapter 119. of the Revised Code in order to effectuate division (C)(2) of this section.

(3) The executive director, with the advice and counsel of the committee, shall charter or renew the charter of any training program that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary action against the holder of a charter in accordance with rules adopted under division (B) of this section.

(D) The executive director shall issue or renew a fire training certificate for a firefighter, a fire safety inspector, or another position of any fire training certification level approved by the executive director, to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section and may take disciplinary actions against a certificate holder or applicant in accordance with rules adopted under division (B) of this section.

(E) Certificates issued under this section shall be on a form prescribed by the executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services.
The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall establish criteria for evaluating the standards maintained by other states and the branches of the United States military for firefighter, fire safety inspector, and fire instructor training programs, and other training programs recognized by the executive director, to determine whether the standards are equivalent to those established under this section and shall establish requirements and procedures for issuing a certificate to each person who presents proof to the executive director of having satisfactorily completed a training program that meets those standards.

The executive director, with the committee's advice and counsel, shall adopt rules establishing requirements and procedures for issuing a fire training certificate in lieu of completing a chartered training program.

Nothing in this section invalidates any other section of the Revised Code relating to the fire training academy. Section 4765.11 of the Revised Code does not affect any powers and duties granted to the executive director under this section.

Notwithstanding any provision of division (B)(4) of this section to the contrary, the executive director shall not adopt rules for refusing to issue any of the certificates or charters regulated by this section to an applicant because of a criminal conviction unless the rules establishing grounds and procedures for refusal are in accordance with section 9.79 of the Revised Code.

Sec. 4766.07. (A) Except as otherwise provided by rule of the state board of emergency medical, fire, and transportation services, each emergency medical service organization,
nonemergency medical service organization, and air medical service organization subject to licensure under this chapter shall possess a valid permit for each ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, and nontransport vehicle it owns or leases that is or will be used by the licensee to perform the services permitted by the license. Each licensee and license applicant shall submit the appropriate fee and an application for a permit for each ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, and nontransport vehicle to the state board of emergency medical, fire, and transportation services on forms provided by the board. The application shall include documentation that the vehicle or aircraft meets the appropriate standards set by the board, that the vehicle or aircraft has been inspected pursuant to division (C) of this section, that the permit applicant maintains insurance as provided in section 4766.06 of the Revised Code, and that the vehicle or aircraft and permit applicant meet any other requirements established under rules adopted by the board.

The state board of emergency medical, fire, and transportation services may adopt rules in accordance with Chapter 119. of the Revised Code to authorize the temporary use of a vehicle or aircraft for which a permit is not possessed under this section in back-up or disaster situations.

(B)(1) Within sixty forty-five days after receiving a completed application for a permit, the board shall issue or deny the permit. The board shall deny an application if it determines that the permit applicant, vehicle, or aircraft does not meet the requirements of this chapter and the rules adopted under it that apply to permits for ambulances, ambulettes, rotorcraft air ambulances, fixed wing air ambulances, and nontransport vehicles. The board shall send notice of the denial of an application by certified mail to the permit applicant. The permit applicant may
request a hearing within ten days after receipt of the notice. If the board receives a timely request, it shall hold a hearing in accordance with Chapter 119. of the Revised Code.

(2) If the board issues the vehicle permit for an ambulance, ambulette, or nontransport vehicle, it also shall issue a decal, in a form prescribed by rule, to be displayed on the rear window of the vehicle. The board shall not issue a decal until all of the requirements for licensure and permit issuance have been met.

(3) If the board issues the aircraft permit for a rotorcraft air ambulance or fixed wing air ambulance, it also shall issue a decal, in a form prescribed by rule, to be displayed on the left fuselage aircraft window in a manner that complies with all applicable federal aviation regulations. The board shall not issue a decal until all of the requirements for licensure and permit issuance have been met.

(C) In addition to any other requirements that the board establishes by rule, a licensee or license applicant applying for an initial vehicle or aircraft permit under division (A) of this section shall submit to the board the vehicle or aircraft for which the permit is sought. Thereafter, a licensee shall annually submit to the board each vehicle or aircraft for which a permit has been issued.

(1) The board shall conduct a physical inspection of an ambulance, ambulette, or nontransport vehicle to determine its roadworthiness and compliance with standard motor vehicle requirements.

(2) The board shall conduct a physical inspection of the medical equipment, communication system, and interior of an ambulance to determine the operational condition and safety of the equipment and the ambulance's interior and to determine whether the ambulance is in compliance with the federal requirements for
ambulance construction that were in effect at the time the ambulance was manufactured, as specified by the general services administration in the various versions of its publication titled "federal specification for the star-of-life ambulance, KKK-A-1822."

(3) The board shall conduct a physical inspection of the equipment, communication system, and interior of an ambulette to determine the operational condition and safety of the equipment and the ambulette's interior and to determine whether the ambulette is in compliance with state requirements for ambulette construction. The board shall determine by rule requirements for the equipment, communication system, interior, and construction of an ambulette.

(4) The board shall conduct a physical inspection of the medical equipment, communication system, and interior of a rotorcraft air ambulance or fixed wing air ambulance to determine the operational condition and safety of the equipment and the aircraft's interior.

(5) The board shall issue a certificate to the applicant for each vehicle or aircraft that passes the inspection and may assess a fee for each inspection, as established by the board.

(6) The board shall adopt rules regarding the implementation and coordination of inspections. The rules may permit the board to contract with a third party to conduct the inspections required of the board under this section.

Sec. 4766.11. (A) The state board of emergency medical, fire, and transportation services may investigate alleged violations of this chapter or the rules adopted under it and may investigate any complaints received regarding alleged violations.

In addition to any other remedies available and regardless of
whether an adequate remedy at law exists, the board may apply to
the court of common pleas in the county where a violation of any
provision of this chapter or any rule adopted pursuant thereto is
occurring for a temporary or permanent injunction restraining a
person from continuing to commit that violation. On a showing that
a person has committed a violation, the court shall grant the
injunction.

In conducting an investigation under this section, the board
may issue subpoenas compelling the attendance and testimony of
witnesses and the production of books, records, and other
documents pertaining to the investigation. If a person fails to
obey a subpoena from the board, the board may apply to the court
of common pleas in the county where the investigation is being
conducted for an order compelling the person to comply with the
subpoena. On application by the board, the court shall compel
obedience by attachment proceedings for contempt, as in the case
of disobedience of the requirements of a subpoena from the court
or a refusal to testify therein.

(B) The board may suspend a license issued under this chapter
without a prior hearing if it determines that there is evidence
that the license holder is subject to action under this section
and that there is clear and convincing evidence that continued
operation by the license holder presents a danger of immediate and
serious harm to the public. The chairperson and executive director
of the board shall make a preliminary determination and describe
the evidence on which they made their determination to the board
members. The board by resolution may designate another board
member to act in place of the chairperson or another employee to
act in place of the executive director in the event that the
chairperson or executive director is unavailable or unable to act.
Upon review of the allegations, the board, by the affirmative vote
of a majority of its members, may suspend the license without a
hearing.

Immediately following the decision by the board to suspend a license under this division, the board shall issue a written order of suspension and cause it to be delivered in accordance with section 119.05 and 119.07 of the Revised Code. If the license holder subject to the suspension requests an adjudication hearing by the board, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the request unless another date is agreed to by the license holder and the board.

Any summary suspension imposed under this division remains in effect, unless reversed by the board, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order not less than ninety days after completion of its adjudication hearing. Failure to issue the order by that day shall cause the summary suspension order to end, but such failure shall not affect the validity of any subsequent final adjudication order.

Sec. 4767.03. (A)(1) The owner or the person responsible for the operation and maintenance of a cemetery shall apply to the division of real estate in the department of commerce to register the cemetery on forms prescribed by the division. With the application, the applicant shall submit the documentation required in division (A) of section 4767.04 of the Revised Code and a registration fee of twenty-five dollars for one cemetery, forty dollars for two cemeteries, and fifty dollars for three or more cemeteries, except that no fee shall be required of any political subdivision.

(2) The director of commerce, by rule adopted in accordance with Chapter 119. of the Revised Code, may reduce the amount of
the registration fee required by this section in any year if the director determines that the total amount of funds the fee is generating at the amount specified by this section exceeds the amount of funds the division of real estate and the Ohio cemetery dispute resolution commission created by section 4767.05 of the Revised Code need to carry out their powers and duties under this chapter. If the director so reduces the amount of the registration fee, the director shall reduce it for all owners or other persons required to pay the fee under division (A)(1) of this section and shall require that the reduced fee be paid according to the number of cemeteries owned, operated, or maintained as required under that division. If the director has reduced the fee under division (A)(2) of this section, the director may later raise it up to the amounts specified in division (A)(1) of this section if, in any year, the director determines that the total amount of funds the fee is generating at the reduced amount is insufficient for the division of real estate and the Ohio cemetery dispute resolution commission to carry out their powers and duties under this chapter.

(B) Upon receipt of the completed application form, documentation, and, if required, registration fee, the division of real estate shall issue a certificate of registration to the applicant. The applicant shall display the certificate in a conspicuous place on the premises of the cemetery for which the registration was obtained, except that, if the applicant is the governing body of a political subdivision or person acting on behalf of that governing body, the certificate shall be kept on file and be available for public inspection at the office of the governing body.

(C) Except as otherwise provided in this division, each registration issued pursuant to this section shall expire annually on the thirtieth day of September and shall be renewed by the
owner or the person responsible for the operation and maintenance of the cemetery for the continued operation of the cemetery. The renewal fee shall be the same as the initial registration fees prescribed in division (A) of this section.

The registration of a cemetery operated and maintained by a political subdivision shall not expire unless the political subdivision ceases to operate and maintain the cemetery. A political subdivision operating and maintaining a cemetery is not required to renew or update the registration of that cemetery unless there is a change in the information required under division (A) of section 4767.04 of the Revised Code or unless additional land is acquired to increase the size of the cemetery.

(D) All registration and renewal fees collected pursuant to this section shall be paid into the state treasury to the credit of the cemetery registration fund, which is hereby created in the state treasury. The division of real estate in the department of commerce to be used by the division shall use the fund to carry out its powers and duties under this chapter and by the Ohio cemetery dispute resolution commission created by section 4767.05 of the Revised Code.

Sec. 4767.10. (A) The cemetery grant fund is created in the state treasury. The division of real estate in the department of commerce shall deposit into the fund one dollar of each two dollars and fifty cents portion of the burial permit fee received under section 3705.17 of the Revised Code. The division shall use moneys in the fund one dollar of each burial permit fee collected pursuant to section 3705.17 of the Revised Code and paid into the state treasury to the credit of the cemetery registration fund created under section 4767.03 of the Revised Code to advance grants to cemeteries registered with the division to defray the costs of exceptional cemetery maintenance or training cemetery
personnel in the maintenance and operation of cemeteries. The division may not provide a grant to a corporation or association that operates a cemetery for profit. In each fiscal year, the division may not advance grants totaling more than eighty per cent of the appropriation to the cemetery grant fund for that fiscal year. The division shall advance grants from the cemetery registration fund in accordance with rules adopted by the Ohio cemetery dispute resolution commission under Chapter 119. of the Revised Code.

(B) The director of commerce may increase, by rule adopted under Chapter 119. of the Revised Code, the amount of total grants the division may advance in a fiscal year if the director determines the total amount of funds generated exceeds the amount of funds the division needs to carry out its powers and duties under this section. If the director determines the increased amount depletes the amount of funds the division needs to carry out its powers and duties under this section, the director may decrease the amount not below the amount specified in division (A) of this section.

Sec. 4768.03. The real estate appraiser board shall do all of the following:

(A) Adopt rules, in accordance with Chapter 119. of the Revised Code in furtherance of this chapter, including, but not limited to, all of the following:

(1) Procedures for criminal records checks that are required under section 4768.06 of the Revised Code, in accordance with division (K)-(L) of section 121.08 and division (C) of section 4768.06 of the Revised Code;

(2) The following nonrefundable fees:

(a) The initial appraisal management company license fee,
which shall not exceed two thousand dollars;

(b) The annual renewal fee, which shall not exceed two thousand dollars;

(c) The late filing fee, which shall not exceed one thousand dollars, for the renewal of a license under division (C) of section 4768.07 of the Revised Code.

(3) Requirements for settlement agreements that the superintendent of real estate and professional licensing and an appraisal management company or other person may enter into under division (H) of section 4768.13 or division (C) of section 4768.14 of the Revised Code;

(4) Presumptions of compliance with regard to the customary and reasonable fees required under division (B) of section 4768.12 of the Revised Code. In adopting rules under division (A)(4) of this section, the board shall consider presumptions of compliance promulgated for the same purpose under the federal "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1631 et seq.;

(5) Rules regarding consent to service of process for appraisal management companies in accordance with division (A)(6) of section 4768.06 of the Revised Code.

(B) Determine the appropriate disciplinary actions to be taken against a person, including a licensee, under section 4768.13 of the Revised Code;

(C) Hear appeals, pursuant to Chapter 119. of the Revised Code, from decisions and orders that the superintendent issues pursuant to this chapter;

(D) Request that the superintendent initiate an investigation of a violation of this chapter or the rules adopted under it, as the board determines appropriate.

Sec. 4768.06. (A) To obtain an appraisal management company
license, each applicant shall submit all of the following to the superintendent of real estate and professional licensing:

(1) A completed application on a form the superintendent provides;

(2) The name of a controlling person who will be the main contact between the appraisal management company and the division of real estate and professional licensing and the real estate appraiser board;

(3) Payment of the fee established for initial licensure under division (A)(2) of section 4768.03 of the Revised Code;

(4) A list of all owners and controlling persons of the appraisal management company;

(5) A statement that each owner and controlling person of the appraisal management company satisfies the requirements set forth in divisions (B)(1) to (4) of this section;

(6) A completed consent to service of process in this state as prescribed by rule of the real estate appraiser board;

(7) A statement that the applicant understands the grounds for any disciplinary action that may be initiated under this chapter;

(8) The name of each state in which the appraisal management company holds an appraisal management company license, certificate, or registration and affirmation that the applicant is in good standing in each state where the applicant holds a license, certificate, or registration;

(9) A statement that the applicant acknowledges that a system or process must be in place to verify that any appraiser added to the appraisal management company's appraiser panel for the purpose of performing real estate appraisal services in this state holds a license or certificate under Chapter 4763. of the Revised Code and
is in good standing with this state;

(10) A statement that the applicant acknowledges that a system or process must be in place to review the work of appraisers who are performing real estate appraisal services for compliance with the uniform standards of professional appraisal practice;

(11) A statement that the applicant acknowledges that a system or process must be in place to verify that any employee of, or independent contractor to, the appraisal management company that performs an appraisal review shall be an appraiser licensed or certified pursuant to Chapter 4763. of the Revised Code, provided the property that is the subject of the appraisal is located in this state;

(12) A statement that the applicant acknowledges that the controlling person who will be the main contact between the appraisal management company and the division of real estate and professional licensing and the real estate appraiser board described in division (A)(2) of this section has successfully completed fifteen hours of uniform standards of professional appraisal practice and thereafter must complete seven hours of instruction in uniform standards of professional appraisal practice at least once every two years;

(13) A statement that the applicant acknowledges that a system or process must be in place to disclose to its client the actual fees paid to an appraiser for appraisal services separately from any other fees or charges for appraisal management services;

(14) A statement that the applicant acknowledges that a system or process must be in place to disclose the license, certificate, or registration number of the appraisal management company on each engagement letter used in assigning an appraisal request for real estate appraisal assignments within the state;
(15) A statement that the applicant acknowledges that it is required to report suspected violations of Chapter 4763. of the Revised Code by a person licensed, registered, or certified under that chapter;

(16) A statement that the applicant acknowledges that the real estate appraiser board or the superintendent may require the applicant to submit to an audit, conducted by staff of the division of real estate and professional licensing, of the applicant's operations or books;

(17) A statement that the applicant acknowledges that it is required to comply with section 129e of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1639e.

(B) Each owner and controlling person of an appraisal management company shall satisfy all of the following criteria:

(1) Be an individual who is at least eighteen years of age;

(2) Have graduated the twelfth grade or received a certificate of high school equivalence as defined in section 4109.06 of the Revised Code;

(3) Be honest, truthful, and of good moral character;

(4) Have not had a license, certificate, or registration to act as an appraiser that has been refused, denied, canceled, surrendered, or revoked in this state or in any other state for a substantive reason. A designated controlling person may have had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of revocation in a state for a nonsubstantive reason if the license or certificate was subsequently granted or reinstated;

(5) Submit to a criminal records check in accordance with this section and any rule that the superintendent adopts under division (A)(1) of section 4768.03 of the Revised Code.
(C) Upon receiving an application under this section, the superintendent shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the fingerprint impressions of each owner and controlling person of the applicant in accordance with division (A)(15) of section 109.572 of the Revised Code. Notwithstanding division (K)(L) of section 121.08 of the Revised Code, the superintendent of real estate and professional licensing shall request that the superintendent of the bureau of criminal identification and investigation obtain criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the applicant.

(D)(1) Subject to section 4768.08 of the Revised Code and except as provided in division (D)(2) of this section, the superintendent shall issue a license to the applicant if the applicant and each owner and controlling person of the applicant satisfies the requirements of this section.

(2) The superintendent shall not issue a license to an applicant if any owner or controlling person of the applicant has been convicted of or pleaded guilty or no contest to a felony. However, if an owner or controlling person of the applicant has pleaded guilty or no contest to or been convicted of a felony, the superintendent shall not consider the conviction or plea if the person has proven to the superintendent, by a preponderance of the evidence, that the person's activities and employment record since the conviction or plea show that the person is honest, truthful, and of good moral character, and there is no basis in fact for believing that the person will commit a felony again.

(E) A license issued under this section shall be valid for one year after the date of issue.
Sec. 4768.14. (A) Upon receipt of a written complaint or upon
the superintendent of real estate and professional licensing's own
motion, the superintendent may investigate any person that
allegedly violated division (A)(1) of section 4768.02 of the
Revised Code.

(B) If, after investigation, the superintendent determines
there exists reasonable evidence of a violation of division (A)(1)
of section 4768.02 of the Revised Code, within fourteen business
days after that determination, the superintendent shall send the
party who is the subject of the investigation a written notice, by
regular mail, that includes all of the following information:

(1) A description of the activity in which the party
allegedly is engaging or has engaged that is a violation of
division (A)(1) of section 4768.02 of the Revised Code;

(2) The applicable law allegedly violated;

(3) A statement informing the party that a hearing concerning
the alleged violation will be held before a hearing examiner, and
a statement giving the date and place of that hearing;

(4) A statement informing the party that the party or the
party's attorney may appear in person at the hearing and present
evidence and examine witnesses appearing for and against the
party, or the party may submit written testimony stating any
positions, arguments, or contentions.

(C) At any time after the superintendent notifies a person of
the superintendent's determination in accordance with division (B)
of this section but before a hearing is held on the matter, the
person may apply to the superintendent to enter into a settlement
agreement regarding the alleged violation. The superintendent and
the person shall comply with the requirements for settlement
agreements established by rules adopted by the board under
division (A)(3) of section 4768.03 of the Revised Code. If the
parties enter into the settlement agreement, the hearing before
the hearing examiner shall be postponed and the board shall review
the settlement agreement at its next regularly scheduled meeting.
If the board disapproves the settlement agreement, the hearing
before the hearing examiner shall be rescheduled.

(D) The hearing examiner shall hear the testimony of all
parties present at the hearing and consider any written testimony
submitted pursuant to division (B)(4) of this section. At the
conclusion of the hearing, the hearing examiner shall determine if
there has been a violation of division (A)(1) of section 4768.02
of the Revised Code.

(E) After the conclusion of formal hearings, the hearing
examiner shall file with the superintendent, the real estate
appraiser board, the complainant, and the parties a written report
setting forth the examiner's findings of fact and conclusions of
law and a recommendation of the action to be taken by the
superintendent. Within ten days of receiving a copy of that
report, the parties and the division of real estate and
professional licensing may file with the board written objections
to the report. The board shall consider the objections before
approving, modifying, or disapproving the report.

The board shall review the hearing examiner's report at the
next regularly scheduled board meeting held at least fifteen
business days after receipt of the hearing examiner's report. The
board shall hear the testimony of the complainant or the parties.

(F) After reviewing the hearing examiner's report pursuant to
division (E) of this section, or after reviewing the settlement
agreement pursuant to division (C) of this section, the board
shall decide whether to impose sanctions upon a party for a
violation of division (A)(1) of section 4768.02 of the Revised
Code. The board may assess a civil penalty in an amount it
determines, not to exceed one thousand dollars per violation, not
to exceed ten thousand dollars in aggregate. Each day a violation
occurs or continues is a separate violation. The board shall
determine the terms of payment. The board shall maintain a
transcript of the proceedings of the hearing and issue a written
opinion to all parties, citing its findings and grounds for any
action taken. If the board approved a settlement agreement entered
into pursuant to division (C) of this section in relation to the
violation, the civil penalty shall not be inconsistent with that
settlement agreement.

(G) Civil penalties collected under this section shall be
deposited in the real estate appraiser operating fund created
under section 4763.15 4735.211 of the Revised Code.

(H) If a party fails to pay a civil penalty assessed pursuant
to this section within the time prescribed by the board, the
superintendent shall forward to the attorney general the name of
the party and the amount of the civil penalty, for the purpose of
collecting that civil penalty. The party shall pay the fee
assessed by the attorney general for collection of the civil
penalty in addition to the civil penalty assessed pursuant to this
section in an amount not to exceed ten thousand dollars.

Sec. 4768.15. The superintendent of real estate and
professional licensing shall deposit all moneys collected under
this chapter into the state treasury to the credit of the real
estate appraiser operating fund created under section 4763.15
4735.211 of the Revised Code.

Sec. 4774.13. (A) The state medical board, by an affirmative
vote of not fewer than six members, may revoke or may refuse to
grant a license to practice as a radiologist assistant to an
individual found by the board to have committed fraud,
misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a radiologist assistant, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair
ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a radiologist assistant.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;
jurisdiction in which the act was committed;

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(18) Violation of the conditions placed by the board on a license to practice as a radiologist assistant;

(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(20) Failure to cooperate in an investigation conducted by the board under section 4774.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;
(21) Failure to maintain a license as a radiographer under Chapter 4773. of the Revised Code;

(22) Failure to maintain certification as a registered radiologist assistant from the American registry of radiologic technologists, including revocation by the registry of the assistant's certification or failure by the assistant to meet the registry's requirements for annual registration, or failure to notify the board that the certification as a registered radiologist assistant has not been maintained;

(23) Failure to comply with any of the rules of ethics included in the standards of ethics established by the American registry of radiologic technologists, as those rules apply to an individual who holds the registry's certification as a registered radiologist assistant.

(C) The board shall not refuse to issue a license to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a radiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.
(E) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(F) The sealing or expungement of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(G) For purposes of this division, any individual who holds a license to practice as a radiologist assistant issued under this chapter, or applies for a license, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, on a showing of a possible violation, may compel any individual who holds a license to practice as a radiologist assistant issued under this chapter or who has applied for a license to submit to a
mental or physical examination, or both. A physical examination may include an HIV test. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds a radiologist assistant unable to practice because of the reasons set forth in division (B)(5) of this section, the board shall require the radiologist assistant to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed license. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a license to practice as a radiologist assistant issued under this chapter or any applicant for a license suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered.
entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a license suspended under this division, the radiologist assistant shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired radiologist assistant resumes practice, the board shall require continued monitoring of the radiologist assistant. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission...
to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the radiologist assistant has maintained sobriety.

(H) If the secretary and supervising member determine that there is clear and convincing evidence that a radiologist assistant has violated division (B) of this section and that the individual's continued practice presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's license to practice without a prior hearing. Written allegations shall be prepared for consideration by the board.

The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue serve a written order of suspension by certified mail or in person in accordance with section sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the radiologist assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the radiologist assistant requests the hearing, unless otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall
result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B)(10), (12), or (13) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the license to practice as a radiologist assistant. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions specified in division (B) of this section.

(J) The license to practice of a radiologist assistant and the assistant's practice in this state are automatically suspended as of the date the radiologist assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntarymanslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.
The board shall notify the individual subject to the suspension by certified mail or in person in accordance with sections 119.05 and 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the radiologist assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to practice as a radiologist assistant to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as a radiologist.
assistant and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license to practice as a radiologist assistant issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license to practice in accordance with section 4774.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

Sec. 4776.01. As used in this chapter:

(A) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing agency to a licensee or to an applicant for an initial license by which the licensee or initial license applicant has or claims the privilege to engage in a profession, occupation, or occupational activity, or, except in the case of the state dental board, to have control of and operate certain specific equipment, machinery, or premises, over which the licensing agency has jurisdiction.

(B) Except as provided in section 4776.20 of the Revised Code, "licensee" means the person to whom the license is issued by a licensing agency. "Licensee" includes a person who, for purposes of section 3796.13 of the Revised Code, has complied with sections 4776.01 to 4776.04 of the Revised Code and has been determined by
the department of commerce or state board of pharmacy division of marijuana control, as the applicable licensing agency, to meet the requirements for employment.

(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following:

1. The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specific equipment, machinery, or premises.

2. The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code;

3. The department of commerce or state board of pharmacy division of marijuana control, relative to its authority under Chapter 3796. of the Revised Code and any rules adopted under that chapter with respect to a person who is subject to section 3796.13 of the Revised Code;

4. The director of agriculture, relative to the director's authority to issue licenses under Chapter 928. of the Revised Code.

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state. "Applicant for an initial license" also includes a person who, for purposes of section 3796.13 of the Revised Code, is required to comply with sections 4776.01 to 4776.04 of the Revised Code.

(E) "Applicant for a restored license" includes persons
seeking restoration of a license under section 4730.14, 4730.28, 4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. "Applicant for a restored license" does not include a person seeking restoration of a license under section 4751.33 of the Revised Code.

(F) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

Sec. 4776.20. (A) As used in this section:

1) "Licensing agency" means, in addition to each board identified in division (C) of section 4776.01 of the Revised Code, the board or other government entity authorized to issue a license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 4781., and 4789. of the Revised Code. "Licensing agency" includes an administrative officer that has authority to issue a license.

2) "Licensee" means, in addition to a licensee as described in division (B) of section 4776.01 of the Revised Code, the person to whom a license is issued by the board or other government entity authorized to issue a license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 4781., and 4789. of the Revised Code.

3) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) On a licensee's conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of guilt
resulting from a plea of no contest to the offense of trafficking
in persons in violation of section 2905.32 of the Revised Code,
the prosecutor in the case shall promptly notify the licensing
agency of the conviction, plea, or finding and provide the
licensee's name and residential address. On receipt of this
notification, the licensing agency shall immediately suspend the
licensee's license.

(C) If there is a conviction of, plea of guilty to, judicial
finding of guilt of, or judicial finding of guilt resulting from a
plea of no contest to the offense of trafficking in persons in
violation of section 2905.32 of the Revised Code and all or part
of the violation occurred on the premises of a facility that is
licensed by a licensing agency, the prosecutor in the case shall
promptly notify the licensing agency of the conviction, plea, or
finding and provide the facility's name and address and the
offender's name and residential address. On receipt of this
notification, the licensing agency shall immediately suspend the
facility's license.

(D) Notwithstanding any provision of the Revised Code to the
contrary, the suspension of a license under division (B) or (C) of
this section shall be implemented by a licensing agency without a
prior hearing. After the suspension, the licensing agency shall
give written notice to the subject of the suspension of the right
to request a hearing under Chapter 119. of the Revised Code. After
a hearing is held, the licensing agency shall either revoke or
permanently revoke the license of the subject of the suspension,
unless it determines that the license holder has not been
convicted of, pleaded guilty to, been found guilty of, or been
found guilty based on a plea of no contest to the offense of
trafficking in persons in violation of section 2905.32 of the
Revised Code.
**Sec. 4778.14.** (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a genetic counselor to an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a genetic counselor, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely
affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(13) A plea of guilty to, a judicial finding of guilt of, or
a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;

(17) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(18) Violation of the conditions placed by the board on a license to practice as a genetic counselor;

(19) Failure to cooperate in an investigation conducted by the board under section 4778.18 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction
has issued an order that either quashes a subpoena or permits the
individual to withhold the testimony or evidence in issue;

(20) Failure to maintain the individual's status as a
certified genetic counselor;

(21) Failure to comply with the code of ethics established by
the national society of genetic counselors.

(C) The board shall not refuse to issue a license to an
applicant because of a plea of guilty to, a judicial finding of
guilt of, or a judicial finding of eligibility for intervention in
lieu of conviction for an offense unless the refusal is in
accordance with section 9.79 of the Revised Code.

(D) Disciplinary actions taken by the board under divisions
(A) and (B) of this section shall be taken pursuant to an
adjudication under Chapter 119. of the Revised Code, except that
in lieu of an adjudication, the board may enter into a consent
agreement with a genetic counselor or applicant to resolve an
allegation of a violation of this chapter or any rule adopted
under it. A consent agreement, when ratified by an affirmative
vote of not fewer than six members of the board, shall constitute
the findings and order of the board with respect to the matter
addressed in the agreement. If the board refuses to ratify a
consent agreement, the admissions and findings contained in the
consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification
of a consent agreement that revokes or suspends an individual's
license. The telephone conference call shall be considered a
special meeting under division (F) of section 121.22 of the
Revised Code.

(E) For purposes of divisions (B)(11), (14), and (15) of this
section, the commission of the act may be established by a finding
by the board, pursuant to an adjudication under Chapter 119. of
the Revised Code, that the applicant or license holder committed
the act in question. The board shall have no jurisdiction under
these divisions in cases where the trial court renders a final
judgment in the license holder's favor and that judgment is based
upon an adjudication on the merits. The board shall have
jurisdiction under these divisions in cases where the trial court
issues an order of dismissal on technical or procedural grounds.

(F) The sealing or expungement of conviction records by any
court shall have no effect on a prior board order entered under
the provisions of this section or on the board's jurisdiction to
take action under the provisions of this section if, based upon a
plea of guilty, a judicial finding of guilt, or a judicial finding
of eligibility for intervention in lieu of conviction, the board
issued a notice of opportunity for a hearing or took other formal
action under Chapter 119. of the Revised Code prior to the court's
order to seal or expunge the records. The board shall not be
required to seal, destroy, redact, or otherwise modify its records
to reflect the court's sealing or expungement of conviction
records.

(G) For purposes of this division, any individual who holds a
license to practice as a genetic counselor, or applies for a
license, shall be deemed to have given consent to submit to a
mental or physical examination when directed to do so in writing
by the board and to have waived all objections to the
admissibility of testimony or examination reports that constitute
a privileged communication.

(1) In enforcing division (B)(5) of this section, the board,
on a showing of a possible violation, may compel any individual
who holds a license to practice as a genetic counselor or who has
applied for a license to practice as a genetic counselor to submit
to a mental or physical examination, or both. A physical
examination may include an HIV test. The expense of the
examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds a genetic counselor unable to practice because of the reasons set forth in division (B)(5) of this section, the board shall require the genetic counselor to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed license to practice. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a license to practice as a genetic counselor or any applicant for a license suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to
practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license, to submit to treatment.

Before being eligible to apply for reinstatement of a license suspended under this division, the genetic counselor shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired genetic counselor resumes practice, the board shall require continued monitoring of the genetic counselor. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the genetic counselor has
maintained sobriety.

(H) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license to practice without a prior hearing:

(1) That there is clear and convincing evidence that a genetic counselor has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the genetic counselor requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the genetic counselor requests the hearing, unless otherwise agreed to by both the board and the genetic counselor.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall
result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B)(10), (12), or (13) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the license to practice as a genetic counselor. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions specified in division (B) of this section.

(J) The license to practice as a genetic counselor and the counselor's practice in this state are automatically suspended as of the date the genetic counselor pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.

The board shall notify serve the individual subject to the
suspension by certified mail or in person in accordance with section 119.05 and 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license to practice.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the license of the genetic counselor may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to practice as a genetic counselor to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as a genetic counselor and the board shall not accept an application for reinstatement of
the license or for issuance of a new license.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license to practice as a genetic counselor is not effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license in accordance with section 4778.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

Sec. 4779.29. If the Ohio occupational therapy, physical therapy, and athletic trainers board determines that there is clear and convincing evidence that an individual licensed under this chapter is engaging or has engaged in conduct described in division (A) of section 4779.28 of the Revised Code and that the license holder's continued practice presents a danger of immediate and serious harm to the public, the board may suspend the individual's license without an adjudicatory hearing. A telephone conference call may be used for reviewing the matter and taking the vote.

If the board votes to suspend an individual's license, the board shall issue serve a written order of suspension by certified mail or in person in accordance with section sections 119.05 and
119.07 of the Revised Code. The order is not subject to suspension by a court during pendency of any appeal filed under section 119.12 of the Revised Code. If the license holder requests an adjudicatory hearing by the board, the date set for the hearing shall be not later than fifteen days, but not earlier than seven days, after the request, unless otherwise agreed to by the board and the license holder.

Any suspension imposed under this section shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to section 119.12 of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. A failure to issue an order within sixty days shall result in the dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

Sec. 4779.35. (A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall appoint an orthotics, prosthetics, and pedorthics advisory council for the purpose of advising the board on issues relating to the practice of orthotics, prosthetics, and pedorthics and the investigation of complaints regarding the practice of orthotics, prosthetics, and pedorthics.

The advisory council shall consist of not more than five individuals knowledgeable in the area of orthotics, prosthetics, and pedorthics. A majority of the council members shall be individuals actively engaged in the practice of orthotics, prosthetics, and pedorthics who meet the requirements for licensure under Chapter 4779. of the Revised Code.

The Ohio orthotics and prosthetics association, or its successor organization, may nominate the names of up to three qualified individuals for consideration by the board in making
appointments for each vacancy on the council. (B) Not later than ninety days after January 1, 2018, the board shall make initial appointments to the council. Members shall serve three-year staggered terms of office in accordance with rules adopted by the board. Thereafter, terms of office shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. A council member shall continue in office subsequent to the expiration date of the member's term until a successor is appointed and takes office, or until a period of sixty ninety days has elapsed, whichever occurs first. Each council member shall hold office from the date of appointment until the end of the term for which the member was appointed. (C) With approval from the director of administrative services, members may receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day the member is performing the member's official duties and be reimbursed for actual and necessary expenses incurred in performing those duties. (D) The council shall meet at least four three times per year and at such other times as may be necessary to carry out its responsibilities. (E) The council shall submit to the board recommendations concerning all of the following: (1) Requirements for issuing a license to practice orthotics, prosthetics, and pedorthics, including the educational and experience requirements that must be met to receive a license; (2) Existing and proposed rules pertaining to the practice of orthotics, prosthetics, and pedorthics and the administration and enforcement of this chapter; (3) Standards for the approval of educational programs required to qualify for licensure and continuing education.
programs for licensure renewal;

(4) Procedures for the issuance and renewal of licenses;

(5) Fees for the issuance and renewal of a license to practice orthotics, prosthetics, and pedorthics;

(6) Standards of practice and ethical conduct in the practice of orthotics, prosthetics, and pedorthics;

(7) Complaints concerning alleged violation of Chapter 4779. of the Revised Code or grounds for the suspension, revocation, refusal to issue, or issuance of probationary licenses;

(8) The safe and effective practice of orthotics, prosthetics, and pedorthics;

(9) Requirements for issuing a license to practice orthotics, prosthetics, or orthotics and prosthetics to an applicant with unique and exceptional qualifications, including standards for satisfactory evidence for the applicant to be eligible for the license.

Sec. 4781.04. (A) The department of commerce, division of industrial compliance shall adopt rules pursuant to Chapter 119. of the Revised Code to do all of the following:

(1) Establish uniform standards that govern the installation of manufactured housing that are consistent with, and not less stringent than, the model standards for the design and installation of manufactured housing the secretary of the United States department of housing and urban development adopts;

(2) Govern the inspection of the installation of manufactured housing. The rules shall specify that the division of industrial compliance, any building department or personnel of any department, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation of manufactured housing located in
manufactured home parks this state to determine compliance with the uniform installation standards the division of industrial compliance establishes pursuant to this section.

(3) Govern the design, construction, installation, approval, and inspection of foundations and the base support systems for manufactured housing. The rules shall specify that the division of industrial compliance, any building department or personnel of any department, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation, foundations, and base support systems of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards and foundation and base support system design the division of industrial compliance establishes pursuant to this section.

(4) Govern the training, experience, and education requirements for manufactured housing installers;

(5) Establish a code of ethics for manufactured housing installers;

(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers;

(7) Establish fees for the issuance and renewal of licenses, for conducting inspections to determine an applicant's compliance with this chapter and the rules adopted pursuant to it, and for the division's expenses incurred in implementing this chapter;

(8) Establish conditions under which a licensee may enter into contracts to fulfill the licensee's responsibilities;

(9) Govern the investigation of complaints concerning any complaints involving the conduct of any licensed manufactured housing installer or person installing manufactured housing without a license;
(10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, manufactured housing dealers, and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of installation of the home. The rules also shall provide that decisions made regarding the dispute under the program are not binding upon the purchaser of the home or the other parties involved in the dispute unless the purchaser so agrees in a written acknowledgement that the purchaser signs and delivers to the program within ten business days after the decision is issued.

(11) Establish the requirements and procedures for the certification of building departments and building department personnel pursuant to section 4781.07 of the Revised Code;

(12) Establish fees to be charged to building departments and building department personnel applying for certification and renewal of certification pursuant to section 4781.07 of the Revised Code;

(13) Develop a policy regarding the maintenance of records for any inspection authorized or conducted pursuant to this chapter. Any record maintained under division (A)(13) of this section shall be a public record under section 149.43 of the Revised Code.

(B) The division of industrial compliance shall do all of the following:

(1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing
installation and other aspects of installation the division determines appropriate;

(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;

(3) Prepare and distribute any application form sections 4781.01 to 4781.11 of the Revised Code require;

(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;

(5) Establish procedures for processing, approving, and disapproving applications for licensure;

(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;

(7) Review the design and plans for manufactured housing installations, foundations, and support systems;

(8) Inspect a sample of homes at a percentage the division determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the division adopts;

(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer;

(10) Determine appropriate disciplinary actions for violations of this chapter;

(11) Conduct audits and inquiries of manufactured housing installers as appropriate for the enforcement of this chapter. The division, or any person the division employs for the purpose, may review and audit the business records of any manufactured housing
installer during normal business hours.

(12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity.

(C) Nothing in this section, or in any rule adopted by the division of industrial compliance, shall be construed to limit the authority of a board of health to enforce section 3701.344 or Chapters 3703., 3718., and 3781. of the Revised Code or limit the authority of the department of administrative services to lease space for the use of a state agency and to group together state offices in any city in the state as provided in section 123.01 of the Revised Code.

(D) The department of commerce, division of real estate and professional licensing may adopt rules pursuant to Chapter 119. of the Revised Code necessary for administration of the provisions of this chapter related to manufactured home dealers, brokers, and salespersons.

Sec. 4781.121. (A) The division of industrial compliance, pursuant to section 4781.04 of the Revised Code, may investigate any person who allegedly has committed a violation. If, after an investigation the division determines that reasonable evidence exists that a person has committed a violation, within seven days after that determination, the division shall serve a written notice to that person in the same manner as prescribed in section sections 119.05 and 119.07 of the Revised Code for licensees, except that the notice shall specify that a hearing will be held and specify the date, time, and place of the hearing.

(B) The division of industrial compliance shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the division, after the hearing, determines that
a violation has occurred, the division may impose a fine not exceeding one thousand dollars per violation per day. The division's determination is an order that the person may appeal in accordance with section 119.12 of the Revised Code.

(C) If the person who allegedly committed a violation fails to appear for a hearing, the division of industrial compliance may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the division for a hearing.

(D) If the division assesses a person a civil penalty for a violation and the person fails to pay that civil penalty within the time period prescribed by the division pursuant to section 131.02 of the Revised Code, the division shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.

(E) The authority provided to the division of industrial compliance pursuant to this section, and any fine imposed under this section, shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter. Any fines collected pursuant to this section shall be used solely to administer and enforce this chapter and rules adopted under it. Any fees collected pursuant to this section shall be transmitted to the treasurer of state and shall be credited to the industrial compliance operating fund created in section 121.084 of the Revised Code and the rules adopted thereunder. The fees shall be used only for the purpose of administering and enforcing sections 4781.26 to 4781.35 of the Revised Code and the rules adopted thereunder.

(F) As used in this section, "violation" means a violation of
section 4781.11, 4781.16, 4781.27, or 4781.57 or any rule adopted pursuant to section 4781.04 of the Revised Code.

Sec. 4781.17. (A) Each person applying for a manufactured housing dealer's license or manufactured housing broker's license shall complete and deliver to the department of commerce, division of real estate, before the first day of April, a separate application for license for each county in which the business of selling or brokering manufactured or mobile homes is to be conducted. The application shall be in the form prescribed by the division of real estate and accompanied by the fee established by the division of real estate. The applicant shall sign and swear to the application that shall include all of the following:

(1) Name of applicant and location of principal place of business;

(2) Name or style under which business is to be conducted and, if a corporation, the state of incorporation;

(3) Name and address of each owner or partner and, if a corporation, the names of the officers and directors;

(4) The county in which the business is to be conducted and the address of each place of business therein;

(5) A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that is sufficient to establish to the satisfaction of the division of real estate the reputation in business of the applicant;

(6) A statement showing whether the applicant has previously applied for a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle
salesperson's license, and the result of the application, and whether the applicant has ever been the holder of any such license that was revoked or suspended;

(7) If the applicant is a corporation or partnership, a statement showing whether any partner, employee, officer, or director has been refused a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, or has been the holder of any such license that was revoked or suspended;

(8) Any other information required by the division of real estate.

(B) Each person applying for a manufactured housing salesperson's license shall complete and deliver to the division of real estate before the first day of July an application for license. The application shall be in the form prescribed by the division of real estate and shall be accompanied by the fee established by the division. The applicant shall sign and swear to the application that shall include all of the following:

(1) Name and post-office address of the applicant;

(2) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant intends to act as salesperson;

(3) A statement of the applicant's previous history, record, and association, that is sufficient to establish to the satisfaction of the division of real estate the applicant's reputation in business;

(4) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson;
(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended;

(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked;

(7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson;

(8) Any other information required by the division of real estate.

(C) Any application for a manufactured housing dealer or manufactured housing broker delivered to the division of real estate under this section also shall be accompanied by a photograph, as prescribed by the division, of each place of business operated, or to be operated, by the applicant.

(D) The division of real estate shall deposit all license fees into the state treasury to the credit of the manufactured homes regulatory real estate operating fund created under section 4735.211 of the Revised Code.

Sec. 4781.54. (A) The division of real estate and professional licensing shall deposit all the fees collected in the administration and enforcement sections 4781.16 to 4781.25 of the Revised Code into the manufactured homes regulatory real estate operating fund, which is hereby created under section 4735.211 of the Revised Code. All In addition to the purposes described in
section 4735.211 of the Revised Code, money deposited into the fund shall be used to pay the operating expenses of the division or as otherwise described in those sections 4781.16 to 4781.25 of the Revised Code.

(B) The division of industrial compliance shall deposit all fees collected in the administration and enforcement sections of 4781.04 to 4781.14 and sections 4781.26 to 4781.35 of the Revised Code into the industrial compliance operating fund created in section 121.084 of the Revised Code. All money deposited into the fund shall be used to pay the operating expenses of the division or as otherwise described in those sections.

Sec. 4783.10. On receipt of a complaint that any of the grounds listed in division (A) of section 4783.09 of the Revised Code exist, the state board of psychology may suspend the certificate of the certified Ohio behavior analyst prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that an immediate threat to the public exists.

After suspending a certificate pursuant to this section, the board shall notify serve notice on the certified Ohio behavior analyst of the suspension in accordance with section sections 119.05 and 119.07 of the Revised Code. If the individual whose certificate is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's certificate.

Sec. 4789.01. As used in this chapter:

(A)(1) "Art therapy" means the integrated use of psychotherapeutic principles and methods with art media and the creative process to assist individuals, families, or groups in
doing any of the following:

(a) Improving cognitive and sensory-motor functions;
(b) Increasing self-awareness and self-esteem;
(c) Coping with grief and traumatic experiences;
(d) Enhancing cognitive abilities;
(e) Resolving conflicts and distress;
(f) Enhancing social functioning;
(g) Identifying and assessing clients' needs to implement therapeutic intervention to meet developmental, behavioral, mental, and emotional needs.

(2) "Art therapy" includes therapeutic intervention to facilitate alternative modes of receptive and expressive communication and evaluation and assessment to define and implement art-based treatment plans to address cognitive, behavioral, developmental, and emotional needs.

(B) "Practice of art therapy" means the rendering or offering to render art therapy in the prevention or treatment of cognitive, developmental, emotional, or behavioral disabilities or conditions.

(C) "Licensee" means an individual who is licensed to practice art therapy under this chapter.

(D) "Client" means an individual who receives art therapy from a licensee.

**Sec. 4789.02.** The counselor, social worker, and marriage and family therapist board shall implement and administer this chapter and adopt a policy that concerns the intervention for and treatment of any impaired individual holding a license issued under the chapter.
Sec. 4789.03. The buckeye art therapy association or its successor organization shall provide the counselor, social worker, and marriage and family therapist board with expertise and assistance in carrying out the board's duties pursuant to this chapter.

Sec. 4789.04. (A) An individual seeking a license to practice art therapy under this chapter shall submit to the counselor, social worker, and marriage and family therapist board a completed application on a form prescribed by the counselor, social worker, and marriage and family therapist board and an application fee of twenty-five dollars. The board may prorate the application fee for an initial license.

The application shall include information the counselor, social worker, and marriage and family therapist board considers necessary to process the application, including evidence satisfactory to the counselor, social worker, and marriage and family therapist board that the applicant meets the requirements specified in division (B) of this section. No part of the application fee shall be returned to the applicant or applied to another application.

(B) To be eligible for a license to practice art therapy under this chapter, an applicant shall demonstrate to the counselor, social worker, and marriage and family therapist board that the applicant meets all of the following requirements:

(1) The applicant is at least eighteen years of age.

(2) The applicant has attained a master's degree or higher degree from a graduate program in art therapy that one of the following applies to at the time the degree was conferred:

(a) The program is approved by the American art therapy association or its successor organization.
(b) The program is accredited by the commission on accreditation of allied health education programs or its successor organization.

(c) The counselor, social worker, and marriage and family therapist board considers the program to be substantially equivalent to a program approved or accredited under division (B)(2)(a) or (b) of this section.

(3) The applicant has completed at least two years of postgraduate supervised clinical experience in the practice of art therapy that meets the posteducation supervised art therapy experience requirements that the art therapy credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board required for an individual to become a registered art therapist at the time the experience was completed.

(4) The applicant has a board certification in good standing with the art therapy credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board.

(5) The applicant has satisfied any other requirements established by the counselor, social worker, and marriage and family therapist board.

(C) Not later than sixty days after receiving a complete application, except as provided in division (E) of this section, the counselor, social worker, and marriage and family therapist board shall issue a license to practice art therapy to an applicant if the board determines that the applicant satisfies the requirements of division (B) of this section. An affirmative vote of a majority of the members of the board is required to determine that an applicant meets the requirements.

(D) The counselor, social worker, and marriage and family
therapist board may waive the requirements of division (B) of this section and issue a license to practice art therapy to an applicant if, not later than one year after the effective date of this section, the applicant files an application with the board that includes evidence satisfactory to the board that the applicant meets all of the following requirements:

(1) The applicant holds a credential in good standing with the art therapy credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board.

(2) The applicant has practiced art therapy for at least five years.

(3) The applicant satisfies any additional requirements established by the counselor, social worker, and marriage and family therapist board.

(E) The counselor, social worker, and marriage and family therapist board shall issue a license to practice art therapy in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an art therapist in a state that does not issue that license.

Sec. 4789.05. (A) A license issued under section 4789.04 of the Revised Code shall expire biennially and may be renewed in accordance with this section. A licensee seeking to renew a license to practice art therapy shall, on or before the thirty-first day of January of each even-numbered year, apply for renewal of the license. The counselor, social worker, and marriage
and family therapist board may establish a different expiration date for an initial license. The board shall provide renewal notices at least one month before the expiration date.

(B) A licensee shall submit a renewal application to the counselor, social worker, and marriage and family therapist board in a manner prescribed by the board and a renewal fee of twenty-five dollars.

(C) To be eligible for renewal, a licensee shall certify to the board that the licensee has done all of the following:

(1) Maintained board certification with the art therapy credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board;

(2) Completed at least forty hours of the continuing education that is required to maintain board certification with the art therapy credentials board, its successor organization, or an equivalent organization recognized by the counselor, social worker, and marriage and family therapist board;

(3) Report any criminal offense to which the applicant has pleaded guilty, of which the licensee has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a license under this chapter.

(D) If a licensee submits a renewal application that the counselor, social worker, and marriage and family therapist board considers to be complete and qualifies for renewal pursuant to division (C) of this section, the board shall issue to the licensee a renewed license to practice art therapy.

(E) The counselor, social worker, and marriage and family therapist board may require a random sample of licensees to submit materials documenting that the licensee has complied with
divisions (C)(1) and (2) of this section. If the board finds
through the random sample or any other means that a licensee has
not complied with those divisions, the board may refuse to renew
the licensee's license or may take any other action the board may
take under this chapter.

Sec. 4789.06. (A) A license to practice art therapy that is not
renewed on or before its expiration date is automatically
suspended on its expiration date.

(B) If a license has been suspended pursuant to division (A)
of this section, the counselor, social worker, and marriage and
family therapist board shall reinstate the license if the
individual qualifies for renewal pursuant to section 4789.05 of
the Revised Code and pays a monetary penalty to be established by
the board.

(C) If a license has been suspended pursuant to division (A)
of this section for more than two years, the board may impose
terms and conditions for reinstatement in addition to those
specified in division (B) of this section, including the
following:

(1) Requiring the applicant to pass an oral or written
examination, or both, to determine the applicant's fitness to
resume the practice of art therapy;

(2) Requiring the applicant to obtain additional training and
to pass an examination on completion of the training;

(3) Restricting or limiting the extent, scope, or type of
practice in which an applicant may engage.

Sec. 4789.07. (A) A licensee may treat affective, behavioral,
and cognitive disorders or problems specified in the edition of
the diagnostic and statistical manual of mental disorders
published by the American psychiatric association designated by
the counselor, social worker, and marriage and family therapist board.

(B) A license issued under this chapter does not authorize the licensee to do either of the following:

(1) Administer or prescribe drugs;

(2) Perform psychological testing intended to measure or diagnose serious mental illness.

Sec. 4789.08. (A) As used in this section:

(1) "Willfully betraying a professional confidence" and "false, fraudulent, deceptive, or misleading statement" have the same meanings as in section 4731.22 of the Revised Code.

(2) "Privileged communication" means any information obtained through the practice of art therapy, including client records, artwork, verbal or artistic expressions, assessment results, or assessment interpretations.

(B) The counselor, social worker, and marriage and family therapist board, by an affirmative vote of a majority of the members, may limit, revoke, suspend, or refuse to grant a license to practice art therapy to an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(C) Except as provided in division (G) of this section, the board, by an affirmative vote of a majority of the members, shall, to the extent permitted by law, limit, revoke, suspend, or refuse to issue, renew, or reinstate a license, or reprimand or place on probation a licensee for any of the following reasons:

(1) Failure to comply with the requirements of this chapter;

(2) Permitting the licensee's name or license to be used by another individual:
(3) Failure to employ acceptable scientific methods in the selection of modalities for treatment provided under a license to practice art therapy;

(4) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a violation of any federal or state law regulating the possession, distribution, or use of any drug;

(5) Willfully betraying a professional confidence;

(6) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for clients; in relation to the practice of art therapy; or in securing or attempting to secure any license or certificate to practice issued by the board;

(7) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a client is established;

(8) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other individual, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(9) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of the practice of art therapy;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of the practice of art therapy;

(13) Commission of an act in the course of the practice of art therapy that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) Violation of the conditions of limitation placed by the board on a license to practice art therapy;

(17) Failure to pay license renewal fees required by this chapter;

(18) Inability to practice art therapy according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(19) Impairment of ability to practice art therapy according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair the ability to practice;

(20) Failure to maintain the confidentiality of privileged communications without the written consent of a client or a client's parent or guardian, as applicable, unless otherwise required by law, court order, or necessity to protect public health and safety;
(21) Failure to comply with the continuing education requirements necessary to renew a license to practice art therapy;

(22) Failure to comply with any standards for the ethical practice of art therapy that the board adopts;

(23) Failure to cooperate in an investigation conducted by the board under division (E) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview.

(D) Disciplinary actions taken by the board under divisions (B) and (C) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter. A consent agreement, when ratified by an affirmative vote of a majority of the members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement are of no force or effect.

(E) The board shall investigate evidence that appears to show that an individual has violated any provision of this chapter. Any individual may report to the board in a signed writing any information that the individual may have that appears to show a violation of any provision of this chapter. Investigations of alleged violations of this chapter shall be conducted by the board in the same manner as the board conducts investigations under section 4757.38 of the Revised Code.

(F) Notwithstanding any provision of the Revised Code to the contrary, all of the following apply:

(1) The surrender of a license issued under this chapter is
not effective until accepted by the board. A telephone conference call may be used for acceptance of the surrender of an individual's license to practice art therapy. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license to practice art therapy surrendered to the board requires an affirmative vote of a majority of the members of the board.

(2) An application for a license to practice art therapy under this chapter may not be withdrawn without approval of the board.

(3) Failure of an individual to renew a license to practice art therapy in accordance with section 4789.05 of the Revised Code does not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(G) The board shall not refuse to issue a license to an applicant because of a conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

Sec. 4789.09. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the counselor, social worker, and marriage and family therapist board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license to practice art therapy issued under this chapter.

Sec. 4789.10. The counselor, social worker, and marriage and family therapist board shall comply with section 4776.20 of the Revised Code.
Sec. 4928.54. The director of development services shall public utilities commission may aggregate percentage of income payment plan program customers for the purpose of establishing a competitive procurement process for the supply of competitive retail electric service for those customers. The process shall be an auction. Only bidders certified under section 4928.08 of the Revised Code may participate in the auction.

Sec. 4928.543. The director of development services public utilities commission shall adopt rules in accordance with Chapter 119. of the Revised Code to implement sections 4928.54 and 4928.541, and 4928.542 of the Revised Code. The rules shall ensure a fair and unbiased auction process and the performance of the winning bidder or bidders.

Sec. 4928.544. (A) For the purpose of facilitating compliance with sections 4928.54, and 4928.541, and 4928.542 of the Revised Code, and upon written request by the director of development services, the public utilities commission shall design, manage, and supervise the competitive procurement process required by established under section 4928.54 of the Revised Code inform the director of development if the commission intends to aggregate percentage of income payment plan customers pursuant to section 4928.54 of the Revised Code. For the director's consideration of possible universal service rider adjustments under division (B) of section 4928.52 of the Revised Code, the commission shall inform the director of development of the decision to aggregate such customers as soon as possible after the decision is made.

To the extent reasonably possible, and to minimize costs, the competitive procurement process may be designed based on any existing competitive procurement process for the establishment of
the default generation supply price for electric distribution utilities. To the extent necessary to transition percentage of income payment plan customers from a competitive procurement process to the applicable standard service offer under sections 4928.141, 4928.142, and 4928.143 of the Revised Code, the design for the competitive procurement process during such transition may include full or partial auctions of those customers.

This division does not preclude a process design that is based on a competitive procurement process that applies to the combined certified territories of electric distribution utilities subject to common ownership.

(B) The director of development services shall reimburse the commission for its costs incurred under division (A) of this section. The reimbursements constitute administrative costs of the low-income customer assistance programs for the purpose of division (A) of section 4928.51 of the Revised Code.

**Sec. 4928.85.** As used in sections 4928.85 to 4928.89 of the Revised Code:

(A) "Infrastructure development" means the planning, development, and construction of utility infrastructure, including the following:

(1) Substation facilities and extensions of transmission and distribution facilities that a utility owns and operates;

(2) Performance of electric load studies.

(B) "Economic development project" means a land development containing a minimum of ten contiguous acres that has the potential for commercial or industrial development and that does not currently have adequate electric distribution service from a utility.

(C) "Infrastructure development costs" means costs incurred
by a utility for infrastructure development, which costs are directly attributable to an economic development project.

"Infrastructure development costs" include the following:

(1) An allowance for funds used during construction, depreciation, return on equity, ongoing operation and maintenance, and tax expenses;

(2) Project planning costs;

(3) Costs associated with obtaining the right of way for the economic development project.

(D) "JobsOhio" means the nonprofit corporation formed under section 187.01 of the Revised Code. "JobsOhio" includes the department of development at any time when a contract under section 187.04 of the Revised Code is not in effect.

(E) "Utility" means an "electric distribution utility" or "electric cooperative."

Sec. 4928.86. After filing a request for disbursement from the all Ohio future fund under section 126.62 of the Revised Code, a utility may file an application with the public utilities commission for approval of infrastructure development necessary to support or enable a state or local economic development project, including any project approved, certified, or funded by JobsOhio. Prior to beginning the infrastructure development, the utility shall file, and receive commission approval of, the application.

Sec. 4928.88. An infrastructure development application filed under section 4928.86 of the Revised Code shall include each of the following:

(A) Descriptions of the economic development project and the infrastructure development necessary to support or enable that project, including the general location and type of facilities
that the applicant proposes to replace, construct, or improve;

(B) A description of potential uses or new customers that may be served by the economic development project;

(C) A summary of the infrastructure development costs to be expended on the economic development project;

(D) The proposed start and completion dates for the infrastructure development;

(E) A statement of support of the economic development project from any state or local entity involved with the project;

(F) Other information the applicant considers relevant for consideration by the public utilities commission.

Sec. 4928.89. (A)(1) The public utilities commission may approve an infrastructure development application and the collection of infrastructure development costs under this section, if the infrastructure development is necessary to support or enable a state or local economic development project.

(2) JobsOhio may provide a recommendation to the commission regarding the approval or denial of the application.

(B) The commission shall approve or deny the application within forty-five days after the application filing date. If the commission does not approve or deny the application within that period, the application shall be deemed approved as filed unless the commission suspends the application for good cause shown. If the commission suspends the application, the commission shall approve, deny, or hold a hearing on the application not later than forty-five days after the date the suspension begins. If the commission holds a hearing, it shall issue an order approving or denying the application within thirty days of the final date of the hearing.
Sec. 4934.01. As used in section 4934.01 to 4934.14 of the Revised Code:

(A) "Direct current fast charging station" means an electric vehicle charging system capable of distributing electricity at fifty kilowatts or more of direct current to an electric vehicle's rechargeable battery at a voltage of two hundred volts or more.

(B) "Electric cooperative" and "electric distribution utility" have the same meanings as in section 4928.01 of the Revised Code.

(C) "Electric vehicle" means a vehicle that is powered wholly by a system that can be recharged via an external source of electricity, including a vehicle for public or private use that is a passenger car, commercial car or truck, a vehicle used for public transit, a vehicle used in a vehicle fleet, a vehicle used in construction work, and a vehicle used in industrial or warehouse work.

(D) "Electric vehicle charging provider" means the owner or operator of an electric vehicle charging station. "Electric vehicle charging provider" excludes any of the following that owns or operates an electric vehicle charging station:

(1) An electric cooperative;

(2) An electric distribution utility;

(3) An affiliate or subsidiary of an electric distribution utility.

(E) "Electric vehicle charging station" means any nonresidential electric vehicle charging system that is both of the following:

(1) Capable of distributing electricity from a source outside an electric vehicle to the electric vehicle;
(2) A direct current fast charging station or level two charging station.

(F) "Level two charging station" means any electric vehicle charging system capable of distributing electricity at a minimum of three or a maximum of twenty kilowatts of alternating current to an electric vehicle's rechargeable battery at a voltage of two hundred volts or more.

(G) "Make-ready infrastructure" means electrical infrastructure required to accommodate the electric load of an electric vehicle charging station. "Make-ready infrastructure" excludes an electric vehicle charging station.

Sec. 4934.03. (A) No electric distribution utility may own or operate publicly available electric vehicle charging stations except through a separate affiliate or subsidiary that is not subject to public utilities commission jurisdiction.

(B)(1) No electric distribution utility may charge its affiliate or subsidiary a subsidized rate, fee, or charge for electric service distributed to the affiliate's or subsidiary's publicly available electric vehicle charging stations.

(2) An electric distribution utility affiliate or subsidiary that owns or operates an electric vehicle charging station shall be subject to the same rates, terms, and conditions that apply to electric vehicle charging providers located in the electric distribution utility's certified territory.

Sec. 4934.05. Revenues received by an electric distribution utility for providing electric distribution service shall not, directly or indirectly, subsidize investments in the ownership or operation of electric vehicle charging stations.

Sec. 4934.08. (A) An electric cooperative that owns or
operates publicly available electric vehicle charging stations shall maintain separate books and records of its electric vehicle charging station service. A cooperative shall not include in the rates it charges for electric service any electric vehicle charging station costs, or any other costs, unrelated to the provision of electric service.

(B) An electric cooperative that owns or operates publicly available electric vehicle charging stations shall be subject to the same rates, terms, and conditions for the operation of electric vehicle charging stations that apply to electric vehicle charging providers in the cooperative's designated service territory.

Sec. 4934.11. Nothing in sections 4934.01 to 4934.14 of the Revised Code prohibits an electric distribution utility or electric cooperative from recovering the costs of make-ready infrastructure through rates or charges authorized under the electric distribution utility's distribution rate case under section 4909.18 of the Revised Code or through rates or charges implemented by the cooperative, as applicable, so long as such subsidies for make-ready infrastructure are offered to electric vehicle charging providers on a nondiscriminatory basis.

Sec. 4934.14. Nothing in sections 4934.01 to 4934.14 of the Revised Code shall be construed to prohibit an electric distribution utility or electric cooperative from operating, leasing, installing, or otherwise procuring service from an electric vehicle charging station on its own premises for the sole purpose of serving its own electric vehicles.

Sec. 5101.136. If a person requests the department of job and family services to conduct a search of whether that person's name
has been placed or remains in the statewide automated child welfare information system as an alleged perpetrator of child abuse or neglect and a search reveals that a "substantiated" disposition exists, the department shall send a letter to the person who requested the search indicating a "match."

Sec. 5101.137. The department of job and family services shall expunge substantiated dispositions of child abuse or neglect that are older than ten years from the statewide automated child welfare information system.

Sec. 5101.26. As used in this section and in sections 5101.27 to 5101.30 of the Revised Code:

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

(B) "County agency" means a county department of job and family services or a public children services agency.

(C) "Fugitive Fleeing felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime, or an attempt to commit a crime, that is would be classified as a felony under the laws of the place from which the individual is fleeing, or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence or who is violating a condition of probation or parole under a federal or state law. The department may adopt rules regarding the verification of "fleeing felon" status for the purposes of this chapter.

(D) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format,
and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, a county agency, or an entity performing duties on behalf of the department or a county agency.

(D) "Law enforcement agency" means the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency.

(E) same meaning as in section 109.573 of the Revised Code.

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

(G) "Public assistance" means financial assistance or social services that are provided under a program administered by the department of job and family services or a county agency pursuant to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code or an executive order issued under section 107.17 of the Revised Code. a program financed with federal, state, or local funds to provide aid in the form of money or vendor payments to families or individuals on the basis of need and other eligibility conditions.

"Public assistance" does not mean medical assistance provided under a medical assistance program, as defined in section 5160.01 of the Revised Code.

(H) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance.

(I) "Publicly funded child care" has the same meaning as in section 5104.01 of the Revised Code.

(J) "Tuberculosis control unit" means the county
tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis control unit designated pursuant to an agreement entered into by two or more boards of community commissioners under that section.

Sec. 5101.27. (A) Except as permitted otherwise provided by this section, section 5101.273, 5101.28, or 5101.29 of the Revised Code, or rules adopted under section 5101.30 of the Revised Code, or when required by federal law, no person or government entity shall knowingly solicit, disclose, receive, use, permit the use of, or participate in the use of any the department of job and family services and county agencies shall keep confidential and accessible only to its employees, except by the consent of the department or the order of a judge or a court of record, information regarding a public assistance recipient for any purpose not directly connected with the administration of a public assistance program.

(B) Information may not be disclosed for solicitation of contributions or expenditures to or on behalf of a candidate for public or political office or a political party. To the extent permitted by federal law, the department of job and family services and county agencies shall do all may release information regarding a public assistance recipient to any of the following:

(1) Release information regarding a public assistance recipient for purposes directly connected to the administration of the program to a government entity responsible for administering that public assistance program for purposes directly connected to the administration of the program;

(2) Provide information regarding a public assistance recipient to a law enforcement agency for the purpose of any investigation, prosecution, or criminal or civil proceeding.
relating to the administration of that a public assistance program;

(3) Provide, for purposes directly connected to the administration of a program An entity administering a public utility services program that assists needy individuals with the costs of public utility services, information regarding a recipient of financial assistance provided under a program administered by the department or a county agency pursuant to Chapter 5107. or 5108. of the Revised Code to an entity administering the public utility services program;

(4) A state or federal government agency for use in the performance of that agency's official duties, including research related to the administration of those duties, or to an agent or contractor of a state or federal government agency to whom disclosure would be permissible;

(5) Any agency of the United States charged with the administration of any public assistance program, and any state or federal official for purposes of oversight and audits of such programs;

(6) Individuals, public and private entities, agencies, and institutions, private companies or organizations, partnerships, business trusts, or other business entities or ventures, research organizations, whether for profit or not for profit, or combinations or consortiums of any of the foregoing for the purpose of conducting or supporting research related to the welfare of the people of the state, provision or performance of a state or federal government program, or for academic purposes;

(7) Information that does not identify an individual is not protected information and may be released in summary, statistical, or aggregate form.

(C)(1) To the extent permitted by federal law and subject to
division (C)(2) of this section, the department of job and family services shall release, for purposes directly connected to a public health investigation related to section 3301.531 or 5104.037 of the Revised Code, information regarding a public assistance recipient who receives publicly funded child care, so long as all of the following conditions are met:

(a) The department of health or the tuberculosis control unit has initiated a public health investigation related to section 3301.531 or 5104.037 of the Revised Code and has assessed the investigation as an emergency.

(b) The department of health or the tuberculosis control unit has notified the department of job and family services about the investigation and has requested that the department of job and family services release the information for purposes of the investigation.

(c) The department of job and family services is unable to timely obtain voluntary, written authorization that complies with section 5101.272 of the Revised Code from the recipient, as permitted by division (D) of this section.

(2) If the conditions specified in division (C)(1) of this section are met, the department of job and family services shall release to the department of health or the tuberculosis control unit the minimum information necessary to fulfill the needs of the department of health or tuberculosis control unit related to the public health investigation.

(3) If the department of job and family services releases information pursuant to division (C) of this section, it shall immediately notify the public assistance recipient.

(D) Notwithstanding any other provision of this section and to the extent permitted by federal law and section 1347.08 of the Revised Code, the department and of job and family services or
a county agency shall provide access to may release
information regarding a public assistance recipient to all of the
following:

(1) The public assistance recipient;

(2) The authorized representative;

(3) The legal guardian of the recipient;

(4) The attorney of the recipient, if the attorney has
written authorization that complies with section 5101.272 of the
Revised Code from the or any other person or entity identified by
the recipient.

(E) To the extent permitted by federal law and subject to
division (F) of this section, the department and county agencies
may do both of the following:

(1) Release information about a public assistance recipient
if the recipient gives voluntary, written authorization that
complies with section 5101.272 of the Revised Code;

(2) Release information regarding a public assistance
recipient to a state, federal, or federally assisted program that
provides cash or in-kind assistance or services directly to
individuals based on need or for the purpose of protecting
children to a government entity responsible for administering a
children’s protective services program, to the extent permitted by
that the written authorization.

(F) Except when the release is required by division (B), (C),
or (D) of this section or is authorized by division (E)(2) of this
section, the department or county agency shall release the
information only in accordance with the authorization. The
department or county agency shall provide, at no cost, a copy of
each written authorization to the individual who signed it.

(G) The department of job and family services may adopt
rules defining "authorized representative" for purposes of division (D)(2) that contain guidelines necessary for the implementation of this section.

Sec. 5101.28. (A)(1) On request of the department of job and family services or a county agency, a law enforcement agency shall provide information regarding public assistance recipients to enable the department or county agency to determine, for eligibility purposes, whether a recipient or a member of a recipient's assistance group is a fugitive fleeing felon or violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under state or federal law.

(2) A county agency may enter into a written agreement with a local law enforcement agency establishing procedures concerning access to information and providing for compliance with division (F) of this section.

(B) To the extent permitted by federal law, the department and county agencies shall provide information regarding recipients of public assistance under a program administered by the state department or a county agency pursuant to Chapter 5107, or 5108, of the Revised Code to a law enforcement agency on request for the purposes of investigations, prosecutions, and criminal and civil proceedings that are within the scope of use in the performance of the law enforcement agency's official duties.

(C) Information about a public assistance recipient shall be exchanged, obtained, or shared only if the department, county agency, or law enforcement agency requesting the information gives sufficient information to specifically identify the recipient. In addition to the recipient's name, identifying information may include the recipient's current or last known address, social
security number, other identifying number, age, gender, physical
characteristics, any information specified in an agreement entered
into under division (A) of this section, or any information
considered appropriate by the department or agency.

(D)(1) The department and its officers and employees are not
liable in damages in a civil action for any injury, death, or loss
to person or property that allegedly arises from the release of
information in accordance with divisions (A), (B), and (C) of this
section. This section does not affect any immunity or defense that
the department and its officers and employees may be entitled to
under another section of the Revised Code or the common law of
this state, including section 9.86 of the Revised Code.

(2) The county agencies and their employees are not liable in
damages in a civil action for any injury, death, or loss to person
or property that allegedly arises from the release of information
in accordance with divisions (A), (B), and (C) of this section.
"Employee" has the same meaning as in division (B) of section
2744.01 of the Revised Code. This section does not affect any
immunity or defense that the county agencies and their employees
may be entitled to under another section of the Revised Code or
the common law of this state, including section 2744.02 and
division (A)(6) of section 2744.03 of the Revised Code.

(E)(D) To the extent permitted by federal law, the department
and county agencies shall provide access to information to the
auditor of state acting pursuant to Chapter 117. or sections
5101.181 and 5101.182 of the Revised Code and to any other
government entity authorized by federal law to conduct an audit
of, or similar activity involving, a public assistance program.

(F)(E) The auditor of state shall prepare an annual report on
the outcome of the agreements required under division (A) of this
section. The report shall include the number of fugitive fleeing
felons, probation and parole violators, and violators of community
control sanctions and post-release control sanctions apprehended during the immediately preceding year as a result of the exchange of information pursuant to that division. The auditor of state shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The state department, county agencies, and law enforcement agencies shall cooperate with the auditor of state's office in gathering the information required under this division.

(G) To the extent permitted by federal law, nothing in this section prohibits the department of job and family services, county departments of job and family services, and employees of the departments may report from reporting to a public children services agency or other appropriate agency information on known or suspected physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment, of a child receiving public assistance, if circumstances indicate that the child's health or welfare is threatened.

(H) As used in this section:

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

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

Sec. 5101.29. When contained in a record held by the department of job and family services or a county agency, the following are not public records for purposes of section 149.43 of the Revised Code:

(A) Names and other identifying information regarding children enrolled in or attending a child day-care center or home subject to licensure or registration under Chapter 5104. of the
(B) Names and other identifying information regarding children placed with an institution or association certified under section 5103.03 of the Revised Code;

(C) Names and other identifying information regarding a person who makes an oral or written complaint regarding an institution, association, child day-care center, or home subject to licensure or registration to the department or other state or county entity responsible for enforcing Chapter 5103. or 5104. of the Revised Code;

(D)(1) Except as otherwise provided in division (D)(2) of this section, names, documentation, and other identifying information regarding a foster caregiver or a prospective foster caregiver, including the foster caregiver application for certification under section 5103.03 of the Revised Code and the home study conducted pursuant to section 5103.0324 of the Revised Code.

(2) Notwithstanding division (D)(1) of this section, the following are public records for the purposes of section 149.43 of the Revised Code, when contained in a record held by the department of job and family services, a county agency, or other governmental entity:

(a) All of the following information regarding a currently certified foster caregiver who has had a foster care certificate revoked pursuant to Chapter 5103. of the Revised Code or, after receiving a current or current renewed certificate has been convicted of, pleaded guilty to, or indicted or otherwise charged with any offense described in division (C)(1) of section 2151.86 5103.256 of the Revised Code:

(i) The foster caregiver's name, date of birth, and county of residence;
(ii) The date of the foster caregiver's certification;

(iii) The date of each placement of a foster child into the foster caregiver's home;

(iv) If applicable, the date of the removal of a foster child from the foster caregiver's home and the reason for the foster child's removal unless release of such information would be detrimental to the foster child or other children residing in the foster caregiver's home;

(v) If applicable, the date of the foster care certificate revocation and all documents related to the revocation unless otherwise not a public record pursuant to section 149.43 of the Revised Code.

(b) Nonidentifying foster care statistics including, but not limited to, the number of foster caregivers and foster care certificate revocations.

Sec. 5101.342. The Ohio commission on fatherhood shall do both of the following:

(A) Organize a state summit on fatherhood every four years;

(B) Prepare a report each year that does the following:

(1) Identifies resources available to fund fatherhood-related programs and explores the creation of initiatives to do the following:

(a) Build the parenting skills of fathers;

(b) Provide employment-related services for low-income, noncustodial fathers;

(c) Prevent premature fatherhood;

(d) Provide services to fathers who are inmates in or have just been released from imprisonment in a state correctional institution, as defined in section 2967.01 of the Revised Code, or
in any other detention facility, as defined in section 2921.01 of the Revised Code, so that they are able to maintain or reestablish their relationships with their families;

(e) Reconcile fathers with their families;

(f) Increase public awareness of the critical role fathers play.

(2) Describes the commission's expectations for the outcomes of fatherhood-related programs and initiatives and the methods the commission uses for conducting annual measures of those outcomes.

(C) Pursuant to section 5101.805 of the Revised Code, the commission may make recommendations to the director of job and family services regarding funding, approval, and implementation of fatherhood programs in this state that meet at least one of the four purposes of the temporary assistance for needy families block grant, as specified in 42 U.S.C. 601.

(D) The portion of the report prepared pursuant to division (B)(2) of this section shall be prepared by the commission in collaboration with the director of job and family services.

(E) The commission shall submit each report prepared pursuant to division (B) of this section to the president and minority leader of the senate, speaker and minority leader of the house of representatives, governor, and chief justice of the supreme court. The first report is due not later than one year after the last of the initial appointments to the commission is made under section 5101.341 of the Revised Code.

Sec. 5101.35. (A) As used in this section:

(1)(a) "Agency" means the following entities that administer a family services program:

(i) The department of job and family services;
(ii) A county department of job and family services;

(iii) A public children services agency;

(iv) A private or government entity administering, in whole or in part, a family services program for or on behalf of the department of job and family services or a county department of job and family services or public children services agency.

(b) If the department of medicaid contracts with the department of job and family services to hear appeals authorized by section 5160.31 of the Revised Code regarding medical assistance programs, "agency" includes the department of medicaid.

(2) "Appellant" means an applicant, participant, former participant, recipient, or former recipient of a family services program who is entitled by federal or state law to a hearing regarding a decision or order of the agency that administers the program.

(3)(a) "Family services program" means all of the following:

(i) A Title IV-A program as defined in section 5101.80 of the Revised Code;

(ii) Programs that provide assistance under Chapter 5104. of the Revised Code;

(iii) Programs that provide assistance under section 5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the Revised Code;

(iv) Title XX social services provided under section 5101.46 of the Revised Code, other than such services provided by the department of mental health and addiction services, the department of developmental disabilities, a board of alcohol, drug addiction, and mental health services, or a county board of developmental disabilities.

(b) If the department of medicaid contracts with the
department of job and family services to hear appeals authorized by section 5160.31 of the Revised Code regarding medical assistance programs, "family services program" includes medical assistance programs.

(4) "Medical assistance program" has the same meaning as in section 5160.01 of the Revised Code.

(B) Except as provided by divisions (G) and (H) of this section, an appellant who appeals under federal or state law a decision or order of an agency administering a family services program shall, at the appellant's request, be granted a state hearing by the department of job and family services. This state hearing shall be conducted in accordance with rules adopted under this section. The state hearing shall be recorded, but neither the recording nor a transcript of the recording shall be part of the official record of the proceeding. Except as provided in section 5160.31 of the Revised Code, a state hearing decision is binding upon the agency and department, unless it is reversed or modified on appeal to the director of job and family services or a court of common pleas.

(C) Except as provided by division (G) of this section, an appellant who disagrees with a state hearing decision may make an administrative appeal to the director of job and family services in accordance with rules adopted under this section. This administrative appeal does not require a hearing, but the director or the director's designee shall review the state hearing decision and previous administrative action and may affirm, modify, remand, or reverse the state hearing decision. An administrative appeal decision is the final decision of the department and, except as provided in section 5160.31 of the Revised Code, is binding upon the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

(D) An agency shall comply with a decision issued pursuant to
division (B) or (C) of this section within the time limits established by rules adopted under this section. If a county department of job and family services or a public children services agency fails to comply within these time limits, the department may take action pursuant to section 5101.24 of the Revised Code. If another agency, other than the department of medicaid, fails to comply within the time limits, the department may force compliance by withholding funds due the agency or imposing another sanction established by rules adopted under this section.

(E) An appellant who disagrees with an administrative appeal decision of the director of job and family services or the director's designee issued under division (C) of this section may appeal from the decision to the court of common pleas pursuant to section 119.12 of the Revised Code. The appeal shall be governed by section 119.12 of the Revised Code except that:

(1) The person may appeal to the court of common pleas of the county in which the person resides, or to the court of common pleas of Franklin county if the person does not reside in this state.

(2) The person may apply to the court for designation as an indigent and, if the court grants this application, the appellant shall not be required to furnish the costs of the appeal.

(3) The appellant shall mail the notice of appeal to the department of job and family services and file notice of appeal with the court within thirty days after the department mails the administrative appeal decision to the appellant. For good cause shown, the court may extend the time for mailing and filing notice of appeal, but such time shall not exceed six months from the date the department mails the administrative appeal decision. Filing notice of appeal with the court shall be the only act necessary to vest jurisdiction in the court.
(4) The department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court shall make such an order only if it finds that the department and the appellant are unable to stipulate to the facts of the case and that the transcript is essential to a determination of the appeal. The department shall file the transcript not later than thirty days after the day such an order is issued.

(F) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules governing the following:

(1) State hearings under division (B) of this section. The rules shall include provisions regarding notice of eligibility termination and the opportunity of an appellant appealing a decision or order of a county department of job and family services to request a county conference with the county department before the state hearing is held.

(2) Administrative appeals under division (C) of this section;

(3) Time limits for complying with a decision issued under division (B) or (C) of this section;

(4) Sanctions that may be applied against an agency under division (D) of this section.

(G) The department of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing an appeals process for an appellant who appeals a decision or order regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g), or (h) of section 5101.80 of the Revised Code that is different from the appeals process established by this section. The different appeals process may include having a state agency that administers the Title IV-A
program pursuant to an interagency agreement entered into under
section 5101.801 of the Revised Code administer the appeals
process.

(H) If an appellant receiving medicaid through a health
insuring corporation that holds a certificate of authority under
Chapter 1751. of the Revised Code is appealing a denial of
medicaid services based on lack of medical necessity or other
clinical issues regarding coverage by the health insuring
corporation, the person hearing the appeal may order an
independent medical review if that person determines that a review
is necessary. The review shall be performed by a health care
professional with appropriate clinical expertise in treating the
recipient's condition or disease. The department shall pay the
costs associated with the review.

A review ordered under this division shall be part of the
record of the hearing and shall be given appropriate evidentiary
consideration by the person hearing the appeal.

(I) The requirements of Chapter 119. of the Revised Code
apply to a state hearing or administrative appeal under this
section only to the extent, if any, specifically provided by rules
adopted under this section.

Sec. 5101.54. (A) The director of job and family services
shall administer the supplemental nutrition assistance program in
accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011
et seq.). The department of job and family services may:

(1) Prepare and submit to the secretary of the United States
department of agriculture a plan for the administration of the
supplemental nutrition assistance program;

(2) Prescribe forms for applications, certificates, reports,
records, and accounts of county departments of job and family
services, and other matters;

(3) Require such reports and information from each county department of job and family services as may be necessary and advisable;

(4) Administer and expend any sums appropriated by the general assembly for the purposes of the supplemental nutrition assistance program and all sums paid to the state by the United States as authorized by the Food and Nutrition Act of 2008;

(5) Conduct such investigations as are necessary;

(6) Enter into interagency agreements and cooperate with investigations conducted by the department of public safety, including providing information for investigative purposes, exchanging property and records, passing through federal financial participation, modifying any agreements with the United States department of agriculture, providing for the supply, security, and accounting of supplemental nutrition assistance program benefits for investigative purposes, and meeting any other requirements necessary for the detection and deterrence of illegal activities in the supplemental nutrition assistance program;

(7) Adopt rules in accordance with Chapter 119. of the Revised Code governing employment and training requirements of recipients of supplemental nutrition assistance program benefits, including rules specifying which recipients are subject to the requirements and establishing sanctions for failure to satisfy the requirements. The rules shall be consistent with 7 U.S.C. 2015, including its work and employment and training requirements, and, to the extent practicable, shall provide for the recipients to participate in work activities, developmental activities, and alternative work activities described in sections 5107.40 to 5107.69 of the Revised Code that are comparable to programs authorized by 7 U.S.C. 2015(d)(4). The rules may reference rules
adopted under section 5107.05 of the Revised Code governing work activities, developmental activities, and alternative work activities described in sections 5107.40 to 5107.69 of the Revised Code.

(8) Adopt rules in accordance with section 111.15 of the Revised Code that are consistent with the Food and Nutrition Act of 2008, the regulations adopted thereunder, and this section governing the following:

(a) Eligibility requirements for the supplemental nutrition assistance program;

(b) Sanctions for failure to comply with eligibility requirements;

(c) Allotment of supplemental nutrition assistance program benefits;

(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of supplemental nutrition assistance program benefits subject to employment and training requirements established by rules adopted under division (A)(7) of this section receive the benefits after satisfying the requirements;

(e) Administration of the program by county departments of job and family services;

(f) Other requirements necessary for the efficient administration of the program.

(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to operate a simplified supplemental nutrition assistance program pursuant to 7 U.S.C. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the supplemental nutrition assistance
program in the case of households receiving supplemental nutrition assistance program benefits and participating in Ohio works first.

(10) Collect information on suspicious electronic benefit transfer card transactions and provide the information to each impacted county department for analysis and investigation. Such information shall include transactions of even dollar amounts, full monthly benefit amounts, multiple same-day transactions, out-of-state transactions, and any other suspicious trends.

(B) A household that is entitled to receive supplemental nutrition assistance program benefits and that is determined to be in immediate need of nutrition assistance shall receive certification of eligibility for program benefits, pending verification, within twenty-four hours, or, if mitigating circumstances occur, within seventy-two hours, after application, if:

(1) The results of the application interview indicate that the household will be eligible upon full verification;

(2) Information sufficient to confirm the statements in the application has been obtained from at least one additional source, not a member of the applicant's household. Such information shall be recorded in the case file and shall include:

(a) The name of the person who provided the name of the information source;

(b) The name and address of the information source;

(c) A summary of the information obtained.

The period of temporary eligibility shall not exceed one month from the date of certification of temporary eligibility. If eligibility is established by full verification, benefits shall continue without interruption as long as eligibility continues.

There is no limit on the number of times a household may...
receive expedited certification of eligibility under this division as long as before each expedited certification all of the information identified in division (F)(1) of this section was verified for the household at the last expedited certification or the household's eligibility was certified under normal processing standards since the last expedited certification.

At the time of application, the county department of job and family services shall provide to a household described in this division a list of community assistance programs that provide emergency food.

(C) Before certifying supplemental nutrition assistance program benefits, the department shall verify the eligibility of each household in accordance with division (F) of this section. All applications shall be approved or denied through full verification within thirty days from receipt of the application by the county department of job and family services.

(D) Nothing in this section shall be construed to prohibit the certification of households that qualify under federal regulations to receive supplemental nutrition assistance program benefits without charge under the Food and Nutrition Act of 2008.

(E) Any person who applies for the supplemental nutrition assistance program shall receive a voter registration application under section 3503.10 of the Revised Code.

(F)(1) In order to verify household eligibility as required by federal regulations and this section, the department shall, except as provided in division (F)(2) of this section, verify at least the following information before certifying supplemental nutrition assistance program benefits:

(a) Household composition;

(b) Identity;
(c) Citizenship and alien eligibility status;  
(d) Social security numbers;  
(e) State residency status;  
(f) Disability status;  
(g) Gross nonexempt income;  
(h) Utility expenses;  
(i) Medical expenses;  
(j) Enrollment status in other state-administered public assistance programs within and outside this state;  
(k) Any available information related to potential identity fraud or identity theft.

(2) A household's eligibility for supplemental nutrition assistance program benefits may be certified before all of the information identified in division (F)(1) of this section is verified if the household's certification is being expedited under division (B) of this section.

(3) On at least a quarterly basis and consistent with federal regulations, as information is received by a county department of job and family services, the county department shall review and act on information identified in division (F)(1) of this section that indicates a change in circumstances that may affect eligibility, to the extent such information is available to the department.

(4) Consistent with federal regulations, as part of the application for public assistance and before certifying benefits under the supplemental nutrition assistance program, the department shall require an applicant, or a person acting on the applicant's behalf, to verify the identity of the members of the applicant household.
(5) (a) The department shall sign a memorandum of understanding with any department, agency, or division as needed to obtain the information identified in division (F)(1) of this section.

(b) The department may contract with one or more independent vendors to provide the information identified in division (F)(1) of this section.

(c) Nothing in this section prevents the department or a county department of job and family services from receiving or reviewing additional information related to eligibility not identified in this section or from contracting with one or more independent vendors to provide additional information not identified in this section.

(6) The department shall explore joining a multistate cooperative, such as the national accuracy clearinghouse, to identify individuals enrolled in public assistance programs outside of this state.

(G) The department shall use the same criteria to verify gross nonexempt income from self-employment pursuant to division (F)(1) of this section as were used during initial certification when:

(1) Reviewing information pursuant to division (F)(3) of this section regarding households with income from self-employment;

(2) Recertifying households with income from self-employment.

(H) If the department receives information concerning a household certified to receive supplemental nutrition assistance program benefits that indicates a change in circumstances that may affect eligibility, the department shall take action in accordance with federal regulations, including verifying unclear information, providing prior written notice of a change or adverse action, and
notifying the household of the right to a fair hearing.

(I) In the case of suspected fraud, the department shall refer the case for an administrative disqualification hearing or to the county prosecutor of the county in which the applicant or recipient resides for investigation, or both.

(J) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to implement divisions (F) to (I) of this section.

(K) Except as prohibited by federal law, the department may assign any of the duties described in this section to any county department of job and family services.

Sec. 5101.80. (A) As used in this section and in section 5101.801 of the Revised Code:

(1) "County family services agency" has the same meaning as in section 307.981 of the Revised Code.

(2) "State agency" has the same meaning as in section 9.82 of the Revised Code.

(3) "Title IV-A administrative agency" means both of the following:

(a) A county family services agency or state agency administering a Title IV-A program under the supervision of the department of job and family services;

(b) A government agency or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.

(4) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title IV-A of the

(a) The Ohio works first program established under Chapter 5107. of the Revised Code;

(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;

(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services pursuant to section 5101.801 of the Revised Code;

(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code;

(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code;

(f) The Ohio parenting and pregnancy program created under section 5101.804 of the Revised Code;

(g) Fatherhood programs recommended by the Ohio commission on fatherhood under section 5101.805 of the Revised Code;

(h) A component of a Title IV-A program identified under divisions (A)(4)(a) to (e), (g) of this section that the Title IV-A state plan prepared under division (C)(1) of this section identifies as a component.

(B) The department of job and family services shall act as the single state agency to administer and supervise the administration of Title IV-A programs. The Title IV-A state plan and amendments to the plan prepared under division (C) of this section are binding on Title IV-A administrative agencies. No Title IV-A administrative agency may establish, by rule or otherwise, a policy governing a Title IV-A program that is inconsistent with a Title IV-A program policy established, in rule
or otherwise, by the director of job and family services.  

(C) The department of job and family services shall do all of the following:

(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan for Title IV-A programs;

(2) Prepare and submit to the United States secretary of health and human services amendments to the Title IV-A state plan that the department determines necessary, including amendments necessary to implement Title IV-A programs identified in divisions (A)(4)(c) to (g) of this section;

(3) Prescribe forms for applications, certificates, reports, records, and accounts of Title IV-A administrative agencies, and other matters related to Title IV-A programs;

(4) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding Title IV-A programs;

(5) Require reports and information from each Title IV-A administrative agency as may be necessary or advisable regarding a Title IV-A program;

(6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program;

(7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and sections 5101.801, 5101.802, 5101.803, and 5101.804 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and sections and all sums paid to the state by the secretary of the

(8) Conduct investigations and audits as are necessary regarding Title IV-A programs;

(9) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents;

(10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following:

(a) Examine issues of process, practice, impact, and outcomes;

(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;

(c) Provide the department with reports at times the department specifies.

(11) Not later than the last day of each January and July, prepare a report containing information on the following:

(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code.

(b) Individuals who have been exempted from the time limits
set forth in section 5107.18 of the Revised Code and the reasons for the exemption.

(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under division (C)(11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.

(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section.

Sec. 5101.801. (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (h) of section 5101.80 of the Revised Code shall provide benefits and services that are not "assistance" as defined in 45 C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

(B)(1) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, the department of job and family services shall do either of the following regarding a Title
IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) or (h) of section 5101.80 of the Revised Code:

(a) Administer the program or supervise a county family services agency's administration of the program;

(b) Enter into an interagency agreement with a state agency for the state agency to administer the program under the department's supervision.

(2) The department may enter into an agreement with a government entity and, to the extent permitted by federal law, a private, not-for-profit entity for the entity to receive funding for a project under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.

(3) To the extent permitted by federal law, the department may enter into an agreement with a private, not-for-profit entity for the entity to receive funds under the Ohio parenting and pregnancy program created under section 5101.804 of the Revised Code.

(4) To the extent permitted by federal law, the department may enter into an agreement with a private, not-for-profit entity for the entity to receive funds as recommended by the Ohio commission on fatherhood under section 5101.805 of the Revised Code.

(C) The department may adopt rules governing Title IV-A programs identified under divisions (A)(4)(c), (d), (e), (f), and (g), and (h) of section 5101.80 of the Revised Code. Rules governing financial and operational matters of the department or between the department and county family services agencies shall be adopted as internal management rules adopted in accordance with section 111.15 of the Revised Code. All other rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(D) If the department enters into an agreement regarding a
Title IV-A program identified under division (A)(4)(c), (e), (f), or (g) of section 5101.80 of the Revised Code pursuant to division (B)(1)(b) or (2) of this section, the agreement shall include at least all of the following:

(1) A requirement that the state agency or entity comply with the requirements for the program or project, including all of the following requirements established by federal statutes and regulations, state statutes and rules, the United States office of management and budget, and the Title IV-A state plan prepared under section 5101.80 of the Revised Code:

(a) Eligibility;
(b) Reports;
(c) Benefits and services;
(d) Use of funds;
(e) Appeals for applicants for, and recipients and former recipients of, the benefits and services;
(f) Audits.

(2) A complete description of all of the following:

(a) The benefits and services that the program or project is to provide;
(b) The methods of program or project administration;
(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services;
(d) Other requirements that the department requires be included.

(3) Procedures for the department to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is
established;

(4) Provisions regarding how the department is to reimburse the state agency or entity for allowable expenditures under the program or project that the department approves, including all of the following:

(a) Limitations on administrative costs;

(b) The department, at its discretion, doing either of the following:

(i) Withholding no more than five per cent of the funds that the department would otherwise provide to the state agency or entity for the program or project;

(ii) Charging the state agency or entity for the costs to the department of performing, or contracting for the performance of, audits and other administrative functions associated with the program or project.

(5) If the state agency or entity arranges by contract, grant, or other agreement for another entity to perform a function the state agency or entity would otherwise perform regarding the program or project, the state agency or entity's responsibilities for both of the following:

(a) Ensuring that the other entity complies with the agreement between the state agency or entity and department and federal statutes and regulations and state statutes and rules governing the use of funds for the program or project;

(b) Auditing the other entity in accordance with requirements established by the United States office of management and budget.

(6) The state agency or entity's responsibilities regarding the prompt payment, including any interest assessed, of any adverse audit finding, final disallowance of federal funds, or other sanction or penalty imposed by the federal government,
auditor of state, department, a court, or other entity regarding funds for the program or project;

(7) Provisions for the department to terminate the agreement or withhold reimbursement from the state agency or entity if either of the following occur:

(a) The federal government disapproves the program or project or reduces federal funds for the program or project;

(b) The state agency or entity fails to comply with the terms of the agreement.

(8) Provisions for both of the following:

(a) The department and state agency or entity determining the performance outcomes expected for the program or project;

(b) An evaluation of the program or project to determine its success in achieving the performance outcomes determined under division (D)(8)(a) of this section.

(E) To the extent consistent with the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program and subject to the approval of the director of budget and management, the director of job and family services may terminate a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g), or (h) of section 5101.80 of the Revised Code or reduce funding for the program if the director of job and family services determines that federal or state funds are insufficient to fund the program. If the director of budget and management approves the termination or reduction in funding for such a program, the director of job and family services shall issue instructions for the termination or funding reduction. If a Title IV-A administrative agency is administering the program, the agency is bound by the termination or funding reduction and shall comply with the director's instructions.
(F) The director of job and family services may adopt internal management rules in accordance with section 111.15 of the Revised Code as necessary to implement this section. The rules are binding on each Title IV-A administrative agency.

Sec. 5101.805. (A) Subject to division (E) of section 5101.801 of the Revised Code, the Ohio commission on fatherhood, created under section 5101.34 of the Revised Code, may make recommendations to the director of job and family services concerning the funding, approval, and implementation of fatherhood programs in this state that meet at least one of the four purposes of the temporary assistance for needy families block grant, as specified in 42 U.S.C. 601.

(B) The department of job and family services may provide funding under this section to government entities and, to the extent permitted by federal law, private, not-for-profit entities with which the department enters into agreements under division (B)(4) of section 5101.801 of the Revised Code.

Sec. 5101.806. (A) The department of job and family services shall prepare and submit to the governor not later than the first day of November in each even-numbered year a TANF spending plan describing the anticipated spending of temporary assistance for needy families block grant funds for the upcoming state fiscal biennium. The report shall be prepared in such a manner as to facilitate the inclusion of the information contained in the report in the governor's budget in accordance with division (D)(7) of section 107.03 of the Revised Code.

(B)(1) Not later than thirty sixty days after the end of the first state fiscal year of a fiscal biennium, the department shall prepare and submit an updated TANF spending plan to the chairperson of a standing committee of the house of
representatives designated by the speaker of the house of representatives, the chairperson of a standing committee of the senate designated by the president of the senate, and the minority leaders of both the house of representatives and the senate. The updated TANF spending plan shall, at a minimum, include both of the following:

(a) The total amount of temporary assistance for needy families block grant funds distributed during the first fiscal year of the fiscal biennium.

(b) An updated estimate of the total amount of temporary assistance for needy families block grant funds that will be distributed during the second fiscal year of the fiscal biennium.

(2) A chairperson of a standing committee designated by the speaker of the house of representatives or president of the senate under division (B)(1) of this section may call the director of job and family services to testify before the committee regarding the TANF spending plan.

Sec. 5103.02. As used in sections 5103.03 to 5103.17 of the Revised Code:

(A)(1) "Association" or "institution" includes all of the following:

(a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks;

(b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage;

(c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with
section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage or is the appointed guardian of such children.

(2) "Association" or "institution" does not include any of the following:

(a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities;

(b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody;

(c) A private, nonprofit therapeutic wilderness camp;

(d) A qualified organization as defined in section 2151.90 of the Revised Code.

(B) "Family foster home" means a foster home that is not a specialized foster home.

(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.

(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is
temporarily away. Family foster homes and specialized foster homes are types of foster homes.

(E) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.

(F) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:

(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care.

(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.

(3) The children require the services of a registered nurse on a daily basis.

(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(G) "Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:

(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.

(2) The children have been placed there by their parents or another relative having custody.

(3) The camp accepts no public funds for use in its operations.
(H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

1. Issue a certificate;
2. Deny a certificate;
3. Renew a certificate;
4. Deny renewal of a certificate;
5. Revoke a certificate.

(I) "Resource caregiver" means a foster caregiver or a kinship caregiver.

(J) "Resource family" means a foster home or the kinship caregiver family.

(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home.

(L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs.

Sec. 5103.03. (A) The director of job and family services shall adopt rules as necessary for the adequate and competent management and certification of institutions or associations. The director shall ensure that foster care home study rules adopted under this section align any home study content, time period, and process with any home study content, time period, and process
required by rules adopted under section 3107.033 of the Revised Code.

(B)(1) Except for facilities under the control of the department of youth services, places of detention for children established and maintained pursuant to sections 2152.41 to 2152.44 of the Revised Code, and child day-care centers subject to Chapter 5104. of the Revised Code, the department of job and family services shall pass upon the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes, at a frequency established by rules adopted under division (A) of this section.

(2) When the department of job and family services is satisfied as to the care given such children, and that the requirements of the statutes and rules covering the management of such institutions and associations are being complied with, it shall issue to the institution or association a certificate to that effect. A certificate is valid for a length of time determined by rules adopted under division (A) of this section. When determining whether an institution or association meets a particular requirement for certification, the department may consider the institution or association to have met the requirement if the institution or association shows to the department's satisfaction that it has met a comparable requirement to be accredited by a nationally recognized accreditation organization.

(3) The department may issue a temporary certificate valid for less than one year authorizing an institution or association to operate until minimum requirements have been met.

(4) An institution or association that knowingly makes a false statement that is included as a part of certification under this section is guilty of the offense of falsification under
section 2921.13 of the Revised Code and the department shall not certify that institution or association.

(5) The department shall not issue a certificate to a prospective foster home or prospective specialized foster home pursuant to this section if the prospective foster home or prospective specialized foster home operates as a type A family day-care home pursuant to Chapter 5104. of the Revised Code. The department shall not issue a certificate to a prospective specialized foster home if the prospective specialized foster home operates a type B family day-care home pursuant to Chapter 5104. of the Revised Code.

(C) The department may revoke a certificate pursuant to an adjudication under Chapter 119. of the Revised Code if it finds that the institution or association is in violation of law or rule. No juvenile court shall commit a child to an association or institution that is required to be certified under this section if its certificate has been revoked or, if after revocation, the date of reissue is less than fifteen months prior to the proposed commitment.

(D) On a frequency specified by the department by rules adopted under division (A) of this section, each institution or association desiring certification or recertification shall submit to the department a report showing its condition, management, competency to care adequately for the children who have been or may be committed to it or to whom it provides care or services, the system of visitation it employs for children placed in private homes, and other information the department requires.

(E) The department shall, not less than once each year, send a list of certified institutions and associations to each juvenile court and certified association or institution.

(F) No person shall receive children or receive or solicit
money on behalf of such an institution or association not so certified or whose certificate has been revoked.

(G)(1) The director may delegate by rule any duties imposed on it by this section to inspect and approve family foster homes and specialized foster homes to public children services agencies, private child placing agencies, or private noncustodial agencies.

(2) The director shall adopt rules that require a foster caregiver or other individual certified to operate a foster home under this section to notify the recommending agency that the foster caregiver or other individual is licensed to operate a type B family day-care home under Chapter 5104. of the Revised Code.

(H) If the director of job and family services determines that an institution or association that cares for children is operating without a certificate, the director may petition the court of common pleas in the county in which the institution or association is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the institution or association is operating without a certificate.

(I) If both of the following are the case, the director of job and family services may petition the court of common pleas of any county in which an institution or association that holds a certificate under this section operates for an order, and the court may issue an order, preventing the institution or association from receiving additional children into its care or an order removing children from its care:

(1) The department has evidence that the life, health, or safety of one or more children in the care of the institution or association is at imminent risk.

(2) The department has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or revoke the certificate of the institution or association.
Sec. 5103.032. (A) Except as provided in division (B) of this section and in section 5103.033 of the Revised Code, the department of job and family services may not renew or revoke a foster home certificate under section 5103.03 of the Revised Code unless if the foster caregiver fails to successfully complete continuing training in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section 5103.035 of the Revised Code.

(B) A foster caregiver shall be given an additional amount of time within which the foster caregiver must complete the continuing training required under division (A) of this section in accordance with rules adopted by the department of job and family services if either of the following applies:

(1) The foster caregiver has served in active duty outside this state with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period.

(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, for more than thirty days in the preceding two-year period and that active duty relates to either an emergency in or outside of this state or to military duty in or outside of this state.

Sec. 5103.033. (A) The department of job and family services may issue or renew a certificate under section 5103.03 of the Revised Code to a foster home for the care of a child who is in the custody of a public children services agency or private child placing agency pursuant to an agreement entered into under section 5103.15 of the Revised Code regarding a child who was less than six months of age on the date the agreement was executed if the
prospective foster caregiver or foster caregiver successfully completes the following:

(1) A preplacement training program approved under section 5103.038 of the Revised Code or a program provided under division (B) of section 5103.30 of the Revised Code;

(2) Continuing training in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section 5103.035 of the Revised Code.

(B) A foster caregiver to whom either division (B)(1) or (2) of this section applies shall be given an additional amount of time within which to complete the continuing training required under division (A)(2) of this section in accordance with rules adopted by the department of job and family services:

(1) The foster caregiver has served in active duty outside this state with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period.

(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, for more than thirty days in the preceding two-year period and that active duty relates to either an emergency in or outside of this state or to military duty in or outside of this state.

Sec. 5103.036. (A) For the purpose of determining whether a prospective foster caregiver or foster caregiver has satisfied the requirement of section 5103.031 or 5103.032 of the Revised Code, a recommending agency shall accept training obtained from either of the following:

(1) Any preplacement or continuing training program approved by the department of job and family services under section
5103.038 of the Revised Code;

(2) The Ohio child welfare training program pursuant to divisions (B) and (C) of section 5103.30 of the Revised Code.

(B) A recommending agency may require that a prospective foster caregiver or foster caregiver successfully complete additional training as a condition of the agency recommending that the department of job and family services certify or recertify the prospective foster caregiver or foster caregiver's foster home under section 5103.03 of the Revised Code.

Sec. 5103.0313. Except as provided in section 5103.303 of the Revised Code, the department of job and family services shall compensate a private child placing agency or private noncustodial agency for the cost of procuring or operating preplacement and continuing training programs approved by the department of job and family services under section 5103.038 of the Revised Code for prospective foster caregivers and foster caregivers who are recommended for initial certification or recertification by the agency.

The compensation shall be paid to the agency in the form of an allowance to reimburse the agency for the cost of training pursuant to the rules adopted by the department of job and family services in accordance with section 5103.0316 of the Revised Code.

Sec. 5103.0314. The department of job and family services shall adopt rules regarding the compensation of a recommending agency for any training the agency requires a foster caregiver to undergo as a condition of the agency recommending the department certify the foster caregiver's foster home under section 5103.03 of the Revised Code if the training is in excess of the training required under section 5103.031 of the Revised Code.

The department of job and family services shall adopt rules
regarding the compensation of a recommending agency for any training the agency requires a foster caregiver to undergo as a condition of the agency recommending the department to recertify or continue certifying the foster caregiver's foster home under section 5103.03 of the Revised Code if the training is in addition to the minimum training required under section 5103.032 of the Revised Code.

**Sec. 5103.0322.** On receipt of a recommendation from a public children services agency, private child placing agency, or private noncustodial agency regarding an application for, or renewal of, a family foster home or treatment foster home certification under section 5103.03 of the Revised Code, the department of job and family services shall decide whether to issue or renew the certificate. The department shall notify the agency and the applicant or certificate holder of its decision. If the department's decision is different from the recommendation of the agency, the department shall state in the notice the reason that the decision is different from the recommendation.

**Sec. 5103.0323.** (A) As used in this section, "American institute of certified public accountants auditing standards" and "AICPA auditing standards" mean the auditing standards published by the American institute of certified public accountants.

(B) The first time that Not later than two years after the date of certification, and at least every two years thereafter, a private child placing agency or private noncustodial agency seeks renewal of a certificate issued under section 5103.03 of the Revised Code, it shall provide the department of job and family services, as a condition of renewal, evidence of an independent financial statement audit performed by a licensed public accounting firm following applicable AICPA auditing standards for the two most recent fiscal years. Thereafter, when an agency
seeks renewal of its certificate, it shall provide the department evidence of an independent financial statement audit performed by a licensed public accounting firm following applicable AICPA auditing standards for the two most recent previous fiscal years it is possible for an independent audit to have been conducted.

(C) For an agency to be eligible for renewal, the independent audits must demonstrate that the agency operated in a fiscally accountable manner as determined by the department of job and family services.

(D) The director of job and family services may adopt rules as necessary to implement this section. The director shall adopt the rules in accordance with section 111.15119.03 of the Revised Code.

Sec. 5103.0326. (A) A recommending agency may recommend that the department of job and family services not renew a foster home certificate under section 5103.03 of the Revised Code if the foster caregiver refused to accept the placement of any children into the foster home during the current certification period preceding twelve months. Based on the agency's recommendation, the department may refuse to renew a foster home certificate pursuant to an adjudication under Chapter 119. of the Revised Code.

(B) The department of job and family services may revoke, pursuant to an adjudication under Chapter 119. of the Revised Code, the certification of any foster caregiver who has not cared for one or more foster children in the foster caregiver's home within the preceding twelve months. Prior to the revocation of any certification pursuant to this division, the recommending agency shall have the opportunity to provide good cause for the department to continue the certification and not revoke the certification. If the department decides to revoke the
certification, the department shall notify the recommending agency that the certification will be revoked.

Sec. 5103.0328. (A) Not later than ninety-six hours after receiving notice from the superintendent of the bureau of criminal identification and investigation pursuant to section 109.5721 of the Revised Code that a foster caregiver has been arrested for, convicted of, or pleaded guilty to any foster caregiver-disqualifying offense, and not later than ninety-six hours after learning in any other manner that a foster caregiver has been arrested for, convicted of, or pleaded guilty to any foster caregiver-disqualifying offense, the department of job and family services shall provide notice of that arrest, conviction, or guilty plea to both the recommending agency relative to the foster caregiver and the custodial agency of any child currently placed with that caregiver.

(B) If a recommending agency receives notice from the department of job and family services pursuant to division (A) of this section that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense, or if a recommending agency learns in any other manner that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense, the recommending agency shall assess the foster caregiver's overall situation for safety concerns and forward any recommendations, if applicable, for revoking the foster caregiver's certificate to the department for the department's review for possible revocation.

(C) As used in this section, "foster caregiver-disqualifying offense" means any offense or violation listed or described in division (C)(1) of section 2151.86 5103.256 of the Revised Code.

Sec. 5103.05. (A) As used in this section and section
5103.051 of the Revised Code:

(1) "Children's residential center" means a facility that is operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department of job and family services to operate a children's residential center, and in which eleven or more children, including the children of any staff residing at the facility, are given nonsecure care and supervision twenty-four hours a day.

(2) "Children's crisis care facility" has the same meaning as in section 5103.13 of the Revised Code.

(3) "County children's home" means a facility established under section 5153.21 of the Revised Code.

(4) "District children's home" means a facility established under section 5153.42 of the Revised Code.

(5) "Group home for children" means any public or private facility that is operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department to operate a group home for children, and that meets all of the following criteria:

(a) Gives, for compensation, a maximum of ten children, including the children of the operator or any staff who reside in the facility, nonsecure care and supervision twenty-four hours a day by a person or persons who are unrelated to the children by blood or marriage, or who is not the appointed guardian of any of the children;

(b) Is not certified as a foster home;

(c) Receives or cares for children for two or more consecutive weeks.

"Group home for children" does not include any facility that
provides care for children from only a single-family group, placed at the facility by the children's parents or other relative having custody.

(6) "Residential facility" means a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides twenty-four-hour child care, county children's home, or district children's home. A foster home is not a residential facility.

(7) "Residential parenting facility" means a facility operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department to operate a residential parenting facility, in which teenage mothers and their children reside for the purpose of keeping mother and child together, teaching parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and skills.

(8) "Nonsecure care and supervision" means care and supervision of a child in a residential facility that does not confine or prevent movement of the child within the facility or from the facility.

(B) Within ten days after the commencement of operations at a residential facility, the facility shall provide the following to all county, municipal, or township law enforcement agencies, emergency management agencies, and fire departments with jurisdiction over the facility:

(1) Written notice that the facility is located and will be operating in the agency's or department's jurisdiction. The written notice shall provide the address of the facility, identify the facility as a group home for children, children's crisis care facility, children's residential center, residential parenting
facility, county children's home, or district children's home, and provide contact information for the facility.

(2) A copy of the facility's procedures for emergencies and disasters established pursuant to rules adopted under section 5103.03 of the Revised Code;

(3) A copy of the facility's medical emergency plan established pursuant to rules adopted under section 5103.03 of the Revised Code;

(4) A copy of the facility's community engagement plan established pursuant to rules adopted under section 5103.051 of the Revised Code.

(C) Within ten days of a facility's recertification by the department any change to the facility's information described in divisions (B)(2), (3), and (4) of this section, the facility shall provide to all county, municipal, or township law enforcement agencies, emergency management agencies, and fire departments with jurisdiction over the facility updated copies of the information required to be provided under divisions (B)(2), (3), and (4) of this section.

(D) The department may adopt rules in accordance with Chapter 119. of the Revised Code necessary to implement this section.

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

(1)(a) "Children's crisis care facility" means a facility that has as its primary purpose the provision of residential and other care to either or both of the following:

(i) One or more preteens voluntarily placed in the facility by the preteen's parent or other caretaker who is facing a crisis that causes the parent or other caretaker to seek temporary care for the preteen and referral for support services;
(ii) One or more preteens placed in the facility by a public children services agency or private child placing agency that has legal custody or permanent custody of the preteen and determines that an emergency situation exists necessitating the preteen's placement in the facility rather than an institution certified under section 5103.03 of the Revised Code or elsewhere.

(b) "Children's crisis care facility" does not include any of the following:

(i) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities;

(ii) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody;

(iii) Any residential infant care center, as an entity deemed a residential infant care center under section 5103.602 of the Revised Code shall no longer be licensed as a children's crisis care center.

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

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

(4) "Preteen" means an individual under thirteen years of
(B) No person shall operate a children's crisis care facility or hold a children's crisis care facility out as a certified children's crisis care facility unless there is a valid children's crisis care facility certificate issued under this section for the facility.

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

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

(b) The director shall not issue a waiver to a person for compliance with any of the requirements imposed under this section or any of the rules adopted under division (H) of this section.

(D) No certified children's crisis care facility shall do any of the following:

(1) Provide residential care to a preteen for more than one hundred twenty days in a calendar year;

(2) Provide residential care to a preteen for more than ninety consecutive days, which shall include the aggregate of days spent at different facility locations if a preteen is transferred in accordance with division (E)(4) of this section;

(3) Provide residential care to a preteen for more than
fourteen consecutive days if a public children services agency or private child placing agency placed the preteen in the facility;

(4) Fail to comply with sections 5103.251, 5103.252, 5103.253, 5103.254, and 5103.255 of the Revised Code.

(E) A certified children's crisis care facility shall do the following:

(1) Employ a licensed social worker, a licensed independent social worker, a licensed professional counselor, or a licensed professional clinical counselor;

(2) Require, if pediatric medical service is provided at the facility, the following for the provision of pediatric medical service:

(a) Medical service to be provided by a qualified, licensed, and insured medical professional;


(c) If a preteen is admitted by the preteen's parent or caretaker and if the preteen requires ongoing medical care following discharge from the facility, a medical professional or licensed social worker to make the medical professional's or social worker's best effort to ensure the parent or caretaker is competent to provide the ongoing care;

(d) The facility to have a dedicated and private enclosed space for the purpose of a medical professional to receive and treat patients and that contains a sink or tub, medical exam table, medical record system, and pediatric medical equipment.

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

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

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

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

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

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

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

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

       (c) Are supervised by facility staff.

   (2) Use contracted transportation providers, on whom criminal records checks have been conducted in accordance with section 2151.86 or 5103.251 of the Revised Code, to transport preteens, if
such use is necessary for the facility to maintain required child staff ratios.

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

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

Sec. 5103.162. (A) Except as provided in division (B) of this section, a foster resource caregiver shall be immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by an act or omission in connection with a power, duty, responsibility, or authorization under this chapter or under rules adopted under authority of this chapter.

(B) The immunity described in division (A) of this section does not apply to a foster resource caregiver if, in relation to the act or omission in question, any of the following applies:

(1) The act or omission was manifestly outside the scope of the foster resource caregiver's power, duty, responsibility, or authorization.
The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner.

Liability for the act or omission is expressly imposed by a section of the Revised Code.

(C)(1) A foster resource caregiver shall use a reasonable and prudent parent standard when considering doing any of the following:

(a) Considering whether to authorize a foster child who resides in the foster resource home to participate in extracurricular, enrichment, and social activities;

(b) Signing an application for a probationary license, restricted license, or a temporary instruction permit on behalf of the child.

(2) A public children services agency, private child placing agency, or private noncustodial agency that serves as the child's caregiver shall be immune from liability in a civil action to recover damages for injury, death, or loss to person or property that result from a foster resource caregiver's or agency's decisions using a reasonable and prudent parent standard in accordance with division (C)(1)(a) or (b) of this section.

(3) Nothing in this section shall affect, limit, abridge, or otherwise modify the immunities and defenses available to a public children services agency as a political subdivision under Chapter 2744. of the Revised Code.

(4) As used in this section, "reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time encouraging the child's emotional and developmental growth, that a caregiver or agency shall use when determining whether to allow a child in the care of
a foster resource caregiver to participate in extracurricular, enrichment, and social activities.

Sec. 5103.163. (A) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to establish and enforce a resource family bill of rights for resource families providing care for individuals who are in the custody or care and placement of an agency that provides Title IV-E reimbursable services pursuant to sections 5103.03 to 5103.17 of the Revised Code.

(B) If the rights of the resource family conflict with the rights of the individual established by section 2151.316 of the Revised Code, division (B) of section 2151.316 of the Revised Code shall apply.

(C) The rights established by rules under this section shall not create grounds for a civil action against the department, the recommending agency, or the custodial agency.

Sec. 5103.20. The interstate compact for the placement of children is hereby enacted into law and entered into with all other jurisdictions legally joining therein in form substantially as follows:

ARTICLE I.
PURPOSE

The purpose of this compact is to:

(A) Provide a process through which children subject to this compact are placed in safe and suitable homes in a timely manner.

(B) Facilitate ongoing supervision of a placement, the delivery of services, and communication between the states.

(C) Provide operating procedures that will ensure that children are placed in safe and suitable homes in a timely manner.
(D) Provide for the promulgation and enforcement of administrative rules implementing the provisions of this compact and regulating the covered activities of the member states.

(E) Provide for uniform data collection and information sharing between member states under this compact.

(F) Promote coordination between this compact, the Interstate Compacts for Juveniles, the Interstate Compact on Adoption and Medical Assistance and other compacts affecting the placement of and which provide services to children otherwise subject to this compact.

(G) Provide for a state's continuing legal jurisdiction and responsibility for placement and care of a child that it would have had if the placement were intrastate.

(H) Provide for the promulgation of guidelines, in collaboration with Indian tribes, for interstate cases involving Indian children as is or may be permitted by federal law.

ARTICLE II.
DEFINITIONS

As used in this compact:

(A) "Approved placement" means the public child placing agency in the receiving state has determined after an assessment that the placement is both safe and suitable for the child and is in compliance with the applicable laws of the receiving state governing the placement of children therein.

(B) "Assessment" means an evaluation of a prospective placement by a public child placing agency in the receiving state to determine whether if the placement meets the individualized needs of the child, including but not limited to the child's safety and stability, health and well-being, and mental, emotional, and physical development. An assessment is only applicable to a placement by a public child placing agency.
(C) "Child" means an individual who has not attained the age of eighteen (18).

(D) "Certification" means to attest, declare, or swear to before a judge or notary public.

(E) "Default" means the failure of a member state to perform the obligations or responsibilities imposed upon it by this compact, the bylaws or rules of the Interstate Commission.

(F) "Home study" means an evaluation of a home environment conducted in accordance with the applicable requirements of the state in which the home is located, and documents the preparation and the suitability of the placement resource for placement of a child in accordance with the laws and requirements of the state in which the home is located.

(G) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaskan native village as defined in section 3 (c) of the Alaska Native Claims Settlement Act at 43 USC section 1602(c).

(H) "Interstate Commission for the Placement of Children" means the commission that is created under Article VIII of this compact and which is generally referred to as the Interstate Commission.

(I) "Jurisdiction" means the power and authority of a court to hear and decide matters.

(J) "Legal risk placement" ("legal risk adoption") means a placement made preliminary to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the sending state or the birth mother's state of residence, if different from the sending state, and a final decree of adoption shall not be entered in any jurisdiction until
all required consents are obtained or are dispensed with in accordance with applicable law.

**(H)** "Member state" means a state that has enacted this compact.

**(I)** "Non-custodial parent" means a person who, at the time of the commencement of court proceedings in the sending state, does not have sole legal custody of the child or has joint legal custody of a child, and who is not the subject of allegations or findings of child abuse or neglect.

**(J)** "Non-member state" means a state which has not enacted this compact.

**(K)** "Notice of residential placement" means information regarding a placement into a residential facility provided to the receiving state including, but not limited to the name, date, and place of birth of the child, the identity and address of the parent or legal guardian, evidence of authority to make the placement, and the name and address of the facility in which the child will be placed. Notice of residential placement shall also include information regarding a discharge and any unauthorized absence from the facility.

**(L)** "Placement" means the act by a public or private child placing agency intended to arrange for the care or custody of a child in another state.

**(M)** "Private child placing agency" means any private corporation, agency, foundation, institution, or charitable organization, or any private person or attorney that facilitates, causes, or is involved in the placement of a child from one state to another and that is not an instrumentality of the state or acting under color of state law.

**(N)** "Provisional placement" means that a determination made by the public child placing agency in the receiving state has
determined that the proposed placement is safe and suitable, and, to the extent allowable, the receiving state has temporarily waived its standards or requirements otherwise applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of the receiving state requirements regarding training for prospective foster or adoptive parents shall not delay an otherwise safe and suitable placement.

(R) "Public child placing agency" means any government child welfare agency or child protection agency or a private entity under contract with such an agency, regardless of whether they act on behalf of a state, county, municipality, or other governmental unit and which facilitates, causes, or is involved in the placement of a child from one state to another.

(S) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought.

(T) "Relative" means someone who is related to the child as a parent, step-parent, sibling by half or whole blood or by adoption, grandparent, aunt, uncle, or first cousin or a non-relative with such significant ties to the child that they may be regarded as relatives as determined by the court in the sending state.

(U) "Residential Facility" means a facility providing a level of care that is sufficient to substitute for parental responsibility or foster care, and is beyond what is needed for assessment or treatment of an acute condition. For purposes of the compact, residential facilities do not include institutions primarily educational in character, hospitals, or other medical facilities.

(V) "Rule" means a written directive, mandate, standard, or principle issued by the Interstate Commission promulgated pursuant to Article XI of this compact that is of general
applicability and that implements, interprets or prescribes a policy or provision of the compact. "Rule" has the force and effect of statutory law an administrative rule in a member state, and includes the amendment, repeal, or suspension of an existing rule.

(T) "Sending state" means the state from which the placement of a child is initiated.

(U) "Service member's permanent duty station" means the military installation where an active duty Armed Services member is currently assigned and is physically located under competent orders that do not specify the duty as temporary.

(V) "Service member's state of local legal residence" means the state in which the active duty Armed Services member is considered a resident for tax and voting purposes.

(W) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other territory of the United States.

(XX) "State court" means a judicial body of a state that is vested by law with responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency or status offenses of individuals who have not attained the age of eighteen (18).

(Y) "Supervision" means monitoring provided by the receiving state once a child has been placed in a receiving state pursuant to this compact.

ARTICLE III. APPLICABILITY

(A) Except as otherwise provided in Article III, Section B, this compact shall apply to:
(1) The interstate placement of a child subject to ongoing court jurisdiction in the sending state, due to allegations or findings that the child has been abused, neglected, or deprived as defined by the laws of the sending state, provided, however, that the placement of such a child into a residential facility shall only require notice of residential placement to the receiving state prior to placement.

(2) The interstate placement of a child adjudicated delinquent or unmanageable based on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

(a) The child is being placed in a residential facility in another member state and is not covered under another compact; or

(b) The child is being placed in another member state and the determination of safety and suitability of the placement and services required is not provided through another compact.

(3) The interstate placement of any child by a public child placing agency or private child placing agency as defined in this compact as a preliminary step to a possible adoption.

(B) The provisions of this compact shall not apply to:

(1) The interstate placement of a child in a custody proceeding in which a public child placing agency is not a party, provided, the placement is not intended to effectuate an adoption.

(2) The interstate placement of a child with a non-relative in a receiving state by a parent with the legal authority to make such a placement provided, however, that the placement is not intended to effectuate an adoption.

(3) The interstate placement of a child by one relative with the lawful authority to make such a placement directly with a relative in a receiving state.

(4) The placement of a child, not subject to Article III,
Section A, into a residential facility by his parent.

(4) (5) The placement of a child with a non-custodial parent provided that:

(a) The non-custodial parent proves to the satisfaction of a court in the sending state a substantial relationship with the child; and

(b) The court in the sending state makes a written finding that placement with the non-custodial parent is in the best interests of the child; and

(c) The court in the sending state dismisses its jurisdiction over the child's case in interstate placements in which the public child placing agency is a party to the proceeding.

(5) (6) A child entering the United States from a foreign country for the purpose of adoption or leaving the United States to go to a foreign country for the purpose of adoption in that country.

(6) (7) Cases in which a U.S. citizen child living overseas with his family, at least one of whom is in the U.S. Armed Services, and who is stationed overseas, is removed and placed in a state.

(7) (8) The sending of a child by a public child placing agency or a private child placing agency for a visit as defined by the rules of the Interstate Commission.

(C) For purposes of determining the applicability of this compact to the placement of a child with a family in the Armed Services, the public child placing agency or private child placing agency may choose the state of the service member's permanent duty station or the service member's declared legal residence.

(D) Nothing in this compact shall be construed to prohibit the concurrent application of the provisions of this compact with
other applicable interstate compacts including the Interstate Compact for Juveniles and the Interstate Compact on Adoption and Medical Assistance. The Interstate Commission may in cooperation with other interstate compact commissions having responsibility for the interstate movement, placement or transfer of children, promulgate like rules to ensure the coordination of services, timely placement of children, and the reduction of unnecessary or duplicative administrative or procedural requirements.

ARTICLE IV.

JURISDICTION

(A) The Except as provided in Article IV, Section H and Article V, Section B, paragraph two and three concerning private and independent adoptions, and in interstate placements in which the public child placing agency is not a party to a custody proceeding, the sending state shall retain jurisdiction over a child with respect to all matters of custody and disposition of the child which it would have had if the child had remained in the sending state. Such jurisdiction shall also include the power to order the return of the child to the sending state.

(B) When an issue of child protection or custody is brought before a court in the receiving state, such court shall confer with the court of the sending state to determine the most appropriate forum for adjudication.

(C) In cases that are before courts and subject to this compact, the taking of testimony for hearings before any judicial officer may occur in person or by telephone, audio-video conference, or such other means as approved by the rules of the Interstate Commission; and judicial officers may communicate with other judicial officers and persons involved in the interstate process as may be permitted by their Canons of Judicial Conduct and any rules promulgated by the Interstate Commission.

(D) In accordance with its own laws, the court in the sending
state shall have authority to terminate its jurisdiction if:

(1) The child is reunified with the parent in the receiving state who is the subject of allegations or findings of abuse or neglect, only with the concurrence of the public child placing agency in the receiving state; or

(2) The child is adopted; or

(3) The child reaches the age of majority under the laws of the sending state; or

(4) The child achieves legal independence pursuant to the laws of the sending state; or

(5) A guardianship is created by a court in the receiving state with the concurrence of the court in the sending state; or

(6) An Indian tribe has petitioned for and received jurisdiction from the court in the sending state; or

(7) The public child placing agency of the sending state requests termination and has obtained the concurrence of the public child placing agency in the receiving state.

(D) When a sending state court terminates its jurisdiction, the receiving state child placing agency shall be notified.

(E) Nothing in this article shall defeat a claim of jurisdiction by a receiving state court sufficient to deal with an act of truancy, delinquency, crime or behavior involving a child as defined by the laws of the receiving state committed by the child in the receiving state which would be a violation of its laws.

(F) Nothing in this article shall limit the receiving state's ability to take emergency jurisdiction for the protection of the child.

(G) The substantive laws of the state in which an adoption
will be finalized shall solely govern all issues relating to the
adoption of the child and the court in which the adoption
proceeding is filed shall have subject matter jurisdiction
regarding all substantive issues relating to the adoption except:

(1) When the child is a ward of another court that
established jurisdiction over the child prior to the placement; or

(2) When the child is in the legal custody of a public agency in the sending state; or

(3) When a court in the sending state has otherwise
appropriately assumed jurisdiction over the child, prior to the
submission of the request for approval of placement.

(I) A final decree of adoption shall not be entered in any
jurisdiction until the placement is authorized as an "approved
placement" by the public child placing agency in the receiving
state.

ARTICLE V.
ASSESSMENTS

(A) Prior to sending, bringing, or causing a child to be sent
or brought into a receiving state, the public child placing agency
shall provide a written request for assessment to the receiving
state.

(B) Prior to the sending, bringing, or causing a child to be
sent or brought into a receiving state, the For placements by a
private child placing agency, a child may be sent or brought, or
caused to be sent or brought, into a receiving state, upon receipt
and immediate review of the required content in a request for
approval of a placement in both the sending and receiving state
public child placing agency. The required content to accompany a
request for approval shall include all of the following:

(1) Provide evidence that the applicable laws of the sending
state have been complied with A request for approval identifying
the child, birth parent(s), the prospective adoptive parent(s), and
the supervising agency, signed by the person requesting
approval; and

(2) Certification that the consent or relinquishment is in
compliance with applicable law of the birth parent's state of
residence or, where permitted, the laws of the state of where the
finalization of the adoption will occur. The appropriate consents
or relinquishments signed by the birth parents in accordance with
the laws of the sending state, or, where permitted, the laws of
the state where the adoption will be finalized; and

(3) Request through the public child placing agency in the
sending state an assessment to be conducted in the receiving state
Certification by a licensed attorney or authorized agent of a
private adoption agency that the consent or relinquishment is in
compliance with the applicable laws of the sending state, or,
where permitted, the laws of the state where finalization of the
adoption will occur; and

(4) Upon completion of the assessment, obtain the approval of
the public child placing agency in the receiving state A home
study; and

(5) An acknowledgment of legal risk signed by the prospective
adoptive parents.

(C) The sending state and the receiving state may request
additional information or documents prior to finalization of an
approved placement, but they may not delay travel by the
prospective adoptive parents with the child if the required
content for approval has been submitted, received, and reviewed by
the public child placing agency in both the sending state and the
receiving state.

(D) Approval from the public child placing agency in the
receiving state for a provisional or approved placement is
required as provided for in the rules of the Interstate Commission.

(E) The procedures for making and the request for an assessment shall contain all information and be in such form as provided for in the rules of the Interstate Commission.

(F) Upon receipt of a request from the public child welfare placing agency of the sending state, the receiving state shall initiate an assessment of the proposed placement to determine its safety and suitability. If the proposed placement is a placement with a relative, the public child placing agency of the sending state may request a determination of whether the placement qualifies as for a provisional placement.

(G) The public child placing agency in the receiving state may request from the public child placing agency or the private child placing agency in the sending state, and shall be entitled to receive supporting or additional information necessary to complete the assessment.

(H) The public child placing agency in the receiving state shall approve a provisional placement and complete or arrange for the completion of the assessment within the timeframes established by the rules of the Interstate Commission.

(I) For a placement by a private child placing agency, the sending state shall not impose any additional requirements to complete the home study that are not required by the receiving state, unless adoption is finalized in the sending state.

(J) The Interstate Commission may develop uniform standards for the assessment of the safety and suitability of interstate placements.

ARTICLE VI.

PLACEMENT AUTHORITY

(A) Except as otherwise provided in Article VI, Section C
this compact, no child subject to this compact shall be placed into a receiving state until approval for such placement is obtained.

(B) If the public child placing agency in the receiving state does not approve the proposed placement then the child shall not be placed. The receiving state shall provide written documentation of any such determination in accordance with the rules promulgated by the Interstate Commission. Such determination is not subject to judicial review in the sending state.

(C) If the proposed placement is not approved, any interested party shall have standing to seek an administrative review of the receiving state's determination.

(1) The administrative review and any further judicial review associated with the determination shall be conducted in the receiving state pursuant to its applicable administrative procedures Administrative Procedures Act.

(2) If a determination not to approve the placement of the child in the receiving state is overturned upon review, the placement shall be deemed approved, provided however that all administrative or judicial remedies have been exhausted or the time for such remedies has passed.

ARTICLE VII.

STATE RESPONSIBILITY

(A) For the interstate placement of a child made by a public child placing agency or state court:

(1) The public child placing agency in the sending state shall have financial responsibility for:

(a) The ongoing support and maintenance for the child during the period of the placement, unless otherwise provided for in the receiving state; and
(b) As determined by the public child placing agency in the sending state, services for the child beyond the public services for which the child is eligible in the receiving state.

(2) The receiving state shall only have financial responsibility for:

(a) Any assessment conducted by the receiving state; and

(b) Supervision conducted by the receiving state at the level necessary to support the placement as agreed upon by the public child placing agencies of the receiving and sending state.

(3) Nothing in this provision shall prohibit public child placing agencies in the sending state from entering into agreements with licensed agencies or persons in the receiving state to conduct assessments and provide supervision.

(B) For the placement of a child by a private child placing agency preliminary to a possible adoption, the private child placing agency shall be:

(1) Legally responsible for the child during the period of placement as provided for in the law of the sending state until the finalization of the adoption.

(2) Financially responsible for the child absent a contractual agreement to the contrary.

(C) A private child placing agency shall be responsible for any assessment conducted in the receiving state and any supervision conducted by the receiving state at the level required by the laws of the receiving state or the rules of the Interstate Commission.

(D) The public child placing agency in the receiving state shall provide timely assessments, as provided for in the rules of the Interstate Commission.

(E)(D) The public child placing agency in the receiving state
shall provide, or arrange for the provision of, supervision and services for the child, including timely reports, during the period of the placement.

(\textit{F}) (E) Nothing in this compact shall be construed as to limit the authority of the public child placing agency in the receiving state from contracting with a licensed agency or person in the receiving state for an assessment or the provision of supervision or services for the child or otherwise authorizing the provision of supervision or services by a licensed agency during the period of placement.

(\textit{G}) (F) Each member state shall provide for coordination among its branches of government concerning the state's participation in, and compliance with, the compact and Interstate Commission activities, through the creation of an advisory council or use of an existing body or board.

(\textit{H}) (G) Each member state shall establish a central state compact office, which shall be responsible for state compliance with the compact and the rules of the Interstate Commission.

(\textit{I}) (H) The public child placing agency in the sending state shall oversee compliance with the provisions of the Indian Child Welfare Act (25 USC 1901 et seq.) for placements subject to the provisions of this compact, prior to placement.

(\textit{J}) (I) With the consent of the Interstate Commission, states may enter into limited agreements that facilitate the timely assessment and provision of services and supervisions of placements under this compact.

\textbf{ARTICLE VIII.}

\textbf{INTERSTATE COMMISSION FOR THE PLACEMENT OF CHILDREN}

The member states hereby establish, by way of this compact, a commission known as the "Interstate Commission for the Placement of Children." The activities of the Interstate Commission are the
formation of public policy and are a discretionary state function. The Interstate Commission shall:

(A) Be joint commission of the member states and shall have the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent concurrent action of the respective legislatures of the member states.

(B) Consist of one commissioner from each member state who shall be appointed by the executive head of the state human services administration with ultimate responsibility for the child welfare program. The appointed commissioner shall have the legal authority to vote on policy related matters governed by this compact binding the state.

(1) Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

(2) A majority of the member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

(3) A representative shall not delegate a vote to another member state.

(4) A representative may delegate voting authority to another person from their state for a specified meeting.

(C) In addition to the commissioners of each member state, the Interstate Commission shall include persons who are members of interested organizations as defined in the bylaws or rules of the Interstate Commission. Such members shall be ex officio and shall not be entitled to vote on any matter before the Interstate Commission.

(D) Establish an executive committee which shall have the authority to administer the day-to-day operations and
administration of the Interstate Commission. It shall not have the power to engage in rulemaking.

ARTICLE IX.

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

(A) To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact.

(B) To provide for dispute resolution among member states.

(C) To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, or actions.

(D) To enforce compliance with this compact or the bylaws or rules of the Interstate Commission pursuant to Article XII.

(E) Collect standardized data concerning the interstate placement of children subject to this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements.

(F) To establish and maintain offices as may be necessary for the transacting of its business.

(G) To purchase and maintain insurance and bonds.

(H) To hire or contract for services of personnel or consultants as necessary to carry out its functions under the compact and establish personnel qualification policies, and rates of compensation.

(I) To establish and appoint committees and officers including, but not limited to, an executive committee as required by Article X.

(J) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive,
utilize, and dispose thereof.

(K) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.

(L) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

(M) To establish a budget and make expenditures.

(N) To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

(O) To report annually to the legislatures, governors, the judiciary, and state advisory councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

(P) To coordinate and provide education, training, and public awareness regarding the interstate movement of children for officials involved in such activity.

(Q) To maintain books and records in accordance with the bylaws of the Interstate Commission.

(R) To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

ARTICLE X.

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

(A) Bylaws:

(1) Within 12 months after the first Interstate Commission meeting, the Interstate Commission shall adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact.
The Interstate Commission's bylaws and rules shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

(B) Meetings:

(1) The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states shall call additional meetings.

(2) Public notice shall be given by the Interstate Commission of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

(a) Relate solely to the Interstate Commission's internal personnel practices and procedures; or

(b) Disclose matters specifically exempted from disclosure by federal law; or

(c) Disclose financial or commercial information which is privileged, proprietary, or confidential in nature; or

(d) Involve accusing a person of a crime, or formally censuring a person; or

(e) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy or physically endanger one or more persons; or

(f) Disclose investigative records compiled for law
(g) Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.

(3) For a meeting, or portion of a meeting, closed pursuant to this provision, the Interstate Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemption provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission or by court order.

(4) The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or other electronic communication.

(C) Officers and Staff:

(1) The Interstate Commission may, through its executive committee, appoint or retain a staff director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The staff director shall serve as secretary to the Interstate Commission, but shall not have a vote. The staff director may hire and supervise such other staff as may be authorized by the Interstate Commission.

(2) The Interstate Commission shall elect, from among its members, a chairperson and a vice chairperson of the executive committee and other necessary officers, each of whom shall have such authority and duties as may be specified in the bylaws.
(D) Qualified Immunity, Defense and Indemnification:

(1) The Interstate Commission's staff director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of such person.

(a) The liability of the Interstate Commission's staff director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of such person.

(b) The Interstate Commission shall defend the staff director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state shall defend the commissioner of a member state in a civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred
within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(c) To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of the Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XI.

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

(A) The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

(B) Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedure acts as the Interstate Commission deems appropriate consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the U.S. Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the Interstate Commission.
(C) When promulgating a rule, the Interstate Commission shall, at a minimum:

1. Publish the proposed rule's entire text stating the reason(s) for that proposed rule; and

2. Allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available; and

3. Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

(D) Rules promulgated by the Interstate Commission shall have the force and effect of statutory law administrative rules and shall supersede any state law, rule or regulation to the extent of any conflict be binding in the compacting states to the extent and in the manner provided for in this compact.

(E) Not later than 60 days after a rule is promulgated, an interested person may file a petition in the U.S. District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside.

(F) If a majority of the legislatures of the member states rejects a rule, those states may by enactment of a statute or resolution in the same manner used to adopt the compact cause that such rule shall have no further force and effect in any member state.

(G) The existing rules governing the operation of the Interstate Compact on the Placement of Children superseded by this act shall be null and void no less than 12, but no more
than 24 months after the first meeting of the Interstate Commission created hereunder, as determined by the members during the first meeting.

(H) Within the first 12 months of operation, the Interstate Commission shall promulgate rules addressing the following:

1. Transition rules;
2. Forms and procedures;
3. Time lines;
4. Data collection and reporting;
5. Rulemaking;
6. Visitation;
7. Progress reports/supervision;
8. Sharing of information/confidentiality;
10. Mediation, arbitration and dispute resolution;
11. Education, training and technical assistance;
12. Enforcement;
13. Coordination with other interstate compacts.

(I) Upon determination by a majority of the members of the Interstate Commission that an emergency exists:

1. The Interstate Commission may promulgate an emergency rule only if it is required to:
   a. Protect the children covered by this compact from an imminent threat to their health, safety and well-being; or
   b. Prevent loss of federal or state funds; or
   c. Meet a deadline for the promulgation of an administrative rule required by federal law.
(2) An emergency rule shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.

(3) An emergency rule shall be promulgated as provided for in the rules of the Interstate Commission.

ARTICLE XII.

OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT

(A) Oversight:

(1) The Interstate Commission shall oversee the administration and operations of the compact.

(2) The executive, legislative and judicial branches of state government in each member state shall enforce this compact and the rules of the Interstate Commission and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The compact and its rules shall supercede state law, rules or regulations be binding in the compacting states to the extent of any conflict therewith and in the manner provided for in this compact.

(3) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact.

(4) The Interstate Commission shall be entitled to receive service of process in any action in which the validity of a compact provision or rule is the issue for which a judicial determination has been sought and shall have standing to intervene in any proceedings. Failure to provide service of process to the Interstate Commission shall render any judgment, order or other determination, however so captioned or classified, void as to the Interstate Commission, this compact, its bylaws or rules of the
Interstate Commission.

(B) Dispute Resolution:

(1) The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states.

(2) The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among compacting states. The costs of such mediation or dispute resolution shall be the responsibility of the parties to the dispute.

(C) Enforcement:

(1) If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, its bylaws or rules, the Interstate Commission may:

   (a) Provide remedial training and specific technical assistance; or

   (b) Provide written notice to the defaulting state and other member states, of the nature of the default and the means of curing the default. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; or

   (c) By majority vote of the members, initiate against a defaulting member state legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the compact, its bylaws or rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the
prevailing party shall be awarded all costs of such litigation
including reasonable attorney's fees; or

(d) Avail itself of any other remedies available under state
law or the regulation of official or professional conduct.

ARTICLE XIII.
FINANCING OF THE COMMISSION

(A) The Interstate Commission shall pay, or provide for the
payment of the reasonable expenses of its establishment,
organization and ongoing activities.

(B) The Interstate Commission may levy an and collect an
annual assessment from each member state to cover the cost of the
operations and activities of the Interstate Commission and its
staff which must be in a total amount sufficient to cover the
Interstate Commission's annual budget as approved by its members
each year. The aggregate annual assessment amount shall be
allocated based upon a formula to be determined by the Interstate
Commission which shall promulgate a rule binding upon all member
states.

(C) The Interstate Commission shall not incur obligations of
any kind prior to securing the funds adequate to meet the same;
or shall the Interstate Commission pledge the credit of any of
the member states, except by and with the authority of the member
state.

(D) The Interstate Commission shall keep accurate accounts of
all receipts and disbursements. The receipts and disbursements of
the Interstate Commission shall be subject to the audit and
accounting procedures established under its bylaws. However, all
receipts and disbursements of funds handled by the Interstate
Commission shall be audited yearly by a certified or licensed
public accountant and the report of the audit shall be included in
and become part of the annual report of the Interstate Commission.
ARTICLE XIV.  
MEMBER STATES, EFFECTIVE DATE AND AMENDMENT  
(A) Any state is eligible to become a member state.  
(B) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 states. The effective date shall be the later of July 1, 2007 or upon enactment of the compact into law by the 35th state. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors, executive heads of the state human services administration with ultimate responsibility for the child welfare program of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states.  
(C) The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding on the member states unless and until it is enacted into law by unanimous consent of the member states. 

ARTICLE XV.  
WITHDRAWAL AND DISSOLUTION  
(A) Withdrawal:  
(1) Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact specifically repealing the statute which enacted the compact into law.  
(2) Withdrawal from this compact shall be by the enactment of a statute repealing the same. The effective date of withdrawal shall be the effective date of the repeal of the statute.  
(3) The withdrawing state shall immediately notify the president of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the
withdrawing state. The Interstate Commission shall then notify the other member states of the withdrawing state's intent to withdraw.

(4) The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal.

(5) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the members of the Interstate Commission.

(B) Dissolution of Compact:

(1) This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

(2) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVI.

SEVERABILITY AND CONSTRUCTION

(A) The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(B) The provisions of this compact shall be liberally construed to effectuate its purposes.

(C) Nothing in this compact shall be construed to prohibit the concurrent applicability of other interstate compacts to which the states are members.

ARTICLE XVII.

BINDING EFFECT OF COMPACT AND OTHER LAWS
(A) Other Laws:

(1) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

(2) All member states' laws conflicting with this compact or its rules are superseded to the extent of the conflict.

(B) Binding Effect of the Compact:

(1) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

(2) All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

(3) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

ARTICLE XVIII.

INDIAN TRIBES

Notwithstanding any other provision in this compact, the Interstate Commission may promulgate guidelines to permit Indian tribes to utilize the compact to achieve any or all of the purposes of the compact as specified in Article I. The Interstate Commission shall make reasonable efforts to consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the various Indian tribes.

Sec. 5103.25. (A) As used in this section and sections 5103.251 to 5103.259 of the Revised Code:

(1) "Agency" has the same meaning as in section 3107.01 of the Revised Code.
(2) "Applicant" means any of the following:

(a) A person who is under final consideration for appointment or employment as board president, administrator, officer, or an employee of an association or institution or an agency;

(b) A person who is under final consideration as a subcontractor, intern, or volunteer of an association or institution or agency;

(c) A prospective or current foster caregiver;

(d) A prospective or current adoptive parent who is working with an agency;

(e) A person eighteen years of age or older who resides with a prospective or current foster caregiver or with an adoptive parent who is working with an agency.

(3) "Association" or "institution" has the same meaning as in section 5103.02 of the Revised Code.

(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(5) "Recommending agency" has the same meaning as in section 5103.02 of the Revised Code.

(6) "Superintendent of BCII" has the same meaning as in section 2151.86 of the Revised Code.

Sec. 5103.251. (A) The director of job and family services shall request the superintendent of BCII to conduct a criminal records check for all applicants at the times specified:

(1) For an administrator, president, officer, or member of a board of an association or institution, at the time of initial application for certification of the agency, initial nomination to the board, or initial application for employment and every five years thereafter;
(2) (a) For a prospective foster caregiver or adult resident of the prospective foster caregiver's home, at the time of initial application for certification and every five years thereafter;

(b) For a minor resident of the prospective foster caregiver's home, at the time the resident turns eighteen years old and then every five years thereafter.

(3) (a) For a prospective adoptive parent or adult resident of the prospective adoptive parent's home, at the time of the initial home study and every five years thereafter;

(b) For a minor resident of the prospective adoptive parent's home, at the time the resident turns eighteen years old and then every five years thereafter.

(4) (a) Except as provided in division (A)(4)(b) of this section, for employment of a person or engagement of a subcontractor, intern, or volunteer by an association or institution, at the time of initial application for employment or engagement and every five years thereafter;

(b) For an applicant who has been determined eligible for appointment, employment, or engagement after a review of a criminal records check within the past five years and who has been employed by an association or institution within the past one hundred eighty consecutive days, every five years after the date of the initial determination.

(B)(1) An initial criminal records check requested under division (A) of this section shall include a request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(2) A criminal records check requested at any time other than
the time of initial application or nomination may include a
request that the superintendent of BCII obtain information from
the federal bureau of investigation as part of the criminal
records check for the person, including fingerprint-based checks
of national crime information databases as described in 42 U.S.C.
671 for the person subject to the criminal records check.

(C) With respect to a criminal records check requested for a
person described in division (A) of this section, the director
shall do all of the following:

(1) Provide to the person a copy of the form prescribed
pursuant to division (C)(1) of section 109.572 of the Revised Code
and a standard impression sheet to obtain fingerprint impressions
prescribed pursuant to division (C)(2) of that section;

(2) Obtain the completed form and impression sheet from the
person;

(3) Forward the completed form and impression sheet to the
superintendent of BCII;

(4) Review the results of the criminal records check and take
such action as required in division (E) of this section.

(D) A person who receives from the director a copy of the
form and standard impression sheet and who is requested to
complete the form and provide a set of fingerprint impressions
shall complete the form or provide all the information necessary
to complete the form and shall provide the impression sheet with
the impressions of the person's fingerprints with instructions to
provide the results to the director of job and family services. If
the person, upon request, fails to provide the information
necessary to complete the form or fails to provide impressions of
the person's fingerprints, the director may consider the failure a
reason to deny certification or to determine an applicant
ineligible for appointment, employment, or engagement and a
probate court may not issue a final decree of adoption or an
interlocutory order of adoption making the person an adoptive
parent.

(E) Except as provided in rules adopted under section
5103.259 of the Revised Code, on review of the results of the
criminal records check the director shall do the following, as
applicable:

(1) Deny or revoke a certification of a prospective or
current foster caregiver, if any of the following apply:

(a) A person for whom a criminal records check was required
under division (A) of this section has been convicted of or
pleaded guilty to any of the violations described in division
(A)(4) of section 109.572 of the Revised Code or an offense of
another state or the United States that is substantially
equivalent to an offense listed in division (A)(4) of section
109.572 of the Revised Code.

(b) A resident of the prospective foster caregiver's or
foster caregiver's home is under eighteen years of age and has
been adjudicated a delinquent child for committing either a
violation of any section listed in division (A)(4) of section
109.572 of the Revised Code or an offense of another state or the
United States that is substantially equivalent to an offense
listed in division (A)(4) of section 109.572 of the Revised Code.

(c) The prospective foster caregiver has had a revocation of
any foster home license, certificate, or other similar
authorization in another state, or failed to notify the
recommending agency of any revocation of that type in another
state, in accordance with division (B) of section 5103.254 of the
Revised Code.

(2) Determine a prospective adoptive parent is ineligible for
adoption or deny a final decree of adoption or interlocutory order
of adoption if the prospective adoptive parent or any person eighteen years or older who resides in the prospective adoptive parent's home previously has been convicted of or pleaded guilty to any of the violations described in division (A)(4) of section 109.572 of the Revised Code or an offense of another state or the United States that is substantially equivalent to an offense listed in division (A)(4) of section 109.572 of the Revised Code.

(3) Determine a prospective or current employee, appointee, subcontractor, intern, or volunteer as ineligible for employment, appointment, or engagement if the person has been convicted of or pleaded guilty to any of the violations described in division (A)(4) of section 109.572 of the Revised Code or an offense of another state or the United States that is substantially equivalent to an offense listed in division (A)(4) of section 109.572 of the Revised Code.

(F) Each association, institution, or agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section. An association, institution, or agency may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount the association, institution, or agency pays under this section. If a fee is charged, the association, institution, or agency shall notify the applicant at the time of the applicant's initial certification, home study, or application of the amount of the fee and that, unless the fee is paid, the association, institution, or agency will not consider the applicant for certification, adoption, employment, appointment, or engagement.
Sec. 5103.252. (A) The director of job and family services shall search the central registry of abuse and neglect contained within the uniform statewide automated child welfare information system for all applicants at the times specified:

(1) For an administrator, president, officer, or member of the board, at the time of initial application for certification of the agency, at the initial nomination to the board, or initial application for employment and every five years thereafter;

(2)(a) For a prospective foster caregiver or adult resident of the prospective foster caregiver's home, at the time of initial application for certification and every five years thereafter;

(b) For a minor resident of the prospective foster caregiver's home, at the time the resident turns eighteen years old and then every five years thereafter.

(3)(a) For a prospective adoptive parent or adult resident of the prospective adoptive parent's home, at the time of the initial home study and every five years thereafter;

(b) For a minor resident of the prospective adoptive parent's home, at the time the resident turns eighteen years old and then every five years thereafter.

(4)(a) Except as provided in division (A)(4)(b) of this section, for employment of a person or engagement of a subcontractor, intern, or volunteer by an association or institution, at the time of initial application for employment or engagement and every five years thereafter;

(b) For an applicant who has been determined eligible for appointment, employment, or engagement after a check of the central registry within the past five years and who has been employed by an association or institution within the past one hundred eighty consecutive days, every five years after the date
of the initial determination.

(B)(1) When conducting a search of the central registry pursuant to division (A) of this section, the director shall create a summary report of the search that contains, as applicable, a chronological list of abuse and neglect determinations or allegations of which the person is subject and in regards to which a public children services agency has done one of the following:

(a) Determined that abuse or neglect occurred;

(b) Initiated an investigation, and the investigation is ongoing;

(c) Initiated an investigation, and the agency was unable to determine whether abuse or neglect occurred.

(2) The summary report shall not contain any of the following:

(a) An abuse and neglect determination to which the person is subject and the public children services agency determined that abuse or neglect did not occur;

(b) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 42 U.S.C. 5101 et seq.;

(c) The name of the person or entity who made, or participated in the making of, the report of abuse or neglect.

(C)(1) A certification of a prospective or current foster caregiver, or prospective adoptive parent's home study, may be denied or revoked based on a summary report containing the information described in division (B)(1)(a) of this section or an offense of another state or the United States that is substantially equivalent to an offense listed in that division, when considered within the totality of the circumstances.
(2) A certification of a prospective or current foster caregiver, or prospective adoptive parent's home study, shall not be denied or revoked based solely on a summary report containing the information described under division (B)(1)(b) or (c) of this section.

(D) If the director determines that the information described in division (B)(1)(a) of this section, or an offense of another state or the United States that is substantially equivalent to an offense listed in that division, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the person may directly or indirectly endanger the health, safety, or welfare of children, the director shall determine an appointee, employee, subcontractor, intern, or volunteer ineligible for appointment to or employment or engagement with the association or institution.

Sec. 5103.253. (A) The director of job and family services shall inspect the state registry of sex offenders and childvictim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 to determine if any applicant is registered or required to be registered as an offender. The director shall inspect each registry for all applicants at the times specified:

(1) For an administrator, president, officer, or member of the board, at the time of initial application for certification of the agency, at the initial nomination to the board, or initial application for employment and every five years thereafter;

(2)(a) For a prospective foster caregiver or adult resident of the prospective foster caregiver's home, at the time of initial application for certification and every five years thereafter;

(b) For a minor resident of the prospective foster caregiver's home, at the time the resident turns eighteen years
old and then every five years thereafter.

(3)(a) For a prospective adoptive parent or adult resident of the prospective adoptive parent's home, at the time of the initial home study and every five years thereafter;

(b) For a minor resident of the prospective adoptive parent's home, at the time the resident turns eighteen years old and then every five years thereafter.

(4)(a) Except as provided in division (A)(4)(b) of this section, for employment or engagement by an association or institution, at the time of initial application for employment or engagement and every five years thereafter;

(b) For an applicant who has been determined eligible for appointment, employment, or engagement after an inspection of the state registry of sex offenders and child-victim offenders and the national sex offender registry, or a substantially equivalent inspection under section 5103.256 of the Revised Code, within the past five years and who has been employed by an association or institution within the past one hundred eighty consecutive days, every five years after the date of the initial determination.

(B) If the director determines that the applicant is registered or required to be registered on a registry described in this section, the director shall do the following, as applicable:

(1) Refuse to issue a certification;

(2) Revoke a certification;

(3) Determine a prospective adoptive parent ineligible to adopt a child;

(4) Determine the applicant ineligible for employment, appointment, or engagement with the association or institution.

(C) A petition for adoption may be denied based solely on the results of the search of the national sex offender public web.
site.

Sec. 5103.254. (A) Whenever the director of job and family services requests a criminal records check, searches the uniform statewide automated child welfare information system, or inspects the state registry of sex offenders and child-victim offenders and national sex offender registry as required by sections 5103.251, 5103.252, and 5103.253 of the Revised Code and finds that a person who is subject to the requirements of those sections has resided in another state during the previous five years, the director shall request the results from a search of the following systems from the other state:

(1) A criminal records database;

(2) The uniform statewide automated child welfare information system, comprehensive child welfare information system, or the equivalent;

(3) The state registry of sex offenders.

(B) Before certification under section 5103.03 of the Revised Code, a prospective foster caregiver subject to a criminal records check under section 5103.251 of the Revised Code shall notify the recommending agency of the revocation of any foster home license, certificate, or other similar authorization in another state occurring within the five years immediately preceding the date of application to become a foster caregiver in this state. The failure of a prospective foster caregiver to notify the recommending agency of any such revocation is grounds for denial of the person's foster home application or the revocation of the person's foster home certification, whichever is applicable. If a person has had a revocation in another state within the five years immediately preceding the date of the application, the department of job and family services shall not issue a foster home certificate to the prospective foster caregiver.
(C) Whenever the director receives from an agency of another state a request for a criminal records check or for information from the uniform statewide automated child welfare information system or state registry of sex offenders and childvictim offenders that is related to an association or institution, prospective or current foster caregiver, or prospective adoptive parent, the director shall provide to that other state's agency the results of the records check and information from the system and registry.

Sec. 5103.255. (A) Before employing or appointing a person as board president, or as an administrator or officer, an institution or association shall do the following regarding the person:

(1) Request a certified search of the findings for recovery database;

(2) Conduct a database review at the federal web site known as the system for award management.

(B) The institution or association may refuse to hire or appoint a person as board president, or as an administrator or officer based on the results of a certified search or database review described in division (A) of this section, when considered within the totality of circumstances.

Sec. 5103.256. (A) Whenever the director of job and family services determines a person ineligible for appointment, employment, engagement, certification, or approval as an adoptive parent under sections 5107.251 to 5107.255 of the Revised Code, the director shall as soon as practicable notify the following, as applicable, of that determination:

(1) The association or institution that is considering the person for appointment, employment, or engagement;
(2) The agency that is arranging the adoption or recommending foster caregiver certification.

(B) An association, institution, or agency shall not appoint, employ, or engage a person who is determined under sections 5103.251, 5103.252, 5103.253, and 5103.255 of the Revised Code to be ineligible for appointment, employment, or engagement, and an agency shall not approve an application of a prospective adoptive parent or recommend the certification of a foster caregiver who is determined under sections 5103.251, 5103.252, and 5103.253 of the Revised Code to be ineligible.

Sec. 5103.257. The director of job and family services may delegate to any private or public entity any of the duties related to carrying out background checks imposed upon the department by sections 5103.251 to 5103.255 of the Revised Code.

Sec. 5103.258. Any information obtained under sections 5107.251 to 5107.255 of the Revised Code is confidential and is not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the following:

(A) The person who is the subject of the inspection or the person's representative;

(B) The director of job and family services or a public or private entity to which the director has delegated duties of the department of job and family services pursuant to section 5103.257 of the Revised Code;

(C) The director of a public children services agency;

(D) The director of an agency;

(E) Any court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment, a final
decree of adoption or interlocutory order of adoption, or a denial or revocation of a foster home certificate.

Sec. 5103.259. The director of job and family services shall adopt rules as necessary to implement sections 5107.251 to 5107.258 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The rules shall specify exceptions to the prohibitions in division (A)(4) of section 5103.251 of the Revised Code for a person who has been convicted of or pleaded guilty to a criminal offense listed in division (A)(4) of section 109.572 of the Revised Code but who meets standards in regard to rehabilitation set by the director.

Sec. 5103.37. The Ohio child welfare training program coordinator shall do all the following pursuant to the contract entered into under section 5103.35 of the Revised Code:

(A) Manage, coordinate, and evaluate all of the program's training provided under section 5103.30 of the Revised Code;

(B) Develop curriculum, resources, and products for the training;

(C) Provide fiscal management and technical assistance to regional training centers staff established under section 5103.42 of the Revised Code;

(D) Cooperate with the regional training centers staff to schedule sessions for the training, provide notices of the training sessions, and provide training materials for the sessions;

(E) Employ and compensate instructors for the training;

(F) Create individual training needs assessments for use pursuant to sections 5153.125 and 5153.126 of the Revised Code;

(G) Provide staff for the Ohio child welfare training program
steering committee established under section 5103.39 of the Revised Code;

(H) Conduct any other activities necessary for the development, implementation, and management of the program as specified in the contract;

(I) Identify the competencies needed to do the jobs that the training is for so that the training helps the development of those competencies;

(J) Ensure that the training provides the knowledge, skill, and ability needed to do the jobs that the training is for.

Sec. 5103.391. The director of job and family services shall appoint all of the following to serve on the Ohio child welfare training program steering committee:

(A) Employees of the department of job and family services;

(B) One representative of each of the regional training centers established under section 5103.42 of the Revised Code;

(C) One representative of a statewide organization that represents the interests of public children services agencies;

(D) One representative of the Ohio child welfare training program coordinator;

(E) Two current foster caregivers certified by the department of job and family services under section 5103.03 of the Revised Code;

(F) Employees of public children services agencies.

Sec. 5103.41. Prior to the beginning of the fiscal biennium that first follows October 5, 2000, the department of job and family services, in consultation with the Ohio child welfare...
training program steering committee, shall designate eight training regions in the state. The department, at times it selects, shall review the composition of the training regions. The committee, at times it selects, shall also review the training regions' composition and provide the department recommendations on changes. The department may change the composition of the training regions as the department considers necessary. Each training region shall contain only one regional training center established and maintained under section 5103.42 of the Revised Code.

The department may make a grant to a public children services agency that establishes and maintains a regional training center under this section for the purpose of wholly or partially subsidizing the operation of the center. The department shall specify in the grant all of the center's duties, including the duties specified in section 5103.42 of the Revised Code.

Sec. 5103.422 5103.42. A regional training center's staff's responsibilities shall include all of the following:

(A) Securing facilities suitable for conducting the training provided under section 5103.30 of the Revised Code;

(B) Providing administrative services and paying all administrative costs related to the conduct of the training;

(C) Maintaining a database of the data contained in the individual training needs assessments for each PCSA caseworker and PCSA caseworker supervisor employed by a public children services agency located in the training region served by the center;

(D) Analyzing training needs of PCSA caseworkers and PCSA caseworker supervisors employed by a public children services agency and other training populations described in section 5103.30 of the Revised Code and located in the training region served by the center;
(E) Coordinating the training at the center for the region with the Ohio child welfare training program coordinator.

**Sec. 5103.50.** (A) As used in this section and sections 5103.51 to 5103.55 of the Revised Code, "private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.

(B) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement standards set forth in division (D) of this section and section 5103.54 of the Revised Code that are substantially similar, as determined by the director, to other similarly situated providers of residential care to children.

(C) The director of job and family services shall issue a license to a private, nonprofit therapeutic wilderness camp that submits an application to the director, on a form prescribed by the director, that indicates to the director's satisfaction that the camp meets the standards set forth in rules adopted under division (B) of this section.

(D) In accordance with rules adopted by the director under division (B) of this section, the camp shall develop and implement written policies that establish all of the following:

1. Standards for hiring, training, and supervising staff;
2. Standards for behavioral intervention, including standards prohibiting the use of prone restraint and governing the use of other restraints or isolation;
3. Standards for recordkeeping, including specifying information that must be included in each child's record, who may access records, confidentiality, maintenance, security, and disposal of records;
4. A procedure for handling complaints about the camp from...
the children attending the camp, their families, staff, and the public;

(5) Standards for emergency and disaster preparedness, including procedures for emergency evacuation and standards requiring that a method of emergency communication be accessible at all times;

(6) Standards that ensure the protection of children's civil rights;

(7) Standards for the admission and discharge of children attending the camp, including standards for emergency discharge;

(8) Standards for the supervision of children, including minimum staff to child ratios;

(9) Standards for ensuring proper medical care, including administration of medications;

(10) Standards for proper notification of critical incidents;

(11) Standards regarding the health and safety of residents, including proper health department approvals, fire inspections, and food service licenses;

(12) Standards for ensuring the reporting requirements under section 2151.421 of the Revised Code are met.

(E) The camp shall ensure that no child resides at the camp for more than twelve consecutive months, unless the camp has completed a full evaluation that determines the child is not ready for reunification with the child's family or guardian. Such evaluation shall include any outside professional determined to be necessary by the director of job and family services. This evaluation shall be conducted in accordance with rules adopted by the director.

(F) The camp shall cooperate with any request from the director for an inspection or for access to records or written
policies of the camp.

(G) The camps shall ensure that no child is left without supervision of camp staff at any time.

(H) The camp shall ensure that if there is a weather emergency or warning issued by the national weather service in the camp's geographic area, the children will be moved to a safe structure guarded from the weather event.

(I) The camp shall ensure that all sharp tools used in the camp, including axes and knives, are locked unless in use by camp staff or otherwise under camp staff supervision.

Sec. 5103.6010. A residential infant care center shall do the following:

(A) If using medication to treat infants, hold a terminal distributor of dangerous drugs license issued by the state board of pharmacy under section 4729.54 of the Revised Code.

(B) Comply, except as otherwise provided in this section and section 5103.6011 of the Revised Code, with all requirements under rule 5101:2-9-02 of the Administrative Code;

(C) Develop a plan of safe care in accordance with the "Comprehensive Addiction and Recovery Act of 2016," Pub. L. No. 114-198, for an infant born substance exposed as follows:

(1) Assist with the health and substance use disorder treatment needs of the infant and affected family or caregiver;

(2) Develop and implement a program to monitor, support, and connect affected families or caregivers through the provision of and referral to appropriate services for the infant and affected family or caregiver.

(D) Develop and implement a program for parents and caregivers that, either individually or in a group setting,
teaches parenting skills, bonding, and caring for the infant's special needs.

(E) Require both of the following:

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

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

(F) Request a criminal records check with respect to volunteers and interns in accordance with section 2151.86 5103.251 of the Revised Code;

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

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

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

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

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

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

(I)(1) Encourage employee-supervised dyad care and permit one of the infant's parents or caregivers to room-in with the infant for bonding and education;
(2) Provide the following for dyad care and rooming-in:

(a) A single bed and all necessary bed sheets, pillow cases, pillows, and blankets;

(b) All meals and snacks, which shall be provided in a designated family kitchen area if the center has such an area;

(c) A minimum of one private shower and toilet for the use of the parents or caregivers who are rooming-in.

(3) Notify the parent or caregiver that the center's rules and policies shall be followed or rooming-in may be restricted or canceled.

(J) Have one bathing room for every six infants that includes a minimum of one hip level bathtub with hot and cold water, one changing station, and a door with a full-length glass window for safety and observation;

(K) Meet the child-to-staff ratio of at least one awake child-care staff on duty at all times for every five infants;

(L) Use cribs and other infant sleep products that meet the United States consumer product safety commission's safety standards for safe sleep;

(M) Follow the department of health's safe sleep education program recommendations established under section 3701.66 of the Revised Code.

Sec. 5104.042. (A) The department of job and family services may suspend, without a prior hearing, the license of a child day-care center, type A family day-care home, or licensed type B family day-care home if any of the following occur:

(1) A child dies or suffers a serious injury while receiving child care in the center, type A home, or licensed type B home.

(2) A public children services agency receives a report
pursuant to section 2151.421 of the Revised Code, and the person alleged to have inflicted abuse or neglect on the child who is the subject of the report is any of the following:

(a) The owner, licensee, or administrator of the center, type A home, or licensed type B home;

(b) An employee of the center, type A home, or licensed type B home who has not immediately been placed on administrative leave or released from employment;

(c) Any person who resides in the type A home or licensed type B home.

(3) An owner, licensee, administrator, or employee of the center, type A home, or licensed type B home, or a resident of the type A home or licensed type B home is charged by an indictment, information, or complaint with an offense relating to the abuse or neglect of a child.

(4) The department or a county department of job and family services determines that the center, type A home, or licensed type B home created a serious risk to the health or safety of a child receiving child care in the center, type A home, or licensed type B home that resulted in or could have resulted in a child's death or injury.

(5) The department determines that the owner or licensee of the center, type A home, or licensed type B home does not meet the requirements of section 5104.013 of the Revised Code.

(B) The department shall issue serve a written order of suspension and furnish a copy to the licensee either by certified mail or in person as described in sections 119.05 and 119.07 of the Revised Code. The licensee may request an adjudicatory hearing before the department pursuant to sections 119.06 to 119.12 of the Revised Code.
(C) Any summary suspension imposed under this section shall remain in effect until any of the following occurs:

(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension.

(D) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension.

(E) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses.

(F) This section does not limit the authority of the department to revoke a license pursuant to section 5104.04 of the Revised Code.

Sec. 5104.08. (A) There is hereby created in the department of job and family services a child care advisory council to advise and assist the department in the administration of this chapter and in the development of child care. The council shall consist of twenty-two twenty-five voting members appointed by the director of job and family services with the approval of the governor. The director of job and family services, the director of developmental disabilities, the director of mental health and addiction...
services, the superintendent of public instruction, the director of the head start collaboration office, the director of health, the director of commerce, one member appointed by the director of job and family services representing child care, one member appointed by the director of job and family services representing child welfare, and the state fire marshal shall serve as nonvoting members of the council.

Six members shall be representatives of child care centers subject to licensing, the members to represent a variety of centers, including nonprofit and proprietary, from different geographical areas of the state. At least three members shall be parents, guardians, or custodians of children receiving child care or publicly funded child care in the child's own home, a center, a type A home, a head start program, a licensed type B home, or a type B home an approved day camp at the time of appointment. Three members shall be representatives of in-home aides, type A homes, or licensed type B homes, or type B homes or head start programs. One member shall be a representative of approved child day camps. One member shall be a representative of head start programs. At least six members shall represent county departments of job and family services. At least one member from a county department of job and family services or county children services board shall represent public children services agencies. The remaining members shall be representatives of the teaching, child development, and health professions, and other individuals interested in the welfare of children. At least six members of the council shall not be employees or licensees of a child day-care center, head start program, or type A home, or providers operating a licensed type B home or type B home approved child day camp, or in-home aides.

Appointments shall be for three-year terms. Vacancies shall be filled for the unexpired terms. A member of the council is subject to removal by the director of job and family services for
a willful and flagrant exercise of authority or power that is not authorized by law, for a refusal or willful neglect to perform any official duty as a member of the council imposed by law, or for being guilty of misfeasance, malfeasance, nonfeasance, or gross neglect of duty as a member of the council.

There shall be two co-chairpersons of the council. One co-chairperson shall be the director of job and family services or the director's designee, and one co-chairperson shall be elected by the members of the council. The council shall meet as often as is necessary to perform its duties, provided that it shall meet at least once in each quarter of each calendar year and at the call of the co-chairpersons. The co-chairpersons or their designee shall send to each member a written notice of the date, time, and place of each meeting.

Members of the council shall serve without compensation, but shall be reimbursed for necessary expenses.

(B) The child care advisory council shall advise the director on matters affecting the licensing of centers, type A homes, and type B homes and the certification of in-home aides; the approval of child day camps; publicly funded child care; and the step up to quality program established under section 5104.29 of the Revised Code. The council shall make an annual report to the director of job and family services that addresses the availability, affordability, accessibility, and quality of child care and that summarizes the recommendations and plans of action that the council has proposed taken to the director during the preceding fiscal year. The director of job and family services shall provide copies of the report to the governor, speaker and minority leader of the house of representatives, and the president and minority leader of the senate and, on request, shall make copies available to the public.

(C) The director of job and family services shall adopt rules
in accordance with Chapter 119. of the Revised Code to implement this section.

**Sec. 5104.30.** (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following:

1. Recipients of transitional child care as provided under section 5104.34 of the Revised Code;
2. Participants in the Ohio works first program established under Chapter 5107. of the Revised Code;
3. Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;
4. A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty percent of the federal poverty line;
5. Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.

The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers.
when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care.

(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care.

(C) In the use of federal funds available under the child care block grant act, all of the following apply:

(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care.

(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for administrative costs.

(3) The department shall allocate and use at least four per cent of the federal funds for the following:

(a) Activities designed to provide comprehensive consumer education to parents and the public;

(b) Activities that increase parental choice;

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care;

(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code.
(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means.

(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter into interagency agreements with the department of education, the chancellor of higher education, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of job and family services to fulfill its duties and responsibilities under this chapter.

The department shall develop and maintain a registry of persons providing child care. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and requirements for the registry's administration.

(E) (1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing both of the following:

(a) Reimbursement rates for providers of publicly funded
child care not later than the first day of July in each odd-numbered year;

(b) A procedure for reimbursing and paying providers of publicly funded child care.

(2) In establishing reimbursement rates under division (E)(1)(a) of this section, the director shall do all of the following:

(a) Use the information obtained from the market rate survey or alternative methodology developed and conducted in accordance with 45 C.F.R. 98.45;

(b) Establish an enhanced reimbursement rate for providers who provide child care for caretaker parents who work nontraditional hours;

(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, establish enhanced reimbursement rates for child day-care providers that participate in the program.

(3) In establishing reimbursement rates under division (E)(1)(a) of this section, the director may establish different reimbursement rates based on any of the following:

(a) Geographic location of the provider;

(b) Type of care provided;

(c) Age of the child served;

(d) Special needs of the child served;

(e) Whether the expanded hours of service are provided;

(f) Whether weekend service is provided;

(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;

(h) Any other factors the director considers appropriate.
Sec. 5104.302. (A) In addition to establishing reimbursement rates for publicly funded child care providers in each odd-numbered year, as required by section 5104.30 of the Revised Code, the director of job and family services shall contract with a third-party entity to analyze for the subsequent even-numbered year information regarding the prices charged for child care.

(B) Based on the information analyzed by the third-party entity, the director may adjust for the even-numbered year the reimbursement rates established for the previous odd-numbered year. To make such an adjustment, the director shall adopt rules in accordance with Chapter 119. of the Revised Code.

(C) When analyzing information regarding the prices charged for child care for an even-numbered year, a third-party entity under contract with the director may consider the most recent market rate survey or alternative methodology conducted as described in division (E) of section 5104.30 of the Revised Code.

Sec. 5107.02. As used in this chapter:

(A) "Adult" means an individual who is not a minor child.

(B) "Assistance group" means a group of individuals treated as a unit for purposes of determining eligibility for and the amount of assistance provided under Ohio works first.

(C) "Custodian" means an individual who has legal custody, as defined in section 2151.011 of the Revised Code, of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state.

(D) "Domestic violence" means being subjected to any of the following:

(1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;
(2) Sexual abuse; 79970
(3) Sexual activity involving a dependent child; 79971
(4) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities; 79972
(5) Threats of, or attempts at, physical or sexual abuse; 79974
(6) Mental abuse; 79975
(7) Neglect or deprivation of medical care. 79976

(E) "Guardian" means an individual that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code, or a court of competent jurisdiction in another state, to exercise parental rights over a minor child to the extent provided in the court's order and subject to residual parental rights of the minor child's parents. 79977

(F) "LEAP program" means the learning, earning, and parenting program conducted under section 5107.30 of the Revised Code. 79983

(G) "Minor child" means either of the following: 79985
(1) An individual who has not attained age eighteen; 79986
(2) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training. 79987

(H) "Minor head of household" means a minor child who is either of the following: 79990
(1) Is married, at least six months pregnant, and a member of an assistance group that does not include an adult; 79992
(2) Is married and is a parent of a child included in the same assistance group that does not include an adult. 79994

(I) "Ohio works first" means the program established by this chapter known as temporary assistance for needy families in Title IV-A. 79996
(J) "Payment standard" means the amount specified in rules adopted under section 5107.05 of the Revised Code that is the maximum amount of cash assistance an assistance group may receive under Ohio works first from state and federal funds.

(K) "Specified relative" means the following individuals who are age eighteen or older:

(1) The following individuals related by blood or adoption:

(a) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";

(b) Siblings;

(c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";

(d) First cousins and first cousins once removed.

(2) Stepparents and stepsiblings;

(3) Spouses and former spouses of individuals named in division (K)(1) or (2) of this section.

(L) "Title IV-A" or "Title IV-D" means Title IV-A or Title IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

Sec. 5107.10. (A) As used in this section:

(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code.

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code, except that references to a person's family in the definition shall be deemed to be references to the person's assistance group.
(3) "Gross income" means gross earned income and gross unearned income.

(4) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.

(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 of the Revised Code.

(C)(1) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements:

(a) The assistance group, except as provided in division (E) of this section, must include at least one of the following:

(i) A minor child who, except as provided in section 5107.24 of the Revised Code, resides with a parent, or specified relative caring for the child, or, to the extent permitted by Title IV-A and federal regulations adopted until Title IV-A, resides with a guardian or custodian caring for the child;

(ii) A parent residing with and caring for the parent's minor child who receives supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, or federal, state, or local adoption assistance;

(iii) A specified relative residing with and caring for a
minor child who is related to the specified relative in a manner that makes the specified relative a specified relative and receives supplemental security income or federal, state, or local foster care assistance, kinship guardianship assistance, kinship support program payments, or adoption assistance;

(iv) A pregnant woman at least six months pregnant.

(b) The assistance group must meet the income requirements established by division (D) of this section.

(c) No member of the assistance group may be involved in a strike.

(d) The assistance group must satisfy the requirements for Ohio works first established by this chapter and section 5101.83 of the Revised Code.

(e) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code.

(2) In addition to meeting the requirements specified in division (C)(1) of this section, a member of an assistance group who is required by section 5116.10 of the Revised Code to participate in the comprehensive case management and employment program must participate in that program to be eligible to participate in Ohio works first.

(D)(1) Except as provided in division (D)(4) of this section, to determine whether an assistance group is initially eligible to participate in Ohio works first, a county department of job and family services shall do the following:

(a) Determine whether the assistance group's gross income exceeds fifty per cent of the federal poverty guidelines. In making this determination, the county department shall disregard amounts that federal statutes or regulations and sections 5101.17
and 5117.10 of the Revised Code require be disregarded. The assistance group is ineligible to participate in Ohio works first if the assistance group's gross income, less the amounts disregarded, exceeds fifty per cent of the federal poverty guidelines.

(b) If the assistance group's gross income, less the amounts disregarded pursuant to division (D)(1)(a) of this section, does not exceed fifty per cent of the federal poverty guidelines, determine whether the assistance group's countable income is less than the payment standard. The assistance group is ineligible to participate in Ohio works first if the assistance group's countable income equals or exceeds the payment standard.

(2) For the purpose of determining whether an assistance group meets the income requirement established by division (D)(1)(a) of this section, the annual revision that the United States department of health and human services makes to the federal poverty guidelines shall go into effect on the first day of July of the year for which the revision is made.

(3) To determine whether an assistance group participating in Ohio works first continues to be eligible to participate, a county department of job and family services shall determine whether the assistance group's countable income continues to be less than the payment standard. In making this determination, the county department shall disregard an amount specified in rules adopted under section 5107.05 of the Revised Code and fifty per cent of the remainder of the assistance group's gross earned income. No amounts shall be disregarded from the assistance group's gross unearned income. The assistance group ceases to be eligible to participate in Ohio works first if its countable income, less the amounts disregarded, equals or exceeds the payment standard.

(4) If an assistance group reapplies to participate in Ohio works first not more than four months after ceasing to
participate, a county department of job and family services shall use the income requirement established by division (D)(3) of this section to determine eligibility for resumed participation rather than the income requirement established by division (D)(1) of this section.

(E)(1) An assistance group may continue to participate in Ohio works first even though a public children services agency removes the assistance group's minor children from the assistance group's home due to abuse, neglect, or dependency if the agency does both of the following:

(a) Notifies the county department of job and family services at the time the agency removes the children that it believes the children will be able to return to the assistance group within six months;

(b) Informs the county department at the end of each of the first five months after the agency removes the children that the parent, guardian, custodian, or specified relative of the children is cooperating with the case plans prepared for the children under section 2151.412 of the Revised Code and that the agency is making reasonable efforts to return the children to the assistance group.

(2) An assistance group may continue to participate in Ohio works first pursuant to division (E)(1) of this section for not more than six payment months. This division does not affect the eligibility of an assistance group that includes a pregnant woman at least six months pregnant.

Sec. 5107.36. An individual is ineligible for assistance under Ohio works first if either of the following apply:

(A) The individual is a fugitive fleeing felon as defined in section 5101.20 5101.26 of the Revised Code;

(B) The individual is violating a condition of probation, a
community control sanction, parole, or a post-release control sanction imposed under federal or state law.

Sec. 5107.54. (A) There is hereby established, as a work activity under Ohio works first, the work experience program. A participant of Ohio works first placed in the program shall receive work experience from private and government entities. Participants of Ohio works first assigned to the work experience program are not employees of the department of job and family services or a county department of job and family services. The operation of the work experience program does not constitute the operation of an employment agency by the department of job and family services or a county department of job and family services.

(B) County departments of job and family services shall develop work projects to which participants of Ohio works first are assigned under the work experience program. Work projects may include assignments with private and government entities. Examples of work projects a county department may develop include unpaid internships, refurbishing publicly assisted housing, and having a participant volunteer to work at the head start agency in which the participant's minor child is enrolled. Each county department shall make a list of the work projects available to the public.

(C) Unless a county department of job and family services pays the premiums for the entity, a private or government entity with which a participant of Ohio works first is placed in and participates in the work experience program shall pay premiums to the bureau of workers' compensation on account of the participant.

Sec. 5107.58. In accordance with a federal waiver granted by the United States secretary of health and human services pursuant to a request made under former section 5101.09 of the Revised Code, county departments of job and family services may establish
and administer as a work activity for minor heads of households
and adults participating in Ohio works first an education program
under which the participant is enrolled full-time in
post-secondary education leading to vocation at a state
institution of higher education, as defined in section 3345.031 of
the Revised Code; a private nonprofit college or university that
possesses a certificate of authorization issued by the Ohio board
of regents pursuant to Chapter 1713. of the Revised Code, or is
exempted by division (E) of section 1713.02 of the Revised Code
from the requirement of a certificate; a school that holds a
certificate of registration and program authorization issued by
the state board of career colleges and schools under Chapter 3332.
of the Revised Code; a private institution exempt from regulation
under Chapter 3332. of the Revised Code as prescribed in section
3333.046 of the Revised Code; or a school that has entered into a
contract with the county department of job and family services.
The participant shall make reasonable efforts, as determined by
the county department, to obtain a loan, scholarship, grant, or
other assistance to pay for the tuition, including a federal Pell
grant under 20 U.S.C.A. 1070a, an Ohio instructional grant under
section 3333.12 of the Revised Code, and an Ohio college
opportunity grant under section 3333.122 of the Revised Code. If
the participant has made reasonable efforts but is unable to
obtain sufficient assistance to pay the tuition the program may
pay the tuition. On or after October 1, 1998, the county
department may enter into a loan agreement with the participant to
pay the tuition. The total period for which tuition is paid and
loans made shall not exceed two years. If the participant,
pursuant to division (B)(3) of section 5107.43 of the Revised
Code, volunteers to participate in the education program for more
hours each week than the participant is assigned to the program,
the program may pay or the county department may loan the cost of
the tuition for the additional voluntary hours as well as the cost
of the tuition for the assigned number of hours. The participant may receive, for not more than three years, support services, including publicly funded child care under Chapter 5104. of the Revised Code and transportation, that the participant needs to participate in the program. To receive support services in the third year, the participant must be, as determined by the educational institution in which the participant is enrolled, in good standing with the institution.

A county department that provides loans under this section shall establish procedures governing loan application for and approval and administration of loans granted pursuant to this section.

Sec. 5119.01. (A) As used in this chapter:

(1) "Addiction" means the chronic and habitual use of alcoholic beverages, the use of a drug of abuse as defined in section 3719.011 of the Revised Code, or the use of gambling by an individual to the extent that the individual no longer can control the individual's use of alcohol, the individual becomes physically or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(2) "Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.

(3) "Alcohol and drug addiction services" means services, including intervention, for the treatment of persons with alcoholism or persons who abuse drugs of abuse and for the prevention of alcoholism or alcohol use disorder.
and drug addiction.

(4) "Alcoholism" "Alcohol use disorder" means the chronic and habitual use of alcoholic beverages by an individual to the extent that the individual no longer can a medical condition characterized by an individual's impaired ability to stop or control the individual's use of alcohol or endangers the use despite adverse social, occupational, or health, safety, or welfare of the individual or others consequences. An alcohol use disorder may be classified as mild, moderate, or severe.

(5) "Certifiable services and supports" means all of the following:

(a) Alcohol and drug addiction services;

(b) Mental health services;

(c) The types of recovery supports that are specified in rules adopted under section 5119.36 of the Revised Code as requiring certification under that section.

(6) "Community addiction services provider" means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following:

(a) Alcohol and drug addiction services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code;

(b) Gambling addiction services;

(c) Recovery supports that are related to alcohol and drug addiction services or gambling addiction services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.

(7) "Community mental health services provider" means an agency, association, corporation, individual, or program that
provides either of the following:

(a) Mental health services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code;

(b) Recovery supports that are related to mental health services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.

(8) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that the individual becomes physically or psychologically dependent on the drug or endangers the health, safety, or welfare of the individual or others.

(9) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(10) "Gambling addiction services" means services for the treatment of persons who have a gambling addiction and for the prevention of gambling addiction.

(11) "Hospital" means a hospital or inpatient unit licensed by the department of mental health and addiction services under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code this chapter.

(12) "Included opioid and co-occurring drug addiction services and recovery supports" means the addiction services and recovery supports that, pursuant to section 340.033 of the Revised Code, are included in the array of services and recovery supports
for all levels of opioid and co-occurring drug addiction required
to be included in the community-based continuum of care
established under section 340.032 of the Revised Code.

(13) "Medication-assisted treatment" has the same meaning as
in section 340.01 of the Revised Code.

(14) "Mental illness" means a substantial disorder of
thought, mood, perception, orientation, or memory that grossly
impairs judgment, behavior, capacity to recognize reality, or
ability to meet the ordinary demands of life.

(15) "Mental health services" means services for the
assessment, care, or treatment of persons who have a mental
illness and for the prevention of mental illness.

(16) "Opioid treatment program" has the same meaning as in 42
C.F.R. 8.2.

(17) "Recovery housing residence" means a residence for
individuals recovering from alcohol use disorder or drug addiction
that provides an alcohol and drug-free living environment, peer
support, assistance with obtaining alcohol and drug addiction
services, and other recovery assistance for alcohol use disorder
and drug addiction.

(18) "Recovery supports" means assistance that is intended to
help an individual with alcohol use disorder, drug
addiction, or mental illness, or a member of such an individual's
family, initiate and sustain the individual's recovery from
alcohol use disorder, drug addiction, or mental
ilness. "Recovery supports" does not mean alcohol and drug
addiction services or mental health services.

(18)(a) "Residence" (19)(a) "Residence," except when
referring to a recovery housing residence or the meaning of
"residence" in section 5119.90 of the Revised Code, means a
person's physical presence in a county with intent to remain
there, except in either of the following circumstances:

(i) If a person is receiving a mental health treatment service at a facility that includes nighttime sleeping accommodations, "residence" means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, "residence" means the county where the criminal charges were filed.

(b) When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination. Residence shall not be a basis for a board of alcohol, drug addiction, and mental health services to deny services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(B) Any reference in this chapter to a board of alcohol, drug addiction, and mental health services also refers to an alcohol and drug addiction services board or a community mental health board in a service district in which an alcohol and drug addiction services board or a community mental health board has been established under section 340.021 or former section 340.02 of the Revised Code.

Sec. 5119.19. (A)(1) As used in this section:

(a) "Community-based correctional facility" has the same meaning as in section 2929.01 of the Revised Code.

(2) "Drug used in medication-assisted treatment" means a drug approved by the United States food and drug administration for use
in medication-assisted treatment, regardless of the method the drug is administered or the form in which it is dispensed, including an oral drug, an injectable drug, or a long-acting or extended-release drug. "Drug used in medication-assisted treatment" includes all of the following:

(a) A full agonist;

(b) A partial agonist;

(c) An antagonist.

(3) "Drug used in withdrawal management or detoxification" means a drug approved by the United States food and drug administration for use in, or a drug in standard use for, mitigating opioid or alcohol withdrawal symptoms or assisting with detoxification, regardless of the method the drug is administered or the form in which it is dispensed, including an oral drug, an injectable drug, or a long-acting or extended-release drug. "Drug used in withdrawal management or detoxification" includes all of the following:

(a) A full agonist;

(b) A partial agonist;

(c) An antagonist;

(d) An alpha-2 adrenergic agonist.

(4) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(5) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.

(b)(6)(a) "Psychotropic drug" means, except as provided in division (A)(2)(A)(6)(b) of this section, a drug that has the capability of changing or controlling mental functioning or behavior through direct pharmacological action. "Psychotropic drug" includes all of the following:
(i) Antipsychotic medications, including those administered or dispensed in a long-acting injectable form;

(ii) Antidepressant medications;

(iii) Anti-anxiety medications;

(iv) Mood stabilizing medications.

(2)(b) "Psychotropic drug" excludes a stimulant prescribed for the treatment of attention deficit hyperactivity disorder.

(7) "Withdrawal management or detoxification" means a set of medical interventions aimed at managing the acute physical symptoms of intoxication and withdrawal. Withdrawal management seeks to minimize the physical harm caused by the intoxication and withdrawal from a substance of abuse. Detoxification denotes a clearing of toxins from the body of the patient who is acutely intoxicated, dependent on a substance of abuse, or both.

(B) There is hereby created the psychotropic behavioral health drug reimbursement program. The program shall be administered by the department of mental health and addiction services.

The purpose of the program is to provide state reimbursement to counties for the cost of the following drugs that are administered or dispensed to inmates of county jails in this state and individuals confined in community-based correctional facilities in this state: psychotropic drugs, drugs used in medication-assisted treatment, and drugs used in withdrawal management or detoxification. Each

Each county shall ensure that inmates of county jails and individuals confined in community-based correctional facilities have access to all psychotropic behavioral health drugs specified in this division that are prescribed drugs covered by the fee-for-service component of the medicaid program.
(C) The department, based on factors it considers appropriate, shall allocate an amount to each county for reimbursement of such psychotropic drug costs incurred by the county pursuant to this section.

(D) The director of mental health and addiction services may adopt rules as necessary to implement this section. The rules, if adopted, shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5119.33. (A)(1) The department of mental health and addiction services shall inspect and license all hospitals that receive mentally ill persons, except those hospitals managed by the department. No hospital may receive for care or treatment, either at public or private expense, any person who is or appears to be mentally ill, whether or not so adjudicated, unless the hospital has received a license from the department authorizing it to receive for care or treatment persons who are mentally ill or the hospital is managed by the department.

(2) No such license described in division (A) of this section shall not be granted to a hospital for the treatment of mentally ill persons unless the both of the following are the case:

(1) The department is satisfied, after investigation, that the hospital is managed and operated by qualified persons, is adequately staffed and equipped to operate, and has on its staff one or more qualified physicians responsible for the medical care of the patients confined there. At least one such physician shall be a psychiatrist.

(2) The department is satisfied, after reviewing records and information it requires as specified in rules adopted under division (C) of this section, that the hospital and all owners, sponsors, medical directors, administrators, and principals of the
hospital have been in good standing to operate a hospital for the
care and treatment of mentally ill persons, or a similar hospital,
in all other locations where the hospital or such other person has
been operating a similar hospital, during the three-year period
immediately preceding the date of application.

(B) (C) The department shall adopt rules under Chapter 119. of
the Revised Code prescribing minimum standards for the operation
of hospitals for the care and treatment of mentally ill persons
and; specifying the records and information that must be submitted
to demonstrate good standing for purposes of division (B) of this
section; and establishing standards and procedures for the
issuance, renewal, or revocation of full, probationary, and
interim licenses. No license shall be granted to any hospital
established or used for the care of mentally ill persons unless
such hospital is operating in accordance with this section and
rules adopted pursuant to this section. A full license shall
expire one year after the date of issuance, a probationary license
shall expire at the time prescribed by rule adopted pursuant to
Chapter 119. of the Revised Code by the director of mental health
and addiction services, and an interim license shall expire ninety
days after the date of issuance. A full, probationary, or interim
license may be renewed, except that an interim license may be
renewed only twice. The department may fix reasonable fees for
licenses and for license renewals. Such hospitals are subject to
inspection and on-site review by the department.

(C) (D) Except as otherwise provided in Chapter 5122. of the
Revised Code, neither the director of mental health and addiction
services; an employee of the department; a board of alcohol, drug
addiction, and mental health services or employee of a community
mental health services provider; nor any other public official
shall hospitalize any mentally ill person for care or treatment in
any hospital that is not licensed in accordance with this section.
The department may issue an order suspending the admission of patients who are mentally ill to a hospital for care or treatment if it finds either of the following:

(a) The hospital is not in compliance with rules adopted by the director pursuant to this section.

(b) The hospital has been cited for more than one violation of statutes or rules during any previous period of time during which the hospital is licensed pursuant to this section.

(2) (a) Except as provided in division (D)(2)(b) of this section, proceedings initiated to suspend the admission of patients are governed by Chapter 119. of the Revised Code.

(b) If a suspension of admissions is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after receiving the notice specified being served in accordance with sections 119.05 and 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.
(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department.

(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected.

(E)(1)(F)(1) Any license issued by the department under this section may be revoked or not renewed by the department for any of
the following reasons:

(a) The hospital is no longer a suitable place for the care or treatment of mentally ill persons.

(b) The hospital refuses to be subject to inspection or on-site review by the department.

(c) The hospital has failed to furnish humane, kind, and adequate treatment and care.

(d) The hospital fails to comply with the licensure rules of the department.

(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary licenses, or to revoke full or probationary licenses are governed by Chapter 119. of the Revised Code. If an order has been issued suspending the admission of patients, the order remains in effect during the pendency of those proceedings.

(F)(1)(G)(1) In a proceeding initiated to suspend the admission of patients, to deny an application for a full or probationary license, to refuse to renew a full or probationary license, or to revoke a full or probationary license, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(2) When the department issues an order suspending the admission of patients, denies an application for a full or probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

(G)(H) The department may inspect, conduct an on-site review,
and review the records of any hospital that the department has reason to believe is operating without a license.

Sec. 5119.34. (A) As used in this section and sections 5119.341 and 5119.342 of the Revised Code:

(1) "Accommodations" means housing, daily meal preparation, laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and other services that do not constitute personal care services or skilled nursing care.

(2) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services.

(3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age.

(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age.

(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.

(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.

(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license.

(8) "Personal care services" means services including, but not limited to, the following:
(a) Assisting residents with activities of daily living;

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing personal care services.

(9) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof.

(10) "Residential state supplement program" means the program established under section 5119.41 of the Revised Code.

(11) "Supervision" means any of the following:

(a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities;

(b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities;

(c) Assisting a resident in making or keeping an appointment.

(12) "Unrelated" means that a resident is not related to the owner or operator of a residential facility or to the owner's or operator's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as the child of an aunt or uncle.
(B)(1) A "residential facility" is a publicly or privately operated home or facility that falls into one of the following categories:

(a) Class one facilities provide accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances;

(b) Class two facilities provide accommodations, supervision, and personal care services to any of the following:

(i) One or two unrelated persons with mental illness;

(ii) One or two unrelated adults who are receiving payments under the residential state supplement program;

(iii) Three to sixteen unrelated adults.

(c) Class three facilities provide room and board for five or more unrelated adults with mental illness.

(2) "Residential facility" does not include any of the following:

(a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed, and governed by the department of mental health and addiction services for the hospitalization of mentally ill persons pursuant to section 5119.14 of the Revised Code;

(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;

(c) An institution or association subject to certification under section 5103.03 of the Revised Code;

(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;
(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;

(f) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program;

(g) Any facility that receives funding for operating costs from the department of development under any program established to provide emergency shelter housing or transitional housing for the homeless;

(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;

(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans;

(j) The residence of a relative or guardian of a person with mental illness.

(C) Nothing in division (B) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance.

(D) Except in the case of a residential facility described in division (B)(1)(a) of this section, members of the staff of a residential facility shall not administer medication to the facility's residents, but may do any of the following:

(1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(2) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this
section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(3) Assist a physically impaired but mentally alert resident, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

(E)(1) Except as provided in division (E)(2) of this section, a person operating or seeking to operate a residential facility shall apply for licensure of the facility to the department of mental health and addiction services. The application shall be submitted by the operator. When applying for the license, the applicant shall pay to the department the application fee specified in rules adopted under division (N) of this section. The fee is nonrefundable.

The department shall send a copy of an application to the ADAMHS board serving the county in which the person operates or seeks to operate the facility. The ADAMHS board shall review the application and provide to the department any information about the applicant or the facility that the board would like the department to consider in reviewing the application.

(2) A person may not apply for a license to operate a residential facility if the person is or has been the owner, operator, or manager of a residential facility for which a license to operate was revoked or for which renewal of a license was refused for any reason other than nonpayment of the license renewal fee, unless both of the following conditions are met:
(a) A period of not less than two years has elapsed since the date the director of mental health and addiction services issued the order revoking or refusing to renew the facility's license.

(b) The director's revocation or refusal to renew the license was not based on an act or omission at the facility that violated a resident's right to be free from abuse, neglect, or exploitation.

(F) The department of mental health and addiction services shall inspect and license the operation of residential facilities. The department shall consider the past record of the facility and the applicant or licensee in arriving at its licensure decision may issue a license to operate a residential facility only if both of the following are the case:

(1) The department is satisfied, after investigation, that the facility is managed and operated by qualified persons and is adequately staffed and equipped to operate.

(2) The department is satisfied, after reviewing records and information it requires as specified in rules adopted under division (N) of this section, that the facility and all owners and operators of the facility have been in good standing in all other locations where the facility or such other person has been operating a facility, or a similar facility, during the three-year period immediately preceding the date of application.

The department may issue full, probationary, and interim licenses. A full license shall expire up to three years after the date of issuance, a probationary license shall expire in a shorter period of time as specified in rules adopted by the director of mental health and addiction services under division (N) of this section, and an interim license shall expire ninety days after the date of issuance. A license may be renewed in accordance with rules adopted by the director under division (N) of this section.
The renewal application shall be submitted by the operator. When applying for renewal of a license, the applicant shall pay to the department the renewal fee specified in rules adopted under division (N) of this section. The fee is nonrefundable.

(G)(1) If the department finds any of the following with respect to a residential facility, the department may issue an order suspending the admission of residents to the facility, refuse to issue or renew a license for the facility, or revoke the facility's license:

(a) The facility is not in compliance with rules adopted by the director pursuant to division (N) of this section;

(b) Any facility operated by the applicant or licensee has been cited for a pattern of serious noncompliance or repeated violations of statutes or rules during the period of current or previous licenses;

(c) The applicant or licensee submits false or misleading information as part of a license application, renewal, or investigation.

(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary licenses, or to revoke full or probationary licenses are governed by Chapter 119. of the Revised Code. If an order has been issued suspending the admission of residents to the facility, the order remains in effect during the pendency of those proceedings.

Proceedings initiated to suspend the admission of residents to a facility are governed by Chapter 119. of the Revised Code, except as provided in division (H) of this section.

(3) In a proceeding initiated to suspend the admission of residents to a facility, to deny an application for a full or probationary license, to refuse to renew a full or probationary license, or to revoke a full or probationary license, the
department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(4) When the department issues an order suspending the admission of residents to a facility, denies an application for a full or probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

(H)(1) If a suspension of admissions of residents to a facility is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after receiving the notice specified being served in section accordance with sections 119.05 and 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.
(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department.

(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected.

(I) The department may issue an interim license to operate a residential facility if both of the following conditions are met:
(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available.

(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division (N) of this section.

An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code.

(J)(1) The department of mental health and addiction services may conduct an inspection of a residential facility as follows:

(a) Prior to issuance of a license for the facility;
(b) Prior to renewal of the license;
(c) To determine whether the facility has completed a plan of correction required pursuant to division (J)(2) of this section and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it;
(d) Upon complaint by any individual or agency;
(e) At any time the director considers an inspection to be necessary in order to determine whether the facility is in compliance with this section and rules adopted pursuant to this section.

(2) In conducting inspections the department may conduct an on-site examination and evaluation of the residential facility and its personnel, activities, and services. The department shall have access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility,
including records pertaining to residents, and shall have access to the facility in order to conduct interviews with the operator, staff, and residents. Following each inspection and review, the department shall complete a report listing any deficiencies, and including, when appropriate, a time table within which the operator shall correct the deficiencies. The department may require the operator to submit a plan of correction describing how the deficiencies will be corrected.

(K) No person shall do any of the following:

(1) Operate a residential facility unless the facility holds a valid license;

(2) Violate any of the conditions of licensure after having been granted a license;

(3) Interfere with a state or local official's inspection or investigation of a residential facility;

(4) Violate any of the provisions of this section or any rules adopted pursuant to this section.

(L) The following may enter a residential facility at any time:

(1) Employees designated by the director of mental health and addiction services;

(2) Employees of an ADAMHS board under either of the following circumstances:

(a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board;

(b) When authorized by section 340.05 of the Revised Code.

(3) Employees of a community mental health services provider under either of the following circumstances:
(a) When the provider has a person receiving services residing in the facility;

(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.

(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are receiving payments under the residential state supplement program.

The persons specified in division (L) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.

(M) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.

(N) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following:

(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;

(2) Procedures for the issuance, renewal, or revocation of the licenses of residential facilities;

(3) The records and other information that must be submitted to demonstrate good standing for purposes of division (F) of this

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section;

(4) Procedures for conducting background investigations for prospective or current operators, employees, volunteers, and other non-resident occupants who may have direct access to facility residents;

(4)(5) The fee to be paid when applying for a new residential facility license or renewing the license;

(5)(6) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;

(6)(7) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;

(7)(8) Measures to be taken by residential facilities relative to residents' medication;

(8)(9) Requirements relating to preparation of special diets;

(9)(10) The maximum number of residents who may be served in a residential facility;

(10)(11) The rights of residents of residential facilities and procedures to protect such rights;

(11)(12) Standards and procedures under which the director may waive the requirements of any of the rules adopted.

(12) (1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall
disclose the source upon order by a court of competent jurisdiction.

(2) Any person who makes a complaint under division (O)(1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose.

(P)(1) The director of mental health and addiction services may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a present danger to the health or safety of any residents of the facility.

(2) When the court grants injunctive relief in the case of a facility operating without a license, the court shall issue, at a minimum, an order enjoining the facility from admitting new residents to the facility and an order requiring the facility to assist with the safe and orderly relocation of the facility's residents.

(3) If injunctive relief is granted against a facility for operating without a license and the facility continues to operate without a license, the director shall refer the case to the attorney general for further action.

(Q) The director may fine a person for violating division (K) of this section. The fine shall be five hundred dollars for
first offense; for each subsequent offense, the fine shall be one thousand dollars. The director's actions in imposing a fine shall be taken in accordance with Chapter 119. of the Revised Code.

Sec. 5119.35. (A) Except as provided in division (B) of this section, if a mental health service or alcohol and drug addiction service has been specified in rules adopted under this section as a service that is required to be certified, no person or government entity shall provide any of the following alcohol and drug addiction services unless the services have it has been certified under section 5119.36 of the Revised Code:

(1) Withdrawal management addiction services provided in a setting other than an acute care hospital;

(2) Addiction services provided in a residential treatment setting;

(3) Addiction services provided on an outpatient basis.

(B) Division (A) of this section does not apply to either of the following:

(1) An individual who holds a valid license, certificate, or registration issued by this state authorizing the practice of a health care profession that includes the performance of the services any service that is required to be certified as described in divisions (A)(1) to (3) of this section, regardless of whether the services are service is performed as part of a sole proprietorship, partnership, or group practice;

(2) An individual who provides the services any service that is required to be certified as described in divisions (A)(1) to (3) of this section as part of an employment or contractual relationship with a hospital outpatient clinic that is accredited by an accreditation agency or organization approved by the director of mental health and addiction services.
(C) No person or government entity that is subject to this section is eligible to receive, for a service that is subject to this section, any federal funds, state funds, or funds administered by a board of alcohol, drug addiction, and mental health services, unless that service has been certified under section 5119.36 of the Revised Code. This limitation is in addition to the criminal penalty that applies for violating division (A) of this section.

(D) The director may adopt rules in accordance with Chapter 119. of the Revised Code to specify mental health services and alcohol and drug addiction services that are required to be certified under section 5119.36 of the Revised Code. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 5119.36. (A) A community mental health services provider applicant or community addiction services provider applicant person or government entity that seeks initial certification of its one or more certifiable services and supports, or that seeks to renew certification of one or more certifiable services and supports, shall submit an application to the director of mental health and addiction services. On receipt of the application, the director may conduct an on-site review and shall evaluate the applicant to determine whether its certifiable services and supports satisfy the standards established by divisions (B) and (C) of this section and any rules adopted under this section are satisfied or continue to be satisfied by the applicant. The director shall make the evaluation, and, if As part of the determination, the director conducts may conduct an on-site review of the applicant. In doing so, the director may make conduct the review in cooperation with a board of alcohol, drug addiction,
and mental health services that seeks to contract or has a contract with the applicant under section 340.036 of the Revised Code.

(B) Subject to section 5119.361 of the Revised Code, the (B)(1) Beginning on the effective date of this amendment, an applicant seeking initial certification of certifiable services and supports shall be accredited to provide those services and supports by one or more national accrediting organizations specified in division (B)(3) of this section that offer accreditation for those services and supports or equivalent services and supports.

(2) Beginning October 1, 2025, an applicant seeking to renew certification of certifiable services and supports shall be accredited to provide those services and supports by one or more national accrediting organizations specified in division (B)(3) of this section that offer accreditation for those services and supports or equivalent services and supports.

(3) For purposes of divisions (B)(1) and (2) of this section, the director shall accept appropriate accreditation of an applicant's certifiable services and supports from any of the following national accrediting organizations:

(a) The joint commission;

(b) The commission on accreditation of rehabilitation facilities;

(c) The council on accreditation;

(d) Any other national accrediting organization the director considers appropriate.

(C) In addition to meeting the accreditation standard set forth in division (B) of this section, an applicant seeking initial or renewed certification of one or more certifiable
services and supports shall meet both of the following, as determined by the director:

(1) The applicant shall have adequate staff and equipment to provide the certifiable services and supports;

(2) The applicant and all owners and principals of the applicant shall be in good standing in all other locations where the applicant has been providing certifiable services and supports during the three-year period immediately preceding the date of the application, based on a review of records and information required to be submitted as specified in rules adopted under this section.

(D)(1) Except as provided in division (D)(2) of this section, if the director determines that an applicant has paid any required certification fee, that the applicant's accreditation of certifiable services and supports is current and appropriate for the services and supports for which the applicant is seeking initial or renewed certification, that the applicant meets the requirements of division (C) of this section, and that the applicant meets any other requirements established by this section or rules adopted under it, the director shall certify the services and supports or renew the certification of the services and supports, as applicable. Except as provided in division (I) of this section, the director shall issue or renew the certification without further evaluation of the services and supports.

(2) Prior to October 1, 2025, if an applicant that seeks to renew certification of certifiable services and supports is not accredited to provide those services and supports by one or more national accrediting organizations specified in division (B)(3) of this section, the director shall conduct an evaluation of the applicant to determine whether the applicant's certifiable services and supports of a community mental health services provider, applicant or community addiction services provider applicant satisfy the standards for certification. The evaluation
is in addition to any on-site review conducted under division (A) of this section and shall be performed in cooperation with a board of alcohol, drug addiction, and mental health services that seeks to contract or has a contract with the applicant under section 340.036 of the Revised Code. If the director determines that an applicant has paid any required certification fee, that the applicant's certifiable services and supports satisfy the standards for renewed certification and the applicant has paid the fee required by this section, that the applicant meets the requirements of division (C) of this section, and that the applicant meets any other requirements established by this section or the rules adopted under it, the director shall certify the certifiable services and supports.

No community mental health services provider shall be eligible to receive for its certifiable services and supports any state funds, federal funds, or funds administered by a board of alcohol, drug addiction, and mental health services, unless those certifiable services and supports have been certified by the director.

No person or government entity subject to section 5119.35 of the Revised Code or any other community addiction services provider shall be eligible to receive for its services described in that section or its other certifiable services and supports any state funds, federal funds, or funds administered by a board of alcohol, drug addiction, and mental health services, unless those services or other certifiable services and supports have been certified by the director.

(C)(E) For purposes of the accreditation requirements of this section, both of the following apply:

(1) The director may review the accrediting organizations specified in division (B)(3) of this section to evaluate whether the accreditation standards and processes used by the
organizations are consistent with service delivery models the
director considers appropriate for mental health services, alcohol
and drug addiction services, or physical health services. The
director may communicate to an accrediting organization any
identified concerns, trends, needs, and recommendations.

(2) The director shall require a community mental health
services provider and a community addiction services provider to
notify the director not later than ten days after any change in
the provider's accreditation status. The provider may notify the
director by providing a copy of the relevant document the provider
received from the accrediting organization.

(F) The director may require a community mental health
services provider or a community addiction services provider to
submit to the director cost reports pertaining to the provider.

(G) The director may refuse to certify certifiable services
and supports, refuse to renew certification, or revoke
certification if any of the following apply to an applicant for
certification or the holder of the certification:

(1) The applicant or holder is not in compliance with rules
adopted under this section.

(2) The applicant or holder has been cited for a pattern of
serious noncompliance or repeated violations of statutes or rules
during the current certification period or any previous
certification period.

(3) The applicant or holder has been found to be in violation
of section 5119.396 of the Revised Code;

(4) The applicant or holder submits false or misleading
information as part of a certification application, renewal, or
investigation.

(D)(H) Proceedings initiated to deny applications to certify
certifiable services and supports, to refuse to renew certification, or to revoke certification are governed by Chapter 119. of the Revised Code. If an order has been issued suspending admissions to a community addiction services provider that provides overnight accommodations, as provided in division (H) of this section, the order remains in effect during the pendency of those proceedings.

(E) (I) The director may conduct an on-site review or otherwise evaluate a community mental health services provider or a community addiction services provider at any time based on cause, including complaints made by or on behalf of persons receiving mental health services or alcohol and drug addiction services and confirmed or alleged deficiencies brought to the attention of the director. This authority does not affect the director's duty to conduct the inspections required by section 5119.37 of the Revised Code.

In conducting an on-site review under this division, the director may do so in cooperation with a board of alcohol, drug addiction, and mental health services that seeks to contract or has a contract with the applicant under section 340.036 of the Revised Code. In conducting any other evaluation under this division, the director shall do so in cooperation with such a board.

(J) If the director determines that a community mental health services provider applicant's or a community addiction services provider an applicant's certifiable services and supports do not satisfy the standards for certification, the director may request that the appropriate board of alcohol, drug addiction, and mental health services reallocate any funds for the certifiable services and supports the applicant was to provide to another a community mental health services provider or community addiction services provider whose certifiable services and supports satisfy the
standards. If the board does not reallocate such funds in a reasonable period of time, the director may withhold state and federal funds for the certifiable services and supports and allocate those funds directly to a community mental health services provider or community addiction services provider whose certifiable services and supports satisfy the standards.

(F)(K) Each community mental health services provider applicant or community addiction services provider applicant seeking initial or renewed certification of its certifiable services and supports under this section shall pay a fee for the certification required by this section, unless the applicant is exempt under rules adopted under this section. Fees shall be paid into the state treasury to the credit of the sale of goods and services fund created pursuant to section 5119.45 of the Revised Code.

(G)(L) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

The rules shall do all of the following:

(1) Subject to section 340.034 of the Revised Code, specify the types of recovery supports that are required to be certified under this section;

(2) Establish certification standards for certifiable services and supports that are consistent with nationally recognized applicable standards and facilitate participation in federal assistance programs. The rules shall include as certification standards only requirements that improve the quality of certifiable services and supports or the health and safety of
persons receiving certifiable services and supports. The standards shall address at a minimum all of the following:

(a) Reporting major unusual incidents to the director;

(b) Procedures for applicants for and persons receiving certifiable services and supports to file grievances and complaints;

(c) Seclusion;

(d) Restraint;

(e) Requirements regarding the physical facilities in which certifiable services and supports are provided;

(f) Requirements with regard to health, safety, adequacy, and cultural specificity and sensitivity;

(g) Standards for evaluating certifiable services and supports;

(h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of a community mental health services provider applicant or community addiction services provider applicant;

(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;

(j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;

(k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:
(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;

(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;

(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;

(iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.

(l) Documentation that must be submitted as evidence of holding appropriate accreditation;

(m) A process by which the director may review the accreditation standards and process used by the national accrediting organizations specified in division (B)(3) of this section.

(3) Establish the process for certification of certifiable services and supports;

(4) Set the amount of initial and renewal certification review fees and any reasons for which applicants may be exempt from the fees;

(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds;

(6) Establish a process by which the director, based on deficiencies identified as a result of conducting an on-site review or otherwise evaluating a community mental health services provider or community addiction services provider under division
may take any range of correction actions, including revocation of the provider's certification;

(7) Specify the records and information that must be submitted to demonstrate good standing for purposes of division (C) of this section.

(H)(1) The director may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if the director finds either of the following:

(a) The provider's certifiable services and supports are not in compliance with rules adopted under this section;

(b) The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider.

(2)(a) Except as provided in division (H)(2)(b) of this section, proceedings initiated to suspend admissions to a community addiction services provider that provides overnight accommodations are governed by Chapter 119. of the Revised Code.

(b) If a suspension of admissions is proposed because the director has determined that the provider has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order suspending admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case
all of the following apply:

(a) The provider may request a hearing not later than ten days after receiving the notice specified being served in section accordance with sections 119.05 and 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the provider's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the provider and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the provider, or the provider's attorney, if applicable, not later than five days after the report is filed with the department.

(f) Not later than five days after receiving the report and recommendations, the provider may file objections with the department.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and.
recommendations.

(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected.

(I)(1) In a proceeding initiated to suspend admissions to a community addiction services provider that provides overnight accommodations, to deny an application for certification of certifiable services and supports, to refuse to renew certification, or to revoke certification, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(2) When the department issues an order suspending admissions to a community addiction services provider that provides overnight accommodations, denies an application for certification of certifiable services and supports, refuses to renew certification, or revokes a certification, the department shall not grant an opportunity for submitting a plan of correction.

(J)(O) The department of mental health and addiction services shall maintain a current list of community addiction services providers and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list shall identify each provider by its name, its address, and the county in which it is located.

(K)(P) No person shall represent in any manner that a community mental health services provider's or community addiction services provider's certifiable services and supports are certified by the director if the certifiable services and supports are not so certified at the time the representation is made.
Sec. 5119.37. (A)(1)(a) Except as provided in division (A)(1)(b) of this section, no person or government entity shall operate an opioid treatment program requiring certification, as certification is defined in 42 C.F.R. 8.2, unless the person or government entity is a community addiction services provider and the program is licensed under this section.

(b) Division (A)(1)(a) of this section does not apply to a program operated by the United States department of veterans affairs.

(2) No community addiction services provider licensed under this section shall operate an opioid treatment program in a manner inconsistent with this section and the rules adopted under it.

(B) A community addiction services provider seeking a license to operate an opioid treatment program shall apply to the department of mental health and addiction services. The department shall review all applications received.

(C) The department may issue a license to operate an opioid treatment program to a community addiction services provider only if all of the following apply:

(1) During the three-year period immediately preceding the date of application, the provider or any owner, sponsor, medical director, administrator, or principal of the provider has been in good standing to operate an opioid treatment program in all other locations where the provider or such other person has been operating a similar program, as evidenced by both of the following:

(a) Not having been denied a license, certificate, or similar approval to operate an opioid treatment program by this state or another jurisdiction;

(b) Not having been the subject of any of the following in
this state or another jurisdiction:

(i) An action that resulted in the suspension or revocation of the license, certificate, or similar approval of the provider or other person;

(ii) A voluntary relinquishment, withdrawal, or other action taken by the provider or other person to avoid suspension or revocation of the license, certificate, or similar approval;

(iii) A disciplinary action that was based, in whole or in part, on the provider or other person engaging in the inappropriate prescribing, dispensing, administering, personally furnishing, diverting, storing, supplying, compounding, or selling of a controlled substance or other dangerous drug.

(2) It affirmatively appears to the department that the provider is adequately staffed and equipped to operate an opioid treatment program.

(3) It affirmatively appears to the department that the provider will operate an opioid treatment program in strict compliance with all laws relating to drug abuse and the rules adopted by the department.

(4) Except as provided in division (D) of this section and section 5119.371 of the Revised Code, if the provider is seeking an initial license for a particular location, the proposed opioid treatment program is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child day-care center licensed under Chapter 5104 of the Revised Code, or child-serving agency regulated by the department under this chapter.

(5) The provider meets any additional requirements established by the department in rules adopted under division (F) of this section.
(D) The department may waive the requirement of division (C)(4) of this section if it receives, from each public or private school, child day-care center, or child-serving agency that is within the five hundred linear feet radius described in that division, a letter of support for the location. The department shall determine whether a letter of support is satisfactory for purposes of waiving the requirement.

(E)(1) Except as provided in division (E)(2) of this section, a license to operate an opioid treatment program shall expire two years from the date of issuance. Licenses may be renewed.

(2) In circumstances in which the director of mental health and addiction services has concerns regarding compliance of a community addiction services provider licensed as an opioid treatment program, the department shall notify the provider of those concerns and stipulate that the provider's license expires annually on a date determined by the department.

(F) The department shall establish procedures and adopt rules for licensing, inspection, and supervision of community addiction services providers that operate an opioid treatment program. The rules shall establish standards for the control, storage, furnishing, use, dispensing, and administering of medications used in medication-assisted treatment; prescribe minimum standards for the operation of the opioid treatment program component of the provider's operations; and comply with federal laws and regulations.

All rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code. All actions taken by the department regarding the licensing of providers to operate opioid treatment programs shall be conducted in accordance with Chapter 119. of the Revised Code, except as provided in division (L) of this section.
(G)(1) The department shall inspect all community addiction services providers licensed to operate an opioid treatment program. Inspections shall be conducted at least biennially and may be conducted more frequently.

In addition, the department may inspect any provider or other person that it reasonably believes to be operating an opioid treatment program without a license issued under this section.

(2) When conducting an inspection, the department may do both of the following:

(a) Examine and copy all records, accounts, and other documents relating to the provider's or other person's operations, including records pertaining to patients or clients;

(b) Conduct interviews with any individual employed by or contracted or otherwise associated with the provider or person, including an administrator, staff person, patient, or client.

(3) No person or government entity shall interfere with a state or local government official acting on behalf of the department while conducting an inspection.

(H) A community addiction services provider shall not administer or dispense methadone in a tablet, powder, or intravenous form. Methadone shall be administered or dispensed only in a liquid form intended for ingestion.

A community addiction services provider shall not administer or dispense a medication used in medication-assisted treatment for pain or other medical reasons.

(I) As used in this division, "program sponsor" means a person who assumes responsibility for the operation and employees of the opioid treatment program component of a community addiction services provider's operations.

A provider shall not permit an individual to act as a program
sponsor, medical director, or director of the provider if the individual is receiving a medication used in medication-assisted treatment from any community addiction services provider.

(J) The department may issue orders to ensure compliance with all laws relating to drug abuse and the rules adopted under this section. Subject to section 5119.27 of the Revised Code, the department may hold hearings, require the production of relevant matter, compel testimony, issue subpoenas, and make adjudications. Upon failure of a person without lawful excuse to obey a subpoena or to produce relevant matter, the department may apply to a court of common pleas for an order compelling compliance.

(K) The department may refuse to issue, or may withdraw or revoke, a license to operate an opioid treatment program. A license may be refused if a community addiction services provider does not meet the requirements of division (C) of this section. A license may be withdrawn at any time the department determines that the provider no longer meets the requirements for receiving the license. A license may be revoked in accordance with division (L) of this section.

Once a license is issued under this section, the department shall not consider the requirement of division (C)(4) of this section in determining whether to renew, withdraw, or revoke the license or whether to reissue the license as a result of a change in ownership.

(L) If the department finds reasonable cause to believe that a community addiction services provider licensed under this section is in violation of any state or federal law or rule relating to drug abuse, the department may issue an order immediately revoking the license, subject to division (M) of this section. The department shall set a date not more than fifteen days later than the date of the order of revocation for a hearing on the continuation or cancellation of the revocation. For good
cause, the department may continue the hearing on application of
any interested party. In conducting hearings, the department has
all the authority and power set forth in division (J) of this
section. Following the hearing, the department shall either
confirm or cancel the revocation. The hearing shall be conducted
in accordance with Chapter 119. of the Revised Code, except that
the provider shall not be permitted to operate an opioid treatment
program pending the hearing or pending any appeal from an
adjudication made as a result of the hearing. Notwithstanding any
provision of Chapter 119. of the Revised Code to the contrary, a
court shall not stay or suspend any order of revocation issued by
the department under this division pending judicial appeal.

(M) The department shall not revoke a license to operate an
opioid treatment program unless all clients receiving medication
used in medication-assisted treatment from the community addiction
services provider are provided adequate substitute medication or
treatment. For purposes of this division, the department may
transfer the clients to other providers licensed to operate opioid
treatment programs or replace any or all of the administrators and
staff of the provider with representatives of the department who
shall continue on a provisional basis the opioid treatment
component of the provider's operations.

(N) Each time the department receives an application from a
community addiction services provider for a license to operate an
opioid treatment program, issues or refuses to issue a license, or
withdraws or revokes a license, the department shall notify the
board of alcohol, drug addiction, and mental health services of
each alcohol, drug addiction, and mental health service district
in which the provider operates.

(O) Whenever it appears to the department from files, upon
complaint, or otherwise, that a community addiction services
provider has engaged in any practice declared to be illegal or
prohibited by section 3719.61 of the Revised Code, or any other state or federal laws or regulations relating to drug abuse, or when the department believes it to be in the best interest of the public and necessary for the protection of the citizens of the state, the department may request criminal proceedings by laying before the prosecuting attorney of the proper county any evidence of criminality which may come to its knowledge.

(P) The department shall maintain a current list of community addiction services providers licensed by the department under this section and shall provide a copy of the current list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code and to a board of alcohol, drug addiction, and mental health services that requests a copy for purposes of division (I)(3) of section 340.08 of the Revised Code. The list of licensed community addiction services providers shall identify each licensed provider by its name, its address, and the county in which it is located.

Sec. 5119.39. (A) The department of mental health and addiction services shall monitor the operation of recovery housing in this state by doing either of the following:

(1) Certifying recovery housing residences through a process established by the department;

(2) Accept accreditation, or its equivalent for the service of recovery housing, from one or more of the following:

(a) The Ohio affiliate of the national alliance for recovery residences;

(b) Oxford house, inc.;

(c) Any other organization that is designated by the department for purposes of this section.

(B) If the department certifies recovery housing residences,
the department shall, in rules adopted under section 5119.397 of the Revised Code, establish requirements for initial certification and renewal certification, as well as grounds and procedures for disciplinary action against operators of recovery housing residences.

**Sec. 5119.391.** (A) The department of mental health and addiction services shall monitor the establishment of recovery housing residences in this state.

(B) For purposes of division (A) of this section, and within the timeframe specified in division (C) of this section, each person or government entity that will operate a recovery housing residence on or after the effective date of this section, including any recovery housing that was established and in operation prior to the effective date of this section, shall file with the department, on a form prescribed by the department, all of the following information:

(1) The name of the recovery housing residence and any other name under which the residence does business;

(2) The address of the recovery housing residence;

(3) The name of the person or government entity operating the residence;

(4) The primary telephone number and electronic mail address for the recovery housing operator;

(5) The date the recovery housing residence was first occupied, or will be occupied, by its first resident;

(6) Information related to any existing accreditation or its equivalent that the recovery housing residence has obtained or is in the process of obtaining;

(7) Any other information the department considers appropriate.
(C) The form required by division (B) of this section shall be filed with the department as follows:

(1) For a recovery housing residence that began operating before the effective date of this section, not later than thirty days after the effective date of this section;

(2) For a recovery housing residence that will begin operating on or after the effective date of this section, not later than thirty days after the first resident begins occupying the residence.

(D) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the department may provide copies of forms filed in accordance with this section to any such organization.

Sec. 5119.392. (A) Beginning January 1, 2025, no person or government entity shall operate a recovery housing residence unless either of the following applies:

(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department.

(b) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the residence is accredited by such an organization.

(2) The recovery housing residence has been operating for not more than eighteen months and is actively engaged in efforts to obtain certification or accreditation, as applicable. For purposes of identifying this eighteen-month timeframe, a recovery housing residence is considered to begin operating on the date that the first resident occupies the residence, as specified on the form filed in accordance with section 5119.391 of the Revised Code.

(B) If the director of mental health and addiction services
determines that a recovery housing residence is operating in violation of this section, the director may petition the court of common pleas of the county in which the recovery housing residence is located for an order enjoining operation of the recovery housing residence.

Sec. 5119.393. (A) The department of mental health and addiction services shall establish a procedure to receive and investigate complaints from residents, staff, and the public regarding recovery housing residences. The department may contract with one or more of the organizations specified in section 5119.39 of the Revised Code to fulfill some or all of the functions associated with receiving and investigating complaints.

(B) Any organization under contract with the department to receive and investigate complaints shall make reports to the department as follows:

(1) Not less than monthly, the contractor shall report the status of each pending investigation and shall report the outcome of each investigation that has been completed since the last report was made;

(2) As soon as practicable, but not later than ten days after making an adverse decision, if a contractor's accreditation or its equivalent is accepted by the department for purposes of section 5119.39 of the Revised Code, the contractor shall report that decision to the department in a manner prescribed by the department.

Sec. 5119.394. (A) The department of mental health and addiction services shall establish and maintain a registry of recovery housing residences that meet the criteria described in division (A)(1) or (2) of section 5119.392 of the Revised Code. For each residence, the registry shall include all of the
following:

(1) Information on the form required by division (B) of section 5119.391 of the Revised Code;

(2) If a complaint received under section 5119.393 of the Revised Code has been investigated, a description of the complaint, the date the complaint was submitted to the department or its contractor, and the outcome of the investigation;

(3) Any other information the department considers appropriate.

(B) The department shall immediately remove from the registry a recovery housing residence that ceases to meet the criteria described in division (A)(1) or (2) of section 5119.392 of the Revised Code, including if the criteria described in those divisions ceases to be met because the residence has had its certification or accreditation, as applicable, revoked or not renewed.

(C) The department shall make the registry available to the public on the department's web site.

Sec. 5119.395. Beginning January 1, 2025, no person or government entity shall advertise or represent any residence or other building to be a recovery housing residence, sober living home, or any other alcohol and drug free housing for persons recovering from alcohol use disorder or drug addiction unless the residence or building meets either of the following conditions:

(A) The residence or building is on the registry established and maintained under section 5119.394 of the Revised Code;

(B) The residence or building is regulated by the department of rehabilitation and correction under section 2967.14 of the Revised Code.
Sec. 5119.396. Beginning January 1, 2025, community addiction services providers and community mental health services providers shall not refer clients to a recovery housing residence unless the residence is on the registry established and maintained under section 5119.394 of the Revised Code on the date that the referral is made. Community addiction services providers and community mental health services providers shall maintain records of all referrals made to recovery housing residences.

Sec. 5119.397. The director of mental health and addiction services may adopt rules in accordance with Chapter 119. of the Revised Code to implement sections 5119.39 to 5119.396 of the Revised Code. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 5119.48. (A) The department of mental health and addiction services shall create the all roads lead to home program. The program shall include all of the following initiatives:

(1) A media campaign. As part of the campaign, the department shall develop public service announcements and shall make the announcements available to television and radio media outlets. The announcements shall be made available beginning on January 1, 2018, and at least twice annually, once between January and March of each year, and once in September of each year as part of national recovery month.

(2) A web site as described in division (C) of this section;

(3) A twenty-four-hour hotline, that is operated by a call center, for the purpose of helping individuals access addiction services.
(B) The media campaign described in division (A)(1) of this section shall do all of the following:

(1) Include messages to reduce the stigma associated with seeking help for drug addiction;

(2) Provide directions for people who are in need of drug addiction assistance to a web-based location that includes all of the following:
   (a) Information on where to find help for drug addiction;
   (b) Information on intervention and referral options;
   (c) Contact information for county board drug addiction assistance authorities.

(3) Prioritize its efforts in media markets that have the highest rates of drug overdose deaths in this state;

(4) Utilize television and radio public service announcements provided to media outlets, as well as internet advertising models such as low-cost social media outlets.

(C) Before January 1, 2018, the department shall create a web site as described in division (A)(2) of this section that offers all of the following components:

(1) If reasonably available for use, an evidence-based self-reporting screening tool approved by the department's medical director;

(2) Community detoxification and withdrawal management options and community treatment options;

(3) A searchable database of certified substance abuse providers organized by zip code;

(4) Information on recovery supports, including recovery housing residences;

(5) Clinical information regarding what a person may expect
during detoxification, withdrawal, and treatment.

(D) The department may contract with private vendors for the creation and maintenance of the interactive web site described in division (C) of this section.

Sec. 5119.61. (A) The department of mental health and addiction services shall collect and compile statistics and other information on the care and treatment of persons with mental disabilities, and the care, treatment, and rehabilitation of persons with alcohol use disorder, persons with drug dependencies, persons in danger of drug dependence, and persons with or in danger of developing a gambling addiction in this state. The information shall include, without limitation, information on the number of such persons, the type of drug involved, if any, the type of care, treatment, or rehabilitation prescribed or undertaken, and the success or failure of the care, treatment, or rehabilitation. The department shall collect information about addiction services, mental health services, and recovery supports delivered and persons served as required for reporting and evaluation relating to state and federal funds expended for such purposes.

(B) No community addiction services provider or community mental health services provider shall fail to supply statistics and other information within its knowledge and with respect to its addiction services, mental health services, and recovery supports upon request of the department.

(C) Communications by a person seeking aid in good faith for alcoholism or drug dependence are confidential, and this section does not require the collection or permit the disclosure of information which reveals or comprises the identity of any person seeking aid.

(D) Based on the information collected and compiled under
division (A) of this section, the department shall develop a project to assess the outcomes of persons served by community addiction services providers and community mental health services providers that receive funds distributed by the department.

(E) The director of mental health and addiction services may fine a community addiction services provider or community mental health services provider for violating division (B) of this section. In determining whether to impose a fine, the director shall consider whether the provider has engaged in a pattern of noncompliance. If a fine is imposed, it shall be one thousand dollars for a first failure to comply with division (B) of this section and two thousand dollars for each subsequent failure. The director's actions in imposing a fine shall be taken in accordance with Chapter 119. of the Revised Code.

All fines collected under this division shall be deposited in the state treasury to the credit of the department's statewide treatment and prevention fund created by section 4301.30 of the Revised Code.

Sec. 5119.90. As used in sections 5119.90 to 5119.98 of the Revised Code:

(A) "Alcohol and other drug abuse" means alcoholism alcohol use disorder or drug addiction.

(B) "Another drug" means a controlled substance as defined in section 3719.01 of the Revised Code or a harmful intoxicant as defined in section 2925.01 of the Revised Code.

(C) "Board of alcohol, drug addiction, and mental health services" means a board of alcohol, drug addiction, and mental health services established under section 340.02 or 340.021 of the Revised Code.

(D) "Danger" or "threat of danger to self, family, or others"
means substantial physical harm or threat of substantial physical harm upon self, family, or others.

(E) "Hospital" has the same meaning as in section 3701.01 or 3727.01 of the Revised Code but does not include either a hospital operated by the department of mental health and addiction services or an inpatient unit licensed by the department.

(F) "Intoxicated" means being under the influence of alcohol, another drug, or both alcohol and another drug and, as a result, having a significantly impaired ability to function.

(G) "Petitioner" means a person who institutes a proceeding under sections 5119.91 to 5119.98 of the Revised Code.

(H) "Probate court" means the probate division of the court of common pleas.

(I) "Qualified health professional" means a person that is properly credentialed or licensed to conduct a drug and alcohol assessment and diagnosis under Ohio law.

(J) "Residence" means the legal residence of a person as determined by applicable principles governing conflicts of law.

(K) "Respondent" means a person alleged in a petition filed or hearing under sections 5119.91 to 5119.98 of the Revised Code to be a person who is experiencing alcohol and other drug abuse and who may be ordered under those sections to undergo treatment.

(L) "Treatment" means services and programs for the care and rehabilitation of intoxicated persons and persons experiencing alcohol and other drug abuse. "Treatment" includes residential treatment, a halfway house setting, and an intensive outpatient or outpatient level of care.

Sec. 5119.99. (A) Whoever violates section 5119.333, division (A) of section 5119.392, or section 5119.395 of the Revised Code is guilty of a misdemeanor of the first degree.
(B) Whoever violates division (K)(1) of section 5119.61 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(C) Whoever violates section 5119.27 or 5119.28, division (A) of section 5119.35, division (K)(P) of section 5119.36, or division (A)(1) or (2) of section 5119.37 of the Revised Code is guilty of a felony of the fifth degree.

Sec. 5120.10. (A)(1) The director of rehabilitation and correction, by rule, shall promulgate minimum standards for jails in Ohio, including minimum security jails dedicated under section 341.34 or 753.21 of the Revised Code. Whenever the director files a rule or an amendment to a rule in final form with both the secretary of state and the director of the legislative service commission pursuant to section 111.15 of the Revised Code, the director of rehabilitation and correction promptly shall send a copy of the rule or amendment, if the rule or amendment pertains to minimum jail standards, by ordinary mail to the political subdivisions or affiliations of political subdivisions that operate jails to which the standards apply.

(2) The rules promulgated in accordance with division (A)(1) of this section shall serve as criteria for the investigative and supervisory powers and duties vested by division (D) of this section in the division of parole and community services of the department of rehabilitation and correction or in another division of the department to which those powers and duties are assigned.

(B) The director may initiate an action in the court of common pleas of the county in which a facility that is subject to the rules promulgated under division (A)(1) of this section is situated to enjoin compliance with the minimum standards for jails or with the minimum standards and minimum renovation, modification, and construction criteria for jails.
(C) Upon the request of an administrator of a jail facility, the chief executive of a municipal corporation, or a board of county commissioners, the director of rehabilitation and correction or the director's designee shall grant a variance from the minimum standards for jails in Ohio for a facility that is subject to one of those minimum standards when the director determines that strict compliance with the minimum standards would cause unusual, practical difficulties or financial hardship, that existing or alternative practices meet the intent of the minimum standards, and that granting a variance would not seriously affect the security of the facility, the supervision of the inmates, or the safe, healthful operation of the facility. If the director or the director's designee denies a variance, the applicant may appeal the denial pursuant to section 119.12 of the Revised Code.

(D) The following powers and duties shall be exercised by the division of parole and community services unless assigned to another division by the director:

(1) The investigation and supervision of county and municipal jails, workhouses, minimum security jails, and other correctional institutions and agencies;

(2) The review and approval of plans submitted to the department of rehabilitation and correction pursuant to division (E) of this section;

(3) The management and supervision of the adult parole authority created by section 5149.02 of the Revised Code;

(4) The review and approval of proposals for community-based correctional facilities and programs and district community-based correctional facilities and programs that are submitted pursuant to division (B) of section 2301.51 of the Revised Code;

(5) The distribution of funds made available to the division for purposes of assisting in the renovation, maintenance, and
operation of community-based correctional facilities and programs
and district community-based correctional facilities and programs
in accordance with section 5120.112 of the Revised Code;

(6) The performance of the duty imposed upon the department
of rehabilitation and correction in section 5149.31 of the Revised
Code to establish and administer a program of subsidies to
eligible municipal corporations, counties, and groups of
contiguous counties for the development, implementation, and
operation of community-based corrections programs;

(7) Licensing halfway houses and community residential
centers for the care and treatment of adult offenders in
accordance with section 2967.14 of the Revised Code;

(8) Contracting with a public or private agency or a
department or political subdivision of the state that operates a
licensed halfway house or community residential center for the
provision of housing, supervision, and other services to parolees,
releasees, persons placed under a residential sanction, persons
under transitional control, and other eligible offenders in
accordance with section 2967.14 of the Revised Code;

(9) Working with the Ohio facilities construction commission
in accordance with Chapter 342. of the Revised Code.

Other powers and duties may be assigned by the director of
rehabilitation and correction to the division of parole and
community services. This section does not apply to the department
of youth services or its institutions or employees.

(E) No plan for any new jail, workhouse, or lockup, and no
plan for a substantial addition or alteration to an existing jail,
workhouse, or lockup, shall be adopted unless the officials
responsible for adopting the plan have submitted the plan to the
department of rehabilitation and correction for approval, and the
department has approved the plan as provided in division (D)(2) of
Sec. 5120.658. (A) As used in this section, "doula" has the same meaning as in section 4723.89 of the Revised Code.

(B) During the period beginning one year after the effective date of this section and ending five years after the effective date of this section, the department of rehabilitation and correction shall operate a program to provide to inmates participating in any prison nursery program established under section 5120.65 of the Revised Code doula services that are provided by a doula certified under section 4723.89 of the Revised Code.

(C) The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 5123.0412. (A) The department of developmental disabilities shall charge each county board of developmental disabilities an annual fee equal to one and one-quarter per cent of the total value of all medicaid paid claims for home and community-based services provided during the year to an individual eligible for services from the county board, except that the department shall not charge the fee for home and community-based services provided under the medicaid waiver component known as the transitions developmental disabilities waiver. A county board shall not pass on to a provider of home and community-based services the cost of a fee charged to the county board under this section.

(B) The amounts collected from the fees charged under this
section shall be deposited into the department of developmental disabilities administration and oversight fund, which is hereby created in the state treasury. The department shall use the money in the fund for both of the following purposes:

1. Medicaid administrative costs, including administrative and oversight costs of medicaid case management services and home and community-based services. The administrative and oversight costs of medicaid case management services and home and community-based services shall include costs for staff, systems, and other resources the department needs and dedicates solely to the following duties associated with the services:

   (a) Eligibility determinations;
   (b) Training;
   (c) Fiscal management;
   (d) Claims processing;
   (e) Quality assurance oversight;
   (f) Other duties the department identifies.

2. Providing technical support to county boards with respect to their medicaid local administrative authority under section 5126.055 of the Revised Code for the services.

(C) The department shall submit an annual report to the director of budget and management certifying how the department spent the money in the fund for the purposes specified in division (B) of this section.

Sec. 5123.0419. (A) The director of developmental disabilities shall establish an interagency workgroup on autism. The purpose of the workgroup shall be to improve the coordination of the state's efforts to address the service needs of individuals with autism spectrum disorders and the families of those
individuals. In fulfilling this purpose, the director may enter
into interagency agreements with the government entities
represented by the members of the workgroup. The agreements may
specify any or all of the following:

(1) The roles and responsibilities of government entities
that enter into the agreements;

(2) Procedures regarding the receipt, transfer, and
expenditure of funds necessary to achieve the goals of the
workgroup;

(3) The projects to be undertaken and activities to be
performed by the government entities that enter into the
agreements.

(B) (1) The entity contracted to administer programs and
coordinate services for infants, preschool and school-age
children, and adults with autism and low incidence disabilities
under section 3323.32 of the Revised Code shall serve as the
coordinating body of the workgroup.

(2) The coordinating body of the workgroup shall ensure that
the workgroup submits an annual report to the director of
developmental disabilities by the thirty-first day of December of
each year that includes recommendations for the workgroup's
priorities and goals for the next year.

(3) The department shall contract with the coordinating body
on the implementation of the recommendations and other department
initiatives for individuals with autism and other low incidence
disabilities.

(C) Money received from government entities represented by
the members of the workgroup shall be deposited into the state
treasury to the credit of the interagency workgroup on autism
fund, which is hereby created in the state treasury. Money
credited to the fund shall be used by the department of developmental disabilities solely to support the activities of the workgroup.

(D) The workgroup shall hold at least two meetings per year that are open to the public for the purposes of reporting its work and hearing public feedback.

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of the Revised Code:

(1) "Independent living arrangement" means an arrangement in which an individual with a developmental disability resides in an individualized setting chosen by the individual or the individual's guardian, which is not dedicated principally to the provision of residential services for individuals with developmental disabilities, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.

(2) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.

(3) "Political subdivision" means a municipal corporation, county, or township.

(4) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living.

(5)(a) Except as provided in division (A)(5)(b) of this section, "residential facility" means a home or facility, including an ICF/IID, in which an individual with a developmental
disability resides.

(b) "Residential facility" does not mean any of the following:

(i) The home of a relative or legal guardian in which an individual with a developmental disability resides;

(ii) A respite care home certified under section 5126.05 of the Revised Code;

(iii) A county home or district home operated pursuant to Chapter 5155. of the Revised Code;

(iv) A dwelling in which the only residents with developmental disabilities are in independent living arrangements or are being provided supported living;

(v) A location registered as a pediatric transition care program under section 3712.042 of the Revised Code.

(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of developmental disabilities unless the residential facility is subject to section 3721.02, 5103.03, 5119.33, or division (B)(1)(b) of section 5119.34 of the Revised Code.

(C)(1) Subject to section 5123.196 of the Revised Code, the director of developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is...
terminated, revoked, or voluntarily surrendered.

(2) Notwithstanding sections 5123.043, 5123.196, and 5123.197 of the Revised Code and rules adopted under section 5123.04 of the Revised Code, the director shall issue a new license for a residential facility if the facility meets the following conditions:

(a) The residential facility will be certified as an ICF/IID;
(b) The building in which the residential facility will be operated was operated as a residential facility under a lease for not fewer than twenty years before the date of application for a new license;
(c) The former operator of the residential facility relocated the beds previously in the facility to another site that will be licensed as a residential facility;
(d) The residential facility will be located in Preble, Clermont, or Warren county;
(e) The residential facility will contain eight beds;
(f) The licensee will make a good faith effort to serve multi-system youth or adults with severe behavioral challenges at the residential facility or at one or more other residential facilities for which licenses are issued under division (C) of this section.

(3) The director shall issue not more than five licenses under division (C)(2) of this section.

(D) If it is determined that an applicant or licensee is not in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, the director may deny issuance of a license, refuse to renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an
order for the placement of a monitor at a facility, issue an order for the immediate removal of residents, or take any other action the director considers necessary consistent with the director's authority under this chapter regarding residential facilities. In the director's selection and administration of the sanction to be imposed, all of the following apply:

(1) The director may deny, refuse to renew, or revoke a license, if the director determines that the applicant or licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility.

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (J) of this section is not given.

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D)(1) of this section and for any other violation specified in rules adopted under division (G)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (G)(2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.
(5) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of developmental disabilities. Except in the case of a licensee that is an ICF/IID, the county board shall send a copy of the letter to each of the following:

(a) Each resident who receives services from the licensee;
(b) The guardian of each resident who receives services from the licensee if the resident has a guardian;
(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.

(6) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents.

(7) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies.

(8) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies...
that prompted the proceedings have been corrected at the time of the hearing.

(E)(1) Except as provided in division (E)(2) of this section, appeals from proceedings initiated to impose a sanction under division (D) of this section shall be conducted in accordance with Chapter 119. of the Revised Code.

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.05 and 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) A copy of the written report and recommendation of the
hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed.

(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(F) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is five years after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(G) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ICFs/IID may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for
each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Classifications for the various types of residential facilities;

(6) The maximum number of individuals who may be served in a particular type of residential facility;

(7) Uniform procedures for admission of individuals to and transfers and discharges of individuals from residential facilities;

(8) Other standards for the operation of residential facilities and the services provided at residential facilities;

(9) Procedures for waiving any provision of any rule adopted under this section.

(H)(1) Before issuing a license, the director shall conduct a survey of the residential facility for which application is made. The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. The director may assign to a county board of developmental disabilities or the department of health the responsibility to conduct any survey or inspection under this section.
(2) In conducting surveys, the director shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director in conducting the survey.

(3) Following each survey, the director shall provide the licensee with a report listing the date of the survey, any citations issued as a result of the survey, and the statutes or rules that purportedly have been violated and are the bases of the citations. The director shall also do both of the following:

(a) Specify a date by which the licensee may appeal any of the citations;

(b) When appropriate, specify a timetable within which the licensee must submit a plan of correction describing how the problems specified in the citations will be corrected and, the date by which the licensee anticipates the problems will be corrected.

(4) If the director initiates a proceeding to revoke a license, the director shall include the report required by division (H)(3) of this section with the notice of the proposed revocation the director sends to the licensee. In this circumstance, the licensee may not submit a plan of correction.

(5) After a plan of correction is submitted, the director shall approve or disapprove the plan. If the plan of correction is approved, a copy of the approved plan shall be provided, not later than five business days after it is approved, to any person or government entity who requests it and made available on the internet web site maintained by the department of developmental
disabilities. If the plan of correction is not approved and the director initiates a proceeding to revoke the license, a copy of the survey report shall be provided to any person or government entity that requests it and shall be made available on the internet web site maintained by the department.

(6) The director shall initiate disciplinary action against any department employee who notifies or causes the notification to any unauthorized person of an unannounced survey of a residential facility by an authorized representative of the department.

(I) In addition to any other information which may be required of applicants for a license pursuant to this section, the director shall require each applicant to provide a copy of an approved plan for a proposed residential facility pursuant to section 5123.042 of the Revised Code. This division does not apply to renewal of a license or to an applicant for an initial or modified license who meets the requirements of section 5123.197 of the Revised Code.

(J)(1) A licensee shall notify the owner of the building in which the licensee's residential facility is located of any significant change in the identity of the licensee or management contractor before the effective date of the change if the licensee is not the owner of the building.

(2) Pursuant to rules, which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may require notification to the department of any significant change in the ownership of a residential facility or in the identity of the licensee or management contractor. If the director determines that a significant change of ownership is proposed, the director shall consider the proposed change to be an application for development by a new operator pursuant to section 5123.042 of the Revised Code and shall advise the applicant within sixty days of the notification that the current license shall continue in effect or
a new license will be required pursuant to this section. If the
director requires a new license, the director shall permit the
facility to continue to operate under the current license until
the new license is issued, unless the current license is revoked,
refused to be renewed, or terminated in accordance with Chapter
119. of the Revised Code.

(3) A licensee shall transfer to the new licensee or
management contractor all records related to the residents of the
facility following any significant change in the identity of the
licensee or management contractor.

(K) A county board of developmental disabilities and any
interested person may file complaints alleging violations of
statute or department rule relating to residential facilities with
the department. All complaints shall state the facts constituting
the basis of the allegation. The department shall not reveal the
source of any complaint unless the complainant agrees in writing
to waive the right to confidentiality or until so ordered by a
court of competent jurisdiction.

The department shall adopt rules in accordance with Chapter
119. of the Revised Code establishing procedures for the receipt,
referral, investigation, and disposition of complaints filed with
the department under this division.

(L) Before issuing a license under this section to a
residential facility that will accommodate at any time more than
one individual with a developmental disability, the director
shall, by first class mail, notify the following:

(1) If the facility will be located in a municipal
corporation, the clerk of the legislative authority of the
municipal corporation;

(2) If the facility will be located in unincorporated
territory, the clerk of the appropriate board of county
commissioners and the fiscal officer of the appropriate board of township trustees.

The director shall not issue the license for ten days after mailing the notice, excluding Saturdays, Sundays, and legal holidays, in order to give the notified local officials time in which to comment on the proposed issuance.

Any legislative authority of a municipal corporation, board of county commissioners, or board of township trustees that receives notice under this division of the proposed issuance of a license for a residential facility may comment on it in writing to the director within ten days after the director mailed the notice, excluding Saturdays, Sundays, and legal holidays. If the director receives written comments from any notified officials within the specified time, the director shall make written findings concerning the comments and the director's decision on the issuance of the license. If the director does not receive written comments from any notified local officials within the specified time, the director shall continue the process for issuance of the license.

(M) Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least six but not more than eight individuals with developmental disabilities as a permitted use in any residential district or zone, including any single-family residential district or zone, of any political subdivision. These residential facilities may be required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone.

(N) Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine
but not more than sixteen individuals with developmental disabilities as a permitted use in any multiple-family residential district or zone of any political subdivision, except that a political subdivision that has enacted a zoning ordinance or resolution establishing planned unit development districts may exclude these residential facilities from those districts, and a political subdivision that has enacted a zoning ordinance or resolution may regulate these residential facilities in multiple-family residential districts or zones as a conditionally permitted use or special exception, in either case, under reasonable and specific standards and conditions set out in the zoning ordinance or resolution to:

(1) Require the architectural design and site layout of the residential facility and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;

(2) Require compliance with yard, parking, and sign regulation;

(3) Limit excessive concentration of these residential facilities.

(O) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations.

(P) Divisions (M) and (N) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification.

(Q)(1) The director may issue an interim license to operate a
residential facility to an applicant for a license under this section if either of the following is the case:

(a) The director determines that an emergency exists requiring immediate placement of individuals in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license.

(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility.

(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license.

(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred eighty days.

(4) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the issuance of interim licenses.

(R) Notwithstanding rules adopted pursuant to this section establishing the maximum number of individuals who may be served in a particular type of residential facility, a residential facility shall be permitted to serve the same number of individuals being served by the facility on the effective date of the rules or the number of individuals for which the facility is authorized pursuant to a current application for a certificate of need with a letter of support from the department of developmental disabilities and which is in the review process prior to April 4,
This division does not preclude the department from suspending new admissions to a residential facility pursuant to a written order issued under section 5124.70 of the Revised Code.

(S) The director may enter at any time, for purposes of investigation, any home, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility without a license issued under this section.

The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for an order enjoining the person or governmental agency operating the facility from continuing to operate without a license. The court may grant the injunction on a showing that the person or governmental agency named in the petition is operating a residential facility without a license. The court may grant the injunction, regardless of whether the residential facility meets the requirements for receiving a license under this section.

Sec. 5123.35. (A) There is hereby created the Ohio developmental disabilities council, which shall serve as an advocate for all persons with developmental disabilities. The council shall act in accordance with the "Developmental Disabilities Assistance and Bill of Rights Act of 2000," 42 U.S.C. 15001. The governor shall appoint the members of the council in accordance with 42 U.S.C. 15025.

(B) The council shall develop the state plan required by federal law as a condition of receiving federal assistance under 42 U.S.C. 15021 to 15029. The department of developmental disabilities, as the state agency selected by the governor for purposes of receiving the federal assistance, shall receive, account for, and disburse funds based on the state plan and shall
provide assurances and other administrative support services required as a condition of receiving the federal assistance.

(C) The federal funds may be disbursed through grants to or contracts with persons and government agencies for the provision of necessary or useful goods and services for persons with developmental disabilities. The council may award the grants or enter into the contracts.

(D) The council may award grants to or enter into contracts with a member of the council or an entity that the member represents if all of the following apply:

(1) The member serves on the council as a representative of one of the principal state agencies concerned with services for persons with developmental disabilities as specified in 42 U.S.C. 15025(b)(4), a representative of a university affiliated program as defined in 42 U.S.C. 15002(5), or a representative of the Ohio protection and advocacy system, as defined in section 5123.60 of the Revised Code.

(2) The council determines that the member or the entity the member represents is capable of providing the goods or services specified under the terms of the grant or contract.

(3) The member has not taken part in any discussion or vote of the council related to awarding the grant or entering into the contract, including service as a member of a review panel established by the council to award grants or enter into contracts or to make recommendations with regard to awarding grants or entering into contracts.

(E) A member of the council is not in violation of Chapter 102. or section 2921.42 of the Revised Code with regard to receiving a grant or entering into a contract under this section if the requirements of division (D) of this section have been met.

(F)(1) Notwithstanding division (C) of section 121.22 of the
Revised Code, the requirement for a member's presence in person at a meeting in order to be part of a quorum or to vote does not apply if the council holds a meeting by interactive video conference and all of the following apply:

(a) A primary meeting location that is open and accessible to the public is established for the meeting of the council;

(b) A clear video and audio connection is established that enables all meeting participants at the primary meeting location to witness the participation of each member;

(c) A roll call vote is recorded for each vote taken;

(d) The minutes of the council identify which members participated by interactive video conference.

(2) Notwithstanding division (C) of section 121.22 of the Revised Code, the requirement for a member's presence in person at a meeting in order to be part of a quorum or to vote does not apply if the council holds a meeting by teleconference and all of the following apply:

(a) The council has determined its membership does not have access to and the council cannot provide access to the equipment needed to conduct interactive video conferencing;

(b) A primary meeting location that is open and accessible to the public is established for the meeting of the council;

(c) A clear audio connection is established that enables all meeting participants at the primary meeting location to hear the participation of each member;

(d) A roll call vote is recorded for each vote taken;

(e) The minutes of the council identify which members participated by teleconference.

(3) The council shall adopt any rules the council considers necessary to implement this section. The rules shall be adopted in
accordance with Chapter 119. of the Revised Code. At a minimum, the rules shall do all of the following:

(a) Authorize council members to remotely attend a council meeting by interactive video conference or teleconference in lieu of attending the meeting in person;

(b) Establish a minimum number of members required to be physically present in person at the primary meeting location if the council conducts a meeting by interactive video conference or teleconference;

(c) Establish geographic restrictions for participation in meetings by interactive video conference or teleconference;

(d) Establish a policy for distributing and circulating necessary documents to council members, the public, and the media in advance of a meeting at which members are permitted to attend by interactive video conference or teleconference;

(e) Establish a method for verifying the identity of a member who remotely attends a meeting by teleconference.

Sec. 5123.68. As used in sections 5123.68 to 5123.685 of the Revised Code:

(A) "Adult" means an individual who is either of the following:

(1) Eighteen years of age or older;

(2) An emancipated minor.

(B) "Principal" means an adult with a developmental disability who seeks to enter, or has entered, into a supported decision-making agreement.

(C) "Supported decision-making" means the process of supporting and accommodating an adult with a developmental disability without impeding the adult's self-determination.
through making, communicating, and implementing life decisions including:

(1) Where, and with whom, the adult lives;

(2) The services, supports, and medical care the adult receives;

(3) Where the adult works;

(4) Any other matter impacting the adult's life.

(D) "Supported decision-making agreement" is an agreement between an adult with a developmental disability and one or more supporters chosen by the adult that may be informal and occur naturally or may be formal and documented through a written agreement entered into pursuant to section 5123.683 of the Revised Code.

(E) "Supporter" means an adult chosen by an adult with a developmental disability to support the adult in a supported decision-making agreement.

Sec. 5123.681. (A) Based on the principle that all adults with developmental disabilities should be afforded all of the rights set forth in section 5123.62 of the Revised Code, all adults with developmental disabilities are presumed to be capable of making decisions regarding their lives and activities of daily living and are presumed to be competent to handle their own affairs, unless otherwise determined by a court of competent jurisdiction.

(B) The fact that an adult has a developmental disability does not, by itself, void the presumption of capacity and competency described in division (A) of this section.

(C) The manner in which an adult with a developmental disability communicates with others is not grounds for a finding that the adult is incapable of managing the adult's affairs or of
entering into a supported decision-making agreement.

(D) Execution of a supported decision-making agreement by an adult with a developmental disability is not evidence of incapacity and shall not be used as such.

(E) An adult with a developmental disability who has entered into a supported decision-making agreement is not precluded from acting independently of the agreement or from seeking personal information without the assistance of the supporter.

(F) Evidence of either a formal or informal supported decision-making agreement may be presented as a less restrictive alternative to guardianship pursuant to division (C)(5) of section 2111.02 of the Revised Code.

Sec. 5123.682. A supported decision-making agreement may be established by either of the following:

(A) Pursuant to a written agreement in accordance with section 5123.683 of the Revised Code;

(B) Naturally, without a written agreement, when an adult with a developmental disability relies upon natural supports or chosen supporters to assist with decisions in the adult's daily life.

Sec. 5123.683. (A) A written supported decision-making agreement shall be executed in accordance with this section.

(B)(1) The written agreement shall be entered into by the adult with a developmental disability as the principal and one or more supporters.

(2) The agreement shall be signed and acknowledged voluntarily, without coercion or undue influence, by the principal.

The principal's signature shall be witnessed by either a
notary public or two adult witnesses who are not parties to the
supported decision-making agreement. The witnesses must attest
that the agreement was signed of the principal's own free will and
accord.

(C) The department of developmental disabilities shall
develop a model-supported decision-making agreement that may be
used by a principal and one or more supporters for the purposes of
this section.

**Sec. 5123.684.** (A) Except as otherwise limited by the
principal, a supporter may assist the principal with all of the
following:

(1) Making informed decisions;

(2) Understanding information, options, responsibilities, and
consequences associated with the decisions;

(3) Communicating the decisions to third parties;

(4) Obtaining and understanding information relevant to life
decisions, including medical, psychological, financial,
employment, medicaid, educational, or other records;

(5) Monitoring information about the principal's affairs and
services, including future services;

(6) Understanding the principal's personal values, beliefs,
and preferences, including the principal's cultural, ethnic, or
religious heritage, and using this information to advocate for the
implementation of the principal's wishes and decisions;

(7) Accompanying the principal and participating in
discussions with third parties.

(B)(1) The supporter shall assist the principal in accessing,
collecting, or obtaining only information that is relevant to a
decision authorized by the supported decision-making agreement.
If the supporter assists the principal in accessing, collecting, or obtaining personal information protected under either the "Health Insurance Portability and Accountability Act of 1996," 42 U.S.C. 1320d-2, or the "Family Educational Rights and Privacy Act of 1974," 20 U.S.C. 1232g, the supporter shall keep the information confidential.

(3) The existence of a supported decision-making agreement does not preclude the principal from seeking personal information without the assistance of the supporter.

(C) The supporter may exercise the authority granted in the supported decision-making agreement. The supporter owes the principal a fiduciary duty to act in accordance with the supported decision-making agreement. The supporter shall not act in contradiction to the expressed wishes or decision-making authority of the principal.

(D)(1) In the event the supporter has a conflict of interest or potential conflict of interest in a decision made by the principal, the supporter shall do both of the following:

(a) Fully disclose the conflict of interest to the principal and any other members of the principal's support team, including a service and support administrator or qualified intellectual disability professional;

(b) Refrain from advising or assisting the principal on or with the decision.

(2) A supporter who intentionally fails to disclose a conflict of interest or who otherwise breaches the supporter's fiduciary duty to the principal is liable to the principal for all reasonable damages incurred as a result.

Sec. 5123.685. A principal may revoke an informal supported decision-making agreement at any time by notifying the supporter.
A principal may revoke a written supported decision-making agreement in writing and shall provide a copy of the revocation to the supporter.

Sec. 5124.01. As used in this chapter:

(A) "Addition" means an increase in an ICF/IID's square footage.

(B) "Affiliated operator" means an operator affiliated with either of the following:

(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes;

(2) The entering operator involved in the change of operator with the exiting operator specified in division (B)(1) of this section.

(C) "Allowable costs" means an ICF/IID's costs that the department of developmental disabilities determines are reasonable. Fines paid under section 5124.99 of the Revised Code are not allowable costs.

(D) "Capital costs" means an ICF/IID's costs of ownership and costs of nonextensive renovation.

(E) "Case-mix score" means the measure determined under section 5124.192 or 5124.193 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to an ICF/IID resident.

(F) "Change of operator" means an entering operator becoming the operator of an ICF/IID in the place of the exiting operator.

(1) Actions that constitute a change of operator include the...
(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;

(b) A transfer of all the exiting operator's ownership interest in the operation of the ICF/IID to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the ICF/IID is also transferred;

(c) A lease of the ICF/IID to the entering operator or the exiting operator's termination of the exiting operator's lease;

(d) If the exiting operator is a partnership, dissolution of the partnership;

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:

   (i) The change in composition does not cause the partnership's dissolution under state law.

   (ii) The partners agree that the change in composition does not constitute a change in operator.

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.

(2) The following, alone, do not constitute a change of operator:

(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID.
if an entering operator does not become the operator in place of an exiting operator;

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.

(G) "Cost center" means the following:

1. Capital costs;
2. Direct care costs;
3. Indirect care costs;
4. Other protected costs.

(H)(1) Except as provided in division (H)(2) of this section, "cost report year" means the calendar year immediately preceding the calendar year in which a fiscal year for which a medicaid payment rate determination is made begins.

(2) When a cost report the department of developmental disabilities accepts under division (A) or (C)(1)(b) of section 5124.101 of the Revised Code is used in determining an ICF/IID's medicaid payment rate, "cost report year" means the period that the cost report covers.

(I) "Costs of nonextensive renovations" means the actual expense incurred by an ICF/IID for depreciation or amortization and interest on renovations approved by the department of developmental disabilities as nonextensive renovations.

(J)(1) "Costs of ownership" means the actual expenses incurred by an ICF/IID for all of the following:

(a) Subject to division (J)(2) of this section, depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:
(i) Buildings;

(ii) Building improvements that are not approved as nonextensive renovations for the purpose of section 5124.17 of the Revised Code;

(iii) Equipment;

(iv) Transportation equipment.

(b) Amortization and interest on land improvements and leasehold improvements;

(c) Amortization of financing costs;

(d) Except as provided in division (AA) of this section, lease and rent of land, building, and equipment.

(2) The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with an ICF/IID provider's practice.

(K)(1) "Date of licensure" means the following:

(a) In the case of an ICF/IID that was originally licensed as a nursing home under Chapter 3721. of the Revised Code, the date that it was originally so licensed, regardless that it was subsequently licensed as a residential facility under section 5123.19 of the Revised Code;

(b) In the case of an ICF/IID that was originally licensed as a residential facility under section 5123.19 of the Revised Code, the date it was originally so licensed;

(c) In the case of an ICF/IID that was not required by law to be licensed as a nursing home or residential facility when it was originally operated as a residential facility, the date it first was operated as a residential facility, regardless of the date the ICF/IID was first licensed as a nursing home or residential facility.
(2) If, after an ICF/IID's original date of licensure, more residential facility beds are added to the ICF/IID or all or part of the ICF/IID undergoes an extensive renovation, the ICF/IID has a different date of licensure for the additional beds or extensively renovated portion of the ICF/IID. This does not apply, however, to additional beds when both of the following apply:

(a) The additional beds are located in a part of the ICF/IID that was constructed at the same time as the continuing beds already located in that part of the ICF/IID.

(b) The part of the ICF/IID in which the additional beds are located was constructed as part of the ICF/IID at a time when the ICF/IID was not required by law to be licensed as a nursing home or residential facility.

(3) The definition of "date of licensure" in this section applies in determinations of ICFs/IID's medicaid payment rates but does not apply in determinations of ICFs/IID's franchise permit fees under sections 5168.60 to 5168.71 of the Revised Code.

(L) "Desk-reviewed" means that an ICF/IID's costs as reported on a cost report filed under section 5124.10 or 5124.101 of the Revised Code have been subjected to a desk review under section 5124.108 of the Revised Code and preliminarily determined to be allowable costs.

(M) "Developmental center" means a residential facility that is maintained and operated by the department of developmental disabilities.

(N) "Direct care costs" means all of the following costs incurred by an ICF/IID:

(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the ICF/IID;

(2) Costs for direct care staff, administrative nursing
staff, medical directors, respiratory therapists, physical
therapists, physical therapy assistants, occupational therapists,
occupational therapy assistants, speech therapists, audiologists,
habilitation staff (including habilitation supervisors), qualified
intellectual disability professionals, program directors, social
services staff, activities staff, psychologists, psychology
assistants, social workers, counselors, and other persons holding
degrees qualifying them to provide therapy;

(3) Costs of purchased nursing services;

(4) Costs of training and staff development, employee
benefits, payroll taxes, and workers' compensation premiums or
costs for self-insurance claims and related costs as specified in
rules adopted under section 5124.03 of the Revised Code, for
personnel listed in divisions (N)(1), (2), and (3) of this
section;

(5) Costs of quality assurance;

(6) Costs of consulting and management fees related to direct
care;

(7) Allocated direct care home office costs;

(8) Costs of off-site day programming, including day
programming that is provided in an area that is not certified by
the director of health as an ICF/IID under Title XIX and
regardless of either of the following:

(a) Whether or not the area in which the day programming is
provided is less than two hundred feet away from the ICF/IID;

(b) Whether or not the day programming is provided by an
individual or organization that is a related party to the ICF/IID
provider.

(9) Costs of other direct-care resources that are specified
as direct care costs in rules adopted under section 5124.03 of the
(O) "Downsized ICF/IID" means an ICF/IID that permanently reduced its medicaid-certified capacity pursuant to a plan approved by the department of developmental disabilities under section 5123.042 of the Revised Code.

(P) "Effective date of a change of operator" means the day the entering operator becomes the operator of the ICF/IID.

(Q) "Effective date of a facility closure" means the last day that the last of the residents of the ICF/IID resides in the ICF/IID.

(R) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the ICF/IID or the last day that such a provider agreement is in effect when the department cancels or refuses to revalidate it.

(S) "Effective date of a voluntary termination" means the day the ICF/IID ceases to accept medicaid recipients.

(T) "Entering operator" means the person or government entity that will become the operator of an ICF/IID when a change of operator occurs or following an involuntary termination.

(U) "Exiting operator" means any of the following:

1. An operator that will cease to be the operator of an ICF/IID on the effective date of a change of operator;
2. An operator that will cease to be the operator of an ICF/IID on the effective date of a facility closure;
3. An operator of an ICF/IID that is undergoing or has undergone a voluntary termination;
4. An operator of an ICF/IID that is undergoing or has undergone an involuntary termination.
(V)(1) Subject to divisions (V)(2) and (3) of this section, "facility closure" means either of the following:

(a) Discontinuance of the use of the building, or part of the building, that houses the facility as an ICF/IID that results in the relocation of all of the facility's residents;

(b) Conversion of the building, or part of the building, that houses an ICF/IID to a different use with any necessary license or other approval needed for that use being obtained and one or more of the facility's residents remaining in the facility to receive services under the new use.

(2) A facility closure occurs regardless of any of the following:

(a) The operator completely or partially replacing the ICF/IID by constructing a new ICF/IID or transferring the ICF/IID's license to another ICF/IID;

(b) The ICF/IID's residents relocating to another of the operator's ICFs/IID;

(c) Any action the department of health takes regarding the ICF/IID's medicaid certification that may result in the transfer of part of the ICF/IID's survey findings to another of the operator's ICFs/IID;

(d) Any action the department of developmental disabilities takes regarding the ICF/IID's license under section 5123.19 of the Revised Code.

(3) A facility closure does not occur if all of the ICF/IID's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the ICF/IID not later than thirty days after the evacuation occurs.

(W) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.
(X) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

(Y) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

(Z) "ICF/IID services" has the same meaning as in 42 C.F.R. 440.150.

(AA)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repair expenses, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs, as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in this division. Notwithstanding division (J) of this section, "indirect care costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the ICF/IID's cost report for the cost reporting period ending December 31, 1992.

(2) For the purpose of division (AA)(1) of this section, an operating lease shall be construed in accordance with generally accepted accounting principles.
(BB) "Inpatient days" means both of the following:

(1) All days during which a resident, regardless of payment source, occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified capacity;

(2) All days for which payment is made under section 5124.34 of the Revised Code.

(CC) "Intermediate care facility for individuals with intellectual disabilities" and "ICF/IID" mean an intermediate care facility for the mentally retarded as defined in the "Social Security Act," section 1905(d), 42 U.S.C. 1396d(d).

(DD) "Involuntary termination" means the department of medicaid's termination of, cancellation of, or refusal to revalidate the operator's provider agreement for the ICF/IID when such action is not taken at the operator's request.

(EE) "Maintenance and repair expenses" means expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes the costs of ordinary repairs such as painting and wallpapering.

(FF) "Medicaid-certified capacity" means the number of an ICF/IID's beds that are certified for participation in medicaid as ICF/IID beds.

(GG) "Medicaid days" means both of the following:

(1) All days during which a resident who is a medicaid recipient eligible for ICF/IID services occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified capacity;

(2) All days for which payment is made under section 5124.34 of the Revised Code.
(HH) (1) "New ICF/IID" means an ICF/IID for which the provider obtains an initial provider agreement following the director of health's medicaid certification of the ICF/IID, including such an ICF/IID that replaces one or more ICFs/IID for which a provider previously held a provider agreement.

(2) "New ICF/IID" does not mean either of the following:

(a) An ICF/IID for which the entering operator seeks a provider agreement pursuant to section 5124.511 or 5124.512 or (pursuant to section 5124.515) section 5124.07 of the Revised Code;

(b) A downsized ICF/IID or partially converted ICF/IID.

(II) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(JJ) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID.

(KK) "Other protected costs" means costs incurred by an ICF/IID for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5124.03 of the Revised Code.

(LL) (1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding an ICF/IID:

(a) The land on which the ICF/IID is located;

(b) The structure in which the ICF/IID is located;

(c) Any mortgage, contract for deed, or other obligation
secured in whole or in part by the land or structure on or in which the ICF/IID is located;

(d) Any lease or sublease of the land or structure on or in which the ICF/IID is located.

(2) "Owner" does not mean a holder of a debenture or bond related to an ICF/IID and purchased at public issue or a regulated lender that has made a loan related to the ICF/IID unless the holder or lender operates the ICF/IID directly or through a subsidiary.

(MM) "Partially converted ICF/IID" means an ICF/IID that converted some, but not all, of its beds to providing home and community-based services under the individual options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code.

(NN) For the purpose of the total per medicaid day payment rate determined for an ICF/IID under division (A) of section 5124.15 of the Revised Code and the initial total per medicaid day payment rate determined for a new ICF/IID under section 5124.151 of the Revised Code:

(1) "Peer group 1" means each ICF/IID with a medicaid-certified capacity exceeding sixteen.

(2) "Peer group 2" means each ICF/IID with a medicaid-certified capacity exceeding eight but not exceeding sixteen.

(3) "Peer group 3" means each ICF/IID with a medicaid-certified capacity of seven or eight.

(4) "Peer group 4" means each ICF/IID with a medicaid-certified capacity not exceeding six, other than an ICF/IID that is in peer group 5-A.

(5) "Peer group 5" means each ICF/IID to which all of the following apply:
(a) The ICF/IID is first certified as an ICF/IID after July 1, 2014.

(b) The ICF/IID has a medicaid-certified capacity not exceeding six.

(c) The ICF/IID has a contract with the department of developmental disabilities that is for fifteen years and includes a provision for the department to approve all admissions to, and discharges from, the ICF/IID.

(d) The ICF/IID's residents are admitted to the ICF/IID directly from a developmental center or have been determined by the department to be at risk of admission to a developmental center.

(6) "Peer group 6" means each ICF/IID to which all of the following apply:

(a) The ICF/IID has submitted a best practices protocol for providing services to youth up to twenty-one years of age in need of intensive behavior support services that has been approved by the department of developmental disabilities.

(b) The ICF/IID, or a distinct unit of the ICF/IID, has a medicaid-certified capacity not exceeding six.

(c) The ICF/IID has a contract with the department that includes a provision for the department to approve all admissions to the ICF/IID.

(d) The ICF/IID has agreed to be reimbursed in accordance with the reimbursement methodology established under the rules authorized by section 5124.03 of the Revised Code.

(00)(1) Except as provided in division (00)(2) of this section, "per diem" means an ICF/IID's desk-reviewed, actual, allowable costs in a given cost center in a cost reporting period, divided by the facility's inpatient days for that cost reporting period.
(2) When determining indirect care costs for the purpose of section 5124.21 of the Revised Code, "per diem" means an ICF/IID's actual, allowable indirect care costs in a cost reporting period divided by the greater of the ICF/IID's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been eighty-five per cent.

(PP) "Provider" means an operator with a valid provider agreement.

(QQ) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of an ICF/IID for the provision of ICF/IID services under the medicaid program.

(RR) "Purchased nursing services" means services that are provided in an ICF/IID by registered nurses, licensed practical nurses, or nurse aides who are not employees of the ICF/IID.

(SS) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of resident care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.

(TT) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, a provider.

(1) An individual who is a relative of an owner is a related party.

(2) Common ownership exists when an individual or individuals...
possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.

(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.

(c) The types of goods or services are commonly obtained by other ICFs/IID from outside organizations and are not a basic element of resident care ordinarily furnished directly to residents by the ICFs/IID.

(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

(UU) "Relative of owner" means an individual who is related to an owner of an ICF/IID by one of the following relationships:

(1) Spouse;
(2) Natural parent, child, or sibling;
(3) Adopted parent, child, or sibling;
(4) Stepparent, stepchild, stepbrother, or stepsister;
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;
(6) Grandparent or grandchild;
(7) Foster caregiver, foster child, foster brother, or foster sister.

(VV) For the purpose of determining an ICF/IID's per medicaid day capital component rate under section 5124.17 of the Revised Code, "renovation" means an ICF/IID's betterment, improvement, or restoration, other than an addition, through a capital expenditure.

(WW) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(XX) "Secondary building" means a building or part of a building, other than an ICF/IID, in which the owner of one or more ICFs/IID has administrative work regarding the ICFs/IID performed or records regarding the ICFs/IID stored.

(YY) "Sponsor" means an adult relative, friend, or guardian of an ICF/IID resident who has an interest or responsibility in the resident's welfare.

(ZZ) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq.

(AAA) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq.

(BBB) "Voluntary termination" means an operator's voluntary election to terminate the participation of an ICF/IID in the medicaid program but to continue to provide service of the type
provided by a residential facility as defined in section 5123.19 
of the Revised Code.

**Sec. 5124.15.** (A) Except as otherwise provided by section 
5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the 
Revised Code, and divisions (B) and (C) of this section, the total 
per medicaid day payment rate that the department of developmental 
disabilities shall pay to an ICF/IID provider for ICF/IID services 
the provider's ICF/IID provides during a fiscal year shall equal 
the sum of all of the following:

(1) The per medicaid day capital component rate determined 
for the ICF/IID under section 5124.17 of the Revised Code;

(2) The per medicaid day direct care costs component rate 
determined for the ICF/IID under section 5124.19 of the Revised 
Code;

(3) The per medicaid day indirect care costs component rate 
determined for the ICF/IID under section 5124.21 of the Revised 
Code;

(4) The per medicaid day other protected costs component rate 
determined for the ICF/IID under section 5124.23 of the Revised 
Code;

(5) The sum of the following:

(a) The per medicaid day quality incentive payment determined 
for the ICF/IID under section 5124.24 of the Revised Code;

(b) A direct support personnel payment equal to two and 
four-hundredths per cent of the ICF/IID's desk-reviewed, actual, 
allowable, per medicaid day direct care costs from the applicable 
cost report year;

(c) A professional workforce development payment equal to 
thirteen and fifty-five hundredths for state fiscal year 2024 and 
twenty and eighty-one hundredths during fiscal year 2025 per cent.
of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year.

(B) The total per medicaid day payment rate for an ICF/IID that is in peer group 5 shall not exceed the average total per medicaid day payment rate in effect on July 1, 2013, for developmental centers.

(C) The department shall adjust the total per medicaid day payment rate otherwise determined for an ICF/IID under this section as directed by the general assembly through the enactment of law governing medicaid payments to ICF/IID providers.

(D)(1) In addition to paying an ICF/IID provider the total per medicaid day payment rate determined for the provider's ICF/IID under divisions (A), (B), and (C) of this section for a fiscal year, the department may do either or both of the following:

(a) In accordance with section 5124.25 of the Revised Code, pay the provider a rate add-on for ventilator-dependent outlier ICF/IID services if the rate add-on is to be paid under that section and the department approves the provider's application for the rate add-on;

(b) In accordance with section 5124.26 of the Revised Code, pay the provider for outlier ICF/IID services the ICF/IID provides to residents identified as needing intensive behavioral health support services if the rate add-on is to be paid under that section and the department approves the provider's application for the rate add-on.

(2) The rate add-ons are not to be part of the ICF/IID's total per medicaid day payment rate.

Sec. 5124.45. The department of developmental disabilities shall transmit to the treasurer of state for deposit in the
general revenue fund amounts collected from the following:

(A) Recoupments and voluntary repayments made under section 5124.39 of the Revised Code;

(B) Refunds required by, and interest charged under, section 5124.41 of the Revised Code;

(C) Penalties imposed under section 5124.42 of the Revised Code.

Sec. 5124.70. (A) This section does not apply to either any of the following:

(1) An ICF/IID to which both of the following apply:
   (a) On or before January 1, 2015, the ICF/IID became a downsized ICF/IID or partially converted ICF/IID.
   (b) On January 1, 2015, the ICF/IID's medicaid-certified capacity was at least twenty per cent less than the greatest medicaid-certified capacity it had before it became a downsized ICF/IID or partially converted ICF/IID.

(2) An ICF/IID's sleeping room in which more than two residents reside if both of the following apply:
   (a) All of the residents of the sleeping room are under twenty-one years of age.
   (b) The parents or guardians of all of the residents of the sleeping room consent to the residents residing in a sleeping room with more than two residents.

(3) An ICF/IID to which any of the following apply on the effective date of this amendment:
   (a) The ICF/IID has a medicaid-certified capacity between sixty and seventy beds and is located in a county with a population between forty thousand five hundred and forty-one
thousand according to the 2020 federal decennial census.

(b) The ICF/IID has a medicaid-certified capacity between ninety and one hundred beds and is located in a county with a population between two hundred forty-two thousand and two hundred forty-three thousand according to the 2020 federal decennial census.

(c) The ICF/IID has a medicaid-certified capacity between fifty-five and sixty beds and is located in a county with a population between four hundred thousand and five hundred thousand according to the 2020 federal decennial census.

(d) The ICF/IID has a medicaid-certified capacity between ninety and one hundred beds and is located in a county with a population between one million three hundred thousand and one million four hundred thousand according to the 2020 federal decennial census.

(e) The ICF/IID has a medicaid-certified capacity between one hundred twenty and one hundred thirty beds and is located in a county with a population between one hundred sixty thousand and one hundred sixty-two thousand according to the 2020 federal decennial census.

(B) Except as provided in divisions (G) and (H) of this section, an ICF/IID provider shall not permit more than two residents to reside in the same sleeping room.

(C)(1) If, on the effective date of this section September 29, 2015, more than two residents of an ICF/IID reside in the same sleeping room, the ICF/IID provider shall submit to the department of developmental disabilities for its review a plan to come into compliance with division (B) of this section. The provider shall submit the plan not later than December 31, 2015.

(2) The plan shall include all of the following:
(a) The date by which not more than two residents will reside in the same sleeping room, which shall be not later than June 30, 2025;

(b) Detailed descriptions of the actions the ICF/IID provider will take to come into compliance with division (B) of this section, which shall include becoming either a downsized ICF/IID or a partially converted ICF/IID.

(c) The ICF/IID's projected medicaid-certified capacity for each year covered by the plan, which must demonstrate that the provider will make regular progress toward coming into compliance with division (B) of this section;

(d) A discharge planning process that includes providing information to residents regarding home and community-based services;

(e) Additional interim steps the provider will take to demonstrate that the provider is making regular progress toward coming into compliance with division (B) of this section.

(3) The plan shall not include the creation of a new ICF/IID that has a medicaid-certified capacity that is greater than six unless the department determines that a new ICF/IID would need a larger medicaid-certified capacity to be financially viable. If the department determines that a new ICF/IID would need a larger medicaid-certified capacity to be financially viable, the plan may include the creation of a new ICF/IID that has a medicaid-certified capacity that is greater than six but not greater than eight.

(D) The department shall review each plan submitted under division (C) of this section and decide whether to approve the plan. In making this decision, the department shall consider both of the following:

(1) Whether the plan conforms to the requirements of division
(C) of this section;

(2) The feasibility of completing the implementation as described in the plan.

(E) If the department approves an ICF/IID provider's plan under division (D) of this section, the provider shall submit to the department annual reports regarding the plan's implementation.

(F) The department may issue a written order to an ICF/IID provider that suspends new admissions to the ICF/IID if both of the following apply:

(1) The department has approved the provider's plan under division (D) of this section.

(2) The provider fails to do either of the following:

(a) Submit to the department an annual report required by division (E) of this section;

(b) Meet, to the department's satisfaction, the projected medicaid-certified capacity for the ICF/IID for a year as specified in the plan and the failure is due to factors within the provider's control.

(G)(1) Before January 1, 2016, an ICF/IID provider may permit more than two residents to reside in the same sleeping room if more than two residents resided in the same sleeping room on the effective date of this section September 29, 2015.

(2) On and after January 1, 2016, an ICF/IID provider may permit more than two residents to reside in the same sleeping room only if all of the following apply:

(a) More than two residents resided in the same sleeping room on the effective date of this section September 29, 2015.

(b) The provider has submitted a plan in accordance with division (C) of this section.
(c) Either of the following applies:

(i) The department has approved and the provider complies with the plan.

(ii) The department has not decided whether to approve the plan.

(H) The department shall waive application of division (B) of this section for an ICF/IID's sleeping room in which more than two residents reside on June 30, 2025, if both of the following apply:

(1) The same residents have continuously resided in the sleeping room since the effective date of this section September 29, 2015;

(2) The department determines that at least three of these residents want to continue to reside together in the sleeping room.

Sec. 5126.022. When making initial appointments to a county board of developmental disabilities and when making an appointment to fill a vacancy pursuant to section 5126.027 of the Revised Code, an appointing authority shall do all of the following:

(A) Appoint only individuals who are residents of the county the appointing authority serves, citizens of the United States, and interested and knowledgeable in the field of intellectual disabilities and other allied fields;

(B) If the appointing authority is a board of county commissioners, appoint at least one individual who is eligible to receive services provided by the county board and two additional individuals who are eligible for services provided by the county board or are immediate family members of such individuals. The board of county commissioners shall, whenever possible, ensure that one of those two additional members is an individual eligible for adult services or an immediate family member of an individual.
eligible for adult services and the other is an immediate family
member of an individual eligible for early intervention services
or services for preschool or school-age children;

(C) If the appointing authority is a senior probate judge,
appoint at least one individual who is an immediate family member
of an individual eligible for residential services or supported
living;

(D) Appoint, to the maximum extent possible, individuals who
have professional training and experience in business management,
finance, law, health care practice, personnel administration, or
government service;

(E) Provide for the county board's membership to reflect, as
nearly as possible, the composition of the county that the county
board serves.

Sec. 5145.161. (A) The program for the employment of
prisoners within the custody of the department of rehabilitation
and correction that the department is required to establish by
division (A) of section 5145.16 of the Revised Code shall be
administered in accordance with any rules adopted pursuant to
division (B) of section 5145.03 of the Revised Code and with the
following requirements:

(1) The department shall consider the nature of the offense
committed by a prisoner, the availability of employment, the
security requirements for the prisoner, the prisoner's present
state of mind, the prisoner's record in the institution to which
the prisoner has been committed, and all other relevant factors
when assigning a prisoner to the prisoner's initial job
assignment. The department, when making a prisoner's initial job
assignment, shall attempt to develop the prisoner's work skills,
provide rehabilitation for the prisoner, consider the proximity to
the prisoner's family, and permit the prisoner to provide support
for the prisoner's dependents if the prisoner's earnings are 
sufficient for that to be feasible.

(2)(a) Except as provided in division (A)(2)(b) of this 
section, no prisoner shall be assigned to any job with the Ohio 
penal industries, or to any other job level or job grade of 
prisoner employment that the director of rehabilitation and 
correction may designate, unless the prisoner has obtained, or 
enrolled in an education program that leads to, a high school 
diploma or a certificate of high school equivalence. 

(b) Division (A)(2)(a) of this section does not apply to 
either of the following:

(i) A prisoner who is determined, in accordance with a 
procedure approved by the director, to be incapable of obtaining a 
diploma or certificate of high school equivalence;

(ii) A prisoner working in the Ohio penal industries as of 
February 1, 1999, who applied on or before May 1, 1999, for 
enrollment in a program leading to a diploma or a certificate of 
high school equivalence, and who has been enrolled in that program 
for less than one year.

(3) Each prisoner shall be required to perform the prisoner's 
job satisfactorily, be permitted to be absent from the prisoner's 
job only for legitimate reasons, be required to comply with all 
security requirements, and be required to comply with any other 
reasonable job performance standards.

(4) A prisoner who advances from one job grade to the next 
higher job grade within the job level, advances from one job level 
to the next higher job level, or advances from one job category to 
the next highest job category shall receive additional benefits in 
accordance with the rules adopted pursuant to division (B) of 
section 5145.03 of the Revised Code.

(5) A prisoner shall not be eligible for a job in private
industry or agriculture, unless the prisoner meets the requirements of the department for private employment that are set forth in rules adopted pursuant to division (B) of section 5145.03 of the Revised Code.

(6) A prisoner who violates the work requirements of any job grade, level, or category shall be disciplined pursuant to the disciplinary procedure adopted pursuant to division (B)(9) of section 5145.03 of the Revised Code.

(B) The department of rehabilitation and correction may administer the program that it is required to establish by division (A) of section 5145.16 of the Revised Code in any manner that is consistent with division (A) of this section, division (B) of section 5145.03, and section 5145.16 of the Revised Code.

Sec. 5145.163. (A) As used in this section:

(1) "Customer model enterprise" means an enterprise conducted under a federal prison industries enhancement certification program in which a private party participates in the enterprise only as a purchaser of goods and services.

(2) "Employer model enterprise" means an enterprise conducted under a federal prison industries enhancement certification program in which a private party participates in the enterprise as an operator of the enterprise.

(3) "Injury" means a diagnosable injury to an inmate supported by medical findings that it was and "occupational disease" have the same meanings as in section 4123.01 of the Revised Code if sustained or contracted in the course of, and arose arising out of, participation in authorized work activity that was an integral part of the inmate's participation in the Ohio penal industries federal prison industries enhancement certification program.
(4) "Inmate" means any person who is committed to the custody of the department of rehabilitation and correction and who is participating in an Ohio penal industries program that is under the federal prison industries enhancement certification program.

(5) "Federal prison industries enhancement certification program" means the program authorized pursuant to 18 U.S.C. 1761.

(6) "Loss of earning capacity" means an impairment of the body of an inmate to a degree that makes the inmate unable to return to work activity under the Ohio penal industries program and results in a reduction of compensation earned by the inmate at the time the injury occurred.

(B) Every inmate shall be covered by a policy of disability insurance to provide benefits for loss of earning capacity due to an injury and for medical treatment of the injury following the inmate's release from prison. No private party shall participate in an employer model enterprise in this state unless the private party is approved by the director of rehabilitation and correction in accordance with division (C) of this section.

(C) The director may approve a private party to participate in an employer model enterprise only if the private party meets the following requirements:

(1) The private party provides proof of workers' compensation coverage furnished by the bureau of workers' compensation.

(2) The private party carries liability insurance in an amount the director determines to be sufficient.

(3) The private party does not have an unresolved finding for recovery by the auditor of state under section 9.24 of the Revised Code.

(D)(1) If the enterprise for which the inmate works is a customer model enterprise, Ohio penal industries shall purchase

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the policy the department shall treat the inmate as an employee of
the department for the purpose of workers' compensation coverage
in accordance with section 4123.543 of the Revised Code.

(2) If the enterprise for which the inmate works is an
employer model enterprise, the private participant shall purchase
the policy. The person required to purchase the policy shall
submit proof of coverage to the prison labor advisory board before
the enterprise begins operation.

(C) Within ninety days after an inmate sustains an injury,
the inmate may file a disability claim with the person required to
purchase the policy of disability insurance. Upon the request of
the insurer, the inmate shall be medically examined, and the
insurer shall determine the inmate's entitlement to disability
benefits based on the medical examination. The inmate shall accept
or reject an award within thirty days after a determination of the
inmate's entitlement to the award. If the inmate accepts the
award, the benefits shall be paid upon the inmate's release from
prison. The amount of disability benefits payable to the inmate
shall be reduced by sick leave benefits or other compensation for
lost pay made by Ohio penal industries to the inmate due to an
injury that rendered the inmate unable to work. An inmate shall
not receive disability benefits for injuries occurring as the
result of a fight, assault, horseplay, purposely self-inflicted
injury, use of alcohol or controlled substances, misuse of
prescription drugs, or other activity that is prohibited by the
department's or institution's inmate conduct rules or the work
rules of the private participant in the enterprise.

(D) Inmates treat the inmate as an employee of the private
participant for the purpose of workers' compensation coverage in
accordance with section 4123.543 of the Revised Code.

(E) Except as provided in division (D) of this section,
inmates are not employees of the department of rehabilitation and
An inmate is ineligible to receive compensation or benefits under Chapter 4121., 4123., 4127., or 4131. of the Revised Code for any injury, death, or occupational disease received in the course of, and arising out of, participation in the Ohio penal industries program. Any claim for an injury arising from an inmate's participation in the program is specifically excluded from the jurisdiction of the Ohio bureau of workers' compensation and the industrial commission of Ohio.

Any disability benefit award accepted by an inmate under this section shall be the inmate's exclusive remedy against the insurer, the private participant in an enterprise, and the state. If an inmate rejects an award or a disability claim is denied, the inmate may bring an action in the court of claims within the appropriate period of limitations.

If any inmate who is paid disability benefits under this section is reincarcerated, the benefits shall immediately cease but shall resume upon the inmate's subsequent release from incarceration.

The department shall provide and pay for all medical care rendered to an inmate related to an injury or occupational disease while the inmate is imprisoned.

Notwithstanding division (A) of section 5120.21 of the Revised Code, the director shall do all of the following:

(1) Notify the administrator of workers' compensation of any injury, occupational disease, or death of an inmate that arises out of participation in authorized work activity in the federal prison industries enhancement certification program.

(2) On request from the administrator, provide to the administrator medical records, or other relevant information, related to an injury, occupational disease, or death of an inmate.
that arises out of participation in authorized work activity in
the federal prison industries enhancement certification program.

(3) Notify the administrator when an inmate who has a
suspended award for compensation or benefits pursuant to division
(E) of section 4123.543 of the Revised Code is released from
imprisonment or reimprisoned.

(H) An inmate shall voluntarily consent to participate in a
federal prison industries enhancement certification program prior
to commencing participation in the program. Such consent disclaims
the inmate's ability to choose a medical provider while the inmate
is imprisoned and subjects the inmate to the requirements of this
section and section 4123.543 of the Revised Code.

Sec. 5149.101. (A)(1) A board hearing officer, a board
member, or the office of victims' services may petition the board
for a full board hearing that relates to the proposed parole or
re-parole of a prisoner, including any prisoner described in
section 2967.132 of the Revised Code. At a meeting of the board at
which a majority of board members are present, the majority of
those present shall determine whether a full board hearing shall
be held.

(2)(A)(1)(a) A victim of a violation of section 2903.01 or
2903.02 of the Revised Code, an offense of violence that is a
felony of the first, second, or third degree, or an offense
punished by a sentence of life imprisonment, the victim's
representative, or any person described in division (B)(5) of this
section may request, through the office of victims' services, for
the board to hold a full board hearing that relates to the
proposed parole or re-parole of the person that committed the
violation. If a victim, victim's representative, or other any
person described in division (B)(5) of this section requests a
full board hearing pursuant to this division, the board shall hold
a full board hearing.

(b) A family member of a victim who is not described in division (B)(5) of this section may request, through the office of victims' services, for the board to hold a full board hearing that relates to the proposed parole or re-parole of a person who committed a violation of section 2903.01 or 2903.02 of the Revised Code, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment. At a meeting of the board at which a majority of board members are present, the majority of those present shall determine whether a full board hearing shall be held, if a family member of the victim makes a request pursuant to this division.

c) If a person is convicted of a violation of section 2903.01 or 2903.02 of the Revised Code, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the prosecuting attorney may submit a request directly to the board to hold a full board hearing that relates to the proposed parole or re-parole of the person who committed the violation. If the prosecutor requests a full board hearing pursuant to this division, the board shall hold a full board hearing.

(2) At least thirty days before the full hearing, except as otherwise provided in this division, the board shall give notice of the date, time, and place of the hearing to the victim regardless of whether the victim has requested the notification. The notice of the date, time, and place of the hearing shall not be given under this division to a victim if the victim has requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the notice not be provided to the victim. At least thirty days before the full board hearing and regardless of whether the victim has requested that the notice be provided or not be provided under this division to the victim, the board shall
give similar notice to the prosecuting attorney in the case, the law enforcement agency that arrested the prisoner if any officer of that agency was a victim of the offense, and, if different than the victim, the person who requested the full hearing. If the prosecuting attorney has not previously been sent an institutional summary report with respect to the prisoner, upon the request of the prosecuting attorney, the board shall include with the notice sent to the prosecuting attorney an institutional summary report that covers the offender's participation while confined in a state correctional institution in training, work, and other rehabilitative activities and any disciplinary action taken against the offender while so confined. Upon the request of a law enforcement agency that has not previously been sent an institutional summary report with respect to the prisoner, the board also shall send a copy of the institutional summary report to the law enforcement agency. If notice is to be provided as described in this division, the board may give the notice by any reasonable means, including regular mail, telephone, and electronic mail, in accordance with division (D)(1) of section 2930.16 of the Revised Code. If the notice is based on an offense committed prior to March 22, 2013, the notice also shall include the opt-out information described in division (D)(1) of section 2930.16 of the Revised Code. The board, in accordance with division (D)(2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this division.

The preceding paragraph, and the notice-related provisions of divisions (E)(2) and (K) of section 2929.20, division (D)(1) of section 2930.16, division (H) of section 2967.12, division (E)(1)(b) of section 2967.19 as it existed prior to the effective date of this amendment April 4, 2023, division (A)(3)(b) of section 2967.26, and division (D)(1) of section 2967.28 of the Revised Code enacted in the act in which this paragraph was
enacted, shall be known as "Roberta's Law."

(B) At a full board hearing that relates to the proposed parole or re-parole of a prisoner and that has been petitioned for or requested in accordance with division (A) of this section, the parole board shall permit the following persons to appear and to give testimony or to submit written statements:

(1) The prosecuting attorney of the county in which the original indictment against the prisoner was found and members of any law enforcement agency that assisted in the prosecution of the original offense;

(2) The judge of the court of common pleas who imposed the original sentence of incarceration upon the prisoner, or the judge's successor;

(3) The victim of the original offense for which the prisoner is serving the sentence or the victim's representative designated pursuant to section 2930.02 of the Revised Code;

(4) The victim of any behavior that resulted in parole being revoked;

(5) With respect to a full board hearing held pursuant to division (A)(2)(A)(1)(a) or (c) of this section, all of the following:

(a) The spouse of the victim of the original offense;

(b) The parent or parents of the victim of the original offense;

(c) The sibling of the victim of the original offense;

(d) The child or children of the victim of the original offense.

(6) Counsel A state public defender when designated by the director of the department of rehabilitation and correction pursuant to division (A)(5) of section 120.06 of the Revised Code.
private counsel, or some other person designated by the prisoner as a representative, as described in division (C) of this section permitted by the board.

(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B)(1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization.

At the request of a person described in division (B)(3) of this section, representatives of the news media described in this division shall be excluded from the hearing while that person is giving testimony at the hearing. The prisoner being considered for parole has no right to be present at the hearing, but may be represented by counsel or some other person designated by the prisoner as described in division (B)(6) of this section.

If there is an objection at a full board hearing to a recommendation for the parole of a prisoner, the board may approve or disapprove the recommendation or defer its decision until a subsequent full board hearing. The board may permit interested persons other than those listed in this division and division (B) of this section to attend full board hearings pursuant to rules adopted by the adult parole authority.

(D) If the victim of the original offense died as a result of the offense and the offense was aggravated murder, murder, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the family of the victim may show at a full board hearing a video recording not exceeding five minutes in length memorializing the victim.
(E) The adult parole authority shall adopt rules for the implementation of this section. The rules shall specify reasonable restrictions on the number of media representatives that may attend a hearing, based on considerations of space, and other procedures designed to accomplish an effective, orderly process for full board hearings.

Sec. 5149.38. (A) In each voluntary county, subject to division (B) of this section and not later than September 1, 2022, the deadlines established by the department of rehabilitation and correction in division (B)(3)(b)(ii) of section 2929.34 of the Revised Code, a county commissioner representing the board of county commissioners of the county, the administrative judge of the general division of the court of common pleas of the county, the sheriff of the county, and an official from any municipality operating a local correctional facility in the county to which courts of the county sentence offenders shall agree to, sign, and submit to the department of rehabilitation and correction for its approval a memorandum of understanding that does all of the following:

(1) Sets forth the plans by which the county will use grant money provided to the county in the state fiscal year 2023 and succeeding years within the specified state fiscal years biennium under the targeting targeted community alternatives to prison (T-CAP) program;

(2) Specifies the manner in which the county will address a per diem reimbursement of local correctional facilities for prisoners who serve a prison term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem reimbursement rate shall be the rate determined in division (F)(1) of this section and shall be specified in the memorandum;

(3) Specifies whether the memorandum of understanding will...
apply to prison terms for felonies of the fifth degree or prison

terms for felonies of the fourth and fifth degree pursuant to
division (B)(3)(c) of section 2929.34 of the Revised Code.

(B) Two or more voluntary counties may join together to

jointly establish a memorandum of understanding of the type
described in division (A) of this section. Not later than

September 1, 2022 the deadlines established by the department of

rehabilitation and correction in division (B)(3)(b)(ii) of section

2929.34 of the Revised Code, a county commissioner from each of

the affiliating voluntary counties representing the county's board

of county commissioners, the administrative judge of the general

division of the court of common pleas of each affiliating

voluntary county, the sheriff of each affiliating voluntary

county, and an official from any municipality operating a local

correctional facility in the affiliating voluntary counties to

which courts of the counties sentence offenders shall agree to,

sign, and submit to the department of rehabilitation and

correction for its approval the memorandum of understanding. The

memorandum of understanding shall set forth the plans by which,

and specify the manner in which, the affiliating counties will

complete the tasks identified in divisions (A)(1) to (3) of this

section.

(C) The department of rehabilitation and correction shall

adopt rules establishing standards for approval of memorandums of

understanding submitted to it under division (A) or (B) of this

section. The department shall review the memorandums of

understanding submitted to it and may require the county or

counties that submit a memorandum to modify the memorandum. The

director of rehabilitation and correction shall approve

memorandums of understanding submitted to it under division (A) or

(B) of this section that the director determines satisfy the

standards adopted by the department within thirty days after
receiving each memorandum submitted.

(D) Any person responsible for agreeing to, signing, and submitting a memorandum of understanding under division (A) or (B) of this section may delegate the person's authority to do so to an employee of the agency, entity, or office served by the person.

(E) The persons signing a memorandum of understanding under division (A) or (B) of this section, or their successors in office, may revise the memorandum as they determine necessary. Any revision of the memorandum shall be signed by the parties specified in division (A) or (B) of this section and submitted to the department of rehabilitation and correction for its approval under division (C) of this section within thirty days after the beginning of the state fiscal year.

(F)(1) In each county, commencing in calendar year 2023, on or before the first day of February of each calendar year the sheriff shall determine the per diem costs for the preceding calendar year for each of the local correctional facilities for the housing in the facility of prisoners who serve a term in it pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem cost so determined shall apply in the calendar year in which the determination is made.

(2) For each county, the per diem cost determined under division (F)(1) of this section that applies with respect to a facility in a specified calendar year shall be the per diem rate of reimbursement in that calendar year, under the targeting targeted community alternatives to prison (T-CAP) program, for prisoners who serve a term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code.

(3) The per diem costs of housing determined under division (F)(1) of this section for a facility shall be the actual costs of housing the specified prisoners in the facility, on a per diem
basis.

(G) As used in this section:

(1) "Local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code.

(2) "Voluntary county" has the same meanings as in section 2929.34 of the Revised Code.

Sec. 5153.122. Each PCSA caseworker hired after January 1, 2007, shall complete at least one hundred two hours of in-service training during the first year of the caseworker's continuous employment as a PCSA caseworker, except that the executive director of the public children services agency may waive the training requirement for a school of social work graduate who participated in the university partnership program described in division (E) of section 5101.141 of the Revised Code and as provided in section 5153.124 of the Revised Code. The training shall consist of courses in all of the following:

(A) Recognizing, accepting reports of, and preventing child abuse, neglect, and dependency;

(B) Assessing child safety;

(C) Assessing risks;

(D) Interviewing persons;

(E) Investigating cases;

(F) Intervening;

(G) Providing services to children and their families;

(H) The importance of and need for accurate data;

(I) Preparation for court;

(J) Maintenance of case record information;
(K) The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, including instruction regarding parents' rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations;

(L) Content on other topics relevant to child abuse, neglect, and dependency, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies.

After a PCSA caseworker's first year of continuous employment as a PCSA caseworker, the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties.

During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete at least twelve hours of training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of job and family services shall adopt pursuant to Chapter 119. of the Revised Code. The twelve hours may be in addition to the training required during the caseworker's first year of employment or part of the training required during the second year of employment.

Sec. 5153.123. Each PCSA caseworker supervisor shall complete at least sixty hours of in-service training during the first year of the supervisor's continuous employment as a PCSA caseworker supervisor. The training shall include courses in screening reports of child abuse, neglect, or dependency. After a PCSA caseworker supervisor's first year of continuous employment as a PCSA caseworker supervisor, the supervisor annually shall complete thirty hours of training in areas relevant to the supervisor's assigned duties. During the first two years of continuous
employment as a PCSA caseworker supervisor, each PCSA caseworker supervisor shall complete at least twelve hours of training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of job and family services shall adopt pursuant to Chapter 119. of the Revised Code. The twelve hours may be in addition to the training required during the supervisor's first year of employment or part of the training required during the second year of employment.

Sec. 5153.124. (A)(1) The director of job and family services shall adopt rules as necessary to implement the training requirements of sections 5153.122 and 5153.123 of the Revised Code.

(2) Not later than nine months after the effective date of the amendment to this section by H.B. 110 of the 134th general assembly September 30, 2021, the director shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the circumstances under which an executive director of a public children services agency may waive portions of in-service training for PCSA caseworkers, in addition to the waiver described in section 5153.122 of the Revised Code.

(B) Notwithstanding sections 5103.33 5103.37 to 5103.422 5103.42 and sections 5153.122 to 5153.127 of the Revised Code, the department of job and family services may require additional training for PCSA caseworkers and PCSA caseworker supervisors as necessary to comply with federal requirements.

Sec. 5153.127. The executive director of each public children services agency or a person designated by the executive director shall collect and maintain the data from individual training needs assessments completed under sections 5153.125 and 5153.126 of the Revised Code.
Revised Code for each PCSA caseworker and PCSA caseworker supervisor employed by the agency. The executive director or designated person shall compile and forward the data collected from the completed assessments to the regional training center established under section 5103.42 5103.41 of the Revised Code for the training region the agency is located in.

Sec. 5153.16. (A) Except as provided in section 2151.422 of the Revised Code, in accordance with rules adopted under section 5153.166 of the Revised Code, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency shall do all of the following:

(1) Make an investigation concerning any child alleged to be an abused, neglected, or dependent child;  

(2) Enter into agreements with the parent, guardian, or other person having legal custody of any child, or with the department of job and family services, department of mental health and addiction services, department of developmental disabilities, other department, any certified organization within or outside the county, or any agency or institution outside the state, having legal custody of any child, with respect to the custody, care, or placement of any child, or with respect to any matter, in the interests of the child, provided the permanent custody of a child shall not be transferred by a parent to the public children services agency without the consent of the juvenile court;  

(3) Enter into a contract with an agency providing prevention services in an effort to prevent neglect or abuse, to enhance a child's welfare, and to preserve the family unit intact.  

(4) Accept custody of children committed to the public children services agency by a court exercising juvenile jurisdiction;
(4)-(5) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service;

(5)-(6) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child;

(6)-(7) Make available to the children with medical handicaps program of the department of health at its request any information concerning a child with a disability found to be in need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency;

(7)-(8) Provide temporary emergency care for any child considered by the public children services agency to be in need of such care, without agreement or commitment;

(8)-(9) Find certified foster homes, within or outside the county, for the care of children, including children with disabilities from other counties attending special schools in the county;

(9)-(10) Subject to the approval of the board of county commissioners and the state department of job and family services, establish and operate a training school or enter into an agreement with any municipal corporation or other political subdivision of the county respecting the operation, acquisition, or maintenance of any children's home, training school, or other institution for the care of children maintained by such municipal corporation or political subdivision;

(10)-(11) Acquire and operate a county children's home, establish, maintain, and operate a receiving home for the temporary care of children, or procure certified foster homes for
this purpose;

(12) Enter into an agreement with the trustees of any district children's home, respecting the operation of the district children's home in cooperation with the other county boards in the district;

(13) Cooperate with, make its services available to, and act as the agent of persons, courts, the department of job and family services, the department of health, and other organizations within and outside the state, in matters relating to the welfare of children, except that the public children services agency shall not be required to provide supervision of or other services related to the exercise of parenting time rights granted pursuant to section 3109.051 or 3109.12 of the Revised Code or companionship or visitation rights granted pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code unless a juvenile court, pursuant to Chapter 2151. of the Revised Code, or a common pleas court, pursuant to division (E)(6) of section 3113.31 of the Revised Code, requires the provision of supervision or other services related to the exercise of the parenting time rights or companionship or visitation rights;

(14) Make investigations at the request of any superintendent of schools in the county or the principal of any school concerning the application of any child adjudicated to be an abused, neglected, or dependent child for release from school, where such service is not provided through a school attendance department;


(16) In addition to administering Title IV-E adoption
assistance funds, enter into agreements to make adoption assistance payments under section 5153.163 of the Revised Code;

(16)(17) Implement a system of safety and risk assessment, in accordance with rules adopted by the director of job and family services, to assist the public children services agency in determining the risk of abuse or neglect to a child;

(17)(18) Enter into a plan of cooperation with the board of county commissioners under section 307.983 of the Revised Code and comply with each fiscal agreement the board enters into under section 307.98 of the Revised Code that include family services duties of public children services agencies and contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the public children services agency;

(18)(19) Make reasonable efforts to prevent the removal of an alleged or adjudicated abused, neglected, or dependent child from the child's home, eliminate the continued removal of the child from the child's home, or make it possible for the child to return home safely, except that reasonable efforts of that nature are not required when a court has made a determination under division (A)(2) of section 2151.419 of the Revised Code;

(19)(20) Make reasonable efforts to place the child in a timely manner in accordance with the permanency plan approved under division (E) of section 2151.417 of the Revised Code and to complete whatever steps are necessary to finalize the permanent placement of the child;

(20)(21) Administer a Title IV-A program identified under division (A)(4)(c) or (g)(h) of section 5101.80 of the Revised Code that the department of job and family services provides for the public children services agency to administer under the department's supervision pursuant to section 5101.801 of the Revised Code;
Administer the kinship permanency incentive program created under section 5101.802 of the Revised Code under the supervision of the director of job and family services;

Provide independent living services pursuant to sections 2151.81 to 2151.84 of the Revised Code;

File a missing child report with a local law enforcement agency upon becoming aware that a child in the custody of the public children services agency is or may be missing.

The public children services agency shall use the system implemented pursuant to division (A)(16)-(A)(17) of this section in connection with an investigation undertaken pursuant to division (G)(1) of section 2151.421 of the Revised Code to assess both of the following:

1. The ongoing safety of the child;
2. The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.

Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of job and family services, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:

1. Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;
2. (a) Except as limited by divisions (C)(2)(b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:
(i) County departments of job and family services;

(ii) Boards of alcohol, drug addiction, and mental health services;

(iii) County boards of developmental disabilities;

(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;

(v) Private and government providers of services;

(vi) Managed care organizations and prepaid health plans.

(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.

(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.

Sec. 5153.161. (A) As used in this section, "qualified nonrelative" means a nonrelative adult whom a child or the current custodial caretaker of a child identifies as having a familiar and longstanding relationship or bond with the child or the child's family that will ensure the child's social and cultural ties.

(B) Care provided by the public children services agency under division (A)(4)(A)(5) of section 5153.16 of the Revised Code shall be provided by the agency, by its own means or through other available resources, in the child's own home, in the home of a
relative or qualified nonrelative, or in a certified foster home, any other home approved by the court, receiving home, school, hospital, convalescent home, or other public or private institution within or outside the county or state.

Sec. 5153.162. Pursuant to an agreement entered into under division (A)(9)(A)(10) of section 5153.16 of the Revised Code respecting the operation, acquisition, or maintenance of a children's home, training school, or other institution for the care of children maintained by a municipal corporation or other political subdivision, the public children services agency may acquire, operate, and maintain such an institution. The agency may enter into an agreement with a municipal corporation, a board of education, and the board of county commissioners, or with any one of them, to provide for the maintenance and operation of children's training schools. The agreement may provide for the contribution of funds by the municipal corporation, board of education, or board of county commissioners, in such proportions and amounts as the agreement states. The agreement also may provide for the operation and supervision of the training school by any one of them, or by the joint action of two or more of them, provided that municipal corporations, boards of education, and boards of county commissioners may expend moneys from their general funds for maintaining and operating the joint children's training school.

Sec. 5153.163. (A) As used in this section:

(1) "Adoptive parent" means, as the context requires, a prospective adoptive parent or an adoptive parent.

(2) "Relative" has the same meaning as in section 5101.141 of the Revised Code.

(B)(1) Before a child's adoption is finalized, a public
children services agency may enter into an agreement with the child's adoptive parent under which the agency, to the extent state funds are available, may make state adoption maintenance subsidy payments as needed on behalf of the child when all of the following apply:

(a) The child is a child with special needs.

(b) The child was placed in the adoptive home by a public children services agency or a private child placing agency and may legally be adopted.

(c) The adoptive parent has the capability of providing the permanent family relationships needed by the child.

(d) The needs of the child are beyond the economic resources of the adoptive parent.

(e) Acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without payments on the child's behalf under this section.

(f) The gross income of the adoptive parent's family does not exceed one hundred twenty per cent of the median income of a family of the same size, including the child, as most recently determined for this state by the secretary of health and human services under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C.A. 1397, as amended.


(2) State adoption maintenance subsidy payment agreements must be made by either the public children services agency that has permanent custody of the child or the public children services agency of the county in which the private child placing agency that has permanent custody of the child is located.
(3) State adoption maintenance subsidy payments shall be made in accordance with the agreement between the public children services agency and the adoptive parent and are subject to an annual redetermination of need.

(4) Payments under this division may begin either before or after issuance of the final adoption decree, except that payments made before issuance of the final adoption decree may be made only while the child is living in the adoptive parent's home. Preadoption payments may be made for not more than twelve months, unless the final adoption decree is not issued within that time because of a delay in court proceedings. Payments that begin before issuance of the final adoption decree may continue after its issuance.

(C)(1) A public children services agency The department of job and family services may enter into an agreement with a child's relative under which the agency department, to the extent state funds are available, may provide state kinship guardianship assistance as needed on behalf of the child when all of the following apply:

(a) The relative has cared for the eligible child as a foster caregiver as defined by section 5103.02 of the Revised Code for at least six consecutive months.

(b) Both of the following apply:

(i) A juvenile court issued an order granting legal custody of the child to the relative, or a probate court issued an order granting guardianship of the child to the relative, and the order is not a temporary court order.

(ii) The relative has committed to care for the child on a permanent basis.

(c) The relative signed a state kinship guardianship assistance agreement prior to assuming legal guardianship or legal
custody of the child. 84226

(d) The public children services agency that had custody of the child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child has determined all of the following: 84227

(i) The child had been removed from home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. 84228

(e)(ii) Returning the child home or adoption are not appropriate permanency options for the child. 84229

(f)(iii) The child demonstrates a strong attachment to the relative and the relative has a strong commitment to caring permanently for the child. 84230

(g)(iv) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the state kinship guardianship assistance arrangement. 84231

(h)(v) The child is not eligible for kinship guardianship assistance payments under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended. 84232

(2) The In addition to the determinations that are required under divisions (C)(1)(d)(i) to (v) of this section, the public children services agency that had custody of a child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child described in division (C)(1) of this section is authorized to enter into a determine the eligibility of the relative and the child for state kinship guardianship assistance agreement with that relative in accordance with divisions (C)(1)(a) to (c) of this section and any relevant determination provided for in rules adopted under division (E) of this section.
(3) State kinship guardianship assistance for a child shall be provided in accordance with a state kinship guardianship assistance agreement entered into between the public children services agency and relative of the child described in division (C)(1) of this section and is subject to a redetermination of need at a frequency established by rules adopted under division (E) of this section.

(4) Not later than fifteen months after the effective date of this section September 30, 2021, if the amended state plan submitted under Title IV-E to implement 42 U.S.C. 673(d) as described in section 5101.1416 of the Revised Code is approved, division (C) of this section shall be implemented.

(D) No payment shall be made under division (B) or (C) of this section on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a person with a mental or physical disability twenty-one years of age or older.

(E)(1) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement this section. The rules shall establish all of the following:

(a) The application process for all forms of assistance provided under this section;

(b) The method to determine the amount of assistance payable under division (B) of this section;

(c) The definition of "child with special needs" for the purposes of division (B) of this section;

(d) The process and frequency whereby a child's continuing need for services provided under division (B) or (C) of this section is annually redetermined;
(e) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section.

(2) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (E) of this section is not subject to sections 121.95 to 121.953 of the Revised Code.

(F) The state adoption special services subsidy program ceases to exist on July 1, 2004, except that, subject to the findings of the annual redetermination process established under division (E) of this section and the child's individual need for services, a public children services agency may continue to provide state adoption special services subsidy payments on behalf of a child for whom payments were being made prior to July 1, 2004.

(G) Benefits and services provided under this section are inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other like processes.

Sec. 5153.17. The (A) Each public children services agency shall prepare and keep written records of investigations all of the following:

(1) Investigations of families, children, and foster homes;

(2) The care, training, and treatment afforded to children and shall prepare and keep such;

(3) Such other records as are required by the department of job and family services. Such records

(B) Records under division (A) of this section shall be confidential, but, except as provided by division (B) of section
3107.17 of the Revised Code, shall be open to inspection by the following:

(1) The agency, the director of job and family services, and the director of the county department of job and family services, and by other persons upon the written permission of the executive director;

(2) Upon request to an agency and subject to division (C) of this section, an adult who was formerly placed in foster care.

(C)(1) With regard to an adult under division (B)(2) of this section, records subject to inspection include those pertaining to the adult's time placed in foster care. Records may include medical, mental health, school, and legal records and a comprehensive summary of reasons why the adult was placed in foster care.

(2) The executive director or the director's designee may redact information that is specific to other individuals if that information does not directly pertain to the requesting adult's records that are subject to inspection under division (C)(1) of this section or the comprehensive summary of reasons why the adult was placed in foster care.

Sec. 5160.35. As used in sections 5160.35 to 5160.43 of the Revised Code:

(A) "Information" means all of the following:

(1) An individual's name, address, date of birth, and social security number;

(2) The group or plan number, or other identifier, assigned by a third party to a policy held by an individual or a plan in which the individual participates and the nature of the coverage;

(3) Any other data the medicaid director specifies in rules authorized by section 5160.43 of the Revised Code.
(B) "Medical support" means support specified as support for the purpose of medical care by order of a court or administrative agency.

(C)(1) Subject to division (C)(2) of this section, and except as provided in division (C)(3) of this section, "third party" means all of the following:

(a) A person authorized to engage in the business of sickness and accident insurance under Title XXXIX of the Revised Code;

(b) A person or governmental entity providing coverage for medical services or items to individuals on a self-insurance basis;

(c) A health insuring corporation as defined in section 1751.01 of the Revised Code;

(d) A group health plan as defined in 29 U.S.C. 1167;

(e) A service benefit plan as referenced in 42 U.S.C. 1396a(a)(25);

(f) A managed care organization;

(g) A pharmacy benefit manager;

(h) A third party administrator;

(i) Any other person or governmental entity that is, by law, contract, or agreement, responsible for the payment or processing of a claim for a medical item or service for a medical assistance recipient.

(2) Except when otherwise provided by the "Social Security Act," section 1862(b), 42 U.S.C. 1395y(b), a person or governmental entity listed in division (C)(1) of this section is a third party even if the person or governmental entity limits or excludes payments for a medical item or service in the case of a public assistance recipient.
(3) "Third party" does not include the program for medically handicapped children and youth with special health care needs established under section 3701.023 of the Revised Code.

Sec. 5162.01. (A) As used in the Revised Code:

(1) "Medicaid" and "medicaid program" mean the program of medical assistance established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., including any medical assistance provided under the medicaid state plan or a federal medicaid waiver granted by the United States secretary of health and human services.

(2) "Medicare" and "medicare program" mean the federal health insurance program established by Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(B) As used in this chapter:

(1) "Exchange" has the same meaning as in 45 C.F.R. 155.20.

(2) "Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.

(3) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.

(4) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).

(5) "Healthcheck" has the same meaning as in section 5164.01 of the Revised Code.

(6) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is
identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component.

(7) "Home and community-based services" means services provided under a home and community-based services medicaid waiver component.

(8) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.

(9) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.

(10) "Individualized education program" has the same meaning as in section 3323.011 of the Revised Code.

(11) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.

(12) "Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code.

(13) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

(14) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.

(15) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code;

(16) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

(17) "Ordering or referring only provider" means a medicaid provider who orders, prescribes, refers, or certifies a service or item reported on a claim for medicaid payment but does not bill for medicaid services.

(18) "Political subdivision" means a municipal corporation,
township, county, school district, or other body corporate and
politic responsible for governmental activities only in a
geographical area smaller than that of the state.

(19) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.

(20) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

(21) "Qualified medicaid school provider" means the board of
education of a city, local, or exempted village school district,
the governing board of an educational service center, the
governing authority of a community school established under
Chapter 3314. of the Revised Code, the state school for the deaf,
and the state school for the blind Ohio deaf and blind education
services to which both of the following apply:

(a) It holds a valid provider agreement.

(b) It meets all other conditions for participation in the
medicaid school component of the medicaid program established in
rules authorized by section 5162.364 of the Revised Code.

(22) "State agency" means every organized body, office, or
agency, other than the department of medicaid, established by the
laws of the state for the exercise of any function of state
government.

(23) "Vendor offset" means a reduction of a medicaid payment
to a medicaid provider to correct a previous, incorrect medicaid
payment to that provider.

Sec. 5162.137. Annually, the department of medicaid shall
conduct a cost savings study of the medicaid program and prepare a
report based on that study recommending measures to reduce costs
under that program. The department shall submit its report to the
governor.
Sec. 5162.364. The medicaid director shall adopt rules under section 5162.02 of the Revised Code as necessary to implement the medicaid school component of the medicaid program, including rules that establish or specify all of the following:

(A) Conditions a board of education of a city, local, or exempted school district, a governing board of an educational service center, governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind Ohio deaf and blind education services must meet to participate in the component;

(B) Services the component covers;

(C) Payment rates for the services the component covers.

The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5162.70. (A) As used in this section:

(1) "CPI" means the consumer price index for all urban consumers as published by the United States bureau of labor statistics.

(2) "CPI medical inflation rate" means the inflation rate for medical care, or the successor term for medical care, for the midwest region as specified in the CPI.

(3) "JMOC projected medical inflation rate" means the following:

(a) The projected medical inflation rate for a fiscal biennium determined by the actuary with which the joint medicaid oversight committee contracts under section 103.414 of the Revised Code if the committee agrees with the actuary's projected medical inflation rate for that fiscal biennium;
(b) The different projected medical inflation rate for a fiscal biennium determined by the joint medicaid oversight committee under section 103.414 of the Revised Code if the committee disagrees with the projected medical inflation rate determined for that fiscal biennium by the actuary with which the committee contracts under that section.

(4) "Successor term" means a term that the United States bureau of labor statistics uses in place of another term in revisions to the CPI.

(B) The medicaid director shall implement reforms to the medicaid program that do all of the following:

(1) Limit the growth in the per member cost of the medicaid program, as determined on an aggregate basis for all eligibility groups, for a fiscal biennium to not more than the lesser of the following:

(a) The average annual increase in the CPI medical inflation rate for the most recent three-year period for which the necessary data is available as of the first day of the fiscal biennium, weighted by the most recent year of the three years;

(b) The JMOC projected medical inflation rate for the fiscal biennium.

(2) Achieve the limit in the growth of the per member cost of the medicaid program under division (B)(1) of this section by doing all of the following:

(a) Improving the physical and mental health of medicaid recipients;

(b) Providing for medicaid recipients to receive medicaid services in the most cost-effective and sustainable manner;

(c) Removing barriers that impede medicaid recipients' ability to transfer to lower cost, and more appropriate, medicaid
services, including home and community-based services;

(d) Establishing medicaid payment rates that encourage value
over volume and result in medicaid services being provided in the
most efficient and effective manner possible;

(e) Implementing fraud and abuse prevention and cost
avoidance mechanisms to the fullest extent possible.

(3) Reduce the prevalence of comorbid health conditions
among, and the mortality rates of, medicaid recipients;

(4) Reduce infant mortality rates among medicaid recipients.

(C) The medicaid director shall implement the reforms under
this section in accordance with evidence-based strategies that
include measurable goals.

(D) By October first of every even-numbered calendar year,
the medicaid director shall submit to the joint medicaid oversight
committee a report detailing the reforms implemented under this
section for the preceding two fiscal years.

(E) The reforms implemented under this section shall, without
making the medicaid program's eligibility requirements more
restrictive, reduce the relative number of individuals enrolled in
the medicaid program who have the greatest potential to obtain the
income and resources that would enable them to cease enrollment in
medicaid and instead obtain health care coverage through
employer-sponsored health insurance or an exchange.

Sec. 5163.06. The medicaid program shall cover all of the
following optional eligibility groups:

(A) The group consisting of children placed with adoptive
parents who are specified in the "Social Security Act," section

(B) Subject to section 5163.061 of the Revised Code, the
group consisting of women during pregnancy and the maximum postpartum period permitted under 42 U.S.C. 1396a(e) beginning on the last day of the pregnancy, infants, and children who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX);

(C) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV);

(D) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with medically improved disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI);


(F) The group consisting of women in need of treatment for breast or cervical cancer who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII);

(G) Subject to section 5163.062 of the Revised Code, the group consisting of individuals who are under sixty-five years of age and whose income exceeds one hundred thirty-three per cent of the federal poverty line who are described in section 1902(a)(10)(A)(ii)(XX) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(XX);
Sec. 5163.062. (A) The medicaid program shall cover all of the following optional populations within the group specified by division (G) of section 5163.06 of the Revised Code:

(1) Pregnant women;

(2) Children under the age of nineteen;

(3) A reasonable classification of children under the age of nineteen who were adopted through private agencies.

(B)(1) The income eligibility threshold is three hundred percent of the federal poverty line for the populations described in divisions (A)(1) and (2) of this section.

(2) There is no income eligibility threshold for the population described in division (A)(3) of this section.

Sec. 5163.102. (A) As used in this section, "qualified entity" has the same meaning as in section 1920A(b)(3) of the "Social Security Act," 42 U.S.C. 1396r-1a(b)(3).

(B) The medicaid director shall implement the presumptive eligibility option for individuals who are under sixty-five years of age and whose income exceeds one hundred thirty-three percent of the federal poverty line option, available under 42 C.F.R. 435.1101 through 435.1103.

(C) An entity may serve as a qualified entity for the purposes of this section if the entity:

(1) Is eligible under section 1920A(b)(3) of the "Social Security Act," 42 U.S.C. 1396r-1a(b)(3);
(2) Requests to serve as a qualified entity;

(3) Is determined capable of making presumptive eligibility determinations by the department of medicaid.

Sec. 5164.071. (A) As used in this section, "doula" has the same meaning as in section 4723.89 of the Revised Code.

(B) During the period beginning one year after the effective date of this section and ending five years after the effective date of this section, the medicaid program shall operate a program to cover doula services that are provided by a doula if the doula has a valid provider agreement and is certified under section 4723.89 of the Revised Code. Medicaid payments for doula services shall be determined on the basis of each pregnancy, regardless of whether multiple births occur as a result of that pregnancy.

(C) Outcome measurements and incentives for the program shall be consistent with this state's medicare-medicaid plan quality withhold methodology and benchmarks. The medicaid director shall complete an annual report regarding the program outcomes, including related to maternal health and morbidity and an estimated fiscal impact. The final annual report shall include recommendations related to whether the program should be continued. The director shall provide a copy of the annual report to the joint medicaid oversight committee.

(D) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 5164.072. (A) As used in this section, "licensed health professional" has the same meaning as in section 3902.63 of the
Revised Code.

(B) The medicaid program shall cover pasteurized human donor milk and human milk fortifiers, in both hospital and home settings, for an infant whose gestationally corrected age is less than twelve months when all of the following apply:

(1) A licensed health professional signs an order stating that human donor milk or human milk fortifiers are medically necessary because the infant meets any of the following criteria:

(a) The infant has a birth weight less than eighteen hundred grams or body weight below healthy levels.

(b) The infant has a gestational age at birth of thirty-four weeks or less.

(c) The infant has any congenital or acquired condition for which the health professional determines that the use of pasteurized human donor milk or human milk fortifiers will support the treatment of the condition and recovery of the infant.

(2) The infant is medically or physically unable to receive maternal breast milk or participate in breast-feeding, or the infant's mother is medically or physically unable to produce breast milk in sufficient quantities or of adequate caloric density, despite lactation support.

(C) Medicaid payment for pasteurized human donor milk and human milk fortifiers shall be separate from the hospital payment for inpatient services.

(D) The medicaid director may adopt rules in accordance with Chapter 119. Of the Revised Code to implement this section.

Sec. 5164.34. (A) As used in this section:

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.
(2) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(3) "Owner" means a person who has an ownership interest in a medicaid provider in an amount designated in rules authorized by this section.

(4) "Person subject to the criminal records check requirement" means the following:

(a) A medicaid provider who is notified under division (E)(1) of this section that the provider is subject to a criminal records check;

(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a medicaid provider if, pursuant to division (E)(1)(a) of this section, the owner or prospective owner, officer or prospective officer, or board member or prospective board member is specified in information given to the provider under division (E)(1) of this section;

(c) An employee or prospective employee of a medicaid provider if both of the following apply:

(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider under division (E)(1) of this section.

(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee.

(5) "Responsible entity" means the following:

(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid or the department's designee;

(b) With respect to a criminal records check required under
this section for an owner or prospective owner, officer or
prospective officer, board member or prospective board member, or
employee or prospective employee of a medicaid provider, the
provider.

(B) This section does not apply to any of the following:

(1) An individual who is subject to a criminal records check
under section 3712.09, 3721.121, 5123.081, or 5123.169 of the
Revised Code;

(2) An individual who is subject to a database review or
criminal records check under section 173.38, 173.381, 3740.11, or
5164.342 of the Revised Code;

(3) An individual who is an applicant or independent
provider, both as defined in section 5164.341 of the Revised Code.

(C) The department of medicaid may do any of the following:

(1) Require that any medicaid provider submit to a criminal
records check as a condition of obtaining or maintaining a
provider agreement;

(2) Require that any medicaid provider require an owner or
prospective owner, officer or prospective officer, or board member
or prospective board member of the provider submit to a criminal
records check as a condition of being an owner, officer, or board
member of the provider;

(3) Require that any medicaid provider do the following:

(a) If so required by rules authorized by this section,
determine pursuant to a database review conducted under division
(F)(1)(a) of this section whether any employee or prospective
employee of the provider is included in a database;

(b) Unless the provider is prohibited by division (D)(3)(b)
of this section from employing the employee or prospective
employee, require the employee or prospective employee to submit
to a criminal records check as a condition of being an employee of the provider.

(D)(1) The department or the department's designee shall deny or terminate a medicaid provider's provider agreement if the provider is a person subject to the criminal records check requirement and either of the following applies:

(a) The provider fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section.

(b) Except as provided in rules authorized by this section, the provider is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea.

(2) No medicaid provider shall permit a person to be an owner, officer, or board member of the provider if the person is a person subject to the criminal records check requirement and either of the following applies:

(a) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section.

(b) Except as provided in rules authorized by this section, the person is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea.

(3) Except as provided in division (I) of this section, no medicaid provider shall employ a person if any of the following apply:

(a) The person has been excluded from being a medicaid
provider, a medicare provider, or provider for any other federal health care program.

(b) If the person is subject to a database review conducted under division (F)(1)(a) of this section, the person is found by the database review to be included in a database and the rules authorized by this section regarding the database review prohibit the provider from employing a person included in the database.

(c) If the person is a person subject to the criminal records check requirement, either of the following applies:

(i) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section.

(ii) Except as provided in rules authorized by this section, the person is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea.

(E)(1) The department or the department's designee shall inform each medicaid provider whether the provider is subject to a criminal records check. For providers with valid provider agreements, the information shall be given at times designated in rules authorized by this section. For providers applying to be medicaid providers, the information shall be given at the time of initial application. When the information is given, the department or the department's designee shall specify the following:

(a) Which of the provider's owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to a criminal records check;

(b) Which of the provider's employees or prospective employees are subject to division (C)(3) of this section.
(2) At times designated in rules authorized by this section, a medicaid provider that is a person subject to the criminal records check requirement shall do the following:

(a) Inform each person specified under division (E)(1)(a) of this section that the person is required to submit to a criminal records check as a condition of being an owner, officer, or board member of the provider;

(b) Inform each person specified under division (E)(1)(b) of this section that the person is subject to division (C)(3) of this section.

(F)(1) If a medicaid provider is a person subject to the criminal records check requirement, the department or the department's designee shall require the conduct of a criminal records check by the superintendent of the bureau of criminal identification and investigation. A medicaid provider shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified under division (E)(1)(a) of this section. With respect to each employee and prospective employee specified under division (E)(1)(b) of this section, a medicaid provider shall do the following:

(a) If rules authorized by this section require the provider to conduct a database review to determine whether the employee or prospective employee is included in a database, conduct the database review in accordance with the rules;

(b) Unless the provider is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the conduct of a criminal records check of the employee or prospective employee by the superintendent.

(2) If a person subject to the criminal records check requirement does not present proof of having been a resident of this state for the five-year period immediately prior to the date
the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the person from the federal bureau of investigation in a criminal records check, the responsible entity shall require the person to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the person. Even if the person presents proof of having been a resident of this state for the five-year period, the responsible entity may require that the person request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the person.

(G) Criminal records checks required by this section shall be obtained as follows:

(1) The responsible entity shall provide each person subject to the criminal records check requirement information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section.

(2) The person subject to the criminal records check requirement shall submit the required form and one complete set of the person's fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The person shall pay all fees associated with obtaining the criminal records check.

(3) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check requirement shall instruct the superintendent to submit the report of the criminal records check directly to the responsible entity. If the
department or the department's designee is not the responsible entity, the department or designee may require the responsible entity to submit the report to the department or designee.

(H)(1) A medicaid provider may employ conditionally a person for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The provider is not prohibited by division (D)(3)(b) of this section from employing the person.

(b) The person submits a request for the criminal records check not later than five business days after the person begins conditional employment.

(2) Except as provided in division (I) of this section, a medicaid provider that employs a person conditionally under division (H)(1) of this section shall terminate the person's employment if either of the following apply:

(a) The results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made.

(b) Regardless of when the results of the criminal records check are obtained, the results indicate that the person has been convicted of or has pleaded guilty to a disqualifying offense, unless circumstances specified in rules authorized by this section exist that permit the provider to employ the person and the provider chooses to employ the person.

(I) As used in this division, "behavioral health services" means alcohol and drug addiction services, mental health services, or both.

A medicaid provider of behavioral health services may choose to employ a person who the provider would be prohibited by
division (D)(3) of this section from employing or would be
required by division (H)(2) of this section to terminate the
person's employment if both of the following apply:

(1) The person holds a valid health professional license
issued under the Revised Code granting the person authority to
provide behavioral health services, holds a valid peer recovery
supporter certificate issued pursuant to rules adopted by the
department of mental health and addiction services, or is in the
process of obtaining such a license or certificate.

(2) The provider does not submit any medicaid claims for any
services the person provides.

(J) The report of a criminal records check conducted pursuant
to this section is not a public record for the purposes of section
149.43 of the Revised Code and shall not be made available to any
person other than the following:

(1) The person who is the subject of the criminal records
check or the person's representative;

(2) The medicaid director and the staff of the department who
are involved in the administration of the medicaid program;

(3) The department's designee;

(4) The medicaid provider who required the person who is the
subject of the criminal records check to submit to the criminal
records check;

(5) An individual receiving or deciding whether to receive,
from the subject of the criminal records check, home and
community-based services available under the medicaid state plan;

(6) A court, hearing officer, or other necessary individual
involved in a case or administrative hearing dealing with any of
the following:

(a) The denial, suspension, or termination of a provider
agreement;

(b) A person's denial of employment, termination of
employment, or employment or unemployment benefits;

(c) A civil or criminal action regarding the medicaid
program.

With respect to an administrative hearing dealing with the
denial, suspension, or termination of a provider agreement, the
report of a criminal records check may be introduced as evidence
at the hearing and if admitted, becomes part of the hearing
record. Any such report shall be admitted only under seal and
shall maintain its status as not a public record.

(K) The medicaid director may adopt rules under section
5164.02 of the Revised Code to implement this section. If the
director adopts such rules, the rules shall designate the times at
which a criminal records check must be conducted under this
section. The rules may do any of the following:

(1) Designate the categories of persons who are subject to a
criminal records check under this section;

(2) Specify circumstances under which the department or the
department's designee may continue a provider agreement or issue a
provider agreement when the medicaid provider is found by a
criminal records check to have been convicted of or pleaded guilty
to a disqualifying offense;

(3) Specify circumstances under which a medicaid provider may
permit a person to be an employee, owner, officer, or board member
of the provider when the person is found by a criminal records
check conducted pursuant to this section to have been convicted of
or have pleaded guilty to a disqualifying offense;

(4) Specify all of the following:

(a) The circumstances under which a database review must be
conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a medicaid provider is included in a database;

(b) The procedures for conducting the database review;

(c) The databases that are to be checked;

(d) The circumstances under which, except as provided in division (I) of this section, a medicaid provider is prohibited from employing a person who is found by the database review to be included in a database.

Sec. 5164.341. (A) As used in this section:

"Anniversary date" means the later of the effective date of the provider agreement relating to the independent provider or sixty days after September 26, 2003.

"Applicant" means a person who has applied for a provider agreement to provide home and community-based services as an independent provider under a home and community-based medicaid waiver component administered by the department of medicaid.

"Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

"Independent provider" means a person who has a provider agreement to provide home and community-based services as an independent provider in a home and community-based medicaid waiver component administered by the department of medicaid. "Independent provider" does not include a person who is employed by an individual enrolled in a participant-directed waiver administered by the department of medicaid.
(B) The department of medicaid or the department's designee shall deny an applicant's application for a provider agreement and shall terminate an independent provider's provider agreement if either of the following applies:

(1) After the applicant or independent provider is given the information and notification required by divisions (D)(2)(a) and (b) of this section, the applicant or independent provider fails to do either of the following:

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the department or the department's designee.

(2) Except as provided in rules authorized by this section, the applicant or independent provider is found by either of the following to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea:

(a) A criminal records check required by this section;

(b) In the case of an independent provider, a notice provided by the bureau of criminal identification and investigation under division (D) of section 109.5721 of the Revised Code.

(C)(1) The department or the department's designee shall inform each applicant, at the time of initial application for a provider agreement, that the applicant is required to provide a set of the applicant's fingerprint impressions and that a criminal records check is required to be conducted as a condition of the department's approving the application.
(2) Unless the department elects to receive notices about independent providers from the bureau of criminal identification and investigation pursuant to division (D) of section 109.5721 of the Revised Code, the department or the department's designee shall inform each independent provider on or before the time of the anniversary date of the provider agreement that the independent provider is required to provide a set of the independent provider's fingerprint impressions and that a criminal records check is required to be conducted.

(D)(1) The department or the department's designee shall require an applicant to complete a criminal records check prior to entering into a provider agreement with the applicant. The department or the department's designee shall require an independent provider to complete a criminal records check at least annually unless the department elects to receive notices about independent providers from the bureau of criminal identification and investigation pursuant to division (D) of section 109.5721 of the Revised Code. If an applicant or independent provider for whom a criminal records check is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent of the bureau of criminal identification and investigation has requested information about the applicant or independent provider from the federal bureau of investigation in a criminal records check, the department or the department's designee shall request that the applicant or independent provider obtain through the superintendent a criminal records request from the federal bureau of investigation as part of the criminal records check of the applicant or independent provider. Even if an applicant or independent provider for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the
five-year period, the department or the department's designee may request that the applicant or independent provider obtain information through the superintendent from the federal bureau of investigation in the criminal records check.

(2) The department or the department's designee shall provide the following to each applicant and independent provider for whom a criminal records check is required by this section:

(a) Information about accessing, completing, and forwarding to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Written notification that the applicant or independent provider is to instruct the superintendent to submit the completed report of the criminal records check directly to the department or the department's designee.

(3) Each applicant and independent provider for whom a criminal records check is required by this section shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the applicant or independent provider.

(E) Neither the report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section nor a notice provided by the bureau under division (D) of section 109.5721 of the Revised Code is a public record for the purposes of section 149.43 of the Revised Code. Such a report or notice shall not be made available to any person other than the following:
(1) The person who is the subject of the criminal records check or the person's representative;

(2) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;

(3) The department's designee;

(4) An individual receiving or deciding whether to receive home and community-based services from the person who is the subject of the criminal records check or notice from the bureau;

(5) A court, hearing officer, or other necessary individual involved in a case or administrative hearing dealing with either of the following:

   (a) A denial, suspension, or termination of a provider agreement, including when related to the criminal records check or notice from the bureau;

   (b) A civil or criminal action regarding the medicaid program.

   With respect to an administrative hearing dealing with the denial, suspension, or termination of a provider agreement, the report of a criminal records check may be introduced as evidence at the hearing and if admitted, becomes part of the hearing record. Any such report shall be admitted only under seal and shall maintain its status as not a public record.

(F) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. The rules shall specify circumstances under which the department or the department's designee may either approve an applicant's application or allow an independent provider to maintain an existing provider agreement even though the applicant or independent provider is found by either of the following to have been convicted of or have pleaded guilty to a disqualifying
offense:

(1) A criminal records check required by this section;

(2) In the case of an independent provider, a notice provided by the bureau of criminal identification and investigation under division (D) of section 109.5721 of the Revised Code.

Sec. 5164.342. (A) As used in this section:

"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code.

"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.

"Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of medicaid, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in section 5164.341 of the Revised Code.
(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3740.11 of the Revised Code. If a waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor, the waiver agency may provide for any of its applicants and employees who are not subject to database reviews and criminal records checks under section 173.38 of the Revised Code to undergo database reviews and criminal records checks in accordance with that section rather than this section.

(C) No waiver agency shall employ an applicant or continue to employ an employee in a position that involves providing home and community-based services if any of the following apply:

(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules authorized by this section and the rules prohibit the waiver agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing home and community-based services.

(2) After the applicant or employee is given the information...
and notification required by divisions (F)(2)(a) and (b) of this section, the applicant or employee fails to do either of the following:

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the chief administrator of the waiver agency.

(3) Except as provided in rules authorized by this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or date of entry of the guilty plea.

(D) At the time of each applicant's initial application for employment in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall inform the applicant of both of the following:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the waiver agency is prohibited by division (C)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a position that involves providing home and community-based services, the
chief administrator of a waiver agency shall conduct a database review of the applicant in accordance with rules authorized by this section. If rules authorized by this section so require, the chief administrator of a waiver agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. A database review shall determine whether the applicant or employee is included in any of the following:

1. The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

2. The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

3. The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

4. The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

5. The internet-based database of inmates established under section 5120.66 of the Revised Code;

6. The state nurse aide registry established under section 3721.32 of the Revised Code;

7. Any other database, if any, specified in rules authorized by this section.

(F)(1) As a condition of employing any applicant in a position that involves providing home and community-based
services, the chief administrator of a waiver agency shall require the applicant to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules authorized by this section so require, the chief administrator of a waiver agency shall require an employee to request that the superintendent conduct a criminal records check of the employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. However, a criminal records check is not required for an applicant or employee if the waiver agency is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing home and community-based services. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall require the applicant or employee to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may require the applicant or employee to request that the superintendent include information from the federal bureau of investigation in the criminal records check. 

(2) The chief administrator shall provide the following to each applicant and employee for whom a criminal records check is required by this section:
(a) Information about accessing, completing, and forwarding to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Written notification that the applicant or employee is to instruct the superintendent to submit the completed report of the criminal records check directly to the chief administrator.

(3) A waiver agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for any criminal records check required by this section. However, a waiver agency may require an applicant to pay to the bureau the fee for a criminal records check of the applicant. If the waiver agency pays the fee for an applicant, it may charge the applicant a fee not exceeding the amount the waiver agency pays to the bureau under this section if the waiver agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(G)(1) A waiver agency may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The waiver agency is not prohibited by division (C)(1) of this section from employing the applicant in a position that involves providing home and community-based services.

(b) The chief administrator of the waiver agency requires the applicant to request a criminal records check regarding the applicant in accordance with division (F)(1) of this section not later than five business days after the applicant begins
conditional employment.

(2) A waiver agency that employs an applicant conditionally under division (G)(1) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of or has pleaded guilty to a disqualifying offense, the waiver agency shall terminate the applicant's employment unless circumstances specified in rules authorized by this section exist that permit the waiver agency to employ the applicant and the waiver agency chooses to employ the applicant.

(H) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The applicant or employee who is the subject of the criminal records check or the representative of the applicant or employee;

(2) The chief administrator of the waiver agency that requires the applicant or employee to request the criminal records check or the administrator's representative;

(3) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;

(4) The director of aging or the director's designee if the waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor;
(5) An individual receiving or deciding whether to receive home and community-based services from the subject of the criminal records check; 

(6) A court, hearing officer, or other necessary individual involved in a case or administrative hearing dealing with any of the following: 

(a) A denial of employment of the applicant or employee; 
(b) Employment or unemployment benefits of the applicant or employee; 
(c) A civil or criminal action regarding the medicaid program; 
(d) A denial, suspension, or termination of a provider agreement. 

With respect to an administrative hearing dealing with a denial, suspension, or termination of a provider agreement, the report of a criminal records check may be introduced as evidence at the hearing and if admitted, becomes part of the hearing record. Any such report shall be admitted only under seal and shall maintain its status as not a public record. 

(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. 

(1) The rules may do the following: 

(a) Require employees to undergo database reviews and criminal records checks under this section; 
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.
(2) The rules shall specify all of the following:

(a) The procedures for conducting a database review under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be included in one or more of those databases;

(d) The circumstances under which a waiver agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of or have pleaded guilty to a disqualifying offense.

(J) The amendments made by H.B. 487 of the 129th general assembly to this section do not preclude the department of medicaid from taking action against a person for failure to comply with former division (H) of this section as that division existed on the day preceding January 1, 2013.

Sec. 5164.35. (A) As used in this section, "owner" means any person having at least five per cent ownership in a medicaid provider.

(B)(1) No medicaid provider shall do any of the following:

(a) By deception, obtain or attempt to obtain payments under the medicaid program to which the provider is not entitled pursuant to the provider's provider agreement, or the rules of the federal government or the medicaid director relating to the program;
(b) Willfully receive payments to which the provider is not 85374
entitled;

(c) Willfully receive payments in a greater amount than that 85376
to which the provider is entitled;

(d) Falsify any report or document required by state or 85378
federal law, rule, or provider agreement relating to medicaid 85379
payments.

(2) A medicaid provider engages in "deception" for the 85381
purpose of this section when the provider, acting with actual 85382
knowledge of the representation or information involved, acting in 85383
deliberate ignorance of the truth or falsity of the representation 85384
or information involved, or acting in reckless disregard of the 85385
truth or falsity of the representation or information involved, 85386
deceives another or causes another to be deceived by any false or 85387
misleading representation, by withholding information, by 85388
preventing another from acquiring information, or by any other 85389
conduct, act, or omission that creates, confirms, or perpetuates a 85390
false impression in another, including a false impression as to 85391
law, value, state of mind, or other objective or subjective fact. 85392
No proof of specific intent to defraud is required to show, for 85393
purposes of this section, that a medicaid provider has engaged in 85394
deception.

(C) Any medicaid provider who violates division (B) of this 85396
section shall be liable, in addition to any other penalties 85397
provided by law, for all of the following civil penalties:

(1) Payment of interest on the amount of the excess payments 85399
at the maximum interest rate allowable for real estate mortgages 85400
under section 1343.01 of the Revised Code on the date the payment 85401
was made to the provider for the a period from determined by the 85402
department, not to exceed the period from the date upon which 85403
payment was made, to the date upon which repayment is made to the 85404
state;

(2) Payment of an amount equal to three times the amount of any excess payments;

(3) Payment of a sum of not less than five thousand dollars and not more than ten thousand dollars for each deceptive claim or falsification;

(4) All reasonable expenses which the court determines have been necessarily incurred by the state in the enforcement of this section.

(D) In addition to the civil penalties provided in division (C) of this section, the medicaid director, upon the conviction of, or the entry of a judgment in either a criminal or civil action against, a medicaid provider or its owner, officer, authorized agent, associate, manager, or employee in an action brought pursuant to section 109.85 of the Revised Code, shall terminate the provider's provider agreement and stop payment to the provider for medicaid services rendered from the date of conviction or entry of judgment. No such medicaid provider, owner, officer, authorized agent, associate, manager, or employee shall own or provide medicaid services to on behalf of any other medicaid provider or risk contractor or arrange for, render, or order medicaid services for medicaid recipients, nor shall such provider, owner, officer, authorized agent, associate, manager, or employee receive direct payments under the medicaid program or indirect payments of medicaid funds in the form of salary, shared fees, contracts, kickbacks, or rebates from or through any other medicaid provider or risk contractor. The provider agreement shall not be terminated, and payment shall not be terminated, if the medicaid provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the conviction or entry of a judgment in a criminal or civil
action brought pursuant to section 109.85 of the Revised Code. Nothing in this division prohibits any owner, officer, authorized agent, associate, manager, or employee of a medicaid provider from entering into a provider agreement if the person can demonstrate that the person had no knowledge of an action of the medicaid provider the person was formerly associated with that resulted in the conviction or entry of a judgment in a criminal or civil action brought pursuant to section 109.85 of the Revised Code.

Nursing facility and ICF/IID providers whose provider agreements are terminated pursuant to this section may continue to receive medicaid payments for up to thirty days after the effective date of the termination if the provider makes reasonable efforts to transfer medicaid recipients to another facility or to alternate care and if federal financial participation is provided for the payments.

(E) The attorney general on behalf of the state may commence proceedings to enforce this section in any court of competent jurisdiction; and the attorney general may settle or compromise any case brought under this section with the approval of the department of medicaid. Notwithstanding any other provision of law providing a shorter period of limitations, the attorney general may commence a proceeding to enforce this section at any time within six years after the conduct in violation of this section terminates.

(F) All moneys collected by the state pursuant to this section shall be deposited in the state treasury to the credit of the general revenue fund.

Sec. 5164.36. (A) As used in this section:

(1) "Credible allegation of fraud" has the same meaning as in 42 C.F.R. 455.2, except that for purposes of this section any reference in that regulation to the "state" or the "state medicaid
agency" means the department of medicaid.

(2) "Disqualifying indictment" means an indictment of a medicaid provider or its officer, authorized agent, associate, manager, employee, or, if the provider is a noninstitutional provider, its owner, if either of the following applies:

(a) The indictment charges the person with committing an act to which both of the following apply:

(i) The act would be a felony or misdemeanor under the laws of this state or the jurisdiction within which the act occurred.

(ii) The act relates to or results from furnishing or billing for medicaid services under the medicaid program or relates to or results from performing management or administrative services relating to furnishing medicaid services under the medicaid program.

(b) If the medicaid provider is an independent provider, the indictment charges the person with committing an act that would constitute a disqualifying offense.

(3) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(4) "Independent provider" has the same meaning as in section 5164.341 of the Revised Code.

(5) "Noninstitutional medicaid provider" means any person or entity with a provider agreement other than a hospital, nursing facility, or ICF/IID.

(6) "Owner" means any person having at least five per cent ownership in a noninstitutional medicaid provider.

(B)(1) Except as provided in division (C) of this section and in rules authorized by this section, the department of medicaid shall suspend the provider agreement held by a medicaid provider.
on determining either of the following:

(a) There is a credible allegation of fraud against any of the following for which an investigation is pending under the medicaid program:

(i) The medicaid provider;

(ii) The medicaid provider's owner, officer, authorized agent, associate, manager, or employee.

(b) A disqualifying indictment has been issued against any of the following:

(i) The medicaid provider;

(ii) The medicaid provider's officer, authorized agent, associate, manager, or employee;

(iii) If the medicaid provider is a noninstitutional provider, its owner.

(2) Subject to division (C) of this section, the department shall also suspend all medicaid payments to a medicaid provider for services rendered, regardless of the date that the services are rendered, when the department suspends the provider's provider agreement under this section.

(3) The suspension of a provider agreement shall continue in effect until either the latest of the following occurs:

(a) If the suspension is the result of a credible allegation of fraud, the department or a prosecuting authority determines that there is insufficient evidence of fraud by the medicaid provider;

(b) Regardless of whether the suspension is the result of a credible allegation of fraud or a disqualifying indictment, the proceedings in any related criminal case are completed through dismissal of the indictment or through sentencing after conviction or entry of a guilty plea or through finding of not
guilty or, if the department commences a process to terminate the suspended provider agreement, the termination process is concluded;

(c) The medicaid provider pays in full all fines and debts due and owing to the department or makes arrangements satisfactory to the department to fulfill those obligations;

(d) A civil action related to a credible allegation of fraud or disqualifying indictment is not pending against the medicaid provider.

(4)(a) When a provider agreement is suspended under this section, none of the following shall take, during the period of the suspension, any of the actions specified in division (B)(4)(b) of this section:

(i) The medicaid provider;

(ii) If the suspension is the result of an action taken by an officer, authorized agent, associate, manager, or employee of the medicaid provider, that person;

(iii) If the medicaid provider is a noninstitutional provider and the suspension is the result of an action taken by the owner of the provider, the owner.

(b) The following are the actions that persons specified in division (B)(4)(a) of this section cannot take during the suspension of a provider agreement:

(i) Own services provided, or provide services, to any other medicaid provider or risk contractor;

(ii) Arrange for, render to, or order services to on behalf of any other medicaid provider or risk contractor;

(iii) Arrange for, render to, or order services for medicaid recipients or render services to medicaid recipients;

(iv) Receive direct payments under the medicaid program or
indirect payments of medicaid funds in the form of salary, shared fees, contracts, kickbacks, or rebates from or through any other medicaid provider or risk contractor.

(C) The department shall not suspend a provider agreement or medicaid payments under division (B) of this section if the either of the following is the case:

(1) The medicaid provider or, if the provider is a noninstitutional provider, the owner can demonstrate through the submission of written evidence that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the credible allegation of fraud or disqualifying indictment.

(2) The medicaid provider or, if the provider is a noninstitutional provider, the owner can demonstrate that good cause exists not to suspend the provider agreement or payments.

With respect to the evidence described in division (C)(1) of this section, the department shall grant, prior to suspension, the provider or owner an opportunity to submit the written evidence to the department.

With respect to a demonstration of good cause described in division (C)(2) of this section, the department shall specify in rules adopted under section 5164.02 of the Revised Code what constitutes good cause and the information, documents, or other evidence that must be submitted to the department as part of the demonstration.

(D) After suspending a provider agreement under division (B) of this section, the department shall send notice of the suspension to the affected medicaid provider or, if the provider is a noninstitutional provider, the owner in accordance with the following time frames:

(1) Not later than five days after the suspension, unless
law enforcement agency makes a written request to temporarily delay the notice;

(2) If a law enforcement agency makes a written request to temporarily delay the notice, not later than thirty days after the suspension occurs subject to the conditions specified in division (E) of this section.

(E) A written request for a temporary delay described in division (D)(2) of this section may be renewed in writing by a law enforcement agency not more than two times except that under no circumstances shall the notice be issued more than ninety days after the suspension occurs.

(F) The notice required by division (D) of this section shall do all of the following:

(1) State that payments are being suspended in accordance with this section and 42 C.F.R. 455.23;

(2) Set forth the general allegations related to the nature of the conduct leading to the suspension, except that it is not necessary to disclose any specific information concerning an ongoing investigation;

(3) State that the suspension continues to be in effect until either the latest of the circumstances specified in division (B)(3) of this section occur;

(4) Specify, if applicable, the type or types of medicaid claims or business units of the medicaid provider that are affected by the suspension;

(5) Inform the medicaid provider or owner of the opportunity to submit to the department, not later than thirty days after receiving the notice, a request for reconsideration of the suspension in accordance with division (G) of this section.

(G)(1) Pursuant to the procedure specified in division (G)(2)
of this section, a medicaid provider subject to a suspension under this section or, if the provider is a noninstitutional provider, the owner may request a reconsideration of the suspension. The request shall be made not later than thirty days after receipt of a notice required by division (D) of this section. The reconsideration is not subject to an adjudication hearing pursuant to Chapter 119. of the Revised Code.

(2) In requesting a reconsideration, the medicaid provider or owner shall submit written information and documents to the department. The information and documents may pertain to any either of the following issues:

(a) Whether the determination to suspend the provider agreement was based on a mistake of fact, other than the validity of an indictment in a related criminal case.

(b) If there has been an indictment in a related criminal case, whether the indictment is a disqualifying indictment.

(c) Whether the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the suspension under this section or an indictment in a related criminal case.

(H) The department shall review the information and documents submitted in a request made under division (G) of this section for reconsideration of a suspension. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. The review and notification of its results shall be completed not later than forty-five days after receiving the information and documents submitted in a request for reconsideration.

(I) Rules adopted under section 5164.02 of the Revised Code
may specify circumstances under which the department would not
suspend a provider agreement pursuant to this section.

Sec. 5164.60. Any medicaid provider who, without intent, obtains payments under the medicaid program in excess of the amount to which the provider is entitled is liable for payment of interest on the amount of the excess payments for the period determined by the department, but not to exceed the period from the date on which payment was made to the date on which repayment is made to the state. The interest shall be paid at the average bank prime rate in effect on the first day of the calendar quarter during which the provider receives notice of the excess payment. The department of medicaid shall determine the average bank prime rate using statistical release H.15, "selected interest rates," a weekly publication of the federal reserve board, or any successor publication. If statistical release H.15, or its successor, ceases to contain the bank prime rate information or ceases to be published, the department shall request a written statement of the average bank prime rate from the federal reserve bank of Cleveland or the federal reserve board.

Sec. 5164.72. The number of days of inpatient hospital care for which a medicaid payment is made on behalf of a medicaid recipient to a hospital that is not paid under a diagnostic-related-group prospective payment system shall not exceed thirty days during a period beginning on the day of the recipient's admission to the hospital and ending sixty days after the termination of that hospital stay, except that the department of medicaid may make exceptions to this limitation. The limitation does not apply to children and youth participating in the program for medically handicapped children and youth with special health care needs established under section 3701.023 of the Revised Code.
Sec. 5164.913. (A)(1) In addition to any other eligibility requirement of this chapter, to be eligible to serve as a home health aide or personal care aide under the integrated care delivery system, an individual must successfully complete eight hours of pre-service training acceptable to the department of medicaid.

To maintain eligibility, each home health aide or personal care aide must successfully complete six hours of in-service training acceptable to the department. Such training must be completed every twelve months.

(2) In administering the integrated care delivery system, the department shall not require an individual or aide described in division (A)(1) of this section to do either of the following:

(a) Complete more than eight hours of pre-service training;

(b) Complete more than six hours of in-service training in a twelve-month period.

(B) Only the following may supervise a home health aide or personal care aide under the integrated care delivery system:

(1) A registered nurse;

(2) A licensed practical nurse under the direction of a registered nurse;

(3) A nurse aide under the direction of a nurse described in division (B)(1) or (2) of this section.

Sec. 5164.96. (A) As used in this section, "ground emergency medical transportation service provider" means a public emergency medical service organization as defined in section 4765.01 of the Revised Code.

(B)(1) The medicaid director shall submit a medicaid state plan amendment to the United States centers for medicare and
medicaid services seeking authorization to establish and  
administer a supplemental payment program to provide supplemental  
medicaid payments to eligible ground emergency medical  
transportation service providers. If approved, the medicaid  
director shall establish and administer the program.

(2) To be eligible to receive payments under the supplemental  
payment program, a ground emergency medical transportation service  
provider must hold a valid medicaid provider agreement and provide  
emergency medical transportation services to medicaid recipients.

(C)(1) The medicaid director shall adopt rules in accordance  
with Chapter 119. of the Revised Code to implement this section.

(2) Notwithstanding any provision of section 121.95 of the  
Revised Code to the contrary, a regulatory restriction contained  
in a rule adopted under this section is not subject to sections  
121.95 to 121.953 of the Revised Code.

Sec. 5165.01. As used in this chapter:

(A) "Affiliated operator" means an operator affiliated with  
either of the following:

(1) The exiting operator for whom the affiliated operator is  
to assume liability for the entire amount of the exiting  
operator's debt under the medicaid program or the portion of the  
debt that represents the franchise permit fee the exiting operator  
owes;

(2) The entering operator involved in the change of operator  
with the exiting operator specified in division (A)(1) of this  
section.

(B) "Allowable costs" are a nursing facility's costs that the  
department of medicaid determines are reasonable. Fines paid under  
sections 5165.60 to 5165.89 and section 5165.99 of the Revised  
Code are not allowable costs.
(C) "Ancillary and support costs" means all reasonable costs incurred by a nursing facility other than direct care costs, tax costs, or capital costs. "Ancillary and support costs" includes, but is not limited to, costs of activities, social services, pharmacy consultants, habilitation supervisors, qualified intellectual disability professionals, program directors, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, medical equipment, utilities, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5165.02 of the Revised Code, for personnel listed in this division. "Ancillary and support costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the nursing facility's cost report for the cost reporting period ending December 31, 1992.

(D) "Applicable calendar year" means the calendar year immediately preceding the calendar year that precedes the first of the state fiscal years for which a rebasing is conducted.

(E) For purposes of calculating a critical access nursing facility's occupancy rate and utilization rate under this chapter, "as of the last day of the calendar year" refers to the occupancy and utilization rates during the calendar year identified in the
cost report filed under section 5165.10 of the Revised Code.  

(F)(1) "Capital costs" means the actual expense incurred by a 
nursing facility for all of the following:  

(a) Depreciation and interest on any capital assets that cost 
five hundred dollars or more per item, including the following:  

(i) Buildings;  
(ii) Building improvements;  
(iii) Except as provided in division (D) of this section, 
equipment;  
(iv) Transportation equipment.  
(b) Amortization and interest on land improvements and 
leasehold improvements;  
(c) Amortization of financing costs;  
(d) Lease and rent of land, buildings, and equipment.  

(2) The costs of capital assets of less than five hundred 
dollars per item may be considered capital costs in accordance 
with a provider's practice.  

(G) "Capital lease" and "operating lease" shall be construed 
in accordance with generally accepted accounting principles.  

(H) "Case-mix score" means a measure determined under section 
5165.192 of the Revised Code of the relative direct-care resources 
needed to provide care and habilitation to a nursing facility 
resident.  

(I) "Change in control" means either of the following:  

(1) Any pledge, assignment, or hypothecation of or lien or 
other encumbrance on any of the legal or beneficial equity 
interests in the applicable person;  
(2) A change of fifty per cent or more in the legal or
beneficial ownership or control of the outstanding voting equity interests of the applicable person necessary at all times to elect a majority of the board of directors or similar governing body and to direct the management policies and decisions.

(J) "Change of operator" means includes circumstances in which an entering operator becoming becomes the operator of a nursing facility in the place of the exiting operator.

(1) Actions that constitute a change of operator include the following:

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;

(b) A transfer of all change of control in the exiting operator's ownership interest in the operation of the nursing facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing facility is also transferred;

(c) A lease of the nursing facility to the entering operator or the exiting operator's termination of the exiting operator's lease;

(d) If the exiting operator is a partnership, dissolution of the partnership, a merger of the partnership into another person that is the survivor of the merger, or a consolidation of the partnership and at least one other person to form a new person;

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:

(i) The change in composition does not cause the partnership's dissolution under state law.

(ii) The partners agree that the change in composition does not constitute a change in operator limited liability company,
dissolution of the limited liability company, a merger of the limited liability company into another person that is the survivor of the merger, or a consolidation of the limited liability company and at least one other person to form a new person.

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation person that is the survivor of the merger, or a consolidation of the corporation and at least one or more other corporation person to form a new corporation person;

(g) A contract for a person to manage a nursing facility as the operator's agent.

(2) The following, alone, do not constitute a change of operator:

(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions an employer stock ownership plan created under section 401(a) of the "Internal Revenue Code," 26 U.S.C. 401(a);

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator;

(c) If the operator is a corporation that has securities publicly traded in a marketplace, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator;

(d) An initial public offering for which the securities and exchange commission has declared the registration statement effective, and the newly created public company remains the operator.
"Cost center" means the following:

1. Ancillary and support costs;
2. Capital costs;
3. Direct care costs;
4. Tax costs.

"Custom wheelchair" means a wheelchair to which both of the following apply:

1. It has been measured, fitted, or adapted in consideration of either of the following:
   a. The body size or disability of the individual who is to use the wheelchair;
   b. The individual's period of need for, or intended use of, the wheelchair.
2. It has customized features, modifications, or components, such as adaptive seating and positioning systems, that the supplier who assembled the wheelchair, or the manufacturer from which the wheelchair was ordered, added or made in accordance with the instructions of the physician of the individual who is to use the wheelchair.

"Date of licensure" means the following:

1. In the case of a nursing facility that was required by law to be licensed as a nursing home under Chapter 3721. of the Revised Code when it originally began to be operated as a nursing home, the date the nursing facility was originally so licensed;
2. In the case of a nursing facility that was not required by law to be licensed as a nursing home when it originally began to be operated as a nursing home, the date it first began to be operated as a nursing home, regardless of the date the nursing facility was first licensed as a nursing home.
(2) If, after a nursing facility's original date of licensure, more nursing home beds are added to the nursing facility, the nursing facility has a different date of licensure for the additional beds. This does not apply, however, to additional beds when both of the following apply:

(a) The additional beds are located in a part of the nursing facility that was constructed at the same time as the continuing beds already located in that part of the nursing facility;

(b) The part of the nursing facility in which the additional beds are located was constructed as part of the nursing facility at a time when the nursing facility was not required by law to be licensed as a nursing home.

(3) The definition of "date of licensure" in this section applies in determinations of nursing facilities' medicaid payment rates but does not apply in determinations of nursing facilities' franchise permit fees.

(M)(N) "Desk-reviewed" means that a nursing facility's costs as reported on a cost report submitted under section 5165.10 of the Revised Code have been subjected to a desk review under section 5165.108 of the Revised Code and preliminarily determined to be allowable costs.

(N)(O) "Direct care costs" means all of the following costs incurred by a nursing facility:

(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the nursing facility;

(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, and except as provided in division (N)(O)(8) of this section, other persons holding degrees qualifying them to provide therapy;

(3) Costs of purchased nursing services;
(4) Costs of quality assurance;

(5) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5165.02 of the Revised Code, for personnel listed in divisions (W)(1)(O)(1), (2), (4), and (8) of this section;

(6) Costs of consulting and management fees related to direct care;

(7) Allocated direct care home office costs;

(8) Costs of habilitation staff (other than habilitation supervisors), medical supplies, emergency oxygen, over-the-counter pharmacy products, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, and universal precautions supplies;

(9) Costs of wheelchairs other than the following:

(a) Custom wheelchairs;

(b) Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.

(10) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5165.02 of the Revised Code.

"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

"Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility.

"Effective date of a facility closure" means the last
day that the last of the residents of the nursing facility resides in the nursing facility.

(S) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility.

(T) "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation.

(U) "Entering operator" means the person or government entity that will become the operator of a nursing facility when a change of operator occurs or following an involuntary termination.

(V) "Exiting operator" means any of the following:

1. An operator that will cease to be the operator of a nursing facility on the effective date of a change of operator;
2. An operator that will cease to be the operator of a nursing facility on the effective date of a facility closure;
3. An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation;
4. An operator of a nursing facility that is undergoing or has undergone an involuntary termination.

(V) (1) Subject to divisions (V) (2) and (3) of this section, "facility closure" means either of the following:

a. Discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility that results in the relocation of all of the nursing facility's residents;

b. Conversion of the building, or part of the building, that houses a nursing facility to a different use with any necessary
license or other approval needed for that use being obtained and one or more of the nursing facility's residents remaining in the building, or part of the building, to receive services under the new use.

(2) A facility closure occurs regardless of any of the following:

(a) The operator completely or partially replacing the nursing facility by constructing a new nursing facility or transferring the nursing facility's license to another nursing facility;

(b) The nursing facility's residents relocating to another of the operator's nursing facilities;

(c) Any action the department of health takes regarding the nursing facility's medicaid certification that may result in the transfer of part of the nursing facility's survey findings to another of the operator's nursing facilities;

(d) Any action the department of health takes regarding the nursing facility's license under Chapter 3721. of the Revised Code.

(3) A facility closure does not occur if all of the nursing facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the nursing facility not later than thirty days after the evacuation occurs.

"Franchise permit fee" means the fee imposed by sections 5168.40 to 5168.56 of the Revised Code.

"Inpatient days" means both of the following:

(1) All days during which a resident, regardless of payment source, occupies a licensed bed in a nursing facility;

(2) Fifty per cent of the days for which payment is made.
under section 5165.34 of the Revised Code.

(Y) (Z) "Involuntary termination" means the department of medicaid's termination of the operator's provider agreement for the nursing facility when the termination is not taken at the operator's request.

(Z) (AA) "Low resource utilization case-mix resident" means a medicaid recipient residing in a nursing facility who, for purposes of calculating the nursing facility's medicaid payment rate for direct care costs, is placed in either of the two lowest resource utilization case-mix groups, excluding any resource utilization case-mix group that is a default group used for residents with incomplete assessment data.

(AA) (BB) "Maintenance and repair expenses" means a nursing facility's expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes but is not limited to the costs of ordinary repairs such as painting and wallpapering.

(BB) (CC) "Medicaid-certified capacity" means the number of a nursing facility's beds that are certified for participation in medicaid as nursing facility beds.

(CC) (DD) "Medicaid days" means both of the following:

(1) All days during which a resident who is a medicaid recipient eligible for nursing facility services occupies a bed in a nursing facility that is included in the nursing facility's medicaid-certified capacity;

(2) Fifty per cent of the days for which payment is made under section 5165.34 of the Revised Code.

(DD) (EE) (1) "New nursing facility" means a nursing facility for which the provider obtains an initial provider

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agreement following Medicaid certification of the nursing facility by the director of health, including such a nursing facility that replaces one or more nursing facilities for which a provider previously held a provider agreement.

(2) "New nursing facility" does not mean a nursing facility for which the entering operator seeks a provider agreement pursuant to section 5165.511 or 5165.512 or (pursuant to section 5165.515) section 5165.07 of the Revised Code.

(EE) "Nursing facility" has the same meaning as in the "Social Security Act," section 1919(a), 42 U.S.C. 1396r(a).

(GG) "Nursing facility services" has the same meaning as in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f).

(HH) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(II) "Occupancy rate" means the percentage of licensed beds that, regardless of payer source, are either of the following:

(1) Reserved for use under section 5165.34 of the Revised Code;

(2) Actually being used.

(JJ) "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing facility.

(KK) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding a nursing facility:

(a) The land on which the nursing facility is located;

(b) The structure in which the nursing facility is located;
(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the nursing facility is located;

(d) Any lease or sublease of the land or structure on or in which the nursing facility is located.

(2) "Owner" does not mean a holder of a debenture or bond related to the nursing facility and purchased at public issue or a regulated lender that has made a loan related to the nursing facility unless the holder or lender operates the nursing facility directly or through a subsidiary.

("Per diem" means a nursing facility's actual, allowable costs in a given cost center in a cost reporting period, divided by the nursing facility's inpatient days for that cost reporting period.

"Person" has the same meaning as in section 1.59 of the Revised Code.

"Private room" means a nursing facility bedroom that meets all of the following criteria:

(1) It has four permanent, floor-to-ceiling walls and a full door.

(2) It contains one licensed or certified bed that is occupied by one individual.

(3) It has direct, unshared access to a hallway without traversing another bedroom.

(4) It has direct, unshared access to a toilet and sink without traversing another bedroom.

(5) It meets all applicable licensure or other standards pertaining to furniture, fixtures, and temperature control.

"Provider" means an operator with a provider agreement.
"Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of a nursing facility for the provision of nursing facility services under the medicaid program.

"Purchased nursing services" means services that are provided in a nursing facility by registered nurses, licensed practical nurses, or nurse aides who are not employees of the nursing facility.

"Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of patient care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.

"Rebasing" means a redetermination of each of the following using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous rebasing:

1. Each peer group's rate for ancillary and support costs as determined pursuant to division (C) of section 5165.16 of the Revised Code;

2. Each peer group's rate for capital costs as determined pursuant to division (C) of section 5165.17 of the Revised Code;

3. Each peer group's cost per case-mix unit as determined pursuant to division (C) of section 5165.19 of the Revised Code;

4. Each nursing facility's rate for tax costs as determined pursuant to section 5165.21 of the Revised Code.

"Related party" means an individual or organization.
that, to a significant extent, has common ownership with, is
associated or affiliated with, has control of, or is controlled
by, the provider.

(1) An individual who is a relative of an owner is a related
party.

(2) Common ownership exists when an individual or individuals
possess significant ownership or equity in both the provider and
the other organization. Significant ownership or equity exists
when an individual or individuals possess five per cent ownership
or equity in both the provider and a supplier. Significant
ownership or equity is presumed to exist when an individual or
individuals possess ten per cent ownership or equity in both the
provider and another organization from which the provider
purchases or leases real property.

(3) Control exists when an individual or organization has the
power, directly or indirectly, to significantly influence or
direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or
services to a provider shall not be considered a related party if
all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(b) A substantial part of the supplier's business activity of
the type carried on with the provider is transacted with others
than the provider and there is an open, competitive market for the
types of goods or services the supplier furnishes.

(c) The types of goods or services are commonly obtained by
other nursing facilities from outside organizations and are not a
basic element of patient care ordinarily furnished directly to
patients by nursing facilities.

(d) The charge to the provider is in line with the charge for
the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

"Relative of owner" means an individual who is related to an owner of a nursing facility by one of the following relationships:

(1) Spouse;
(2) Natural parent, child, or sibling;
(3) Adopted parent, child, or sibling;
(4) Stepparent, stepchild, stepbrother, or stepsister;
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;
(6) Grandparent or grandchild;
(7) Foster caregiver, foster child, foster brother, or foster sister.

"Residents' rights advocate" has the same meaning as in section 3721.10 of the Revised Code.

"Skilled nursing facility" has the same meaning as in the "Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a).

"State fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.

"Sponsor" has the same meaning as in section 3721.10 of the Revised Code.

"Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes.

"Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq.
(YY) (BBB) "Title XVIII" means Title XVIII of the "Social

(ZZ) (CCC) "Voluntary withdrawal of participation" means an
operator's voluntary election to terminate the participation of a
nursing facility in the medicaid program but to continue to
provide service of the type provided by a nursing facility.

Sec. 5165.109. (A) The department of medicaid may conduct an
audit, as defined in rules adopted under section 5165.02 of the
Revised Code, of any cost report filed under section 5165.10 or
5165.522 of the Revised Code. The decision whether to conduct an
audit and the scope of the audit, which may be a desk or field
audit, may be determined based on prior performance of the
provider, a risk analysis, or other evidence that gives the
department reason to believe that the provider has reported costs
improperly. A desk or field audit may be performed annually, but
is required whenever a provider does not pass the risk analysis
tolerance factors.

(B) Audits shall be conducted by auditors under contract with
the department, auditors working for firms under contract with the
department, or auditors employed by the department.

The department may establish a contract for the auditing of
nursing facilities by outside firms. Each contract entered into by
bidding shall be effective for one to two years.

(C) The department shall notify a provider of the findings of
an audit of a cost report by issuing an audit report. The audit
report shall include notice of any fine imposed under section
5165.1010 of the Revised Code. The department shall issue the
audit report not later than three years after the earlier of the
following:

(1) The date the cost report is filed;
(2) The date a desk or field audit of the cost report or a cost report for a subsequent cost reporting period is completed.

(D) The department shall prepare a written summary of any audit disallowance that is made after the effective date of the rate that is based on the cost. Where the provider is pursuing judicial or administrative remedies in good faith regarding the disallowance, the department shall not withhold from the provider's current payments any amounts the department claims to be due from the provider pursuant to section 5165.41 of the Revised Code.

(E)(1) The department shall establish an audit manual and program for field audits conducted under this section. Each auditor conducting a field audit under this section shall follow the audit manual and program, regardless of whether the auditor is under contract with the department, works for a firm under contract with the department, or is employed by the department. The manual and program shall do both of the following: If an audit is conducted by an auditor under contract with the department, the audit shall be conducted in accordance with procedures agreed upon between the department and the auditor.

(2) If an audit is conducted by the department, the department shall develop an audit plan or approach before the audit begins. The scope of the audit may change during the course of the audit based on observations and findings during the audit.

(a) Require (3) All of the following apply to each field audit to be conducted by an auditor to whom all of the following apply under contract with the department:

(i) During the period of the auditor's contract, firm's contract, or auditor's employment with the department, the auditor or firm does not have and is not committed to acquire any direct or indirect financial interest in the ownership, financing, or
operation of nursing facilities in this state.

(iii) (b) The auditor does not audit any provider that has been a client of the auditor or the auditor's firm.

(iii) (c) The auditor is otherwise independent as determined by the standards of independence included in the government auditing standards produced by the United States government accountability office.

(b) Require each auditor conducting a field audit to do all of the following:

(i) Comply with applicable rules prescribed pursuant to Title XVIII and Title XIX;

(ii) Consider generally accepted auditing standards prescribed by the American institute of certified public accountants;

(iii) Include a written summary as to whether the costs included in the cost report examined during the audit are allowable and are presented in accordance with state and federal laws and regulations, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care;

(iv) Complete the audit within the time period specified by the department;

(v) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's nursing facility is entitled.

(2) For the purpose of division (E)(1)(a)(i) of this section,
employment of a member of an auditor's family by a nursing
facility that the auditor does not audit does not constitute a
direct or indirect financial interest in the ownership, financing,
or operation of the nursing facility.

Sec. 5165.15. Except as otherwise provided by sections 5165.151 to 5165.157 and 5165.34 of the Revised Code, the
total per medicaid day payment rate that the department of
medicaid shall pay a nursing facility provider for nursing
facility services the provider's nursing facility provides during
a state fiscal year shall be determined as follows:

(A) Determine the sum of all of the following:

(1) The per medicaid day payment rate for ancillary and
support costs determined for the nursing facility under section 5165.16 of the Revised Code;

(2) The per medicaid day payment rate for capital costs
determined for the nursing facility under section 5165.17 of the Revised Code;

(3) The per medicaid day payment rate for direct care costs
determined for the nursing facility under section 5165.19 of the Revised Code;

(4) The per medicaid day payment rate for tax costs
determined for the nursing facility under section 5165.21 of the Revised Code;

(5) If the nursing facility qualifies as a critical access
nursing facility, the nursing facility's critical access incentive
payment paid under section 5165.23 of the Revised Code.

(B) To the sum determined under division (A) of this section, add sixteen dollars and forty-four cents.

(C) From the sum determined under division (B) of this section, subtract one dollar and seventy-nine cents.
(D) To the sum determined under division (C) of this section, add, for state fiscal year 2022 and for state fiscal year 2023, the per medicaid day quality incentive payment rate determined for the nursing facility under section 5165.26 of the Revised Code.

(D) If the nursing facility qualifies as a low occupancy nursing facility, subtract from the sum determined under division (C) of this section the nursing facility's low occupancy deduction determined under section 5165.23 of the Revised Code.

Sec. 5165.151. (A) The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be the initial rate for nursing facility services provided by a new nursing facility. Instead, the initial total per medicaid day payment rate for nursing facility services provided by a new nursing facility shall be determined in the following manner:

(1) The initial rate for ancillary and support costs shall be the rate for the new nursing facility's peer group determined under division (C) of section 5165.16 of the Revised Code.

(2) The initial rate for capital costs shall be the rate for the new nursing facility's peer group determined under division (C) of section 5165.17 of the Revised Code;

(3) The initial rate for direct care costs shall be the product of the cost per case-mix unit determined under division (C) of section 5165.19 of the Revised Code for the new nursing facility's peer group and the new nursing facility's case-mix score determined under division (B) of this section.

(4) The initial rate for tax costs shall be the following:

(a) If the provider of the new nursing facility submits to the department of medicaid the nursing facility's projected tax costs for the calendar year in which the provider obtains an
initial provider agreement for the new nursing facility, an amount determined by dividing those projected tax costs by the number of inpatient days the nursing facility would have for that calendar year if its occupancy rate were one hundred per cent;

(b) If division (A)(4)(a) of this section does not apply, the median rate for tax costs for the new nursing facility's peer group in which the nursing facility is placed under division (B) of section 5165.16 of the Revised Code.

(5) Fourteen The initial quality incentive payment rate for the new nursing facility shall be the amount determined under section 5165.26 of the Revised Code.

(6) Sixteen dollars and sixty-five forty-four cents shall be added to the sum of the rates and payment specified in divisions (A)(1) to (4)(5) of this section.

(B) For the purpose of division (A)(3) of this section, a new nursing facility's case-mix score shall be the following:

(1) Unless the new nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the median annual average case-mix score for the new nursing facility's peer group;

(2) If the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the semiannual case-mix score most recently determined under section 5165.192 of the Revised Code for the replaced nursing facility as adjusted, if necessary, to reflect any difference in the number of beds in the replaced and new nursing facilities.

(C) Subject to division (D) of this section, the department of medicaid shall adjust the rates established under division (A)
of this section effective the first day of July, to reflect new rate calculations for all nursing facilities under this chapter.

(D) If a rate for direct care costs is determined under this section for a new nursing facility using the median annual average case-mix score for the new nursing facility's peer group, the rate shall be redetermined to reflect the new nursing facility's actual semiannual average case-mix score determined under section 5165.192 of the Revised Code after the new nursing facility submits its first two quarterly assessment data that qualify for use in calculating a case-mix score in accordance with rules authorized by section 5165.192 of the Revised Code. If the new nursing facility's quarterly submissions do not qualify for use in calculating a case-mix score, the department shall continue to use the median annual average case-mix score for the new nursing facility's peer group in lieu of the new nursing facility's semiannual case-mix score until the new nursing facility submits two consecutive quarterly assessment data that qualify for use in calculating a case-mix score.

Sec. 5165.152. The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be paid for nursing facility services provided to low resource utilization case-mix residents. Instead, the total rate for such nursing facility services shall be one hundred fifteen dollars per medicaid day.

Sec. 5165.158. (A) Beginning July 1, 2023, the total per medicaid day payment rate for nursing facility services provided on or after that date in private rooms approved by the department of medicaid under division (B) of this section shall be the sum of both of the following:

(1) The total per medicaid day payment rate determined for
the nursing facility under section 5165.15 of the Revised Code;

(2) The private room incentive payment. The private room
incentive payment shall be thirty dollars per day for state fiscal
year 2024. The department may increase the payment amount for
subsequent fiscal years.

(B)(1) Beginning on July 1, 2023, the department shall
approve rooms in nursing facilities to qualify for the rate
described in division (A) of this section. A nursing facility
provider shall apply for approval of its private rooms by
submitting an application in the form and manner prescribed by the
department. The department may specify evidence that an applicant
must supply to demonstrate that a room meets the definition of a
private room under section 5165.01 of the Revised Code. Subject to
division (B)(2) of this section, the department shall approve an
application if the rooms included in the application meet the
definition of a private room under section 5165.01 of the Revised
Code.

(2) The department shall only consider applications that meet
the following criteria:

(a) Private rooms reported on the nursing facility provider's
cost report for calendar year 2022, or a new nursing facility
licensed after October 1, 2022;

(b) Private rooms created by surrendering licensed beds from
its licensed capacity, or, if the facility does not hold a
license, surrendering beds that have been certified by the United
States centers for medicare and medicaid services;

(c) Private rooms created by adding space to the nursing
facility or renovating nonbedroom space, without increasing the
total licensed bed capacity.

(3) The department may specify evidence that an applicant
must supply to demonstrate that it meets the conditions specified
in division (B)(2) of this section.

(4) The department may deny an application if the department determines that either any of the following circumstances apply:

(a) The rooms included in the application do not meet the definition of a private room under section 5165.01 of the Revised Code;

(b) The rooms included in the application do not meet the criteria specified in division (B)(2) of this section.

(5) An applicant may request reconsideration of a denial under division (B) of this section.

Sec. 5165.16. (A) The department of medicaid shall determine each nursing facility's per medicaid day payment rate for ancillary and support costs. A nursing facility's rate shall be the rate determined under division (C) of this section for the nursing facility's peer group.

(B) For the purpose of determining nursing facilities' rates for ancillary and support costs, the department shall establish six peer groups composed as follows:

(1) Each nursing facility located in any of the following counties shall be placed in peer group one or two: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group one. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group two.

(2) Each nursing facility located in any of the following counties shall be placed in peer group three or four: Allen, Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami,
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group three. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group four.

(3) Each nursing facility located in any of the following counties shall be placed in peer group five or six: Adams, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and Wyandot. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group five. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group six.

(C)(1) The department shall determine the rate for ancillary and support costs for each peer group established under division (B) of this section. The rate for ancillary and support costs determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. To determine a peer group's rate for ancillary and support costs, the department shall do all both of the following:

(a) Determine the rate for ancillary and support costs for each nursing facility in the peer group for the applicable calendar year by using the greater of the nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had if its occupancy rate had been ninety per
(b) Subject to division (C)(2) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the median rate for ancillary and support costs for the applicable calendar year determined under division (C)(1)(a) of this section;

(c) Multiply the rate for ancillary and support costs determined under division (C)(1)(a) of this section for the nursing facility identified under division (C)(1)(b) of this section by the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year using the following:

(i) Except as provided in division (C)(1)(e)(ii) of this section, the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics;

(ii) If the United States bureau of labor statistics ceases to publish the index specified in division (C)(1)(e)(i) of this section, the index the bureau subsequently publishes that covers urban consumers' prices for items for the region that includes this state.

(2) In making the identification under division (C)(1)(b) of this section, the department shall exclude both of the following:

(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(b) Nursing facilities whose ancillary and support costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem ancillary and support cost for all
nursing facilities in the nursing facility's peer group for the applicable calendar year.

(3) The department shall not redetermine a peer group's rate for ancillary and support costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for ancillary and support costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

Sec. 5165.19. (A)(1) Semiannually, except as provided in division (A)(2) of this section, the department of medicaid shall determine each nursing facility's per medicaid day payment rate for direct care costs by multiplying the facility's semiannual case-mix score determined under section 5165.192 of the Revised Code by the cost per case-mix unit determined under division (C) of this section for the facility's peer group.

(2) Beginning January 1, 2024, during state fiscal years 2024 and 2025, the department shall determine each nursing facility's per medicaid day payment rate for direct care costs by multiplying the cost per case-mix unit determined under division (C) of this section for the facility's peer group by the case-mix score specified in division (A)(2)(a) or (b) of this section, as selected by the nursing facility not later than October 1, 2023. If the nursing facility does not make a selection by October 1, 2023, the case-mix score specified in division (A)(2)(a) of this section shall apply. The case-mix score may be either of the following:

(a) The semiannual case-mix score determined for the facility under division (A)(1) of this section;

(b) The facility's quarterly case-mix score from March 31, 2023, which shall apply to the facility's direct care rate from
January 1, 2024, to June 30, 2025.

(B) For the purpose of determining nursing facilities' rates for direct care costs, the department shall establish three peer groups.

(1) Each nursing facility located in any of the following counties shall be placed in peer group one: Brown, Butler, Clermont, Clinton, Hamilton, and Warren.

(2) Each nursing facility located in any of the following counties shall be placed in peer group two: Allen, Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood.

(3) Each nursing facility located in any of the following counties shall be placed in peer group three: Adams, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and Wyandot.

(C)(1) The department shall determine a cost per case-mix unit for each peer group established under division (B) of this section. The cost per case-mix unit determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. To determine a peer group's cost per case-mix unit, the department shall do all both of the following:

(a) Determine the cost per case-mix unit for each nursing
facility in the peer group for the applicable calendar year by dividing each facility's desk-reviewed, actual, allowable, per diem direct care costs for the applicable calendar year by the facility's annual average case-mix score determined under section 5165.192 of the Revised Code for the applicable calendar year;

(b) Subject to division (C)(2) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the median cost per case-mix units determined under division (C)(1)(a) of this section;

(c) Calculate the amount that is two per cent above the cost per case-mix unit determined under division (C)(1)(a) of this section for the nursing facility identified under division (C)(1)(b) of this section;

(d) Using the index specified in division (C)(3) of this section, multiply the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year by the amount calculated under division (C)(1)(c) of this section.

(2) In making the identification under division (C)(1)(b) of this section, the department shall exclude both of the following:

(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(b) Nursing facilities whose cost per case-mix unit is more than one standard deviation from the mean cost per case-mix unit for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

(3) The following index shall be used for the purpose of the calculation made under division (C)(1)(d) of this section:
(a) Except as provided in division (C)(3)(b) of this section, the employment cost index for total compensation, nursing and residential care facilities occupational group, published by the United States bureau of labor statistics;

(b) If the United States bureau of labor statistics ceases to publish the index specified in division (C)(3)(a) of this section, the index the bureau subsequently publishes that covers nursing facilities' staff costs.

(4) The department shall not redetermine a peer group's cost per case-mix unit under this division based on additional information that it receives after the peer group's per case-mix unit is determined. The department shall redetermine a peer group's cost per case-mix unit only if it made an error in determining the peer group's cost per case-mix unit based on information available to the department at the time of the original determination.

Sec. 5165.192. (A)(1) Except as provided in division (B) of this section and in accordance with the process specified in rules authorized by this section, the department of medicaid shall do all of the following:

(a) Every quarter, determine the following two case-mix scores for each nursing facility:

(i) A quarterly case-mix score that includes each resident who is a medicaid recipient and is not a low-resource utilization case-mix resident;

(ii) A quarterly case-mix score that includes each resident regardless of payment source.

(b) Every six months, determine a semiannual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division
(A)(1)(a)(i) of this section;

(c) After the end of each calendar year, determine an annual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(ii) of this section.

(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following:

(a) Data from a resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code;

(b) Except as provided in rules authorized by this section, the case-mix values established by the United States department of health and human services;

(c) Except as modified in rules authorized by this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program.

(B)(1) Subject to division (B)(2) of this section, the department, for one or more months of a calendar quarter, may assign to a nursing facility a case-mix score that is five percent less than the nursing facility's case-mix score for the immediately preceding calendar quarter if any of the following apply:

(a) The provider does not timely submit complete and accurate resident assessment data necessary to determine the nursing facility's case-mix score for the calendar quarter;

(b) The nursing facility was subject to an exception review under section 5165.193 of the Revised Code for the immediately preceding calendar quarter;

(c) The nursing facility was assigned a case-mix score for the immediately preceding calendar quarter.
(2) Before assigning a case-mix score to a nursing facility due to the submission of incorrect resident assessment data, the department shall permit the provider to correct the data. The department may assign the case-mix score if the provider fails to submit the corrected resident assessment data not later than the earlier of the forty-fifth day after the end of the calendar quarter to which the data pertains or the deadline for submission of such corrections established by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX.

(3) If, for more than six months in a calendar year, a provider is paid a rate determined for a nursing facility using a case-mix score assigned to the nursing facility under division (B)(1) of this section, the department may assign the nursing facility a cost per case-mix unit that is five per cent less than the nursing facility's actual or assigned cost per case-mix unit for the immediately preceding calendar year. The department may use the assigned cost per case-mix unit, instead of determining the nursing facility's actual cost per case-mix unit in accordance with section 5165.19 of the Revised Code, to establish the nursing facility's rate for direct care costs for the fiscal year immediately following the calendar year for which the cost per case-mix unit is assigned.

(4) The department shall take action under division (B)(1), (2), or (3) of this section only in accordance with rules authorized by this section. The department shall not take an action that affects rates for prior payment periods except in accordance with sections 5165.41 and 5165.42 of the Revised Code.

(C) The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to implement this section.

(1) The rules shall do all of the following:
(a) Specify the process for determining the semiannual and annual average case-mix scores for nursing facilities;

(b) Adjust the case-mix values specified in division (A)(2)(b) of this section to reflect changes in relative wage differentials that are specific to this state;

(c) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another;

(d) Modify the grouper methodology specified in division (A)(2)(c) of this section as follows:

(i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology;

(ii) Allow the use of the index maximizer element of the methodology;

(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;

(iv) Make other changes the department determines are necessary.

(e) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;

(f) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections in the manner required by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX.

(g) Specify when and how the department will assign case-mix
scores or costs per case-mix unit to a nursing facility under division (B) of this section if information necessary to calculate the nursing facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules.

(2) Notwithstanding any other provision of this chapter, the rules may provide for the exclusion of case-mix scores assigned to a nursing facility under division (B) of this section from the determination of the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group.

Sec. 5165.23. (A) Each state fiscal year, the department of medicaid shall determine the critical access incentive payment for each nursing facility that qualifies as a critical access nursing facility. To qualify as a critical access nursing facility for a state fiscal year, a nursing facility must meet all of the following requirements:

(1) The nursing facility must be located in an area that, on December 31, 2011, was designated an empowerment zone under the "Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391.

(2) The nursing facility must have an occupancy rate of at least eighty-five per cent as of the last day of the calendar year immediately preceding the state fiscal year.

(3) The nursing facility must have a medicaid utilization rate of at least sixty-five per cent as of the last day of the calendar year immediately preceding the state fiscal year.

(B) A critical access nursing facility's critical access incentive payment for a state fiscal year shall equal five per cent of the portion of the nursing facility's total per medicaid day payment rate for the state fiscal year that is the sum of the rates identified in divisions (A)(1) to (4) of section 5165.15 of
the Revised Code.

(C) Each state fiscal year, the department shall determine the low occupancy deduction for each nursing facility that qualifies as a low occupancy nursing facility. To qualify as a low occupancy nursing facility for a state fiscal year, a nursing facility must have an occupancy rate lower than sixty-five percent. For purposes of this division, the department shall calculate a nursing facility's occupancy rate by dividing the inpatient days reported on the facility's cost report for the calendar year preceding the fiscal year for which the rate is determined by the product of the number of days in the calendar year and the facility's number of licensed beds on the first day of May of the calendar year in which the fiscal year begins. A low occupancy nursing facility's low occupancy deduction for a state fiscal year shall equal five per cent of the nursing facility's total per medicaid day payment rate for the state fiscal year identified in division (D) of section 5165.15 of the Revised Code, for the state fiscal year.

Sec. 5165.26. (A) As used in this section:

(1) "Base rate" means the portion of a nursing facility's total per medicaid day payment rate determined under divisions (A), (B), and (C) of section 5165.15 of the Revised Code.

(2) "CMS" means the United States centers for medicare and medicaid services.

(3) "Force majeure event" means an uncontrollable force or natural disaster not within the power of a nursing facility's operator.

(4) "Long-stay resident" means an individual who has resided in a nursing facility for at least one hundred one days.

(5) "Nursing facilities for which a quality score was
determined" includes nursing facilities that are determined to have a quality score of zero.

(6) "SFF list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program.

(7) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to section 1919(f)(10) of the "Social Security Act," 42 U.S.C. 1396r(f)(10).

(B) For state fiscal year 2022 and state fiscal year 2023, and subject to divisions division (D), (E), and (F), and except as provided in division (G) of this section, the department of medicaid shall determine each nursing facility's per medicaid day quality incentive payment rate as follows:

(1) Determine the sum of the quality scores determined under division (C) of this section for all nursing facilities.

(2) Determine the average quality score by dividing the sum determined under division (B)(1) of this section by the number of nursing facilities for which a quality score was determined.

(3) Determine the sum of the total number of medicaid days for all of the calendar year preceding the fiscal year for which the rate is determined for all nursing facilities for which a quality score was determined.

(4) Multiply the average quality score determined under division (B)(2) of this section by the sum determined under division (B)(3) of this section.

(5) Determine the value per quality point by determining the quotient of the following:

(a) The sum determined under division (F)(2)(D)(2) of this section.
(b) The product determined under division (B)(4) of this section.

(6) Multiply the value per quality point determined under division (B)(5) of this section by the nursing facility's quality score determined under division (C) of this section.

(C)(1) Except as provided in division (C)(2) of this section, a nursing facility's quality score for a state fiscal year 2022 and state fiscal year 2023 shall be the sum of the total following:

(a) The total number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, or CMS's successor metrics as described below, based on the most recent four-quarter average data, or the average data for fewer quarters in the case of successor metrics, available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:

(i) The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers;

(ii) The percentage of the nursing facility's long-stay residents who had a urinary tract infection;

(iii) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened;

(iv) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder.

If CMS ceases to publish any of the metrics specified in division (C)(1)(a) of this section, the department shall use the nursing facility quality metrics on the same topics that CMS
subsequently publishes.

(b) Seven and five-tenths points if the nursing facility's occupancy rate is greater than seventy-five per cent. For purposes of this division, the department shall calculate a nursing facility's occupancy rate by dividing the inpatient days reported on the facility's cost report for the calendar year preceding the fiscal year for which the rate is determined by the product of the number of days in the calendar year and the facility's number of licensed beds on the first day of May of the calendar year in which the fiscal year begins.

(c) Beginning with state fiscal year 2025, the total number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, or successor metrics designated by CMS, based on the most recent four-quarter average data available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:

(i) The percentage of the nursing facility's long-stay residents whose need for help with daily activities has increased;

(ii) The percentage of the nursing facility's long-stay residents experiencing one or more falls with major injury;

(iii) The percentage of the nursing facility's long-stay residents who were administered an antipsychotic medication.

If CMS ceases to publish any of the metrics specified in division (C)(1)(c) of this section, the department shall use the nursing facility quality metrics on the same topics CMS subsequently publishes.

(2) In determining a nursing facility's quality score for a state fiscal year 2022 and state fiscal year 2023, the department shall make the following adjustment to the number of points that
CMS assigned to the nursing facility for each of the quality metrics specified in division (C)(1) of this section:

(a) Unless division (C)(2)(b) or (c) of this section applies, divide the number of the nursing facility's points for the quality metric by twenty.

(b) If CMS assigned the nursing facility to the lowest percentile for the quality metric, reduce the number of the nursing facility's points for the quality metric to zero.

(c) If the nursing facility's total number of points for state fiscal year 2022 or for state fiscal year 2023 for all of the quality metrics specified in division (C)(1) of this section is less than a number of points that is equal to the twenty-fifth percentile of all nursing facilities, reduce the nursing facility's points to zero for that fiscal year.

(3) A nursing facility's quality score shall be zero for state fiscal year 2021 if it is not to receive a quality incentive payment for that state fiscal year because of division (D) of this section.

(D)(1) Except as provided in division (D)(2) of this section, a nursing facility shall not receive a quality incentive payment for state fiscal year 2021 if the nursing facility's licensed occupancy percentage is less than eighty per cent.

(2) Division (D)(1) of this section does not apply to a nursing facility if any of the following apply:

(a) The nursing facility has a quality score under division (C) of this section for state fiscal year 2021 of at least fifteen points;

(b) The nursing facility was initially certified for participation in the medicaid program on or after January 1, 2019;
Subject to division (D)(4) of this section, one or more of the beds that are part of the nursing facility's licensed capacity could not be used for resident care during calendar year 2019 due to causes beyond the reasonable control of the nursing facility's operator, including a force majeure event;

Subject to division (D)(5) of this section, the nursing facility underwent a renovation during the period beginning January 1, 2018, and ending January 1, 2020, to which both of the following apply:

(i) The renovation involved capital expenditures of at least fifty thousand dollars, excluding expenditures for equipment, staffing, or operational costs.

(ii) The renovation directly impacted the area of the nursing facility in which the beds that are part of the nursing facility's licensed capacity are located.

A nursing facility's licensed occupancy percentage for the purpose of division (D)(1) of this section shall be determined as follows:

(a) Determine the product of the following:

(i) The nursing facility's licensed capacity as of December 31, 2019, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;

(ii) Three hundred sixty-five.

(b) Determine the quotient of the following:

(i) The total number of the nursing facility's inpatient days for calendar year 2019, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;

(ii) The product determined under division (D)(3)(a) of this
section.

(c) Multiply the quotient determined under division (D)(3)(b) of this section by one hundred.

(4) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(c) of this section, the nursing facility's operator must provide to the department written documentation of the number of days during calendar year 2019 that one or more of the beds that are part of the nursing facility's licensed capacity could not be used and the specific reason why they could not be used.

(5) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(d) of this section, the nursing facility's operator must provide to the department written documentation that confirms the renovation and capital expenditures.

(E) A nursing facility shall not receive a quality incentive payment for state fiscal year 2022 or state fiscal year 2023 if the Department of Health assigned the nursing facility to the SFF list under the special focus facility program and the nursing facility is listed in table A, table B, or table C on the first day of May of the calendar year for which the rate is being determined.

(F)(D) The total amount to be spent on quality incentive payments under division (B) of this section for each a fiscal year during state fiscal years 2022 and 2023 shall be determined as follows:

(1) Determine the following amount for each nursing facility including those that do not receive a quality incentive payment because of division (D) of this section:

(a) The amount that is five and two-tenths per cent of the nursing facility's base rate for nursing facility services
provided on the first day of the state fiscal year plus one dollar and seventy-nine cents, plus sixty per cent of the sum of the following:

(i) The per diem amount by which the nursing facility's rate for ancillary and support costs determined for the fiscal year under section 5165.16 of the Revised Code changed as a result of the rebasing conducted under section 5165.36 of the Revised Code for state fiscal year 2024;

(ii) The per diem amount by which the nursing facility's rate for direct care costs determined for the fiscal year under section 5165.19 of the Revised Code changed as a result of the rebasing conducted under section 5165.36 of the Revised Code for state fiscal year 2024.

(b) Multiply the amount determined under division (F)(1)(a) of this section by the number of the nursing facility's medicaid days for the calendar year preceding the fiscal year for which the rate is determined.

(2) Determine the sum of the products determined under division (F)(1)(b) of this section for all nursing facilities for which the product was determined for the state fiscal year.

(3) To the sum determined under division (F)(2) of this section, add twenty-five million dollars for fiscal year 2022 and one hundred twenty-five million dollars for fiscal year 2023.

(G) A nursing facility or a nursing facility that undergoes a change of operator during fiscal year 2022 or fiscal year 2023 shall not receive a quality incentive payment for the fiscal year in which the new facility obtains an initial provider agreement or the immediately following fiscal year equal to the median quality incentive payment determined for nursing facilities for the fiscal year. For
the state fiscal year after the immediately following fiscal year and subsequent fiscal years, the quality incentive payment shall be determined under division (C) of this section.

(2) Except as provided in division (E)(3) of this section, a nursing facility that undergoes a change of operator with an effective date of April 1, 2023, or later occurred, whichever is applicable shall receive a quality incentive payment. For the immediately following state fiscal year that begins in the calendar year following the calendar year of the date of change of operator, and subsequent fiscal years, the quality incentive payment shall be determined under division (C) of this section.

(H) Divisions (C)(3) and (D) of this section are suspended beginning July 1, 2021, and ending June 30, 2023.

(3)(a) A nursing facility that undergoes a change of operator shall receive a quality incentive payment under this section if all of the following conditions are met:

(i) The incoming operator has operated at least one nursing facility in this state for at least sixty consecutive months.

(ii) The incoming operator owns the physical assets of the nursing facility or has at least a majority ownership of the entity that owns the physical assets of the nursing facility.

(iii) At no time has the incoming operator had a facility in any state voluntarily or involuntarily closed or a license suspended or revoked.

(b) A nursing facility that meets the conditions in division (E)(3)(a) of this section shall receive a quality incentive payment equal to the quality incentive payment the exiting operator received before the effective date of the change of operator. For subsequent fiscal years, the quality incentive payment shall be determined under division (C) of this section.
Sec. 5165.36. The beginning with state fiscal year 2024, the department of medicaid shall conduct a rebasing at least once every two state fiscal years. When the department conducts a rebasing for a state fiscal year, it shall conduct the rebasing for only the direct care, ancillary and support, and tax cost centers. A nursing facility provider shall spend money received from the rebasing conducted in state fiscal year 2022 on the direct care, ancillary and support, and tax cost centers only.

Sec. 5165.52. (A) On receipt of a written notice under section 5165.50 of the Revised Code of a facility closure or voluntary withdrawal of participation, on receipt of a written notice under section 5165.51 of the Revised Code of a change of operator, or on the effective date of an involuntary termination, the department of medicaid shall estimate the amount of any overpayments made under the medicaid program to the exiting operator, including overpayments the exiting operator disputes, and other actual and potential debts the exiting operator owes or may owe to the department and United States centers for medicare and medicaid services under the medicaid program, including a franchise permit fee.

(B) In estimating the exiting operator's other actual and potential debts to the department and the United States centers for medicare and medicaid services under the medicaid program, the department shall use a debt estimation methodology the medicaid director shall establish in rules authorized by section 5165.53 of the Revised Code. The methodology shall provide for estimating all of the following that the department determines are applicable:

(1) Refunds due the department under section 5165.41 of the Revised Code;

(2) Interest owed to the department and United States centers...
for medicare and medicaid services;

(3) Final civil monetary and other penalties for which all right of appeal has been exhausted;

(4) Money owed the department and United States centers for medicare and medicaid services from any outstanding final fiscal audit, including a final fiscal audit for the last state fiscal year or portion thereof in which the exiting operator participated in the medicaid program;

(5) Other amounts the department determines are applicable.

(C) The department shall provide the exiting operator written notice of the department's estimate under division (A) of this section not later than thirty days after whichever of the following applies: the department receives the notice under section 5165.50 of the Revised Code of the facility closure or voluntary withdrawal of participation the department receives the notice under section 5165.51 of the Revised Code of the change of operator or the effective date of the involuntary termination. The department's written notice shall include the basis for the estimate.

Sec. 5165.521. (A) Except as provided in divisions (B), (C), and (D) of this section, the department of medicaid may withhold from payment due an exiting operator under the medicaid program the total amount specified in the notice provided under division (C) of section 5165.52 of the Revised Code that the exiting operator owes or may owe to the department and United States centers for medicare and medicaid services under the medicaid program.

(B) In the case of a change of operator and subject to division (E) of this section, the following shall apply regarding
a withholding under division (A) of this section if the exiting operator or entering operator or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section:

(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5165.525 of the Revised Code, the department shall not make the withholding.

(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (B)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5165.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability.

(C) In the case of a voluntary withdrawal of participation or facility closure and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting operator or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section:

(1) If the exiting operator or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5165.525 of the Revised Code, the department shall not make the withholding.
(2) If the exiting operator or affiliated operator assumes liability for only the portion of the amount specified in division (C)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5165.52 of the Revised Code and the amount for which the exiting operator or affiliated operator assumes liability.

(D) In the case of an involuntary termination and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting operator, the entering operator, or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section and the department approves the successor liability agreement:

(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States Centers for Medicare and Medicaid Services under the Medicaid program as determined under section 5165.525 of the Revised Code, the department shall not make the withholding.

(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (D)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5165.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability.

(E) For an exiting operator or affiliated operator to be eligible to enter into a successor liability agreement under
division (B), (C), or (D) of this section, both of the following must apply:

(1) The exiting operator or affiliated operator must have one or more valid provider agreements, other than the provider agreement for the nursing facility that is the subject of the involuntary termination, voluntary withdrawal of participation, facility closure, or change of operator;

(2) During the twelve-month period preceding either the effective date of the involuntary termination or the month in which the department receives the notice of the voluntary withdrawal of participation or facility closure under section 5165.50 of the Revised Code or the notice of the change of operator under section 5165.51 of the Revised Code, the average monthly medicaid payment made to the exiting operator or affiliated operator pursuant to the exiting operator's or affiliated operator's one or more provider agreements, other than the provider agreement for the nursing facility that is the subject of the involuntary termination, voluntary withdrawal of participation, facility closure, or change of operator, must equal at least ninety per cent of the sum of the following:

(a) The average monthly medicaid payment made to the exiting operator pursuant to the exiting operator's provider agreement for the nursing facility that is the subject of the involuntary termination, voluntary withdrawal of participation, facility closure, or change of operator;

(b) Whichever of the following apply:

(i) If the exiting operator or affiliated operator has assumed liability under one or more other successor liability agreements, the total amount for which the exiting operator or affiliated operator has assumed liability under the other successor liability agreements;
(ii) If the exiting operator or affiliated operator has not assumed liability under any other successor liability agreements, zero.

(F) A successor liability agreement executed under this section must comply with all of the following:

(1) It must provide for the operator who executes the successor liability agreement to assume liability for either of the following as specified in the agreement:

(a) The total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5165.525 of the Revised Code;

(b) The portion of the amount specified in division (F)(1)(a) of this section that represents the franchise permit fee the exiting operator owes.

(2) It may not require the operator who executes the successor liability agreement to furnish a surety bond.

(3) It must provide that the department, after determining under section 5165.525 of the Revised Code the actual amount of debt the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program, may deduct the lesser of the following from medicaid payments made to the operator who executes the successor liability agreement:

(a) The total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5165.525 of the Revised Code;

(b) The amount for which the operator who executes the successor liability agreement assumes liability under the
agreement.

(4) It must provide that the deductions authorized by division (F)(3) of this section are to be made for a number of months, not to exceed six, agreed to by the operator who executes the successor liability agreement and the department or, if the operator who executes the successor liability agreement and department cannot agree on a number of months that is less than six, a greater number of months determined by the attorney general pursuant to a claims collection process authorized by statute of this state.

(5) It must provide that, if the attorney general determines the number of months for which the deductions authorized by division (F)(3) of this section are to be made, the operator who executes the successor liability agreement shall pay, in addition to the amount collected pursuant to the attorney general's claims collection process, the part of the amount so collected that, if not for division (H) of this section, would be required by section 109.081 of the Revised Code to be paid into the attorney general claims fund.

(G) Execution of a successor liability agreement does not waive an exiting operator's right to contest the amount specified in the notice the department provides the exiting operator under division (C) of section 5165.52 of the Revised Code.

(H) Notwithstanding section 109.081 of the Revised Code, the entire amount that the attorney general, whether by employees or agents of the attorney general or by special counsel appointed pursuant to section 109.08 of the Revised Code, collects under a successor liability agreement, other than the additional amount the operator who executes the agreement is required to pay by division (F)(5) of this section to pay, shall be paid to the department of medicaid for deposit into the appropriate fund. The additional amount that the operator is required to pay shall be paid into the...
state treasury to the credit of the attorney general claims fund created under section 109.081 of the Revised Code.

Sec. 5165.525. The department of medicaid shall determine the actual amount of debt an exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program by completing all final fiscal audits not already completed and performing all other appropriate actions the department determines to be necessary. The department shall issue an initial debt summary report on this matter not later than sixty days after the date the exiting operator files the properly completed cost report required by section 5165.522 of the Revised Code with the department or, if the department waives the cost report requirement for the exiting operator, sixty days after the date the department waives the cost report requirement for the exiting operator, sixty days after the date the department waives the cost report requirement. The initial debt summary report becomes the A final debt summary report shall be issued thirty-one days after the department issues the initial debt summary report unless the exiting operator, or an affiliated operator who executes a successor liability agreement under section 5165.521 of the Revised Code, requests a review before that date.

The exiting operator, and an affiliated operator who executes a successor liability agreement under section 5165.521 of the Revised Code, may request a review to contest any of the department's findings included in the initial debt summary report. The request for the review must be submitted to the department not later than thirty days after the date the department issues the initial debt summary report. The department shall conduct the review on receipt of a timely request and issue a revised debt summary report. If the department has withheld money from payment due the exiting operator under division (A) of section 5165.521 of the Revised Code, the department shall issue the revised debt summary report not later than ninety days after the date the
department receives the timely request for the review unless the department and exiting operator or affiliated operator agree to a later date. The exiting operator or affiliated operator may submit information to the department explaining what the operator contests before and during the review, including documentation of the amount of any debt the department owes the operator. The exiting operator or affiliated operator may submit additional information to the department not later than thirty days after the department issues the revised debt summary report. The revised debt summary report becomes the final debt summary report unless the department issues the revised debt summary report thirty-one days after the department issues the revised debt summary report unless the exiting operator or affiliated operator timely submits additional information to the department. If the exiting operator or affiliated operator timely submits additional information to the department, the department shall consider the additional information and issue a final debt summary report not later than sixty days after the department issues the revised debt summary report unless the department and exiting operator or affiliated operator agree to a later date.

Each debt summary report the department issues under this section shall include the department's findings and the amount of debt the department determines the exiting operator owes the United States centers for medicare and medicaid services under the medicaid program. The department shall explain its findings and determination in each debt summary report.

The exiting operator, and an affiliated operator who executes a successor liability agreement under section 5165.521 of the Revised Code, may request, in accordance with Chapter 119. of the Revised Code, an adjudication regarding a finding in a final debt summary report that pertains to an audit or alleged overpayment made under the medicaid program to the exiting operator. The adjudication shall be consolidated with any other uncompleted
adjudication that concerns a matter addressed in the final debt summary report.

**Sec. 5165.526.** The department of medicaid shall release the actual amount withheld under division (A) of section 5165.521 of the Revised Code, less any amount the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program, as follows:

(A) Unless the department issues the initial debt summary report required by section 5165.525 of the Revised Code not later than sixty days after the date the exiting operator files the properly completed cost report required by section 5165.522 of the Revised Code, sixty-one days after the date the exiting operator files the properly completed cost report;

(B) If the department issues the initial debt summary report required by section 5165.525 of the Revised Code not later than sixty days after the date the exiting operator files a properly completed cost report required by section 5165.522 of the Revised Code, not later than the following:

(1) Thirty days after the deadline for requesting an adjudication under section 5165.525 of the Revised Code regarding the final debt summary report if the exiting operator, and an affiliated operator who executes a successor liability agreement under section 5165.521 of the Revised Code, fail to request the adjudication on or before the deadline;

(2) Thirty days after the completion of an adjudication of the final debt summary report if the exiting operator, or an affiliated operator who executes a successor liability agreement under section 5165.521 of the Revised Code, requests the adjudication on or before the deadline for requesting the adjudication.
(C) Unless the department issues the initial debt summary report required by section 5165.525 of the Revised Code not later than sixty days after the date the department waives the cost report requirement of section 5165.522 of the Revised Code, sixty-one days after the date the department waives the cost report requirement;

(D) If the department issues the initial debt summary report required by section 5165.525 of the Revised Code not later than sixty days after the date the department waives the cost report requirement of section 5165.522 of the Revised Code, not later than the following:

(1) Thirty days after the deadline for requesting an adjudication under section 5165.525 of the Revised Code regarding the final debt summary report if the exiting operator, and an affiliated operator who executes a successor liability agreement under section 5165.521 of the Revised Code, fail to request the adjudication on or before the deadline;

(2) Thirty days after the completion of an adjudication of the final debt summary report if the exiting operator, or an affiliated operator who executes a successor liability agreement under section 5165.521 of the Revised Code, requests the adjudication on or before the deadline for requesting the adjudication.

Sec. 5165.528. (A) All amounts withheld under section 5165.521 of the Revised Code from payment due an exiting operator under the medicaid program shall be deposited into the medicaid payment withholding fund created by the controlling board pursuant to section 131.35 of the Revised Code. Money in the fund shall be used as follows:

(1) To pay an exiting operator when a withholding is released to the exiting operator under section 5165.526 or 5165.527 of the Revised Code.
(2) To pay the department of medicaid and United States centers for medicare and medicaid services the amount an exiting operator owes the department and United States centers under the medicaid program.

(B) Amounts paid from the medicaid payment withholding fund pursuant to division (A)(2) of this section shall be deposited into the appropriate department fund.

Sec. 5165.771. (A) As used in this section:

(1) "SFF list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program.

(2) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to the "Social Security Act," section 1919(f)(10), 42 U.S.C. 1396r(f)(10).

(3) "Table A" means the table included in the SFF list that identifies nursing facilities that are newly added to the SFF list.

(4) "Table B" means the table included in the SFF list that identifies nursing facilities that have not improved.

(5) "Table C" means the table included in the SFF list that identifies nursing facilities that have shown improvement.

(6) "Table D" means the table included in the SFF list that identifies nursing facilities that have recently graduated from

(2) "Standard health surveys" mean the comprehensive on-site inspections conducted by the department of health on behalf of the United States centers for medicare and medicaid services every six months to evaluate the safety and quality of care provided by a nursing facility as required under the special focus facility
program.

(B) The department of medicaid shall issue an order terminating a nursing facility's participation in the medicaid program if any either of the following apply:

(1) The nursing facility is placed in table A or table B and fails to be placed in table C not later than twelve months after the facility is placed in table A or table B.

(2) The nursing facility is placed in table A, table B, or table C and fails to be placed in table D not later than twenty-four months after the facility is placed in table A, table B, or table C.

(3) The nursing facility is placed in table A and fails to be placed in table C not later than twelve months after the nursing facility is placed in table A graduate from the special focus facility program after two standard health surveys while in the program.

(4)(2) The nursing facility is placed in table A and fails to be placed in table D not later than twenty-four months after the nursing facility is placed in table A terminated from participation in the medicare or medicaid program by the United States centers for medicare and medicaid services or voluntarily chooses not to continue participation in either of those programs.

(C) A Except as provided division (C)(1) or (2) of this section, a nursing facility may appeal, under Chapter 119. of the Revised Code, the length of time the facility is listed in a table as described a termination order issued by the department under division (B) of this section. The

(1) A nursing facility shall not appeal to the department of medicaid any standard health survey findings that form the basis, in whole or in part, for an order issued pursuant to division (B) of this section terminating a nursing facility's participation in
the medicaid program. Any challenges to standard health survey findings shall be made to the department of health.

(2) A nursing facility shall not appeal to the department of medicaid a determination by the United States centers for medicare and medicaid services to terminate a nursing facility's participation in the medicare or medicaid program. Any challenge to such a determination shall be made to the centers for medicare and medicaid services.

(3) The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to provide for an appeal under this division. Notwithstanding the timeframes listed in section 119.07 of the Revised Code, the rules may provide for an expedited appeal under this division.

(D) A nursing facility shall take all steps necessary to improve its quality of care to avoid having its participation in the medicaid program terminated pursuant to division (B) of this section. Technical assistance and quality improvement initiatives to help a nursing facility avoid having its participation in the medicaid program terminated pursuant to division (B) of this section are available through the nursing home quality initiative established under section 173.60 of the Revised Code or initiatives offered through a quality improvement organization under contract with the United States secretary of health and human services to carry out in this state the functions described in section 1154 of the "Social Security Act," 42 U.S.C. 1320c-3.

Sec. 5165.87. (A) Except as provided in division (B) of this section, the following remedies are subject to appeal under Chapter 119. of the Revised Code:

(1) An order issued under section 5165.71, 5165.72, 5165.77, or 5165.85 of the Revised Code terminating a nursing facility's participation in the medicaid program;
(2) Appointment of a temporary manager of a facility under division (A)(1)(b) or (2)(b) of section 5165.72, or division (A)(1)(d) of section 5165.77 of the Revised Code;

(3) An order issued under section 5165.72, 5165.73, 5165.74, 5165.77, or 5165.84 of the Revised Code denying medicaid payments to a facility for all medicaid eligible residents admitted after the effective date of the order;

(4) An order issued under section 5165.72, 5165.73, or 5165.74 of the Revised Code denying medicaid payments to a facility for medicaid eligible residents admitted after the effective date of the order who have certain diagnoses or special care needs specified by the department or agency;

(5) A fine imposed under section 5165.72, 5165.73, or 5165.74 of the Revised Code.

(B) The department of medicaid or contracting agency may do any of the following prior to or during the pendency of any proceeding under Chapter 119. of the Revised Code:

(1) Issue and execute an order under section 5165.72, 5165.77, or 5165.85 of the Revised Code terminating a nursing facility's participation in the medicaid program;

(2) Appoint a temporary manager under division (A)(1)(b) or (2)(b) of section 5165.72 or division (A)(1)(d) of section 5165.77 of the Revised Code;

(3) Issue and execute an order under section 5165.72, 5165.73, 5165.77, or 5165.84 of the Revised Code denying medicaid payments to a facility for all medicaid eligible residents admitted after the effective date of the order;

(4) Issue and execute an order under section 5165.72 or 5165.73 or division (A), (B), or (C) of section 5165.74 of the Revised Code denying medicaid payments to a facility for medicaid
eligible residents admitted after the effective date of the order who have specified diagnoses or special care needs.

(C) Whenever the department or agency imposes a remedy listed in division (B) of this section prior to or during the pendency of a proceeding, all of the following apply:

(1) The provider against whom the action is taken shall have ten days after the date the facility actually receives the notice specified is served in section accordance with sections 119.05 and 119.07 of the Revised Code to request a hearing.

(2) The hearing shall commence within thirty days after the date the department or agency receives the provider's request for a hearing.

(3) The hearing shall continue uninterrupted from day to day, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the provider and the department or agency.

(4) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations within ten days after the close of the hearing.

(5) The provider shall have five days after the date the hearing officer files the report and recommendations within which to file objections to the report and recommendations.

(6) Not later than fifteen days after the date the hearing officer files the report and recommendations, the medicaid director or the director of the contracting agency shall issue an order approving, modifying, or disapproving the report and recommendations of the hearing examiner.

(D) If the department or agency imposes more than one remedy as the result of deficiencies cited in a single survey, the proceedings for all of the remedies shall be consolidated. If any
of the remedies are imposed during the pendency of a hearing, as permitted by division (B) of this section, the consolidated hearing shall be conducted in accordance with division (C) of this section. The consolidation of the remedies for purposes of a hearing does not affect the effective dates prescribed in sections 5165.60 to 2165.85 of the Revised Code.

(E) If a contracting agency conducts administrative proceedings pertaining to remedies imposed under sections 5165.60 to 5165.89 of the Revised Code, the department of medicaid shall not be considered a party to the proceedings.

Sec. 5166.01. As used in this chapter:

"209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under which the medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the supplemental security income program.

"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision.

"Care management system" has the same meaning as in section 5167.01 of the Revised Code.

"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

"Enrollee" has the same meaning as in section 5167.01 of the Revised Code.

"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.
"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.

"Hospital" has the same meaning as in section 3727.01 of the Revised Code.

"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.

"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.

"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.

"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.

"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component.

"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code.

"Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code.

"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.
"Medicaid waiver component" means a component of the Medicaid program authorized by a waiver granted by the United States Department of Health and Human Services under section 1115 or 1915 of the "Social Security Act," 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include the care management system or services delivered under a prepaid inpatient health plan, as defined in 42 C.F.R. 438.2.

"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3).

"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

"Ohio home care waiver program" means the home and community-based services Medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.

"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

"Unified long-term services and support Medicaid waiver component" means the Medicaid waiver component authorized by
section 5166.14 of the Revised Code.

Sec. 5166.02. (A) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code governing medicaid waiver components. The rules may establish all of the following:

(1) Eligibility requirements for the medicaid waiver components;

(2) The type, amount, duration, and scope of medicaid services the medicaid waiver components cover;

(3) The conditions under which the medicaid waiver components cover medicaid services;

(4) The amounts the medicaid waiver components pay for medicaid services or the methods by which the amounts are determined;

(5) The manners in which the medicaid waiver components pay for medicaid services;

(6) Safeguards for the health and welfare of medicaid recipients receiving medicaid services under a medicaid waiver component;

(7) Procedures for prioritizing and approving for enrollment individuals who are eligible for a home and community-based services medicaid waiver component and choose to be enrolled in the component;

(8) Procedures for enforcing the rules, including establishing corrective action plans for, and imposing financial and administrative sanctions on, persons and government entities that violate the rules. Sanctions shall include terminating provider agreements. The procedures shall include due process protections.
(9) Other policies necessary for the efficient administration of the medicaid waiver components.

(B) The director may adopt different rules for the different medicaid waiver components. The rules shall be consistent with the terms of the waiver authorizing the medicaid waiver component.

(C) The following apply to procedures established under division (A)(7) of this section:

(1) Any such procedures established for the medicaid-funded component of the PASSPORT program shall be consistent with section 173.521 of the Revised Code.

(2) Any such procedures established for the medicaid-funded component of the assisted living program shall be consistent with section 173.542 of the Revised Code.

(3) Any such procedures established for the Ohio home care waiver program shall be consistent with section 5166.121 of the Revised Code.

(4) Any such procedures established for the unified long-term services and support medicaid waiver program shall be consistent with section 5166.141 of the Revised Code.

Sec. 5166.16. (A) As used in this section and section 5166.161 of the Revised Code, "ODA or MCD medicaid waiver component" means all of the following:

(1) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;

(2) The medicaid-funded component of the assisted living program, unless it is terminated pursuant to division (C) of section 173.54 of the Revised Code;

(3) The Ohio home care waiver program, unless it is
terminated pursuant to section 5166.12 of the Revised Code.

(B) The medicaid director may create a home and
community-based services medicaid waiver component as part of the
integrated care delivery system. If the ICDS medicaid waiver
component is created, both of the following apply:

(1) The department of medicaid shall administer it;

(2) When it begins to accept enrollments, no ICDS participant
who is eligible for the ICDS medicaid waiver component shall be
enrolled in an ODA or MCD medicaid waiver component regardless of
whether the participant prefers to remain or be enrolled in an ODA
or MCD medicaid waiver component.

(C) A dual eligible individual who is eligible for an ODA or
MCD medicaid waiver component may enroll in the component before
the individual becomes an ICDS participant. The dual eligible
individual shall disenroll from the ODA or MCD medicaid waiver
component and enroll in the ICDS medicaid waiver component once
the individual becomes an ICDS participant and it is possible to
enroll the individual in the ICDS medicaid waiver component. The
disenrollment from the ODA or MCD medicaid waiver component and
enrollment into the ICDS medicaid waiver component shall occur
regardless of whether the individual prefers to remain enrolled in
the ODA or MCD medicaid waiver component.

(D) An ICDS participant's disenrollment from an ODA or MCD
medicaid waiver component and enrollment in the ICDS medicaid
waiver component resulting from division (B)(2) or (C) of this
section shall be accomplished without a disruption in the
participant's services under the components.

Sec. 5166.30. (A) As used in sections 5166.30 to 5166.3010 of
the Revised Code:

(1) "Adult" means an individual at least eighteen years of
(2) "Appropriate director" means the following:

(a) The medicaid director in the context of both of the following:

(i) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;

(ii) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.

(b) The director of aging in the context of the medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code.

(3) "Authorized representative" means the following:

(a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian;

(b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5166.3010 of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services.

(4) "Authorizing health care professional" means a health care professional who, pursuant to section 5166.307 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.

(5) "Consumer" means an individual to whom all of the following apply:

(a) The individual is enrolled in a participating medicaid waiver component.

(b) The individual has a medically determinable physical impairment to which both of the following apply:
(i) It is expected to last for a continuous period of not less than twelve months.

(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both.

(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant.

(d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care attendant.

(6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(7) "Custodian" has the same meaning as in section 2151.011 of the Revised Code.

(8) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach.

(9) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.

(10) "Health care professional" means a physician or registered nurse.

(11) "Home care attendant" means an individual holding a valid provider agreement in accordance with section 5166.301 of the Revised Code that authorizes the individual to provide home care attendant services to consumers.

(12) "Home care attendant services" means all of the following as provided by a home care attendant:
(a) Personal care aide services;

(b) Assistance with the self-administration of medication;

(c) Assistance with nursing tasks.

(13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.

(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.

(15) "Minor" means an individual under eighteen years of age.

(16) "Participating medicaid waiver component" means all of the following:

(a) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;

(b) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;

(c) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.

(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. "Registered nurse" includes an advanced practice registered nurse, as defined in section 4723.01 of the Revised Code.

(19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code.

(B) Participating medicaid waiver components may cover home
care attendant services in accordance with sections 5166.30 to 87799
5166.3010 of the Revised Code and rules adopted under section 87800
5166.02 of the Revised Code.

Sec. 5166.32. If the department of medicaid terminates the 87801
209(b) option, the department shall establish a medicaid waiver
component under which an individual who has cystic fibrosis and is
enrolled in the program for medically handicapped children and
youth with special health care needs administered by the
department of health under section 3701.023 of the Revised Code or
the program the department of health administers pursuant to
division (G) of that section may qualify for medicaid under the
same type of spenddown process that is part of the 209(b) option.

Sec. 5166.45. (A) As used in this section, "medical
assistance program" and "refugee medical assistance program" have
the same meanings as in section 5160.01 of the Revised Code.

(B) The medicaid director shall establish a medicaid waiver
cOMPONENT to provide continuous medicaid enrollment for children
from birth through three years of age. A child who is determined
eligible for medical assistance under Title XIX of the "Social
Security Act" or child health assistance under Title XXI of the
"Social Security Act" shall remain eligible for those benefits
until the earlier of:

(1) The end of a period, not to exceed forty-eight months,
following the determination;

(2) The date when the individual exceeds four years of age.

(C) The waiver component described in division (B) of this
section does not apply to a child who is eligible for a medical
assistance program on the basis of being any of the following:

(1) Deemed presumptively eligible for medicaid pursuant to
section 5163.101 of the Revised Code;
(2) Eligible for alien emergency medical assistance, as specified in section 1903(v)(2) of the "Social Security Act," 42 U.S.C. 1396b(v)(2);

(3) Eligible for the refugee medical assistance program administered pursuant to section 5160.50 of the Revised Code.

Sec. 5167.12. If prescribed drugs are included in the care management system:

(A) Medicaid MCO plans may include strategies for the management of drug utilization, but any such strategies are subject to the limitations and requirements of this section and the approval of the department of medicaid.

(B) A medicaid MCO plan shall not impose a prior authorization requirement in the case of a drug to which all of the following apply:

(1) The drug is an antidepressant or antipsychotic.

(2) The drug is administered or dispensed in a standard tablet or capsule form, except that in the case of an antipsychotic, the drug also may be administered or dispensed in a long-acting injectable form.

(3) The drug is prescribed by any of the following:

(a) A physician whom the medicaid managed care organization that offers the plan allows to provide care as a psychiatrist through its credentialing process who has registered the physician's psychiatric specialty with the department;

(b) A psychiatrist who is practicing at a location on behalf of a community mental health services provider whose mental health services are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;

(c) A certified nurse practitioner, as defined in section
4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code;

(d) A clinical nurse specialist, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code.

(4) The drug is prescribed for a use that is indicated on the drug's labeling, as approved by the federal food and drug administration.

(C) The department shall authorize a medicaid MCO plan to include a pharmacy utilization management program under which prior authorization through the program is established as a condition of obtaining a controlled substance pursuant to a prescription.

(D) Each medicaid managed care organization and medicaid MCO plan shall comply with sections 5164.091, 5164.10, 5164.7511, 5164.7512, and 5164.7514 of the Revised Code as if the organization were the department and the plan were the medicaid program.

Sec. 5168.02. (A) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code for the purpose of administering sections 5168.01 to 5168.14 of the Revised Code, including rules that do all of the following:

(1) Define as a "disproportionate share hospital" any hospital included under the "Social Security Act," section 1923(b), 42 U.S.C. 1396r-4(b), and any other hospital the director determines appropriate;

(2) Prescribe the form for submission of cost reports under section 5168.05 of the Revised Code;
(3) Establish, in accordance with division (A) of section 5168.06 of the Revised Code, the assessment rate or rates to be applied to hospitals under that section;

(4) Establish schedules for hospitals to pay installments on their assessments under section 5168.06 of the Revised Code and for governmental hospitals to pay installments on their intergovernmental transfers under section 5168.07 of the Revised Code;

(5) Establish procedures to notify hospitals of adjustments made under division (B)(2)(b) of section 5168.06 of the Revised Code in the amount of installments on their assessment;

(6) Establish procedures to notify hospitals of adjustments made under division (D) of section 5168.08 of the Revised Code in the total amount of their assessment and to adjust for the remainder of the program year the amount of the installments on the assessments;

(7) Establish, in accordance with section 5168.09 of the Revised Code, the methodology for paying hospitals under that section.

The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties.

(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following:

(1) Medicaid recipients;

(2) Recipients of the program for medically handicapped children and youth with special health care needs established under section 3701.023 of the Revised Code;

(3) Medicare beneficiaries;
(4) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.;

(5) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that title.

Sec. 5168.14. (A) Each hospital that receives funds distributed under sections 5168.01 to 5168.14 of the Revised Code shall provide, without charge to the individual, basic, medically necessary hospital-level services to individuals who are residents of this state, are not medicaid recipients, and whose income is at or below the federal poverty line. The medicaid director shall adopt rules under section 5168.02 of the Revised Code specifying the hospital services to be provided under this section.

(B) Nothing in this section shall be construed to prevent a hospital from requiring an individual to apply for the medicaid program before the hospital processes an application under this section. Hospitals may bill any third-party payer for services rendered under this section. Hospitals may bill the medicaid program, in accordance with state statutes governing the medicaid program and rules adopted under those statutes, for medicaid services rendered under this section if the individual becomes a medicaid recipient. Hospitals may bill individuals for services under this section if all of the following apply:

(1) The hospital has an established post-billing procedure for determining the individual's income and canceling the charges if the individual is found to qualify for services under this section.

(2) The initial bill, and at least the first follow-up bill, is accompanied by a written statement that does all of the following:...
(a) Explains that individuals with income at or below the federal poverty line are eligible for services without charge;

(b) Specifies the federal poverty line for individuals and families of various sizes at the time the bill is sent;

(c) Describes the procedure required by division (C)(1) of this section.

(3) The hospital complies with any additional rules adopted under section 5168.02 of the Revised Code.

Notwithstanding division (B) of this section, a hospital providing care to an individual under this section is subrogated to the rights of any individual to receive compensation or benefits from any person or governmental entity for the hospital goods and services rendered.

(C) Each hospital shall collect and report to the department of medicaid, in the form and manner prescribed by the department, information on the number and identity of patients served pursuant to this section.

(D) This section applies beginning May 22, 1992, regardless of whether rules specifying the services to be provided have been adopted. Nothing in this section alters the scope or limits the obligation of any governmental entity or program, including the program awarding reparations to victims of crime under sections 2743.51 to 2743.72 of the Revised Code and the program for medically handicapped children and youth with special health care needs established under section 3701.023 of the Revised Code, to pay for hospital services in accordance with state or local law.

Sec. 5168.26. (A) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement sections 5168.20 to 5168.28 of the Revised Code, including rules that specify the percentage of hospitals' total
facility costs to be used in calculating hospitals' assessments under section 5168.21 of the Revised Code.

(B) The rules adopted under this section may do the following:

(1) Provide that a hospital's total facility costs for the purpose of the assessment under section 5168.21 of the Revised Code exclude any of the following:

(a) A hospital's costs associated with providing care to recipients of any of the following:

(i) The medicaid program;

(ii) The medicare program;

(iii) The program for medically handicapped children and youth with special health care needs established under section 3701.023 of the Revised Code;

(iv) Services provided under the maternal and child health services block grant established under Title V of the "Social Security Act," 42 U.S.C. 701 et seq.

(b) Any other category of hospital costs the director deems appropriate under federal law and regulations governing the medicaid program.

(2) Subject to division (C) of this section, provide for the percentage of hospitals' total facility costs used in calculating hospitals' assessments to vary for different hospitals.

(C) Before adopting rules authorized by division (B)(2) of this section that establish varied percentages to be used in calculating hospitals' assessments, the director shall obtain a waiver from the United States secretary of health and human services under the "Social Security Act," section 1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause
the assessments to not be imposed uniformly.

Sec. 5301.90. (A) An environmental covenant may be amended or terminated by consent only if the amendment or termination is signed by all of the following:

(1) The applicable agency;

(2) Unless waived by that agency, the current owner of the fee simple of the real property that is subject to the environmental covenant;

(3) Each person that originally signed the environmental covenant unless the one or more of the following apply:

(a) The person waived in a signed record the right to consent;

(b) A court finds that the person no longer exists or cannot be located or identified with the exercise of reasonable diligence;

(c) The applicable agency finds that the signature of the person is not necessary.

(4) Except as otherwise provided in division (D)(2) of this section, each holder.

(B) If an interest in real property is subject to an environmental covenant, the interest is not affected by an amendment of the environmental covenant unless the current owner of the interest consents in writing to the amendment or has waived in a signed record the right to consent to amendments.

(C) Except for an assignment undertaken pursuant to a governmental reorganization, assignment of an environmental covenant to a new holder is an amendment of the environmental covenant.

(D) Except as otherwise provided in an environmental
covenant, both of the following apply:

(1) A holder may not assign its interest without consent of the other parties to the environmental covenant specified in division (A) of this section.

(2) A holder may be removed and replaced by agreement of the other parties specified in division (A) of this section.

(E) A court of competent jurisdiction may fill a vacancy in the position of holder.

Sec. 5301.91. (A) A civil action for injunctive or other equitable relief for violation of an environmental covenant may be maintained by any of the following:

(1) A party to the environmental covenant specified in division (A) of section 5301.90 of the Revised Code that is not otherwise specified in divisions (A)(2) to (7) of this section;

(2) The environmental protection agency;

(3) The applicable agency if it is other than the environmental protection agency;

(4) Any person to whom the environmental covenant expressly grants the authority to maintain such an action;

(5) A person whose interest in the real property or whose collateral or liability may be affected by the alleged violation of the environmental covenant;

(6) A unit of local government in which the real property that is subject to the environmental covenant is located;

(7) An original signatory of the environmental covenant who is no longer an owner of the real property that is subject to the environmental covenant in fee simple.

(B) Sections 5301.80 to 5301.92 of the Revised Code do not limit the regulatory authority of the applicable agency or the
environmental protection agency if it is not the applicable agency under any law other than sections 5301.80 to 5301.92 of the Revised Code with respect to an environmental response project.

(C) A person is not responsible for or subject to liability for environmental remediation solely because it has the right to enforce an environmental covenant.

Sec. 5301.94. (A) As used in this section, "right-to-list home sale agreement" has the same meaning as in section 4735.01 of the Revised Code.

(B) A right-to-list home sale agreement executed, modified, or extended after the effective date of this section is void ab initio and unenforceable.

(C) A right-to-list home sale agreement described in division (B) of this section is an unfair or deceptive act or practice in violation of section 1345.02 of the Revised Code. A residential real estate owner that enters into such a right-to-list home sale agreement has a cause of action against any other party to that agreement and is entitled to the same relief available to a consumer under section 1345.09 of the Revised Code. All powers and remedies available to the attorney general to enforce sections 1345.01 to 1345.13 of the Revised Code are available to the attorney general to enforce this section.

(D) No person shall present for recording, or cause to be presented for recording, by the county recorder in the official records under section 317.08 of the Revised Code a right-to-list home sale agreement described in division (B) of this section.

(E) An owner of residential real estate for which a right-to-list home sale agreement is recorded in violation of division (D) of this section may petition the court of common pleas of the county in which the right-to-list home sale agreement
is recorded to declare the agreement void ab initio and unenforceable. If the court determines that the agreement is a right-to-list home sale agreement, a certified copy of the court order, with a complete legal description of the parcel, declaring the agreement void ab initio and unenforceable shall be recorded in the office of the county recorder. The county recorder shall record the order and charge and collect from the person filing the order the fees prescribed in section 317.32 of the Revised Code for the recorder's services. If the court grants the order, the owner may recover actual damages, costs, and attorney's fees from the person that recorded, or caused to be recorded, the right-to-list home sale agreement.

Sec. 5321.01. As used in this chapter:

(A) "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.

(B) "Landlord" means the owner, lessor, or sublessee of residential premises, the agent of the owner, lessor, or sublessee, or any person authorized by the owner, lessor, or sublessee to manage the premises or to receive rent from a tenant under a rental agreement.

(C) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances in it, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant. "Residential premises" includes a dwelling unit that is owned or operated by a college or university. "Residential premises" does not include any of the following:

(1) Prisons, jails, workhouses, and other places of incarceration or correction, including, but not limited to,
halfway houses or residential arrangements that are used or occupied as a requirement of a community control sanction, a post-release control sanction, or parole;

(2) Hospitals and similar institutions with the primary purpose of providing medical services, and homes licensed pursuant to Chapter 3721. of the Revised Code;

(3) Tourist homes, hotels, motels, recreational vehicle parks, recreation camps, combined park-camps, temporary park-camps, and other similar facilities where circumstances indicate a transient occupancy;

(4) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition;

(5) Orphanages and similar institutions;

(6) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants;

(7) Dwelling units subject to sections 3733.41 to 3733.49 Chapter 3733. of the Revised Code;

(8) Occupancy by an owner of a condominium unit;

(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:

(a) The occupancy is for a period of less than sixty days.

(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide
either of the following:

(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of persons with mental illnesses, persons with developmental disabilities, adults or juveniles convicted of criminal offenses, or persons experiencing substance abuse;

(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons.


(D) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, amount of rent charged or paid, or any other provisions concerning the use and occupancy of residential premises by one of the parties.

(E) "Security deposit" means any deposit of money or property to secure performance by the tenant under a rental agreement.

(F) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

(G) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(H) "Student tenant" means a person who occupies a dwelling unit owned or operated by the college or university at which the person is a student, and who has a rental agreement that is
contingent upon the person's status as a student.

(I) "Recreational vehicle park," "recreation camp," "combined park-camp," and "temporary park-camp" have the same meanings as in section 3729.01 of the Revised Code.

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

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

(L) "School premises" has the same meaning as in section 2925.01 of the Revised Code.

(M) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

(N) "Preschool or child day-care center premises" has the same meaning as in section 2950.034 of the Revised Code.

(O) "Rent control" means requiring below-market rents for residential premises or controlling rental rates for residential premises in any manner, including by prohibiting rent increases, regulating rental rate changes between tenancies, limiting rental rate increases, regulating the rental rates of residential premises based on income or wealth of tenants, and other forms of restraint or limitation of rental rates.

(P) "Rent stabilization" means allowing rent increases for residential premises of a fixed amount or on a fixed schedule as set by a political subdivision.

(Q) "Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.
Sec. 5321.18. (A) Every written rental agreement for residential premises shall contain the name and address of the owner and the name and address of the owner's agent, if any. If the owner or the owner's agent is a corporation, partnership, limited partnership, association, trust, or other entity, the address shall be the principal place of business in the county in which the residential property is situated or if there is no place of business in such county then its principal place of business in this state, and shall include the name of the person in charge thereof.

(B) If the rental agreement is oral, the landlord, at the commencement of the term of occupancy, shall deliver to tenant a written notice containing the information required in division (A) of this section.

(C) If the landlord fails to provide the notice of the name and address of the owner and owner's agent, if any, required under division (A) or (B) of this section, the notices to the landlord required under division (A) of section 5321.07 and division (A) of section 5321.08 of the Revised Code shall be waived by the landlord and his the landlord's agent.

(D) A landlord may designate an agent for any purpose related to the provision of services to a tenant under a rental agreement for residential premises. If the landlord designates an agent for any such purpose, notice shall be provided to the tenant in accordance with divisions (A) and (B) of this section, or at any time subsequent, by reasonable notice within thirty days after an agent's appointment or change. For purposes of this section, reasonable notice is satisfied by posting the information in a conspicuous location on the property or in the leasing office.

Sec. 5322.01. As used in sections 5322.01 to 5322.05 of the
(A) "Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:

(1) The occupants have access to the storage space only for the purpose of storing and removing personal property.

(2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space.

"Self-service storage facility" does not include any garage used principally for parking motor vehicles, any garage or storage area in a private residence, an establishment licensed pursuant to sections 915.14 to 915.24 of the Revised Code, or any property of a bank or savings and loan association that contains vaults, safe deposit boxes, or other receptacles for the uses, purposes, and benefits of the bank's or savings and loan association's customers.

(B) "Owner" means a person that is the owner or operator of a self-service storage facility, the lessor or sublessor of an entire self-service storage facility, the agent of any of the foregoing, or any other person authorized by any of the foregoing to manage the facility or to receive rent from an occupant pursuant to a rental agreement.

(C) "Occupant" means a person that rents storage space at a self-service storage facility pursuant to a rental agreement that the person enters into with the owner.

(D) "Rental agreement" means any written agreement that is entered into by the owner and the occupant and that establishes
the terms and conditions of the occupant's use of storage space at a self-service storage facility.

(E) "Personal property" means money and every animate or inanimate tangible thing that is the subject of ownership, except anything forming part of a parcel of real estate, as defined in section 5701.02 of the Revised Code, and except anything that is an agricultural commodity, as defined in division (A) of section 926.01 of the Revised Code.

(F) "Late fee" means any fee or charge assessed for an occupant's failure to pay rent when due. "Late fee" does not include interest on a debt, reasonable expenses incurred in the collection of unpaid rent, or costs associated with the enforcement of any other remedy provided by statute or contract.

(G) "Last known address" means either of the following:

(1) The mailing address provided by the occupant in the most recent rental agreement or the mailing address provided by the occupant in a subsequent written notice of a change of address;

(2) The mailing address of any of the persons described in division (A) of section 5322.03 of the Revised Code that is provided by any of those persons to the owner of a self-service storage facility or that is discovered by the owner of a self-service storage facility.

Sec. 5322.06. If the rental agreement entered into between the owner and the occupant contains a provision placing a limit on the value of personal property that may be stored in the occupant's storage space, that limit is the maximum value of the stored property, provided that the provision is printed in bold type or underlined in the rental agreement. The limit on the value of property shall not be less than one thousand dollars. The rental agreement may provide that the occupant may increase the
limit on the value of property with the written permission of the owner.

Sec. 5502.251. (A) As used in this section:

(1) "Eligible applicant" means any state agency or a municipal corporation, township, county, school district, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

(2) "State agency" has the same meaning as in section 1.60 of the Revised Code.

(B) The director of public safety, in accordance with Chapter 119. of the Revised Code, shall adopt rules to establish and administer a state hazard mitigation grant program for the purposes of providing grants to eligible applicants to undertake actions that reduce the impact to people and property from hazards and disasters.

(C) The rules shall establish all of the following regarding the state hazard mitigation grant program:

(1) A list of hazards and disasters for which grants may be issued;

(2) Priorities for grant funding, including giving priority to applicants that intend to use grant money for both of the following:

(a) To mitigate hazards and disasters that constitute the highest risk based on the state's hazard mitigation plan;

(b) To undertake actions that mitigate risk during the recovery period following a disaster.

(3) Eligibility requirements for applicants to receive a grant, including a requirement that all applicants have, at the
time a grant is awarded, a current hazard mitigation plan approved by the federal emergency management agency;

(4) A minimum percentage for nonstate matching funds to be provided by applicants;

(5) Grant application forms and procedures for submitting the forms;

(6) A requirement that mitigation projects be cost effective;

(7) If grant money is to be used for purposes of acquisition of property and demolition actions at the property, a requirement that the property acquired must be deed restricted as open space in perpetuity;

(8) Any other requirements or procedures necessary to administer the program.

(D) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 5502.262. (A) As used in this section:

(1) "Administrator" means the superintendent, principal, chief administrative officer, or other person having supervisory authority of any of the following:

(a) A city, exempted village, local, or joint vocational school district;

(b) A community school established under Chapter 3314. of the Revised Code, as required through reference in division (A)(11)(d) of section 3314.03 of the Revised Code;

(c) A STEM school established under Chapter 3326. of the Revised Code, as required through reference in section 3326.11 of the Revised Code;
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(e) A district or school operating a career-technical education program approved by the department of education under section 3317.161 of the Revised Code;

(f) A chartered nonpublic school;

(g) An educational service center;

(h) A preschool program or school-age child care program licensed by the department of education;

(i) Any other facility that primarily provides educational services to children subject to regulation by the department of education.

(2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section.

(3) "Building" means any school, school building, facility, program, or center.

(4) "Regional mobile training officer" means the regional mobile training officer appointed under section 5502.70 of the Revised Code for the region in which a district, school, center, program, or facility is located.

(B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall
involve community law enforcement and safety officials, parents of
students who are assigned to the building, and teachers and
nonteaching employees who are assigned to the building. The
administrator may involve the regional mobile training officer in
the development of the plan. The administrator shall incorporate
remediation strategies into the plan for any building where
documented safety problems have occurred.

(2) Each administrator shall also incorporate into the
emergency management plan adopted under division (B)(1) of this
section all of the following:

(a) A protocol for addressing serious threats to the safety
of property, students, employees, or administrators;

(b) A protocol for responding to any emergency events that
occur and compromise the safety of property, students, employees,
or administrators. This protocol shall include, but not be limited
to, all of the following:

(i) A floor plan that is unique to each floor of the
building;

(ii) A site plan that includes all building property and
surrounding property;

(iii) An emergency contact information sheet.

(c) A threat assessment plan developed as prescribed in
section 5502.263 of the Revised Code. A building may use the model
plan developed by the department of public safety under that
section;

(d) A protocol for school threat assessment teams established
under section 3313.669 of the Revised Code.

(3) Each protocol described in division (B) of this section
shall include procedures determined to be appropriate by the
administrator for responding to threats and emergency events,
respectively, including such things as notification of appropriate
law enforcement personnel, calling upon specified emergency
response personnel for assistance, and informing parents of
affected students.

Prior to the opening day of each school year, the
administrator shall inform each student or child enrolled in the
school and the student's or child's parent of the parental
notification procedures included in the protocol.

(4) Each administrator shall keep a copy of the emergency
management plan adopted pursuant to this section in a secure
place.

(C)(1) The administrator shall submit to the director of
public safety, in accordance with rules adopted pursuant to
division (F) of this section, an electronic copy of the emergency
management plan prescribed by division (B) of this section not
less than once every three years, whenever a major modification to
the building requires changes in the procedures outlined in the
plan, and whenever information on the emergency contact
information sheet changes.

(2) The administrator also shall file a copy of the plan with
each law enforcement agency that has jurisdiction over the school
building and, upon request, to any of the following:

(a) The fire department that serves the political subdivision
in which the building is located;

(b) The emergency medical service organization that serves
the political subdivision in which the building is located;

(c) The county emergency management agency for the county in
which the building is located;

(d) The regional mobile training officer.

(3) Upon receipt of an emergency management plan, the
director shall post the information on the contact and information management system and submit the information in accordance with rules adopted pursuant to division (F) of this section, to the attorney general, who shall post that information on the Ohio law enforcement gateway or its successor.

(4) Any department or entity to which copies of an emergency management plan are filed under this section shall keep the copies in a secure place.

(D)(1) Not later than the first day of July September of each year, each administrator shall review the emergency management plan and certify to the director that the plan is current and accurate.

(2) Anytime that an administrator updates the emergency management plan pursuant to division (C)(1) of this section, the administrator shall file copies, not later than the tenth day after the revision is adopted and in accordance with rules adopted pursuant to division (F) of this section, to the director and to any entity with which the administrator filed a copy under division (C)(2) of this section.

(E) Each administrator shall do both of the following:

(1) Prepare and conduct at least one annual emergency management test, as defined in division (A)(2) of this section, in accordance with rules adopted pursuant to division (F) of this section;

(2) Grant access to each building under the control of the administrator to law enforcement personnel and to entities described in division (C)(2) of this section, to enable the personnel and entities to hold training sessions for responding to threats and emergency events affecting the building, provided that the access occurs outside of student instructional hours and the administrator, or the administrator's designee, is present in the
building during the training sessions.

(F) The director of public safety, in consultation with representatives from the education community and in accordance with Chapter 119. of the Revised Code, shall adopt rules regarding emergency management plans under this section, including the content of the plans and procedures for filing the plans. The rules shall specify that plans and information required under division (B) of this section be submitted on standardized forms developed by the director for such purpose. The rules shall also specify the requirements and procedures for emergency management tests conducted pursuant to division (E)(1) of this section. Failure to comply with the rules may result in discipline pursuant to section 3319.31 of the Revised Code or any other action against the administrator as prescribed by rule.

(G) Division (B) of section 3319.31 of the Revised Code applies to any administrator who is subject to the requirements of this section and is not exempt under division (H) of this section and who is an applicant for a license or holds a license from the state board of education pursuant to section 3319.22 of the Revised Code.

(H)(1) The director may exempt any administrator from the requirements of this section, if the director determines that the requirements do not otherwise apply to a building or buildings under the control of that administrator.

(2) The director shall exempt from the requirements of this section the administrator of an online learning school, established under section 3302.42 of the Revised Code, unless students of that school participate in in-person instruction or assessments at a location that is not covered by an existing emergency management plan, developed under this section as of December 14, 2021.
(I) Copies of the emergency management plan, including all records related to the plan, emergency management tests, and information required under division (B) of this section are security records and are not public records pursuant to section 149.433 of the Revised Code. In addition, the information posted to the contact and information management system, pursuant to division (C)(3)(b) of this section, is exempt from public disclosure or release in accordance with sections 149.43, 149.433, and 5502.03 of the Revised Code.

Notwithstanding section 149.433 of the Revised Code, a floor plan filed with the attorney general pursuant to this section is not a public record to the extent it is a record kept by the attorney general.

**Sec. 5502.69.** (A) There is hereby created the Ohio narcotics intelligence center in the department of public safety. The center shall operate as a division within the department.

(B) The director of public safety shall appoint an executive director of the center. The executive director shall serve at the discretion of the director of public safety. The executive director shall advise the governor and the director of public safety on matters pertaining to illegal drug activities. To carry out the duties assigned under this section, the executive director, subject to the direction and control of the director of public safety, may appoint and maintain necessary staff and may enter into any necessary agreements.

(C) The center shall do all of the following:

(1) Coordinate law enforcement response to illegal drug activities for state agencies and act as a liaison between state agencies and local entities for the purposes of communicating counter-drug policy initiatives;
(2) Collect, analyze, maintain, and disseminate information to support local, state, and federal law enforcement agencies, other government agencies, and private organizations in detecting, deterring, preventing, preparing for, prosecuting, and responding to illegal drug activities. The records received and created are confidential law enforcement investigatory records pursuant to section 149.43 of the Revised Code.

(3) Develop and coordinate policies, protocols, and strategies that may be used by local, state, and private organizations to detect, deter, prevent, prepare for, prosecute, and respond to illegal drug activities;

(4) Develop, update, and coordinate the implementation of an Ohio drug control strategy to guide state and local governments and public agencies.

Sec. 5512.07. (A) There is hereby created the transportation review advisory council. No member of the general assembly shall be a member of the council. The council shall consist of nine ten members, one of whom is the director of transportation who is a nonvoting member. Six members shall be appointed by the governor shall appoint five members with the advice and consent of the senate. One member shall be appointed by the speaker of the house of representatives shall appoint two members and one member shall be appointed by the president of the senate shall appoint two members. In making their appointments, the governor, the speaker of the house of representatives, and the president of the senate shall consult with each other so that of the total number of eight nine appointed members, at least two are affiliated with the major political party not represented by the governor. In making the governor's appointments, the governor shall appoint persons who reside in different geographic areas of the state. Within ninety days after June 30, 1997, the governor,
speaker, and president shall make the initial appointments to the council.

Appointed members shall have no conflict of interest with the position. For purposes of this section, "conflict of interest" means taking any action that violates any provision of Chapter 102. or 2921. of the Revised Code.

Each of the members the governor appoints shall have experience either in the area of transportation or in that of business or economic development.

One such member shall be selected from a list of five names provided by the Ohio public expenditure council.

(B) Of the governor's initial appointments made to the council, one shall be for a term ending one year after June 30, 1997, one shall be for a term ending two years after June 30, 1997, one shall be for a term ending four years after June 30, 1997, and one shall be for a term ending five years after June 30, 1997. Within ninety days after September 16, 1998, the governor shall make two appointments to the council. Of these appointments, one shall be for a term ending June 30, 2001, and one shall be for a term ending June 30, 2002. The speaker's and president's initial appointments made to the council shall be for a term ending three years after June 30, 1997. Thereafter, all terms of office, including the terms for those persons who are appointed to succeed the persons whose appointments are made within ninety days after September 16, 1998, shall be for five years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill another member's unexpired term shall hold office for the remainder of that unexpired term. A member shall
continue in office subsequent to the expiration of the member's term until the member's successor takes office.

(C) The director of transportation is the chairperson of the council.

Sec. 5537.17. (A) Each turnpike project open to traffic shall be maintained and kept in good condition and repair by the Ohio turnpike and infrastructure commission. The Ohio turnpike system shall be policed and operated by a force of police, toll collectors, and other employees and agents that the commission employs or contracts for.

(B) All public or private property damaged or destroyed in carrying out the powers granted by this chapter shall be restored or repaired and placed in its original condition, as nearly as practicable, or adequate compensation or consideration made therefor out of moneys provided under this chapter.

(C) All governmental agencies may lease, lend, grant, or convey to the commission at its request, upon terms that the proper authorities of the governmental agencies consider reasonable and fair and without the necessity for an advertisement, order of court, or other action or formality, other than the regular and formal action of the authorities concerned, any property that is necessary or convenient to the effectuation of the purposes of the commission, including public roads and other property already devoted to public use.

(D) Each bridge constituting part of a turnpike project shall be inspected at least once each year by a professional engineer employed or retained by the commission.

(E) The commission shall cause an audit of its books and accounts to be made at least once each year by certified public accountants approved by the auditor of state, and the cost thereof
may be treated as a part of the cost of operations of the commission. Additionally, the auditor of state, at least once every other year, shall audit the accounts and transactions of the commission. On or before the first day of July in each year, the commission shall submit an annual comprehensive financial report containing its audited financial statements for the preceding calendar year to the governor, the general assembly, and the director of budget and management. Each such report shall set forth a complete operating and financial statement covering the commission's operations and funding of any turnpike projects and infrastructure projects during the year.

(F) The commission shall submit a copy of its proposed annual budget for each calendar or fiscal year to the governor, the presiding officers of each house of the general assembly, the director of budget and management, and the legislative service commission no later than the first day of that calendar or fiscal year.

(G) Upon request of the chairperson of the appropriate standing committee or subcommittee of the senate and house of representatives that is primarily responsible for considering transportation budget matters, the commission shall appear at least one time before each committee or subcommittee during the period when that committee or subcommittee is considering the biennial appropriations for the department of transportation and shall provide testimony outlining its budgetary results for the last two calendar years, including a comparison of budget and actual revenue and expenditure amounts. The commission also shall address its current budget and long-term capital plan.

(H) Not more than sixty nor less than thirty days before adopting its annual budget, the commission shall submit a copy of its proposed annual budget to the governor, the presiding officers of each house of the general assembly, the director of budget and
management, and the legislative service commission. The office of budget and management shall review the proposed budget and may provide recommendations to the commission for its consideration.

Sec. 5549.21. The board of township trustees may purchase or lease such machinery and tools as are necessary for use in constructing, reconstructing, maintaining, and repairing roads and culverts within the township, and shall provide suitable places for housing and storing machinery and tools owned by the township. It may purchase such material and employ such labor as is necessary for carrying into effect this section, or it may authorize the purchase or employment of such material and labor by one of its number, or by the township highway superintendent, at a price to be fixed by the board. All payments on account of machinery, tools, material, and labor shall be made from the township road fund. Except as otherwise provided in sections 505.08, 505.101, and 5513.01 of the Revised Code, all purchases of materials, machinery, and tools shall, if the amount involved exceeds fifty thousand dollars the amount specified in section 9.17 of the Revised Code, be made from the lowest responsible bidder after advertisement, as provided in section 5575.01 of the Revised Code.

If, in compliance with section 505.10 of the Revised Code, the board wishes to sell machinery, equipment, or tools owned by the township to the person from whom it is to purchase other machinery, equipment, or tools, the board may offer, if the amount of the purchase alone involved does not exceed fifty thousand dollars the amount specified in section 9.17 of the Revised Code, to sell such machinery, equipment, or tools and have the amount credited by the vendor against the purchase of the other machinery, equipment, or tools. If the purchase price of the other machinery, equipment, or tools alone exceeds fifty thousand dollars the amount specified in section 9.17 of the Revised Code,
the board may give notice to the competitive bidders of its
willingness to accept offers for the purchase of the old
machinery, equipment, or tools, and those offers shall be
subtracted from the selling price of the other machinery,
equipment, or tools as bid, in determining the lowest responsible
bidder. Notice of the willingness of the board to accept offers
for the purchase of the old machinery, equipment, or tools shall
be made as a part of the advertisement for bids.

Sec. 5555.61. After the board of county commissioners decides
to proceed with the improvement, it shall do so in accordance with
sections 307.86 to 307.92 of the Revised Code. No contract for any
improvement shall be awarded at a price more than ten twenty per
cent in excess of the estimated cost.

Sec. 5703.02. There is hereby created the board of tax
appeals, which shall exercise the following powers and perform the
following duties:

(A) Exercise the authority provided by law to hear and
determine all appeals of questions of law and fact arising under
the tax laws of this state in appeals from decisions, orders,
determinations, or actions of any tax administrative agency
established by the law of this state, including but not limited to
appeals from:

(1) Actions of county budget commissions;

(2) Decisions of county boards of revision;

(3) Actions of any assessing officer or other public official
under the tax laws of this state;

(4) Final determinations by the tax commissioner of any
preliminary, amended, or final tax assessments, reassessments,
valuations, determinations, findings, computations, or orders made
by the tax commissioner;
(5) Adoption and promulgation of rules of the tax commissioner.

(B) Appoint a secretary of the board of tax appeals, who shall serve in the unclassified civil service at the pleasure of the board, and any other employees as are necessary in the exercise of the powers and the performance of the duties and functions that the board is by law authorized and required to exercise, and prescribe the duties of all employees, and to fix their compensation as provided by law;

(C) Maintain a journal, which shall be open to public inspection and in which the secretary shall keep a record of all of the proceedings and the vote of each of its members upon every action taken by it;

(D) Adopt and promulgate, in the manner provided by section 5703.14 of the Revised Code, and enforce all rules relating to the procedure of the board in hearing appeals it has the authority or duty to hear, and to the procedure of officers or employees whom the board may appoint; provided that section 5703.13 of the Revised Code shall apply to and govern the procedure of the board. Such rules shall include, but need not be limited to, the following:

(1) Rules governing the creation and implementation of a mediation program, including procedures for requesting, requiring participation in, objecting to, and conducting a mediation;

(2) Rules requiring the tax commissioner, county boards of revision, and local boards of tax review created under section 718.11 of the Revised Code to electronically file any transcript required to be filed with the board of tax appeals, and instructions and procedures for the electronic filing of such transcripts.

(3) Rules establishing procedures to control and manage
appeals filed with the board. The procedures shall include, but not be limited to, the establishment of a case management schedule that shall include expected dates related to discovery deadlines, disclosure of evidence, pre-hearing motions, and the hearing, and other case management issues considered appropriate.

(E) Create and maintain audio or video recordings of any hearing, whether adjudicative or not, conducted by the board, including hearings on appeals assigned to the small claims docket pursuant to section 5703.021 of the Revised Code. Such recordings are public records for the purpose of section 149.43 of the Revised Code.

Sec. 5703.052. (A) There is hereby created in the state treasury the tax refund fund, from which refunds shall be paid for taxes illegally or erroneously assessed or collected, or for any other reason overpaid, that are levied by Chapter 4301., 4305., 5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised Code. Refunds for fees or wireless 9-1-1 charges illegally or erroneously assessed or collected, or for any other reason overpaid, that are levied by sections 128.42, 128.43, or 3734.90 to 3734.9014 of the Revised Code also shall be paid from the fund. Refunds for amounts illegally or erroneously assessed or collected by the tax commissioner, or for any other reason overpaid, that are due under section 1509.50 of the Revised Code shall be paid from the fund. Refunds for amounts illegally or erroneously assessed or collected by the commissioner, or for any other reason overpaid to the commissioner, under sections 718.80 to 718.95 of the Revised Code shall be paid from the fund. However, refunds for taxes levied under section 5739.101 of the Revised Code shall not be paid from the tax refund fund, but shall be paid as provided in section...
(B)(1) Upon certification by the tax commissioner to the treasurer of state of a tax refund, a wireless 9-1-1 charge refund, or another amount refunded, or by the superintendent of insurance of a domestic or foreign insurance tax refund, the treasurer of state shall place the amount certified to the credit of the fund. The certified amount transferred shall be derived from the receipts of the same tax, fee, wireless 9-1-1 charge, or other amount from which the refund arose.

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, or other amount that is not levied by the state or that was illegally or erroneously distributed to a taxing jurisdiction, the tax commissioner shall recover the amount of that refund from the next distribution of that tax, fee, wireless 9-1-1 charge, or other amount that otherwise would be made to the taxing jurisdiction. If the amount to be recovered would exceed twenty-five per cent of the next distribution of that tax, fee, wireless 9-1-1 charge, or other amount, the commissioner may spread the recovery over more than one future distribution, taking into account the amount to be recovered and the amount of the anticipated future distributions. In no event may the commissioner spread the recovery over a period to exceed thirty-six months.

Sec. 5703.056. (A) As used in any section of the Revised Code that requires or permits the tax commissioner to use certified mail or personal service or that requires or permits a payment to be made or a document to be submitted to the tax commissioner or the board of tax appeals by mail or personal service, and as used in any section of Chapter 718., 3734., 3769., 4303., or 4305. or Title LVII of the Revised Code that requires or permits a payment to be made or a document to be submitted to the treasurer of state by mail:
(1) "Certified mail," "express mail," "United States mail," "United States postal service," and similar terms include any delivery service authorized pursuant to division (B) of this section.

(2) "Postmark date," "date of postmark," and similar terms include the date recorded and marked in the manner described in division (B)(3) of this section.

(B) The tax commissioner may authorize the use of a delivery service for the delivery of any payment or document described in division (A) of this section if the commissioner finds that all of the following apply to the delivery service:

(1) is available to the general public;

(2) is at least as timely and reliable on a regular basis as the United States postal service;

(3) records electronically to a database kept in the regular course of its business, and marks on the cover in which the payment or document is enclosed, the date on which the payment or document was given to the delivery service for delivery;

(4) records electronically to a database kept in the regular course of its business the date on which the payment or document was given by the delivery service to the person who signed the receipt of delivery and the name of the person who signed the receipt; and

(5) meets any other criteria that the tax commissioner may by rule prescribe.

(C) In any section of the Revised Code referring to the date any payment or document is received by the tax commissioner by mail, personal service, or electronically or by a person receiving a document or payment from the tax commissioner by mail, the payment or document shall be considered to be received on one of
the following dates, as applicable, except as provided in section 5703.053 or 5703.37 of the Revised Code:

(1) For a document or payment sent by certified mail, express mail, United States mail, foreign mail, or a delivery service authorized for use under division (B) of this section, the date of the postmark placed by the postal or delivery service on the sender's receipt or, if the sender was not issued a postmarked sender's receipt, the date of the postmark placed by the postal or delivery service on the package containing the payment or document.

(2) For personal service to the tax commissioner, the date the payment or document is received in any of the tax commissioner's offices during business hours.

(3) For a document filed or sent electronically or a payment made electronically, the date on the timestamp assigned by the first electronic system receiving that payment or document.

(D) As used in divisions (A) and (C) of this section "electronically" includes by facsimile, if applicable.

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

(B)(1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that
chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A)(7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the auditor of state.

(2) For purposes of an internal audit pursuant to section 126.45 of the Revised Code, the officers and employees of the office of internal audit in the office of budget and management charged with directing the internal audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the internal audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the internal audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the office of internal audit.

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the
department has acquired from the internal revenue service, through 

federal and state statutory authority, may be disclosed to the 

auditor of state or the office of internal audit solely for 

purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an 

agent of the department of taxation may share information with the 

division of state fire marshal that the agent finds during the 

course of an investigation.

(C) Division (A) of this section does not prohibit any of the 

following:

(1) Divulging information contained in applications, 

complaints, and related documents filed with the department under 

section 5715.27 of the Revised Code or in applications filed with 

the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support 

within the department of job and family services pursuant to 

section 3125.43 of the Revised Code;

(3) Disclosing to the motor vehicle repair board any 

information in the possession of the department that is necessary 

for the board to verify the existence of an applicant's valid 

vendor's license and current state tax identification number under 

section 4775.07 of the Revised Code;

(4) Providing information to the administrator of workers' 

compensation pursuant to sections 4123.271 and 4123.591 of the 

Revised Code;

(5) Providing to the attorney general information the 

department obtains under division (J) of section 1346.01 of the 

Revised Code;

(6)(3) Permitting properly authorized officers, employees, or 

agents of a municipal corporation from inspecting reports or
information pursuant to section 718.84 of the Revised Code or
rules adopted under section 5745.16 of the Revised Code;

(7) Providing information regarding the name, account
number, or business address of a holder of a vendor's license
issued pursuant to section 5739.17 of the Revised Code, a holder
of a direct payment permit issued pursuant to section 5739.031 of
the Revised Code, or a seller having a use tax account maintained
pursuant to section 5741.17 of the Revised Code, or information
regarding the active or inactive status of a vendor's license,
direct payment permit, or seller's use tax account;

(8) Releasing invoices or invoice information furnished under
section 4301.433 of the Revised Code pursuant to that section;

(9) Providing to a county auditor notices or documents
concerning or affecting the taxable value of property in the
county auditor's county. Unless authorized by law to disclose
documents so provided, the county auditor shall not disclose such
documents;

(10) Providing to a county auditor a sales or use tax
return or audit information under section 333.06 of the Revised
Code;

(11) Subject to section 4301.441 of the Revised Code,
disclosing to the appropriate state agency information in the
possession of the department of taxation that is necessary to
verify a permit holder's gallonage or noncompliance with taxes
levied under Chapter 4301. or 4305. of the Revised Code;

(12) Disclosing to the department of natural resources
information in the possession of the department of taxation that
is necessary for the department of taxation to verify the
taxpayer's compliance with section 5749.02 of the Revised Code or
to allow the department of natural resources to enforce Chapter
1509. of the Revised Code;
(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.

(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a casino operator's or sports gaming proprietor's compliance with section 5747.063, 5753.02, or 5753.021 of the Revised Code and sections related thereto;

(15) Disclosing to the state lottery commission information in the possession of the department of taxation that is necessary to verify a lottery sales agent's compliance with section 5747.064 of the Revised Code.

(16) Disclosing to the department of development information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the department of development for the purpose of evaluating potential tax credits, tax deductions, grants, or loans. Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. No officer, employee, or agent of the department of development shall disclose any information provided to the department of development by the department of taxation under division (C)(16) of this section except when disclosure of the information is necessary for, and made solely for the purpose of facilitating, the evaluation of potential tax credits, tax
deductions, grants, or loans.

(17) Disclosing to the department of insurance information in the possession of the department of taxation that is necessary to ensure a taxpayer's compliance with the requirements with any tax credit administered by the department of development and claimed by the taxpayer against any tax administered by the superintendent of insurance. No officer, employee, or agent of the department of insurance shall disclose any information provided to the department of insurance by the department of taxation under division (C)(17) of this section.

(18) Disclosing to the division of liquor control information in the possession of the department of taxation that is necessary for the division and department to comply with the requirements of sections 4303.26 and 4303.271 of the Revised Code.

(19) Disclosing to the department of education, upon that department's request, information in the possession of the department of taxation that is necessary only to verify whether the family income of a student applying for or receiving a scholarship under the educational choice scholarship pilot program is equal to, less than, or greater than the income thresholds prescribed by section 3310.032 of the Revised Code. The department of education shall provide sufficient information about the student and the student's family to enable the department of taxation to make the verification.

(20) Disclosing to the Ohio rail development commission information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the commission for the purpose of evaluating potential grants or loans. Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. No
member, officer, employee, or agent of the Ohio rail development commission shall disclose any information provided to the commission by the department of taxation under division (C)(20) of this section except when disclosure of the information is necessary for, and made solely for the purpose of facilitating, the evaluation of potential grants or loans.

(21) Disclosing to the state racing commission information in the possession of the department of taxation that is necessary for verification of compliance with and for enforcement and administration of the taxes levied by Chapter 3769. of the Revised Code. Such information shall include information that is necessary for the state racing commission to verify compliance with Chapter 3769. of the Revised Code for the purposes of issuance, denial, suspension, or revocation of a permit pursuant to section 3769.03 or 3769.06 of the Revised Code and related sections. Unless disclosure is otherwise authorized by law, information provided to the state racing commission under this section remains confidential and is not subject to public disclosure pursuant to section 3769.041 of the Revised Code.

(22) Disclosing to the state fire marshal information in the possession of the department of taxation that is necessary for the state fire marshal to verify the compliance of a licensed manufacturer of fireworks or a licensed wholesaler of fireworks with section 3743.22 of the Revised Code. No officer, employee, or agent of the state fire marshal shall disclose any information provided to the state fire marshal by the department of taxation under division (C)(22) of this section.

(23) Disclosing to the department of job and family services information in the possession of the department of taxation for either of the following purposes:

(a) Making a determination under section 4141.28 of the Revised Code;
(b) Verifying an individual's eligibility for a federal program described in section 4141.163 of the Revised Code.

Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code.

(7) Disclosing to a state or federal government agency, for use in the performance of that agency's official duties in this state, information in the possession of the tax commissioner necessary to verify compliance with any provision of the Revised Code relating to that agency. Unless disclosure is otherwise authorized by law, information provided to any state or federal government agency under this section remains confidential and is not subject to further disclosure.

Sec. 5703.37. (A)(1) Except as provided in division (B) of this section, whenever service of a notice or order is required in the manner provided in this section, a copy of the notice or order shall be served upon the person affected thereby either by personal service, by certified mail, or by a delivery service authorized under section 5703.056 of the Revised Code that notifies the tax commissioner of the date of delivery.

(2) In lieu of serving a copy of a notice or order through one of the means provided in division (A)(1) of this section, the commissioner may serve a notice or order upon the person affected thereby through alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail as provided in division (F) of this section or by ordinary mail. Delivery by such means satisfies the requirements for delivery under this section.

(B)(1)(a) If certified mail is returned because of an undeliverable address, the commissioner shall first utilize reasonable means to ascertain a new last known address, including
the use of a change of address service offered by the United
States postal service or an authorized delivery service under
section 5703.056 of the Revised Code. If, after using reasonable
means, the commissioner is unable to ascertain a new last known
address, the assessment is final for purposes of section 131.02 of
the Revised Code sixty days after the notice or order sent by
certified mail is first returned to the commissioner, and the
commissioner shall certify the notice or order, if applicable, to
the attorney general for collection under section 131.02 of the
Revised Code.

(b) Notwithstanding certification to the attorney general
under division (B)(1)(a) of this section, once the commissioner or
attorney general, or the designee of either, makes an initial
contact with the person to whom the notice or order is directed,
the person may protest an assessment by filing a petition for
reassessment within sixty days after the initial contact. The
certification of an assessment under division (B)(1)(a) of this
section is prima-facie evidence that delivery is complete and that
the notice or order is served.

(2) If mailing of a notice or order by certified mail is
returned for some cause other than an undeliverable address or if
a person does not access an electronic notice or order within the
time provided in division (F) of this section, the commissioner
shall resend the notice or order by ordinary mail. The notice or
order shall show the date the commissioner sends the notice or
order and include the following statement:

"This notice or order is deemed to be served on the addressee
under applicable law ten days from the date this notice or order
was mailed by the commissioner as shown on the notice or order,
and all periods within which an appeal may be filed apply from and
after that date."

Unless the mailing is returned because of an undeliverable
the mailing of that information is prima-facie evidence that delivery of the notice or order was completed ten days after the commissioner sent the notice or order by ordinary mail and that the notice or order was served.

If the ordinary mail is subsequently returned because of an undeliverable address, the commissioner shall proceed under division (B)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (C) of this section.

(C)(1) A person disputing the presumption of delivery and service under division (B) of this section bears the burden of proving by a preponderance of the evidence that the address to which the notice or order was sent was not an address with which the person was associated at the time the commissioner originally mailed the notice or order by certified mail. For the purposes of this section, a person is associated with an address at the time the commissioner originally mailed the notice or order if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the notice or order was mailed, the person's agent or the person's affiliate was conducting business at the address. For the purposes of this section, a person's affiliate is any other person that, at the time the notice or order was mailed, owned or controlled at least twenty per cent, as determined by voting rights, of the addressee's business.

(2) If the person elects to protest an assessment certified to the attorney general for collection, the person must do so within sixty days after the attorney general's initial contact with the person. The attorney general may enter into a compromise with the person under sections 131.02 and 5703.06 of the Revised Code if the person does not file a petition for reassessment with
the commissioner.

(D) Nothing in this section prohibits the commissioner or the commissioner's designee from delivering a notice or order by personal service.

(E) Collection actions taken pursuant to section 131.02 of the Revised Code upon any assessment being challenged under division (B)(1)(b) of this section shall be stayed upon the pendency of an appeal under this section. If a petition for reassessment is filed pursuant to this section on a claim that has been certified to the attorney general for collection, the claim shall be uncertified.

(F)(1) The commissioner may serve a notice or order upon the person affected by the notice or order or that person's authorized representative through secure electronic means only with the person's consent associated with the person's or representative's last known address, but only with the person's consent. The commissioner must inform the recipient, electronically or by mail, that a notice or order is available for electronic review and provide instructions to access and print the notice or order. The types of electronic notification the commissioner may use include electronic mail, text message, or any other form of electronic communication. The recipient's electronic access of the notice or order satisfies the requirements for delivery under this section. If the recipient fails to access the notice or order electronically within ten business days, then the commissioner shall inform the recipient a second time, electronically or by mail, that a notice or order is available for electronic review and provide instructions to access and print the notice or order. If the recipient fails to access the notice or order electronically within ten business days of the second notification, the notice or order shall be served upon the person through the means provided in division (B)(2) of this section.
(2) The tax commissioner shall establish a system to issue notification of assessments to taxpayers through secure electronic means.

(G) As used in this section:

(1) "Last known address" means the address the department has at the time the document is originally sent by certified mail, or any address the department can ascertain using reasonable means such as the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code. For documents sent by secure electronic means, "last known address" means an electronic mode of communication that is identified on a form prescribed by the commissioner for such purpose or that is associated with the person or the authorized representative of the person on the Ohio business gateway, as defined in section 718.01 of the Revised Code, as of the date the notification was sent.

(2) "Undeliverable address" means an address to which the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code is not able to deliver a notice or order, except when the reason for nondelivery is because the addressee fails to acknowledge or accept the notice or order.

Sec. 5703.53. (A) An "opinion of the tax commissioner" means an opinion issued under this section with respect to prospective tax liability. It does not include ordinary correspondence of the commissioner or a final determination of the commissioner arising from a request for administrative review of an assessment, a claim for refund, or an application for a pollution control or other certificate.

(B) If a taxpayer requests in writing an opinion from the tax commissioner as to whether or how certain property, income, source
of income, or a certain activity or transaction will be taxed, the commissioner's written response shall be an "opinion of the tax commissioner" and shall bind the commissioner, in accordance with divisions (C), (G), and (H) of this section, provided all of the following conditions are satisfied:

(1) The taxpayer's request fully describes the specific facts or circumstances relevant to a determination of the taxability of the property, income, source of income, activity, or transaction, and, if an activity or transaction, all parties involved in the activity or transaction are clearly identified by name, location, or other pertinent facts.

(2) The request relates to a "tax" as defined in section 5703.50 of the Revised Code.

(3) The commissioner's response is signed by the commissioner and designated as an "opinion of the tax commissioner."

(C) An opinion of the tax commissioner shall remain in effect and shall protect the taxpayer for whom the opinion was prepared and who reasonably relies on it from liability for any taxes, penalty, or interest otherwise chargeable on the activity or transaction specifically held by the commissioner's opinion to be taxable in a particular manner or not to be subject to taxation for any tax year that may be specified in the opinion, or until the earliest of the following dates:

(1) The effective date of a written revocation by the commissioner sent to the taxpayer by certified mail, return receipt requested in the manner provided in section 5703.37 of the Revised Code. The effective date of the revocation shall be the taxpayer's date of receipt or one year after the issuance of the opinion, whichever is later;

(2) The effective date of any rule adopted by the commissioner under Chapter 119. of the Revised Code that is
inconsistent with the opinion;

(3) The effective date of any amendment or enactment of a relevant section of the Revised Code or uncodified law;

(4) The date on which a court issues an opinion establishing or changing relevant case law with respect to the Revised Code, uncodified law, or rules of the tax commissioner;

(5) If the opinion of the commissioner was based on the interpretation of federal law, the effective date of any change in the relevant federal statutes or regulations, or the date on which a court issues an opinion establishing or changing relevant case law with respect to federal statutes or regulations;

(6) The effective date of any change in the taxpayer's material facts or circumstances;

(7) The effective date of the expiration of the opinion, if specified, in the opinion.

(D) A taxpayer is not relieved of liability for any activity or transaction related to a request for an opinion that contained any misrepresentation or omission of one or more material facts.

(E) If the commissioner provides written advice under this section, the opinion shall include a statement that:

(1) The tax consequences stated in the opinion may be subject to change for any of the reasons stated in division (C) of this section;

(2) It is the duty of the taxpayer to be aware of such changes.

(F) The commissioner may refuse to offer an opinion on any request received under this section.

(G) This section binds the commissioner only with respect to opinions of the commissioner issued on or after January 1, 1990.
(H) An opinion of the commissioner binds the commissioner only with respect to the taxpayer for whom the opinion was prepared.

(I) The commissioner shall make available the text of all opinions issued under this section, except those opinions prepared for a taxpayer who has requested that the text of the opinion remain confidential. In no event shall the text of an opinion be made available until the commissioner has removed all information that identifies the taxpayer and any other parties involved in the activity or transaction.

(J) An opinion of the commissioner issued under this section is not a final determination of the commissioner and may not be appealed to the board of tax appeals.

Sec. 5705.192. (A) For the purposes of this section only, "taxing authority" includes a township board of park commissioners appointed under section 511.18 of the Revised Code.

(B) Subject to division (G) of this section, a taxing authority may propose to replace an existing levy that the taxing authority is authorized to levy, regardless of the section of the Revised Code under which the authority is granted, except a school district emergency levy proposed pursuant to sections 5705.194 to 5705.197 of the Revised Code. The taxing authority may propose to replace the existing levy in its entirety at the rate at which it is authorized to be levied; may propose to replace a portion of the existing levy at a lesser rate; or may propose to replace the existing levy in its entirety and increase the rate at which it is levied. If the taxing authority proposes to replace an existing levy, the proposed levy shall be called a replacement levy and shall be so designated on the ballot. Except as otherwise provided in this division, a replacement levy shall be limited to the purpose of the existing levy, and shall appear separately on the
ballot from, and shall not be conjoined with, the renewal of any other existing levy. In the case of an existing school district levy imposed under section 5705.21 of the Revised Code for the purpose specified in division (F) of section 5705.19 of the Revised Code, or in the case of an existing school district levy imposed under section 5705.217 of the Revised Code for the acquisition, construction, enlargement, renovation, and financing of permanent improvements, the replacement for that existing levy may be for the same purpose or for the purpose of general permanent improvements as defined in section 5705.21 of the Revised Code. The replacement for an existing levy imposed under division (L) of section 5705.19 or section 5705.222 of the Revised Code may be for any purpose authorized for a levy imposed under section 5705.222 of the Revised Code.

The resolution proposing a replacement levy shall specify the purpose of the levy; its proposed rate expressed in mills for each one dollar of taxable value and in dollars for each one hundred thousand dollars of the county auditor's appraised value; whether the proposed rate is the same as the rate of the existing levy, a reduction, or an increase; the extent of any reduction or increase expressed in mills for each one dollar of taxable value and in dollars for each one hundred thousand dollars of the county auditor's appraised value; the first calendar year in which the levy will be due; and the term of the levy, expressed in years or, if applicable, that it will be levied for a continuing period of time.

The sections of the Revised Code governing the maximum rate and term of the existing levy, the contents of the resolution that proposed the levy, the adoption of the resolution, the arrangements for the submission of the question of the levy, and notice of the election also govern the respective provisions of the proposal to replace the existing levy, except as provided in.
divisions (B)(1) to (5) of this section:

(1) In the case of an existing school district levy that is
imposed under section 5705.21 of the Revised Code for the purpose
specified in division (F) of section 5705.19 of the Revised Code
or under section 5705.217 of the Revised Code for the acquisition,
construction, enlargement, renovation, and financing of permanent
improvements, and that is to be replaced by a levy for general
permanent improvements, the term of the replacement levy may be
for a continuing period of time.

(2) The Subject to division (G) of this section, the date on
which the election is held shall be as follows:

(a) For the replacement of a levy with a fixed term of years,
the date of the general election held during the last year the
existing levy may be extended on the real and public utility
property tax list and duplicate, or the date of any election held
in the ensuing year;

(b) For the replacement of a levy imposed for a continuing
period of time, the date of any election held in any year after
the year the levy to be replaced is first approved by the
electors, except that only one election on the question of
replacing the levy may be held during any calendar year.

The failure by the electors to approve a proposal to replace
a levy imposed for a continuing period of time does not terminate
the existing continuing levy.

(3) In the case of an existing school district levy imposed
under division (B) of section 5705.21, division (C) of section
5705.212, or division (J) of section 5705.218 of the Revised Code,
the rates allocated to the qualifying school district and to
partnering community schools each may be increased or decreased or
remain the same, and the total rate may be increased, decreased,
or remain the same.
(4) In the case of an existing levy imposed under division (L) of section 5705.19 of the Revised Code, the term may be for any number of years not exceeding ten or for a continuing period of time.

(5) In addition to other required information, the election notice shall express the levy's annual collections, as estimated and certified by the county auditor under section 5705.03 of the Revised Code.

(C) The form of the ballot at the election on the question of a replacement levy shall be as follows:

"A replacement of a tax for the benefit of _________ (name of subdivision or public library) for the purpose of _________ (the purpose stated in the resolution), that the county auditor estimates will collect $_____ annually, at a rate not exceeding _________ mills for each $1 of taxable value, which amounts to $_________ for each $100,000 of the county auditor's appraised value, for _________ (number of years levy is to run, or that it will be levied for a continuous period of time)  

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If the replacement levy is proposed by a qualifying school district to replace an existing tax levied under division (B) of section 5705.21, division (C) (1) of section 5705.212, or division (J) of section 5705.218 of the Revised Code, the form of the ballot shall be modified by adding, after the phrase "each $1 of taxable value," the following: "(of which _____ mills is to be allocated to partnering community schools)."

If the proposal is to replace an existing levy and increase the rate of the existing levy, the form of the ballot shall be changed by adding the words "_________ mills of an existing levy and an increase of _________ mills, to constitute" after the
words "a replacement of." If the proposal is to replace only a portion of an existing levy, the form of the ballot shall be changed by adding the words "a portion of an existing levy, being a reduction of ________ mills, to constitute" after the words "a replacement of." If the existing levy is imposed under division (B) of section 5705.21, division (C)(1) of section 5705.212, or division (J) of section 5705.218 of the Revised Code, the form of the ballot also shall state the portion of the total increased rate or of the total rate as reduced that is to be allocated to partnering community schools.

If the tax is to be placed on the tax list of the current tax year, the form of the ballot shall be modified by adding at the end of the form the phrase ", commencing in ________ (first year the replacement tax is to be levied), first due in calendar year ________ (first calendar year in which the tax shall be due)."

The question covered by the resolution shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election, other than the election of officers. More than one such question may be submitted at the same election.

(D) Two or more existing levies, or any portion of those levies, may be combined into one replacement levy, so long as all of the existing levies are for the same purpose and either all are due to expire the same year or all are for a continuing period of time. The question of combining all or portions of those existing levies into the replacement levy shall appear as one ballot proposition before the electors. If the electors approve the ballot proposition, all or the stated portions of the existing levies are replaced by one replacement levy.

(E) A levy approved in excess of the ten-mill limitation under this section shall be certified to the tax commissioner. In the first year of a levy approved under this section, the levy
shall be extended on the tax lists after the February settlement succeeding the election at which the levy was approved. If the levy is to be placed on the tax lists of the current year, as specified in the resolution providing for its submission, the result of the election shall be certified immediately after the canvass by the board of elections to the taxing authority, which shall forthwith make the necessary levy and certify it to the county auditor, who shall extend it on the tax lists for collection. After the first year, the levy shall be included in the annual tax budget that is certified to the county budget commission.

If notes are authorized to be issued in anticipation of the proceeds of the existing levy, notes may be issued in anticipation of the proceeds of the replacement levy, and such issuance is subject to the terms and limitations governing the issuance of notes in anticipation of the proceeds of the existing levy.

(F) This section does not authorize a tax to be levied in any year after the year in which revenue is not needed for the purpose for which the tax is levied.

(G) No question shall be submitted to electors under this section at an election held on or after January 1, 2025.

Sec. 5705.234. (A) As used in this section, "basic project cost," "jail facility," and "multicounty jail facility" have the same meanings as in section 342.01 of the Revised Code.

(B) The board of county commissioners of any county, after receiving conditional approval from the Ohio facilities construction commission under section 342.05 of the Revised Code of a project involving the construction, acquisition, reconstruction, or expansion of a jail facility, may declare by resolution that the amount of taxes which may be raised within the ten-mill limitation are insufficient to fund the county's share of
the basic project cost, or to maintain and operate the jail facility, and that it is necessary to do one or both of the following:

(1) Levy a tax in excess of the ten-mill limitation to fund maintenance and operating expenses of the jail facility;

(2) Issue general obligation bonds for the county's share of the basic project cost and levy an additional tax in excess of the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities.

(C) A resolution adopted under division (B) of this section shall conform to the requirements of section 5705.19 of the Revised Code, except that:

(1) A tax proposed under division (B)(1) of this section may be levied for any specified number of years, or for a continuing period of time, as specified in the resolution.

(2) A tax proposed under division (B)(2) of this section to pay debt charges on bonds and anticipatory securities may be levied for the maximum number of years over which the principal of the bonds proposed under that division may be paid.

(3) A resolution that proposes both the levy described in division (B)(1) of this section and the bond issue and levy described in division (B)(2) of this section shall enumerate the total rate of the proposed tax and the portion of that rate attributed to each levy.

(4) The resolution shall specify the percentage of the basic project cost to be supplied by the county and the percentage of such cost to be supplied by the state.

(5) If the jail facility is a multicounty jail facility, the resolution shall specify the name of each contracting county and the percentage of the basic project cost to be supplied by each
such county.

(D) On adoption of a resolution that proposes a bond issue and tax levy under division (B)(2) of this section, the board of county commissioners shall certify a copy to the county auditor. The county auditor promptly shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code.

Division (B) of section 5705.03 of the Revised Code applies to the tax levy proposed under division (B)(1) of this section but does not apply to the tax levy proposed under division (B)(2) of this section.

(E) A resolution adopted under this section shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of county commissioners shall certify a copy of the resolution and, if applicable, a copy of the auditor's estimate under division (D) of this section, to the board of elections.

The board of elections shall make the arrangements for submission of the question or questions proposed under this section to the electors of the county, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the county for the election of county officers. The resolution shall be submitted to the electors as one ballot question, with a favorable vote indicating approval of all levies proposed by the board of county commissioners. The board of elections shall publish notice of the election in a newspaper of general circulation in the county once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, before the election. If a board of elections operates and maintains a web site, that board also shall post notice of the election on its web
site for thirty days before the election. The notice of election shall state all of the following:

(1) The time and place of the election;

(2) The percentage of the basic project cost to be supplied by the county and the percentage of such cost to be supplied by the state;

(3) If the jail facility is a multicounty jail facility, the name of each contracting county and the percentage of the basic project cost to be supplied by each such county;

(4) The proposed rate of each tax and the number of years it will be in effect or, if applicable, that it will be in effect for a continuing period of time;

(5) If applicable, the principal amount of the proposed bond issue and the maximum number of years over which the principal of the bonds may be paid.

(F) The ballot for an election under this section shall include the following language, as applicable:

"Shall __________ (name of county) be authorized to do the following:

(1) Levy an additional property tax to pay for maintenance and operating expenses of a jail facility at a rate not exceeding _______ mills for each one dollar of tax valuation, which amounts to _______ (rate expressed in cents or dollars and cents) for each one hundred dollars of tax valuation, for _______ (number of years of the levy, or a continuing period of time)?

(2) Issue bonds for the purpose of __________ in the principal amount of $______, to be repaid annually over a maximum period of _______ years, and levy a property tax outside the ten-mill limitation, estimated by the county auditor to average over the bond repayment period _______ mills for each one dollar of
tax valuation, which amounts to (rate expressed in cents or
dollars and cents) for each one hundred dollars of tax valuation,
to pay the annual debt charges on the bonds, and to pay debt
charges on any notes issued in anticipation of those bonds?"

(G) The board of elections promptly shall certify the results
of the election to the tax commissioner and the county auditor. If
approved by a majority of the electors voting on the question, the
board of county commissioners may proceed with issuance of the
bonds and the levy and collection of the property tax for the debt
service on the bonds and any anticipatory securities in the same
manner and subject to the same limitations as for securities
issued under section 133.18 of the Revised Code, and with the levy
and collection of the property tax or taxes for maintenance and
operating expenses of the jail facility and to fund the county's
share of the basic project cost at the additional rate or any
lesser rate in excess of the ten-mill limitation, as applicable.
Any securities issued by the board of commissioners under this
section are Chapter 133. securities, as that term is defined in
section 133.01 of the Revised Code.

(H) After the approval of a tax described under division
(B)(1) of this section and before the time the first collection
and distribution from the levy can be made, the board of county
commissioners may anticipate a fraction of the proceeds of the
levy and issue anticipation notes in a principal amount not
exceeding fifty per cent of the total estimated proceeds of the
tax to be collected during the first year of the levy.

Anticipation notes issued under this section shall be issued
as provided in section 133.24 of the Revised Code. Those notes
shall have principal payments during each year after the year of
their issuance over a period not to exceed five years, and may
have a principal payment in the year of their issuance.

(I) A tax levied under division (B)(1) of this section for a
specified number of years may be renewed or replaced in the same
manner as a tax for current operating expenses or permanent
improvements levied under section 5705.19 of the Revised Code. A
tax levied under this section for a continuing period of time may
be decreased in accordance with section 5705.261 of the Revised
Code.

Sec. 5705.391. (A) The department of education and the
auditor of state shall jointly adopt rules requiring boards of
education to submit five-year projections of operational revenues
and expenditures. The rules shall provide for the auditor of state
or the department to examine the five-year projections and to
determine whether any further fiscal analysis is needed to
ascertain whether a district has the potential to incur a deficit
during the first three years of the five-year period.

The auditor of state or the department may conduct any
further audits or analyses necessary to assess any district's
fiscal condition. If further audits or analyses are conducted by
the auditor of state, the auditor of state shall notify the
department of the district's fiscal condition, and the department
shall immediately notify the district of any potential to incur a
deficit in the current fiscal year or of any strong indications
that a deficit will be incurred in either of the ensuing two
years. If such audits or analyses are conducted by the department,
the department shall immediately notify the district and the
auditor of state of such potential deficit or strong indications
thereof.

A district notified under this section shall take immediate
steps to eliminate any deficit in the current fiscal year and
shall begin to plan to avoid the projected future deficits.

(B) The state board of education, in accordance with sections
3319.31 and 3319.311 of the Revised Code, may limit, suspend, or
revoke a license as defined under section 3319.31 of the Revised Code that has been issued to any school employee found to have willfully contributed erroneous, inaccurate, or incomplete data required for the submission of the five-year projection required by this section.

(C) The department and the auditor of state, in their joint adoption of rules under division (A) of this section, shall not require a board of education to submit its five-year projection of operational revenues and expenditures prior to the thirtieth day of November of any fiscal year.

(D) Beginning with submissions required in fiscal year 2024 and for each fiscal year in which a submission is required under this section thereafter, the department and the auditor shall label the projections regarding property tax allocation in the projection as "state share of local property taxes."

Sec. 5709.40. (A) As used in this section:

(1) "Blighted area" and "impacted city" have the same meanings as in section 1728.01 of the Revised Code.

(2) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.

(3) "Housing renovation" means a project carried out for residential purposes.

(4) "Improvement" means the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under this section were it not for the exemption granted by that ordinance.

(5) "Incentive district" means an area not more than three hundred acres in size enclosed by a continuous boundary in which a
project is being, or will be, undertaken and having one or more of the following distress characteristics:

(a) At least fifty-one per cent of the residents of the district have incomes of less than eighty per cent of the median income of residents of the political subdivision in which the district is located, as determined in the same manner specified under section 119(b) of the "Housing and Community Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended;

(b) The average rate of unemployment in the district during the most recent twelve-month period for which data are available is equal to at least one hundred fifty per cent of the average rate of unemployment for this state for the same period.

(c) At least twenty per cent of the people residing in the district live at or below the poverty level as defined in the federal Housing and Community Development Act of 1974, 42 U.S.C. 5301, as amended, and regulations adopted pursuant to that act.

(d) The district is a blighted area.

(e) The district is in a situational distress area as designated by the director of development under division (F) of section 122.23 of the Revised Code.

(f) As certified by the engineer for the political subdivision, the public infrastructure serving the district is inadequate to meet the development needs of the district as evidenced by a written economic development plan or urban renewal plan for the district that has been adopted by the legislative authority of the subdivision.

(g) The district is comprised entirely of unimproved land that is located in a distressed area as defined in section 122.23 of the Revised Code.

(6) "Overlay" means an area of not more than three hundred
acres that is a square, or that is a rectangle having two longer
sides that are not more than twice the length of the two shorter
sides, that the legislative authority of a municipal corporation
delineates on a map of a proposed incentive district.

(7) "Project" means development activities undertaken on one
or more parcels, including, but not limited to, construction,
expansion, and alteration of buildings or structures, demolition,
remediation, and site development, and any building or structure
that results from those activities.

(8) "Public infrastructure improvement" includes, but is not
limited to, public roads and highways; water and sewer lines; the
continued maintenance of those public roads and highways and water
and sewer lines; environmental remediation; land acquisition,
including acquisition in aid of industry, commerce, distribution,
or research; demolition, including demolition on private property
when determined to be necessary for economic development purposes;
stormwater and flood remediation projects, including such projects
on private property when determined to be necessary for public
health, safety, and welfare; the provision of gas, electric, and
communications service facilities, including the provision of gas
or electric service facilities owned by nongovernmental entities
when such improvements are determined to be necessary for economic
development purposes; the enhancement of public waterways through
improvements that allow for greater public access; and off-street
parking facilities, including those in which all or a portion of
the parking spaces are reserved for specific uses when determined
to be necessary for economic development purposes.

(9) "Nonperforming parcel" means a parcel to which all of the
following apply:

(a) The parcel is exempted from taxation under division (B)
of this section or has been included in a district created under
division (C) of this section.
(b) The parcel's owner is required to make payments in lieu of taxes in accordance with section 5709.42 of the Revised Code.

(c) No such payments have been remitted to the county treasurer since the inception of the exemption or district.

(B) The legislative authority of a municipal corporation, by ordinance, may declare improvements to certain parcels of real property located in the municipal corporation to be a public purpose. Improvements with respect to a parcel that is used or to be used for residential purposes may be declared a public purpose under this division only if the parcel is located in a blighted area of an impacted city. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the parcel as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code. Except as otherwise provided under division (D) of this section or section 5709.51 of the Revised Code, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted from real property taxation for a period of not more than ten years. The ordinance shall specify the percentage of the improvement to be exempted from taxation and the life of the exemption.

An ordinance adopted or amended under this division shall designate the specific public infrastructure improvements made, to be made, or in the process of being made by the municipal corporation that directly benefit, or that once made will directly benefit, the parcels for which improvements are declared to be a public purpose. The service payments provided for in section 5709.42 of the Revised Code shall be used to finance the public infrastructure improvements designated in the ordinance, for the purpose described in division (D)(1) of this section or as provided in section 5709.43 of the Revised Code.
(C)(1) The legislative authority of a municipal corporation may adopt an ordinance creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (C)(2) of this section, exempt from taxation as provided in this section, but no legislative authority of a municipal corporation that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, shall adopt an ordinance that creates an incentive district if the sum of the taxable value of real property in the proposed district for the preceding tax year and the taxable value of all real property in the municipal corporation that would have been taxable in the preceding year were it not for the fact that the property was in an existing incentive district and therefore exempt from taxation exceeds twenty-five per cent of the taxable value of real property in the municipal corporation for the preceding tax year. The ordinance shall delineate the boundary of the proposed district and specifically identify each parcel within the district. A proposed district may not include any parcel, other than a nonperforming parcel, that is or has been exempted from taxation under division (B) of this section or that is or has been within another district created under this division. On and after the effective date of the district, a nonperforming parcel within the district is no longer exempted from taxation under division (B) of this section or included within an incentive district under any previous ordinance, and the parcel's owner is no longer required to make payments in lieu of taxes under such a previous ordinance in accordance with section 5709.42 of the Revised Code. An ordinance may create more than one such district, and more than one ordinance may be adopted under division (C)(1) of this section.

(2)(a) Not later than thirty days prior to adopting an ordinance under division (C)(1) of this section, if the municipal corporation intends to apply for exemptions from taxation under
section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the legislative authority of the municipal corporation shall conduct a public hearing on the proposed ordinance. Not later than thirty days prior to the public hearing, the legislative authority shall give notice of the public hearing and the proposed ordinance by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed ordinance. The notice shall include a map of the proposed incentive district on which the legislative authority of the municipal corporation shall have delineated an overlay. The notice shall inform the property owner of the owner's right to exclude the owner's property from the incentive district if the owner's entire parcel of property will not be located within the overlay, by submitting a written response in accordance with division (C)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C)(1) of this section whose entire parcel of property is not located within the overlay may exclude the property from the proposed incentive district by submitting a written response to the legislative authority of the municipal corporation not later than forty-five days after the postmark date on the notice required under division (C)(2)(a) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the legislative authority under division (C)(2)(a) of this section. The response shall conform to any content requirements that may be established by the municipal corporation and included in the notice provided under division (C)(2)(a) of this section. In the response, property owners may identify a parcel by street address,
by the manner in which it is identified in the ordinance, or by other means allowing the identity of the parcel to be ascertained.

(c) Before adopting an ordinance under division (C)(1) of this section, the legislative authority of a municipal corporation shall amend the ordinance to exclude any parcel located wholly or partly outside the overlay for which a written response has been submitted under division (C)(2)(b) of this section. A municipal corporation shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (B) of this section pursuant to an ordinance adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) An ordinance adopted under division (C)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The ordinance also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the ordinance. The project identified may, but need not be, the project under division (C)(3)(b) of this section that places real property in use for commercial or industrial purposes. Except as otherwise permitted under that division, the service payments provided for in section 5709.42 of the Revised Code shall be used to finance the designated public infrastructure improvements, for the purpose described in division (D)(1), (E), or (F) of this section, or as provided in section 5709.43 of the Revised Code.
An ordinance adopted under division (C)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and no service payment provided for in section 5709.42 of the Revised Code and received by the municipal corporation under the ordinance shall be used for police or fire equipment.

(b) An ordinance adopted under division (C)(1) of this section may authorize the use of service payments provided for in section 5709.42 of the Revised Code for the purpose of housing renovations within the incentive district, provided that the ordinance also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The ordinance shall designate the parcels within the district that are eligible for housing renovation. The ordinance shall state separately the amounts or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the general purpose of housing renovations.

(4) Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the incentive district is or will be located, and subject to division (E) of this section, the life of an incentive district shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With approval of the board of education, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent. The approval of a board of education shall be obtained in the manner provided in division (D) of this section.
(D)(1) If the ordinance declaring improvements to a parcel to be a public purpose or creating an incentive district specifies that payments in lieu of taxes provided for in section 5709.42 of the Revised Code shall be paid to the city, local, or exempted village, and joint vocational school district in which the parcel or incentive district is located in the amount of the taxes that would have been payable to the school district if the improvements had not been exempted from taxation, the percentage of the improvement that may be exempted from taxation may exceed seventy-five per cent, and the exemption may be granted for up to thirty years, without the approval of the board of education as otherwise required under division (D)(2) of this section.

(2) Improvements with respect to a parcel may be exempted from taxation under division (B) of this section, and improvements to parcels within an incentive district may be exempted from taxation under division (C) of this section, for up to ten years or, with the approval under this paragraph of the board of education of the city, local, or exempted village school district within which the parcel or district is located, for up to thirty years. The percentage of the improvement exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting an ordinance under this section declaring improvements to be a public purpose that is subject to approval by a board of education under this division, the legislative authority shall deliver to the board of education a notice stating its intent to adopt an ordinance making that declaration. The notice regarding improvements with respect to a parcel under division (B) of this section shall identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period for which the improvements would be exempted from taxation and the percentage of the improvement
that would be exempted, and indicate the date on which the legislative authority intends to adopt the ordinance. The notice regarding improvements to parcels within an incentive district under division (C) of this section shall delineate the boundaries of the district, specifically identify each parcel within the district, identify each anticipated improvement in the district, provide an estimate of the true value in money of each such improvement, specify the life of the district and the percentage of improvements that would be exempted, and indicate the date on which the legislative authority intends to adopt the ordinance. The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice; may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both; or may approve the exemption on the condition that the legislative authority and the board negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvement in excess of seventy-five per cent were that portion to be subject to taxation, or other mutually agreeable compensation. If an agreement is negotiated between the legislative authority and the board to compensate the school district for all or part of the taxes exempted, including agreements for payments in lieu of taxes under section 5709.42 of the Revised Code, the legislative authority shall compensate the joint vocational school district within which the parcel or district is located at the same rate and under the same terms received by the city, local, or exempted village school district.
(3) The board of education shall certify its resolution to the legislative authority not later than fourteen days prior to the date the legislative authority intends to adopt the ordinance as indicated in the notice. If the board of education and the legislative authority negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for the number of years specified in the ordinance or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. In either case, if the board and the legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for not more than ten years, and shall not exempt more than seventy-five per cent of the improvements from taxation. If the board fails to certify a resolution to the legislative authority within the time prescribed by this division, the legislative authority thereupon may adopt the ordinance and may declare the improvements a public purpose for up to thirty years, or, in the case of exemption percentages proposed in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. The legislative authority may adopt the ordinance at any time after the board of education certifies its resolution approving the exemption to the legislative authority, or, if the board approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed to by the board and the legislative authority.

(4) If a board of education has adopted a resolution waiving its right to approve exemptions from taxation under this section and the resolution remains in effect, approval of exemptions by the board is not required under division (D) of this section. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under division (D) of this section fewer than forty-five business days prior to the
legislative authority's adoption of the ordinance, the legislative authority shall deliver the notice to the board not later than the number of days prior to such adoption as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(5) If the legislative authority is not required by division (D) of this section to notify the board of education of the legislative authority's intent to declare improvements to be a public purpose, the legislative authority shall comply with the notice requirements imposed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

(6) Nothing in division (D) of this section prohibits the legislative authority of a municipal corporation from amending the ordinance or resolution under section 5709.51 of the Revised Code to extend the term of the exemption.

(E)(1) If a proposed ordinance under division (C)(1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five percent, not later than forty-five business days prior to adopting the ordinance the legislative authority of the municipal corporation shall deliver to the board of county commissioners of the county within which the incentive district will be located a notice that states its intent to adopt an ordinance creating an incentive district. The notice shall include a copy of the proposed ordinance, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true
value in money of the improvements, specify the period of time for
which the improvements would be exempted from taxation, specify
the percentage of the improvements that would be exempted from
taxation, and indicate the date on which the legislative authority
intends to adopt the ordinance.

(2) The board of county commissioners, by resolution adopted
by a majority of the board, may object to the exemption for the
number of years in excess of ten, may object to the exemption for
the percentage of the improvement to be exempted in excess of
seventy-five per cent, or both. If the board of county
commissioners objects, the board may negotiate a mutually
acceptable compensation agreement with the legislative authority.
In no case shall the compensation provided to the board exceed the
property taxes forgone due to the exemption. If the board of
county commissioners objects, and the board and legislative
authority fail to negotiate a mutually acceptable compensation
agreement, the ordinance adopted under division (C)(1) of this
section shall provide to the board compensation in the eleventh
and subsequent years of the exemption period equal in value to not
more than fifty per cent of the taxes that would be payable to the
county or, if the board's objection includes an objection to an
exemption percentage in excess of seventy-five per cent,
compensation equal in value to not more than fifty per cent of the
taxes that would be payable to the county, on the portion of the
improvement in excess of seventy-five per cent, were that portion
to be subject to taxation. The board of county commissioners shall
certify its resolution to the legislative authority not later than
thirty days after receipt of the notice.

(3) If the board of county commissioners does not object or
fails to certify its resolution objecting to an exemption within
thirty days after receipt of the notice, the legislative authority
may adopt the ordinance, and no compensation shall be provided to
the board of county commissioners. If the board timely certifies its resolution objecting to the ordinance, the legislative authority may adopt the ordinance at any time after a mutually acceptable compensation agreement is agreed to by the board and the legislative authority, or, if no compensation agreement is negotiated, at any time after the legislative authority agrees in the proposed ordinance to provide compensation to the board of fifty per cent of the taxes that would be payable to the county in the eleventh and subsequent years of the exemption period or on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation.

(F) Service payments in lieu of taxes that are attributable to any amount by which the effective tax rate of either a renewal levy with an increase or a replacement levy exceeds the effective tax rate of the levy renewed or replaced, or that are attributable to an additional levy, for a levy authorized by the voters for any of the following purposes on or after January 1, 2006, and which are provided pursuant to an ordinance creating an incentive district under division (C)(1) of this section that is adopted on or after January 1, 2006, or a later date as specified in this division, shall be distributed to the appropriate taxing authority as required under division (C) of section 5709.42 of the Revised Code in an amount equal to the amount of taxes from that additional levy or from the increase in the effective tax rate of such renewal or replacement levy that would have been payable to that taxing authority from the following levies were it not for the exemption authorized under division (C) of this section:

(1) A tax levied under division (L) of section 5705.19 or section 5705.191 or 5705.222 of the Revised Code for community developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the
Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or facilities;

(5) A tax levied under section 5705.23 of the Revised Code for library purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;

(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;

(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;

(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;

(12) A tax levied under section 3709.29 of the Revised Code
for a general health district program.

(13) A tax levied by a township under section 505.39, division (I) of section 5705.19, or division (JJ) of section 5705.19 of the Revised Code to the extent the proceeds are used for the purposes described in division (I) of that section, for the purpose of funding fire, emergency medical, and ambulance services as described in that section and those divisions. Division (F)(13) of this section applies only if the township levying the tax provides fire, emergency medical, or ambulance services in the incentive district, and only to incentive districts created by an ordinance adopted on or after the effective date of the amendment of this section by H.B. 69 of the 132nd general assembly, March 23, 2018. The board of township trustees may, by resolution, waive the application of this division or negotiate with the municipal corporation that created the district for a lesser amount of payments in lieu of taxes.

(G) An exemption from taxation granted under this section commences with the tax year specified in the ordinance so long as the year specified in the ordinance commences after the effective date of the ordinance. If the ordinance specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that commences after the effective date of the ordinance. In lieu of stating a specific year, the ordinance may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the construction of one or more improvements is completed, provided that such tax year commences after the effective date of the ordinance. With respect to the exemption of improvements to parcels under division (B) of this section, the ordinance may
allow for the exemption to commence in different tax years on a parcel-by-parcel basis, with a separate exemption term specified for each parcel.

Except as otherwise provided in this division or section 5709.51 of the Revised Code, the exemption ends on the date specified in the ordinance as the date the improvement ceases to be a public purpose or the incentive district expires, or ends on the date on which the public infrastructure improvements and housing renovations are paid in full from the municipal public improvement tax increment equivalent fund established under division (A) of section 5709.43 of the Revised Code, whichever occurs first. The exemption of an improvement with respect to a parcel or within an incentive district may end on a later date, as specified in the ordinance, if the legislative authority and the board of education of the city, local, or exempted village school district within which the parcel or district is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement, and the board of education has approved the term of the exemption under division (D)(2) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. Exemptions shall be claimed and allowed in the same manner as in the case of other real property exemptions. If an exemption status changes during a year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(H) Additional municipal financing of public infrastructure improvements and housing renovations may be provided by any methods that the municipal corporation may otherwise use for financing such improvements or renovations. If the municipal corporation issues bonds or notes to finance the public infrastructure improvements and housing renovations and pledges
money from the municipal public improvement tax increment equivalent fund to pay the interest on and principal of the bonds or notes, the bonds or notes are not subject to Chapter 133. of the Revised Code.

   (I) The municipal corporation, not later than fifteen days after the adoption of an ordinance under this section, shall submit to the director of development a copy of the ordinance. On or before the thirty-first day of March of each year, the municipal corporation shall submit a status report to the director. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that an exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the funds created under section 5709.43 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with such expenditures; and a quantitative summary of changes in employment and private investment resulting from each project.

   (J) Nothing in this section shall be construed to prohibit a legislative authority from declaring to be a public purpose improvements with respect to more than one parcel.

   (K) If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

**Sec. 5709.56.** (A) As used in this section:

   (1) "Pre-residential development property" means a subdivided parcel of unimproved real property on which construction of one or more residential buildings is planned but has not yet commenced.
The construction of streets, sidewalks, curbs, or driveways or the installation of water, sewer, or other utility lines on a subdivided parcel does not cause construction of a residential building to commence for purposes of division (A)(1) or (B) of this section. "Pre-residential development property" does not include a parcel, any portion of the value of which is exempted from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code.

(2) "Residential building" means a building or structure any part of which is to be used as a dwelling.

(3) "Unexempted value" means, for any subdivided parcel, one of the following:

(a) Except as provided in division (A)(3)(b) of this section, the nonagricultural taxable value of the original property for the tax year preceding the tax year the subdivided property first appears on the tax list as a subdivided parcel multiplied by a fraction, the numerator of which is the true value in money of the subdivided parcel for the tax year the subdivided parcel first appears on the tax list and the denominator of which is the true value in money of all subdivided parcels subdivided from that original parcel for that tax year.

(b) If a subdivided parcel exempted under this section is itself subdivided, the "unexempted value" of the newly subdivided parcel equals the unexempted value, as defined in division (A)(3)(a) of this section, of the parcel from which the newly subdivided parcel was subdivided for the tax year preceding the tax year the newly subdivided parcel first appears on the tax list multiplied by a fraction, the numerator of which is the true value in money of the newly subdivided parcel for the tax year it first appears on the tax list and the denominator of which is the true value in money for that year of all newly subdivided parcels resulting from the most recent subdivision.
(4) "Subdivided parcel" means a parcel resulting from the subdivision of original property pursuant to a plat subdividing that property presented to the county auditor under section 5713.18 of the Revised Code.

(5) "Original property" means the parcel from which a subdivided parcel is subdivided.

(6) "Qualifying owner" means the owner of pre-residential development property for any portion of a tax year ending on or after the effective date of this section that includes the date a plat subdividing land including such property is presented to the county auditor under section 5713.18 of the Revised Code, or any other person to which title to the property is transferred, without consideration, by another qualifying owner.

(7) "Nonagricultural taxable value" means the taxable value of land as if such land were valued and assessed for a tax year pursuant to Section 2 of Article XII, Ohio Constitution, and not in accordance with Section 36 of Article II, Ohio Constitution.

(B) Any increase in taxable value above the unexempted value of pre-residential development property owned by a qualifying owner is exempted from taxation beginning with the first tax year the pre-residential development property appears on the tax list after a plat subdividing land including that property is presented to the county auditor under section 5713.18 of the Revised Code and for each of the seven ensuing tax years, except that the exemption shall not apply beginning with the tax year that begins after the tax year in which the earliest of the following occurs:

(1) Construction of a residential building on that property commences;

(2) Title to the property is transferred for consideration by a qualifying owner to another person;

(3) Any portion of the value of that property is exempted
from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78
of the Revised Code.

(C) The tax commissioner shall not approve an application for
an exemption authorized under this section unless the applicant
for the exemption certifies that the parcel that is the subject of
the exemption satisfies the requirements of division (A)(1) of
this section for pre-residential development property.

(D) Nothing in this section shall be construed to authorize a
parcel subject to the partial exemption authorized by this section
to be valued and assessed for taxation in any manner other than in
accordance with Section 36 of Article II or Section 2 of Article
XII, Ohio Constitution, as applicable to the parcel.

Sec. 5709.73. (A) As used in this section and section 5709.74
of the Revised Code:

(1) "Business day" means a day of the week excluding
Saturday, Sunday, and a legal holiday as defined in section 1.14
of the Revised Code.

(2) "Further improvements" or "improvements" means the
increase in the assessed value of real property that would first
appear on the tax list and duplicate of real and public utility
property after the effective date of a resolution adopted under
this section were it not for the exemption granted by that
resolution. For purposes of division (B) of this section,
"improvements" do not include any property used or to be used for
residential purposes. For this purpose, "property that is used or
to be used for residential purposes" means property that, as
improved, is used or to be used for purposes that would cause the
tax commissioner to classify the property as residential property
in accordance with rules adopted by the commissioner under section
5713.041 of the Revised Code.
(3) "Housing renovation" means a project carried out for residential purposes.

(4) "Incentive district" has the same meaning as in section 5709.40 of the Revised Code, except that a blighted area is in the unincorporated area of a township.

(5) "Overlay" has the same meaning as in section 5709.40 of the Revised Code, except that the overlay is delineated by the board of township trustees.

(6) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code.

(7) "Urban township" has the same meaning as in section 504.01 of the Revised Code.

(8) "Nonperforming parcel" means a parcel to which all of the following apply:

   (a) The parcel is exempted from taxation under division (B) of this section or has been included in a district created under division (C) of this section.

   (b) The parcel's owner is required to make payments in lieu of taxes in accordance with section 5709.74 of the Revised Code.

   (c) No such payments have been remitted to the county treasurer since the inception of the exemption or district.

   (B) A board of township trustees may adopt a resolution that declares to be a public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated area of the township. Except for a resolution adopted by the board of an urban township, the resolution shall be adopted by a unanimous vote of the board. Except as otherwise provided under division (D) of this section or section 5709.51 of the Revised Code, the resolution may exempt from real property taxation not more than seventy-five per
cent of further improvements to a parcel of land that directly
benefits from the public infrastructure improvements, for a period
of not more than ten years. The resolution shall specify the
percentage of the further improvements to be exempted and the life
of the exemption.

(C)(1) A board of township trustees may adopt a resolution
creating an incentive district and declaring improvements to
parcels within the district to be a public purpose and, except as
provided in division (C)(2) of this section, exempt from taxation
as provided in this section. Except for a resolution adopted by
the board of an urban township, the resolution shall be adopted by
a unanimous vote of the board. A board of township trustees of a
township that has a population that exceeds twenty-five thousand,
as shown by the most recent federal decennial census, may not
adopt a resolution that creates an incentive district if the sum
of the taxable value of real property in the proposed district for
the preceding tax year and the taxable value of all real property
in the township that would have been taxable in the preceding year
were it not for the fact that the property was in an existing
incentive district and therefore exempt from taxation exceeds
twenty-five per cent of the taxable value of real property in the
township for the preceding tax year. The district shall be located
within the unincorporated area of the township and shall not
include any territory that is included within a district created
under division (B) of section 5709.78 of the Revised Code. The
resolution shall delineate the boundary of the proposed district
and specifically identify each parcel within the district. A
proposed district may not include any parcel, other than a
nonperforming parcel, that is or has been exempted from taxation
under division (B) of this section or that is or has been within
another district created under this division. On and after the
effective date of the district, a nonperforming parcel within the
district is no longer exempted from taxation under division (B) of
this section or included within an incentive district under any
previous resolution, and the parcel's owner is no longer required
to make payments in lieu of taxes under such a previous resolution
in accordance with section 5709.74 of the Revised Code. A
resolution may create more than one such district, and more than
one resolution may be adopted under division (C)(1) of this
section.

(2)(a) Not later than thirty days prior to adopting a
resolution under division (C)(1) of this section, if the township
intends to apply for exemptions from taxation under section
5709.911 of the Revised Code on behalf of owners of real property
located within the proposed incentive district, the board shall
conduct a public hearing on the proposed resolution. Not later
than thirty days prior to the public hearing, the board shall give
notice of the public hearing and the proposed resolution by first
class mail to every real property owner whose property is located
within the boundaries of the proposed incentive district that is
the subject of the proposed resolution. The notice shall include a
map of the proposed incentive district on which the board of
township trustees shall have delineated an overlay. The notice
shall inform the property owner of the owner's right to exclude
the owner's property from the incentive district if both of the
following conditions are met:

(i) The owner's entire parcel of property will not be located
within the overlay.

(ii) The owner has submitted a statement to the board of
county commissioners of the county in which the parcel is located
indicating the owner's intent to seek a tax exemption for
improvements to the owner's parcel under division (A) or (B) of
section 5709.78 of the Revised Code within the next five years.

When both of the preceding conditions are met, the owner may
exclude the owner's property from the incentive district by
submitting a written response in accordance with division (C)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C)(1) of this section who meets the conditions specified in divisions (C)(2)(a)(i) and (ii) of this section may exclude the property from the proposed incentive district by submitting a written response to the board not later than forty-five days after the postmark date on the notice required under division (C)(2)(a) of this section. The response shall include a copy of the statement submitted under division (C)(2)(a)(ii) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the board under division (C)(2)(a) of this section. The response shall conform to any content requirements that may be established by the board and included in the notice provided under division (C)(2)(a) of this section. In the response, property owners may identify a parcel by street address, by the manner in which it is identified in the resolution, or by other means allowing the identity of the parcel to be ascertained.

(c) Before adopting a resolution under division (C)(1) of this section, the board shall amend the resolution to exclude any parcel for which a written response has been submitted under division (C)(2)(b) of this section. A township shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (B) of this section pursuant to a
resolution adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) A resolution adopted under division (C)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The resolution also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the resolution. The project identified may, but need not be, the project under division (C)(3)(b) of this section that places real property in use for commercial or industrial purposes.

A resolution adopted under division (C)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and, except as provided in division (F) of this section, no service payment provided for in section 5709.74 of the Revised Code and received by the township under the resolution shall be used for police or fire equipment.

(b) A resolution adopted under division (C)(1) of this section may authorize the use of service payments provided for in section 5709.74 of the Revised Code for the purpose of housing renovations within the incentive district, provided that the resolution also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The resolution shall designate the parcels within the district that are eligible for
housing renovations. The resolution shall state separately the amount or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the purpose of housing renovations.

(4) Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the incentive district is or will be located, and subject to division (E) of this section, the life of an incentive district shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With approval of the board of education, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent. The approval of a board of education shall be obtained in the manner provided in division (D) of this section.

(D) Improvements with respect to a parcel may be exempted from taxation under division (B) of this section, and improvements to parcels within an incentive district may be exempted from taxation under division (C) of this section, for up to ten years or, with the approval of the board of education of the city, local, or exempted village school district within which the parcel or district is located, for up to thirty years. The percentage of the improvements exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting a resolution under this section declaring improvements to be a public purpose that is subject to approval by a board of education under this division, the board of township trustees shall deliver to the board of education a notice stating its intent to adopt a resolution making that declaration. The notice regarding improvements with respect to a parcel under division (B) of this section shall identify the parcels for which improvements are to
be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period for which the improvements would be exempted from taxation and the percentage of the improvements that would be exempted, and indicate the date on which the board of township trustees intends to adopt the resolution. The notice regarding improvements made under division (C) of this section to parcels within an incentive district shall delineate the boundaries of the district, specifically identify each parcel within the district, identify each anticipated improvement in the district, provide an estimate of the true value in money of each such improvement, specify the life of the district and the percentage of improvements that would be exempted, and indicate the date on which the board of township trustees intends to adopt the resolution. The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice; may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvements to be exempted in excess of seventy-five per cent, or both; or may approve the exemption on the condition that the board of township trustees and the board of education negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvements in excess of seventy-five per cent were that portion to be subject to taxation, or other mutually agreeable compensation.

The board of education shall certify its resolution to the board of township trustees not later than fourteen days prior to the date the board of township trustees intends to adopt the
resolution as indicated in the notice. If the board of education and the board of township trustees negotiate a mutually acceptable compensation agreement, the resolution may declare the improvements a public purpose for the number of years specified in the resolution or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the resolution. In either case, if the board of education and the board of township trustees fail to negotiate a mutually acceptable compensation agreement, the resolution may declare the improvements a public purpose for not more than ten years, and shall not exempt more than seventy-five per cent of the improvements from taxation. If the board of education fails to certify a resolution to the board of township trustees within the time prescribed by this section, the board of township trustees thereupon may adopt the resolution and may declare the improvements a public purpose for up to thirty years or, in the case of exemption percentages proposed in excess of seventy-five per cent, for the exemption percentage specified in the resolution. The board of township trustees may adopt the resolution at any time after the board of education certifies its resolution approving the exemption to the board of township trustees, or, if the board of education approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed to by the board of education and the board of township trustees. If a mutually acceptable compensation agreement is negotiated between the board of township trustees and the board of education, including agreements for payments in lieu of taxes under section 5709.74 of the Revised Code, the board of township trustees shall compensate the joint vocational school district within which the parcel or district is located at the same rate and under the same terms received by the city, local, or exempted village school district.
If a board of education has adopted a resolution waiving its right to approve exemptions from taxation under this section and the resolution remains in effect, approval of such exemptions by the board of education is not required under division (D) of this section. If a board of education has adopted a resolution allowing a board of township trustees to deliver the notice required under division (D) of this section fewer than forty-five business days prior to adoption of the resolution by the board of township trustees, the board of township trustees shall deliver the notice to the board of education not later than the number of days prior to the adoption as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board of education shall certify a copy of the resolution to the board of township trustees. If the board of education rescinds the resolution, it shall certify notice of the rescission to the board of township trustees.

If the board of township trustees is not required by division (D) of this section to notify the board of education of the board of township trustees' intent to declare improvements to be a public purpose, the board of township trustees shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to receive the notice.

Nothing in this division prohibits the board of township trustees from amending the resolution under section 5709.51 of the Revised Code to extend the term of the exemption.

(E)(1) If a proposed resolution under division (C)(1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of
the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the resolution the board of township trustees shall deliver to the board of county commissioners of the county within which the incentive district is or will be located a notice that states its intent to adopt a resolution creating an incentive district. The notice shall include a copy of the proposed resolution, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the improvements would be exempted from taxation, specify the percentage of the improvements that would be exempted from taxation, and indicate the date on which the board of township trustees intends to adopt the resolution.

(2) The board of county commissioners, by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both. If the board of county commissioners objects, the board may negotiate a mutually acceptable compensation agreement with the board of township trustees. In no case shall the compensation provided to the board of county commissioners exceed the property taxes foregone due to the exemption. If the board of county commissioners objects, and the board of county commissioners and board of township trustees fail to negotiate a mutually acceptable compensation agreement, the resolution adopted under division (C)(1) of this section shall provide to the board of county commissioners compensation in the eleventh and subsequent years of the exemption period equal in value to not more than fifty per cent of the taxes that would be payable to the county or, if the board of county commissioner's objection includes an objection to an exemption percentage in excess of seventy-five per cent, compensation equal in value to
not more than fifty per cent of the taxes that would be payable to 90626
the county, on the portion of the improvement in excess of 90627
seventy-five per cent, were that portion to be subject to 90628
taxation. The board of county commissioners shall certify its 90629
resolution to the board of township trustees not later than thirty 90630
days after receipt of the notice.

(3) If the board of county commissioners does not object or 90632
fails to certify its resolution objecting to an exemption within 90633
thirty days after receipt of the notice, the board of township 90634
trustees may adopt its resolution, and no compensation shall be 90635
provided to the board of county commissioners. If the board of 90636
county commissioners timely certifies its resolution objecting to 90637
the trustees' resolution, the board of township trustees may adopt 90638
its resolution at any time after a mutually acceptable 90639
compensation agreement is agreed to by the board of county 90640
commissioners and the board of township trustees, or, if no 90641
compensation agreement is negotiated, at any time after the board 90642
of township trustees agrees in the proposed resolution to provide 90643
compensation to the board of county commissioners of fifty per 90644
cent of the taxes that would be payable to the county in the 90645
eleventh and subsequent years of the exemption period or on the 90646
portion of the improvement in excess of seventy-five per cent, 90647
were that portion to be subject to taxation.

(F) Service payments in lieu of taxes that are attributable 90648
to any amount by which the effective tax rate of either a renewal 90649
levy with an increase or a replacement levy exceeds the effective 90650
tax rate of the levy renewed or replaced, or that are attributable 90651
to an additional levy, for a levy authorized by the voters for any 90652
of the following purposes on or after January 1, 2006, and which 90653
are provided pursuant to a resolution creating an incentive 90654
district under division (C)(1) of this section that is adopted on 90655
or after January 1, 2006, or a later date as specified in this 90656
division, shall be distributed to the appropriate taxing authority as required under division (C) of section 5709.74 of the Revised Code in an amount equal to the amount of taxes from that additional levy or from the increase in the effective tax rate of such renewal or replacement levy that would have been payable to that taxing authority from the following levies were it not for the exemption authorized under division (C) of this section:

(1) A tax levied under division (L) of section 5705.19 or section 5705.191 or 5705.222 of the Revised Code for community developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or families;

(5) A tax levied under section 5705.23 of the Revised Code for library purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;

(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township
park districts;

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;

(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;

(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;

(12) A tax levied under section 3709.29 of the Revised Code for a general health district program;

(13) A tax levied by a township under section 505.39, 505.51, or division (I), (J), (U), or (JJ) of section 5705.19 of the Revised Code for the purpose of funding fire, police, emergency medical, or ambulance services as described in those sections. Division (F)(13) of this section applies only to incentive districts created by a resolution adopted on or after March 22, 2019, the effective date of the amendment of this section by H.B. 500 of the 132nd general assembly, and only if that resolution specifies that division (F) of this section shall apply to such a tax.

(G) An exemption from taxation granted under this section commences with the tax year specified in the resolution so long as the year specified in the resolution commences after the effective date of the resolution. If the resolution specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that
commences after the effective date of the resolution. In lieu of stating a specific year, the resolution may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the construction of one or more improvements is completed, provided that such tax year commences after the effective date of the resolution. With respect to the exemption of improvements to parcels under division (B) of this section, the resolution may allow for the exemption to commence in different tax years on a parcel-by-parcel basis, with a separate exemption term specified for each parcel.

Except as otherwise provided in this division and section 5709.51 of the Revised Code, the exemption ends on the date specified in the resolution as the date the improvement ceases to be a public purpose or the incentive district expires, or ends on the date on which the public infrastructure improvements and housing renovations are paid in full from the township public improvement tax increment equivalent fund established under section 5709.75 of the Revised Code, whichever occurs first. The exemption of an improvement with respect to a parcel or within an incentive district may end on a later date, as specified in the resolution, if the board of township trustees and the board of education of the city, local, or exempted village school district within which the parcel or district is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement and the board of education has approved the term of the exemption under division (D) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. The board of township trustees may, by majority vote, adopt a resolution permitting the township to enter into such agreements as the board finds necessary or appropriate to provide for the construction or undertaking of public infrastructure improvements and housing.
renovations. Any exemption shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions. If an exemption status changes during a tax year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(H) The board of township trustees may issue the notes of the township to finance all costs pertaining to the construction or undertaking of public infrastructure improvements and housing renovations made pursuant to this section. The notes shall be signed by the board and attested by the signature of the township fiscal officer, shall bear interest not to exceed the rate provided in section 9.95 of the Revised Code, and are not subject to Chapter 133. of the Revised Code. The resolution authorizing the issuance of the notes shall pledge the funds of the township public improvement tax increment equivalent fund established pursuant to section 5709.75 of the Revised Code to pay the interest on and principal of the notes. The notes, which may contain a clause permitting prepayment at the option of the board, shall be offered for sale on the open market or given to the vendor or contractor if no sale is made.

(I) The township, not later than fifteen days after the adoption of a resolution under this section, shall submit to the director of development services a copy of the resolution. On or before the thirty-first day of March of each year, the township shall submit a status report to the director of development services. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that the exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the fund created under section 5709.75 of the Revised Code; a description of the public infrastructure improvements and
housing renovations financed with the expenditures; and a quantitative summary of changes in private investment resulting from each project.

(J) Nothing in this section shall be construed to prohibit a board of township trustees from declaring to be a public purpose improvements with respect to more than one parcel.

If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

(K) A board of township trustees that adopted a resolution under this section prior to July 21, 1994, may amend that resolution to include any additional public infrastructure improvement. A board of township trustees that seeks by the amendment to utilize money from its township public improvement tax increment equivalent fund for land acquisition in aid of industry, commerce, distribution, or research, demolition on private property, or stormwater and flood remediation projects may do so provided that the board currently is a party to a hold-harmless agreement with the board of education of the city, local, or exempted village school district within the territory of which are located the parcels that are subject to an exemption. For the purposes of this division, a "hold-harmless agreement" means an agreement under which the board of township trustees agrees to compensate the school district for one hundred per cent of the tax revenue that the school district would have received from further improvements to parcels designated in the resolution were it not for the exemption granted by the resolution.

(L) Notwithstanding the limitation prescribed by division (D) of this section on the number of years that improvements to a
parcel or parcels may be exempted from taxation, a board of trustees of a township with a population of fifteen thousand or more may amend a resolution originally adopted under this section before December 31, 1994, to extend the exemption of improvements to the parcel or parcels included in such resolution for an additional period not to exceed fifteen years. The amendment shall not increase the percentage of improvements to the parcel or parcels exempted from taxation. Before adopting an amendment authorized under this division, the board of township trustees shall obtain the approval of each board of education of the city, local, or exempted village school district within which the exempted parcels are located in the manner required under division (D) of this section, except that (1) the board of education may approve the exemption on the condition that the board of township trustees and the board of education negotiate an agreement providing for compensation to the school district equal in value to the amount of taxes the district forgoes in each year the exemption is extended pursuant to this division or any other mutually agreeable compensation and (2) if the board of education fails to certify a resolution approving the amendment to the board of township trustees within the time prescribed by division (D) of this section, the board of township trustees shall not adopt the amendment authorized under this division.

No approval under this division shall be required from a board of education that has adopted a resolution waiving its right to approve exemptions from taxation pursuant to division (D) of this section. If the board of education has adopted such a resolution, the board of township trustees shall comply with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt an amendment authorized under this division unless the board of education has adopted a resolution under that section waiving its right to receive the notice. Not later than fourteen days before adopting an amendment.
authorized under this division, the board of township trustees
shall deliver a notice identical to a notice required under
section 5709.83 of the Revised Code to the board of county
commissioners of each county in which the exempted parcels are
located.

Sec. 5711.29. If any corporation uses the rights and powers
granted by its charter to prevent the assessment of the shares of
its resident shareholders on the basis of income yield, as
provided in sections 5711.01 to 5711.36 of the Revised Code, by
permitting its gains and profits to accumulate instead of being
distributed, or by paying exorbitant salaries to its officers and
employees, the tax commissioner, upon finding such to be the fact,
shall assess the amount representing the aggregate assessments of
the shares of such resident shareholders in the names of such
resident shareholders and certify such assessments, together with
the penalty provided in such sections, to the proper county
auditor who shall place the same on the classified tax list and
duplicate in the names of such shareholders, as investments
assessed on the basis of income yield for the year for which such
assessments are made; and taxes shall be collected thereon the
same as on other like assessments. The commissioner shall give
notice of such assessment to the corporation by personal service
or certified mail, in the manner provided in section 5703.37 of
the Revised Code, and such assessment shall be subject to a
petition for reassessment and an appeal as provided in sections
5711.31 and 5717.02 of the Revised Code.

If any such corporation is a holding or investment company,
or if the gains or profits are permitted to accumulate beyond the
reasonable needs of the business, such fact shall be prima-facie
evidence of a purpose to prevent the assessment of the shares of
its resident stockholders on such basis.
If any trust, under the terms of which the trustee is required or authorized to withhold and accumulate all or any part of the income, is created or used for the purpose of preventing the assessment of the equitable interests of the resident beneficiaries on the basis of income yield, as provided in sections 5711.01 to 5711.36 of the Revised Code, the commissioner, upon finding such to be the fact, shall assess the amount representing the aggregate assessment of such equitable shares in the manner provided in this section. If the creator of such trust reserved a power of revocation, or if the trustee has discretion to pay and distribute the income of the trust property to or for the benefit of such resident beneficiary, such fact shall be prima-facie evidence of a purpose to prevent the assessment of the equitable shares of the resident beneficiaries upon such basis.

The assessment imposed by this action shall not be made against any resident shareholder of such corporation or beneficiary of such trust who in filing his the shareholder's or beneficiary's return lists as the income yield of his the shares or beneficial interest the entire distributive share or beneficial interest, whether distributed or not, of the net income of such corporation or trust for such year, in which event any subsequent distribution made by such corporation or trust out of the earnings or profits of such year shall, if distributed to any shareholder or beneficiary who has so included in the income yield of his the shareholder's or beneficiary's shares the distributive share thereof, be deducted from the income yield of such shares for the year in which the same is made.

Sec. 5713.03. (A) The county auditor, from the best sources of information available, shall determine, as nearly as practicable, the true value of the fee simple estate, as if unencumbered but subject to any effects from the exercise of police powers or from other governmental actions, of each separate
tract, lot, or parcel of real property and of buildings, structures, and improvements located thereon and the current agricultural use value of land valued for tax purposes in accordance with section 5713.31 of the Revised Code, in every district, according to the rules prescribed by this chapter and section 5715.01 of the Revised Code, and in accordance with the uniform rules and methods of valuing and assessing real property as adopted, prescribed, and promulgated by the tax commissioner. The auditor shall determine the taxable value of all real property by reducing its true or current agricultural use value by the percentage ordered by the commissioner. In determining the true value of any tract, lot, or parcel of real estate under this section, if such tract, lot, or parcel has been the subject of an arm's length sale between a willing seller and a willing buyer within a reasonable length of time, either before or after the tax lien date, the auditor may consider the sale price of such tract, lot, or parcel to be the true value for taxation purposes. However, the sale price in an arm's length transaction between a willing seller and a willing buyer shall not be considered the true value of the property sold if subsequent to the sale:

(1) (A) The tract, lot, or parcel of real estate loses value due to some casualty;

(2) (B) An improvement is added to the property.

Nothing in this section or section 5713.01 of the Revised Code and no rule adopted under section 5715.01 of the Revised Code shall require the county auditor to change the true value in money of any property in any year except a year in which the tax commissioner is required to determine under section 5715.24 of the Revised Code whether the property has been assessed as required by law.

(B) Pursuant to division (A) of this section, the county
auditor may determine the true value of real property that is part
of a qualified low-income housing tax credit project through use
of one or more of the market data approach, the income approach,
or the cost approach.

As used in division (B) of this section, "low-income housing
tax credit project" means a qualified low-income housing project
during its compliance period, as those terms are defined by
section 42 of the Internal Revenue Code.

(C) The county auditor shall adopt and use a real property
record approved by the commissioner for each tract, lot, or parcel
of real property, setting forth the true and taxable value of land
and, in the case of land valued in accordance with section 5713.31
of the Revised Code, its current agricultural use value, the
number of acres of arable land, permanent pasture land, woodland,
and wasteland in each tract, lot, or parcel. The auditor shall
record pertinent information and the true and taxable value of
each building, structure, or improvement to land, which value
shall be included as a separate part of the total value of each
tract, lot, or parcel of real property.

Sec. 5713.031. (A) As used in this section, "federally
subsidized residential rental property" means property to which
one or more of the following apply:

(1) It is part of a qualified low-income housing project,
during its compliance period, as those terms are defined in
section 42 of the Internal Revenue Code.

(2) It receives assistance pursuant to section 202 of the
pursuant to that section.

(3) Property that receives assistance pursuant to Section 811
of the "Cranston-Gonzalez National Affordable Housing Act," 42
U.S.C. 8013, and remains restricted pursuant to that section;

(4) Property that receives project-based assistance pursuant to section 8 of the "United States Housing Act of 1937," 42 U.S.C. 1437f, and remains restricted pursuant to that section;

(5) Property that receives assistance pursuant to section 515 of the "Housing Act of 1949," 42 U.S.C. 1485, and remains restricted pursuant to that section;

(6) Property that receives assistance pursuant to section 538 of the "Housing Act of 1949," 42 U.S.C. 1490p-2, and remains restricted pursuant to that section;

(7) Property that receives assistance pursuant to section 521 of the "Housing Act of 1949," 42 U.S.C. 1490a, and remains restricted pursuant to that section.

(B) An owner of federally subsidized residential rental property shall file with the county auditor of the county in which the property is located the following information from the preceding calendar year:

(1) The operating income of the property, which shall include gross potential rent and any income derived from other sources;

(2) The operating expenses of the property including any losses due to vacancy or unpaid rental amounts. Real property taxes, depreciation, and amortization expenses shall be excluded or otherwise listed separately from other operating expenses.

(3) The amount of contribution to any repair or replacement reserve funds related to the property.

(C) The information required under division (B) of this section shall be filed by the owner both before the property is placed in service and after the commencement of the property's operations, and each following year on or before the thirty-first day of January.
(D) The county auditor shall use the information submitted under this section to determine the valuation of the property pursuant to rules adopted under division (A)(4) of section 5715.01 of the Revised Code.

(E) Any information submitted under this section is not a public record for purposes of section 149.43 of the Revised Code.

Sec. 5715.01. (A) The tax commissioner shall direct and supervise the assessment for taxation of all real property. The commissioner shall adopt, prescribe, and promulgate rules for the determination of true value and taxable value of real property by uniform rule for such values and for the determination of the current agricultural use value of land devoted exclusively to agricultural use.

(1) The uniform rules shall prescribe methods of determining the true value and taxable value of real property. The rules shall provide that in determining the true value of lands or improvements thereon for tax purposes, all facts and circumstances relating to the value of the property, its availability for the purposes for which it is constructed or being used, its obsolete character, if any, the income capacity of the property, if any, and any other factor that tends to prove its true value shall be used. In determining the true value of minerals or rights to minerals for the purpose of real property taxation, the tax commissioner shall not include in the value of the minerals or rights to minerals the value of any tangible personal property used in the recovery of those minerals.

(2) The uniform rules shall prescribe the method for determining the current agricultural use value of land devoted exclusively to agricultural use, which method shall reflect standard and modern appraisal techniques that take into consideration the productivity of the soil under normal management.
practices, typical cropping and land use patterns, the average 91034
price patterns of the crops and products produced and the typical 91035
production costs to determine the net income potential to be 91036
capitalized, and other pertinent factors.

In determining the agricultural land capitalization rate to 91037
be applied to the net income potential from agricultural use, the 91038
commissioner shall use standard and modern appraisal techniques. 91039
In calculating the capitalization rate for any year, the 91040
commissioner shall comply with both of the following requirements:

(a) The commissioner shall use an equity yield rate equal to 91041
the greater of (i) the average of the total rates of return on 91042
farm equity for the twenty-five most recent years for which those 91043
rates have been calculated and published by the United States 91044
department of agriculture economic research service or another 91045
published source or (ii) the loan interest rate the commissioner 91046
uses for that year to calculate the capitalization rate;

(b) The commissioner shall assume that the holding period for 91047
agricultural land is twenty-five years for the purpose of 91048
computing buildup of equity or appreciation with respect to that 91049
land.

The commissioner shall add to the overall capitalization rate 91050
a tax additur. The sum of the overall capitalization rate and the 91051
tax additur shall represent as nearly as possible the rate of 91052
return a prudent investor would expect from an average or typical 91053
farm in this state considering only agricultural factors.

The commissioner shall annually determine and announce the 91054
overall capitalization rate, tax additur, agricultural land 91055
capitalization rate, and the individual components used in 91056
computing such amounts in a determination, finding, computation, 91057
or order of the commissioner published simultaneously with the 91058
commissioner's annual publication of the per-acre agricultural use 91059
values for each soil type.

(3) Notwithstanding any other provision of this chapter and
Chapter 5713. of the Revised Code, the current agricultural use
value of land devoted exclusively to agricultural use shall equal
the following amounts for the years specified:

(a) In counties that undergo a reappraisal or triennial
update in 2017, the current agricultural use value of the land for
each of the 2017, 2018, and 2019 tax years shall equal the sum of
the following amounts:

(i) The current agricultural use value of the land for that
tax year, as determined under this section and section 5713.31 of
the Revised Code, and rules adopted pursuant those sections,
without regard to the adjustment under division (A)(3)(a)(ii) of
this section;

(ii) One-half of the amount, if any, by which the value of
the land for the 2016 tax year, as determined under this section,
section 5713.31 of the Revised Code, and the rules adopted
pursuant those sections and issued by the tax commissioner for
counties undergoing a reappraisal or triennial update in the 2016
tax year, exceeds the value determined under division (A)(3)(a)(i)
of this section.

(b) In counties that undergo a reappraisal or triennial
update in 2018, the current agricultural use value of the land for
each of the 2018, 2019, and 2020 tax years shall equal the sum of
the following amounts:

(i) The current agricultural use value of the land for that
tax year, as determined under this section and section 5713.31 of
the Revised Code, and rules adopted pursuant those sections,
without regard to the adjustment under division (A)(3)(b)(ii) of
this section;

(ii) One-half of the amount, if any, by which the value of
the land for the 2017 tax year, as determined under this section, section 5713.31 of the Revised Code, and the rules adopted pursuant those sections and issued by the tax commissioner for counties undergoing a reapraisal or triennial update in the 2017 tax year, exceeds the value determined under division (A)(3)(b)(i) of this section.

(c) In counties that undergo a reappraisal or triennial update in 2019, the current agricultural use value of the land for each of the 2019, 2020, and 2021 tax years shall equal the sum of the following amounts:

(i) The current agricultural use value of the land for that tax year, as determined under this section and section 5713.31 of the Revised Code, and rules adopted pursuant those sections, without regard to the adjustment under division (A)(3)(c)(ii) of this section;

(ii) One-half of the amount, if any, by which the value of the land for the 2018 tax year, as determined under this section, section 5713.31 of the Revised Code, and the rules adopted pursuant those sections and issued by the tax commissioner for counties undergoing a reappraisal or triennial update in the 2018 tax year, exceeds the value determined under division (A)(3)(c)(i) of this section.

(4) The uniform rules shall prescribe the method for determining the value of federally subsidized residential rental property through the use of a formula that accounts for the following factors:

(a) One or two years of operating income of the property, which includes gross potential rent and any income derived from other sources as reported by the property owner to the county auditor under section 5713.031 of the Revised Code;

(b) Operating expenses of the property as reported by the
property owner to the county auditor under section 5713.031 of the Revised Code. Operating expenses shall include an allowance for vacancy losses, which shall be presumed to be four per cent of gross potential rent, unpaid rent losses, which shall be presumed to be three per cent of gross potential rent, and repair or replacement reserve fund contributions, which shall be presumed to be five per cent of gross potential rent. These presumptive amounts may be exceeded with evidence demonstrating the actual expenses of the property. Real property taxes, depreciation, and amortization expenses shall be excluded from operating expenses.

(c) A market-appropriate, uniform capitalization rate plus a tax additur accounting for the real property tax rate of the property's location.

The uniform rules shall also prescribe a minimum total value for federally subsidized residential rental property of one hundred fifty per cent of the property's unimproved land value. The formula and other rules adopted by the commissioner pursuant to this division shall comply with Ohio Constitution, Article XII, Section 2.

As used in division (A)(4) of this section, "federally subsidized residential rental property" has the same meaning as in section 5713.031 of the Revised Code.

(B) The taxable value shall be that per cent of true value in money, or current agricultural use value in the case of land valued in accordance with section 5713.31 of the Revised Code, the commissioner by rule establishes, but it shall not exceed thirty-five per cent. The uniform rules shall also prescribe methods of making the appraisals set forth in section 5713.03 of the Revised Code. The taxable value of each tract, lot, or parcel of real property and improvements thereon, determined in accordance with the uniform rules and methods prescribed thereby, shall be the taxable value of the tract, lot, or parcel for all
purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 5717.01 to 5717.06 of the Revised Code. County auditors shall, under the direction and supervision of the commissioner, be the chief assessing officers of their respective counties, and shall list and value the real property within their respective counties for taxation in accordance with this section and sections 5713.03 and 5713.31 of the Revised Code and with such rules of the commissioner. There shall also be a board in each county, known as the county board of revision, which shall hear complaints and revise assessments of real property for taxation.

(C) The commissioner shall neither adopt nor enforce any rule that requires true value for any tax year to be any value other than the true value in money on the tax lien date of such tax year or that requires taxable value to be obtained in any way other than by reducing the true value, or in the case of land valued in accordance with section 5713.31 of the Revised Code, its current agricultural use value, by a specified, uniform percentage.

Sec. 5721.14. Subject to division (A)(2) of this section, on receipt of a delinquent vacant land tax certificate or a master list of delinquent vacant tracts, a county prosecuting attorney shall institute a foreclosure proceeding under section 323.25, sections 323.65 to 323.79, or section 5721.18 of the Revised Code, or a foreclosure and forfeiture proceeding under this section. If the delinquent vacant land tax certificate or a master list of delinquent vacant tracts lists minerals or rights to minerals listed pursuant to sections 5713.04, 5713.05, and 5713.06 of the Revised Code, the county prosecuting attorney may institute a foreclosure proceeding under section 323.25, sections 323.65 to 323.79, or section 5721.18 of the Revised Code or a foreclosure and forfeiture proceeding under this section against such minerals or rights to minerals.
(A) (1) The prosecuting attorney shall institute a proceeding under this section by filing, in the name of the county treasurer and with the clerk of a court with jurisdiction, a complaint that requests that the lien of the state on the property identified in the certificate or master list be foreclosed and that the property be forfeited to the state. The prosecuting attorney shall prosecute the proceeding to final judgment and satisfaction.

(2) If the delinquent taxes, assessments, charges, penalties, and interest are paid prior to the time a complaint is filed, the prosecuting attorney shall not institute a proceeding under this section. If there is a copy of a written delinquent tax contract attached to the certificate or an asterisk next to an entry on the master list, or if a copy of a delinquent tax contract is received from the county auditor prior to the commencement of the proceeding under this section, the prosecuting attorney shall not institute the proceeding under this section unless the prosecuting attorney receives a certification of the county treasurer that the delinquent tax contract has become void.

(B) Foreclosure and forfeiture proceedings instituted under this section constitute an action in rem. Prior to filing such an action in rem, the county prosecuting attorney shall cause a title search to be conducted for the purpose of identifying any lienholders or other persons with interests in the property that is subject to foreclosure and forfeiture. Following the title search, the action in rem shall be instituted by filing in the office of the clerk of a court with jurisdiction a complaint bearing a caption substantially in the form set forth in division (A) of section 5721.15 of the Revised Code.

Any number of parcels may be joined in one action. Each separate parcel included in a complaint shall be given a serial number and shall be separately indexed and docketed by the clerk of the court in a book kept by the clerk for such purpose.
complaint shall contain the permanent parcel number of each parcel included in it, the full street address of the parcel when available, a description of the parcel as set forth in the certificate or master list, the name and address of the last known owner of the parcel if they appear on the general tax list, the name and address of each lienholder and other person with an interest in the parcel identified in the title search relating to the parcel that is required by this division, and the amount of taxes, assessments, charges, penalties, and interest due and unpaid with respect to the parcel. It is sufficient for the county treasurer to allege in the complaint that the certificate or master list has been duly filed by the county auditor with respect to each parcel listed, that the amount of money with respect to each parcel appearing to be due and unpaid is due and unpaid, and that there is a lien against each parcel, without setting forth any other or special matters. The prayer of the complaint shall be that the court issue an order that the lien of the state on each of the parcels included in the complaint be foreclosed, that the property be forfeited to the state, and that the land be offered for sale in the manner provided in section 5723.06 of the Revised Code.

(C) Within thirty days after the filing of a complaint, the clerk of the court in which the complaint was filed shall cause a notice of foreclosure and forfeiture substantially in the form of the notice set forth in division (B) of section 5721.15 of the Revised Code to be published either (1) once a week for three consecutive weeks in a newspaper of general circulation in the county or (2) once in a newspaper of general circulation in the county and, beginning one week thereafter, on a web site of the county or of the court, as selected by the clerk. Publication on the web site shall continue until one year after the date a judgment is rendered under section 5721.16 of the Revised Code with respect to such property. Any notice published on a web site...
shall identify the date the notice is first published on the web site. In lieu of the form prescribed in division (B) of section 5721.15 of the Revised Code, the second and third publication of the notice, if proceeding under division (C)(1) of this section, may be abbreviated as authorized under section 7.16 of the Revised Code. In any county that has adopted a permanent parcel number system, the parcel may be described in the notice by parcel number only, instead of also with a complete legal description, if the county prosecuting attorney determines that the publication of the complete legal description is not necessary to provide reasonable notice of the foreclosure and forfeiture proceeding to the interested parties. If the complete legal description is not published, the notice shall indicate where the complete legal description may be obtained.

After the third final newspaper publication, the publisher shall file with the clerk of the court an affidavit stating the fact of the publication and including a copy of the notice of foreclosure and forfeiture as published. Two weeks after the clerk causes the notice to be published on the selected web site, if proceeding under division (C)(2) of this section, the prosecuting attorney shall file with the clerk an affidavit stating the fact of the publication and including a copy of the notice of foreclosure and forfeiture as published. Service of process for purposes of the action in rem shall be considered as complete on the date of the last third newspaper publication or the date that is two weeks after the clerk causes the notice to be published on the selected web site, as applicable.

Within thirty days after the filing of a complaint and before the date of the final publication of the notice of foreclosure and forfeiture service of process is considered complete under this division, the clerk of the court also shall cause a copy of a notice substantially in the form of the notice set forth in
division (C) of section 5721.15 of the Revised Code to be mailed by ordinary mail, with postage prepaid, to each person named in the complaint as being the last known owner of a parcel included in it, or as being a lienholder or other person with an interest in a parcel included in it. The notice shall be sent to the address of each such person, as set forth in the complaint, and the clerk shall enter the fact of such mailing upon the appearance docket. If the name and address of the last known owner of a parcel included in a complaint is not set forth in it, the county auditor shall file an affidavit with the clerk stating that the name and address of the last known owner does not appear on the general tax list.

(D)(1) An answer may be filed in a foreclosure and forfeiture proceeding by any person owning or claiming any right, title, or interest in, or lien upon, any parcel described in the complaint. The answer shall contain the caption and number of the action and the serial number of the parcel concerned. The answer shall set forth the nature and amount of interest claimed in the parcel and any defense or objection to the foreclosure of the lien of the state for delinquent taxes, assessments, charges, penalties, and interest, as shown in the complaint. The answer shall be filed in the office of the clerk of the court, and a copy of the answer shall be served on the county prosecuting attorney not later than twenty-eight days after the date of final publication of the notice of foreclosure and forfeiture. Service of process is considered complete under division (C) of this section. If an answer is not filed within such time, a default judgment may be taken as to any parcel included in a complaint as to which no answer has been filed. A default judgment is valid and effective with respect to all persons owning or claiming any right, title, or interest in, or lien upon, any such parcel, notwithstanding that one or more of such persons are minors, incompetents, absentees or nonresidents of the state, or convicts in
confinement.

(2)(a) A receiver appointed pursuant to divisions (C)(2) and (3) of section 3767.41 of the Revised Code may file an answer pursuant to division (D)(1) of this section, but is not required to do so as a condition of receiving proceeds in a distribution under division (B)(2) of section 5721.17 of the Revised Code.

(b) When a receivership under section 3767.41 of the Revised Code is associated with a parcel, the notice of foreclosure and forfeiture set forth in division (B) of section 5721.15 of the Revised Code and the notice set forth in division (C) of that section shall be modified to reflect the provisions of division (D)(2)(a) of this section.

(E) At the trial of a foreclosure and forfeiture proceeding, the delinquent vacant land tax certificate or master list of delinquent vacant tracts filed by the county auditor with the county prosecuting attorney shall be prima-facie evidence of the amount and validity of the taxes, assessments, charges, penalties, and interest appearing due and unpaid on the parcel to which the certificate or master list relates and their nonpayment. If an answer is properly filed, the court may, in its discretion, and shall, at the request of the person filing the answer, grant a severance of the proceedings as to any parcel described in such answer for purposes of trial or appeal.

(F) The conveyance by the owner of any parcel against which a complaint has been filed pursuant to this section at any time after the date of publication of the parcel on the delinquent vacant land tax list but before the date of a judgment of foreclosure and forfeiture pursuant to section 5721.16 of the Revised Code shall not nullify the right of the county to proceed with the foreclosure and forfeiture.

Sec. 5721.18. The county prosecuting attorney, upon the
delivery to the prosecuting attorney by the county auditor of a delinquent land or delinquent vacant land tax certificate, or of a master list of delinquent or delinquent vacant tracts, shall institute a foreclosure proceeding under this section in the name of the county treasurer to foreclose the lien of the state, in any court with jurisdiction or in the county board of revision with jurisdiction pursuant to section 323.66 of the Revised Code, unless the taxes, assessments, charges, penalties, and interest are paid prior to the time a complaint is filed, or unless a foreclosure or foreclosure and forfeiture action has been or will be instituted under section 323.25, sections 323.65 to 323.79, or section 5721.14 of the Revised Code. If the delinquent land or delinquent vacant land tax certificate or the master list of delinquent or delinquent vacant tracts lists minerals or rights to minerals listed pursuant to sections 5713.04, 5713.05, and 5713.06 of the Revised Code, the county prosecuting attorney may institute a foreclosure proceeding in the name of the county treasurer, in any court with jurisdiction, to foreclose the lien of the state against such minerals or rights to minerals, unless the taxes, assessments, charges, penalties, and interest are paid prior to the time the complaint is filed, or unless a foreclosure or foreclosure and forfeiture action has been or will be instituted under section 323.25, sections 323.65 to 323.79, or section 5721.14 of the Revised Code.

Nothing in this section or section 5721.03 of the Revised Code prohibits the prosecuting attorney from instituting a proceeding under this section before the delinquent tax list or delinquent vacant land tax list that includes the parcel is published pursuant to division (B) of section 5721.03 of the Revised Code if the list is not published within the time prescribed by that division. The prosecuting attorney shall prosecute the proceeding to final judgment and satisfaction. Within ten days after obtaining a judgment, the prosecuting
attorney shall notify the treasurer in writing that judgment has been rendered. If there is a copy of a written delinquent tax contract attached to the certificate or an asterisk next to an entry on the master list, or if a copy of a delinquent tax contract is received from the auditor prior to the commencement of the proceeding under this section, the prosecuting attorney shall not institute the proceeding under this section, unless the prosecuting attorney receives a certification of the treasurer that the delinquent tax contract has become void.

(A) This division applies to all foreclosure proceedings not instituted and prosecuted under section 323.25 of the Revised Code or division (B) or (C) of this section. The foreclosure proceedings shall be instituted and prosecuted in the same manner as is provided by law for the foreclosure of mortgages on land, except that, if service by publication is necessary, such publication, instead of as provided by the Rules of Civil Procedure, shall either be made (1) once a week for three consecutive weeks instead of as provided by the Rules of Civil Procedure, and the service in a newspaper of general circulation in the county or (2) once in a newspaper of general circulation in the county and, beginning one week thereafter, on a web site of the county or of the court, as selected by the clerk of the court. Publication on the web site shall continue until one year after the date a judgment is rendered under section 5721.19 of the Revised Code with respect to such property. Any notices published on a web site shall identify the date the notice is first published on the web site. If proceeding under division (A)(1) of this section, the second and third publication of the notice may be abbreviated as authorized under section 7.16 of the Revised Code.

Service shall be complete, if proceeding under division (A)(1) of this section, at the expiration of three weeks after the
date of the first publication or, if proceeding under division (A)(2) of this section, the date that is two weeks after the clerk causes the notice to be published on the selected web site. In any proceeding prosecuted under this section, if the prosecuting attorney determines that service upon a defendant may be obtained ultimately only by publication, the prosecuting attorney may cause service to be made simultaneously by certified mail, return receipt requested, ordinary mail, and publication.

In any county that has adopted a permanent parcel number system, the parcel may be described in the notice by parcel number only, instead of also with a complete legal description, if the prosecuting attorney determines that the publication of the complete legal description is not necessary to provide reasonable notice of the foreclosure proceeding to the interested parties. If the complete legal description is not published, the notice shall indicate where the complete legal description may be obtained.

It is sufficient, having been made a proper party to the foreclosure proceeding, for the treasurer to allege in the treasurer's complaint that the certificate or master list has been duly filed by the auditor, that the amount of money appearing to be due and unpaid is due and unpaid, and that there is a lien against the property described in the certificate or master list, without setting forth in the complaint any other or special matter relating to the foreclosure proceeding. The prayer of the complaint shall be that the court or the county board of revision with jurisdiction pursuant to section 323.66 of the Revised Code issue an order that the property be sold or conveyed by the sheriff or otherwise be disposed of, and the equity of redemption be extinguished, according to the alternative redemption procedures prescribed in sections 323.65 to 323.79 of the Revised Code, or if the action is in the municipal court by the bailiff, in the manner provided in section 5721.19 of the Revised Code.
In the foreclosure proceeding, the treasurer may join in one action any number of lots or lands, but the decree shall be rendered separately, and any proceedings may be severed, in the discretion of the court or board of revision, for the purpose of trial or appeal, and the court or board of revision shall make such order for the payment of costs as is considered proper. The certificate or master list filed by the auditor with the prosecuting attorney is prima-facie evidence at the trial of the foreclosure action of the amount and validity of the taxes, assessments, charges, penalties, and interest appearing due and unpaid and of their nonpayment.

(B) Foreclosure proceedings constituting an action in rem may be commenced by the filing of a complaint after the end of the second year from the date on which the delinquency was first certified by the auditor. Prior to filing such an action in rem, the prosecuting attorney shall cause a title search to be conducted for the purpose of identifying any lienholders or other persons with interests in the property subject to foreclosure. Following the title search, the action in rem shall be instituted by filing in the office of the clerk of a court with jurisdiction a complaint bearing a caption substantially in the form set forth in division (A) of section 5721.181 of the Revised Code.

Any number of parcels may be joined in one action. Each separate parcel included in a complaint shall be given a serial number and shall be separately indexed and docketed by the clerk of the court in a book kept by the clerk for such purpose. A complaint shall contain the permanent parcel number of each parcel included in it, the full street address of the parcel when available, a description of the parcel as set forth in the certificate or master list, the name and address of the last known owner of the parcel if they appear on the general tax list, the name and address of each lienholder and other person with an
interest in the parcel identified in the title search relating to the parcel that is required by this division, and the amount of taxes, assessments, charges, penalties, and interest due and unpaid with respect to the parcel. It is sufficient for the treasurer to allege in the complaint that the certificate or master list has been duly filed by the auditor with respect to each parcel listed, that the amount of money with respect to each parcel appearing to be due and unpaid is due and unpaid, and that there is a lien against each parcel, without setting forth any other or special matters. The prayer of the complaint shall be that the court issue an order that the land described in the complaint be sold in the manner provided in section 5721.19 of the Revised Code.

(1) Within thirty days after the filing of a complaint, the clerk of the court in which the complaint was filed shall cause a notice of foreclosure substantially in the form of the notice set forth in division (B) of section 5721.181 of the Revised Code to be published either (a) once a week for three consecutive weeks in a newspaper of general circulation in the county or (b) once in a newspaper of general circulation in the county and, beginning one week thereafter, on a web site of the county or of the court, as selected by the clerk. Publication on the web site shall continue until one year after the date a judgment is rendered under section 5721.19 of the Revised Code with respect to such property. The newspaper shall meet the requirements of section 7.12 of the Revised Code. Any notice published on a web site shall identify the date the notice is first published on that web site. In lieu of the form prescribed in division (B) of section 5721.181 of the Revised Code, the second and third publication of the notice, if proceeding under division (B)(1)(a) of this section, may be abbreviated as authorized under section 7.16 of the Revised Code. In any county that has adopted a permanent parcel number system, the parcel may be described in the notice by parcel number only,
instead of also with a complete legal description, if the
prosecuting attorney determines that the publication of the
complete legal description is not necessary to provide reasonable
notice of the foreclosure proceeding to the interested parties. If
the complete legal description is not published, the notice shall
indicate where the complete legal description may be obtained.

After the third final newspaper publication, the publisher
shall file with the clerk of the court an affidavit stating the
fact of the publication and including a copy of the notice of
foreclosure as published. **Two weeks after the clerk causes the
notice to be published on the selected web site, if proceeding
under division (B)(1)(b) of this section, the prosecuting attorney
shall file with the clerk an affidavit stating the fact of the
publication and including a copy of the notice of foreclosure and
forfeiture as published.** Service of process for purposes of the
action in rem shall be considered as complete on the date of the
last third newspaper publication or the date that is two weeks
after the clerk causes the notice to be published on the selected
web site, as applicable.

Within thirty days after the filing of a complaint and before
the final date of publication of the notice of foreclosure service
of process is considered complete under this division, the clerk
of the court also shall cause a copy of a notice substantially in
the form of the notice set forth in division (C) of section
5721.181 of the Revised Code to be mailed by certified mail, with
postage prepaid, to each person named in the complaint as being
the last known owner of a parcel included in it, or as being a
lienholder or other person with an interest in a parcel included
in it. The notice shall be sent to the address of each such
person, as set forth in the complaint, and the clerk shall enter
the fact of such mailing upon the appearance docket. If the name
and address of the last known owner of a parcel included in a
complaint is not set forth in it, the auditor shall file an affidavit with the clerk stating that the name and address of the last known owner does not appear on the general tax list.

(2)(a) An answer may be filed in an action in rem under this division by any person owning or claiming any right, title, or interest in, or lien upon, any parcel described in the complaint. The answer shall contain the caption and number of the action and the serial number of the parcel concerned. The answer shall set forth the nature and amount of interest claimed in the parcel and any defense or objection to the foreclosure of the lien of the state for delinquent taxes, assessments, charges, penalties, and interest as shown in the complaint. The answer shall be filed in the office of the clerk of the court, and a copy of the answer shall be served on the prosecuting attorney, not later than twenty-eight days after the date of final publication of the notice of foreclosure service of process is considered complete under division (B)(1) of this section. If an answer is not filed within such time, a default judgment may be taken as to any parcel included in a complaint as to which no answer has been filed. A default judgment is valid and effective with respect to all persons owning or claiming any right, title, or interest in, or lien upon, any such parcel, notwithstanding that one or more of such persons are minors, incompetents, absentees or nonresidents of the state, or convicts in confinement.

(b)(i) A receiver appointed pursuant to divisions (C)(2) and (3) of section 3767.41 of the Revised Code may file an answer pursuant to division (B)(2)(a) of this section, but is not required to do so as a condition of receiving proceeds in a distribution under division (B)(1) of section 5721.17 of the Revised Code.

(ii) When a receivership under section 3767.41 of the Revised Code is associated with a parcel, the notice of foreclosure set
forth in division (B) of section 5721.181 of the Revised Code and the notice set forth in division (C) of that section shall be modified to reflect the provisions of division (B)(2)(b)(i) of this section.

(3) At the trial of an action in rem under this division, the certificate or master list filed by the auditor with the prosecuting attorney shall be prima-facie evidence of the amount and validity of the taxes, assessments, charges, penalties, and interest appearing due and unpaid on the parcel to which the certificate or master list relates and their nonpayment. If an answer is properly filed, the court may, in its discretion, and shall, at the request of the person filing the answer, grant a severance of the proceedings as to any parcel described in such answer for purposes of trial or appeal.

(C) In addition to the actions in rem authorized under division (B) of this section and section 5721.14 of the Revised Code, an action in rem may be commenced under this division. An action commenced under this division shall conform to all of the requirements of division (B) of this section except as follows:

(1) The prosecuting attorney shall not cause a title search to be conducted for the purpose of identifying any lienholders or other persons with interests in the property subject to foreclosure, except that the prosecuting attorney shall cause a title search to be conducted to identify any receiver's lien.

(2) The names and addresses of lienholders and persons with an interest in the parcel shall not be contained in the complaint, and notice shall not be mailed to lienholders and persons with an interest as provided in division (B)(1) of this section, except that the name and address of a receiver under section 3767.41 of the Revised Code shall be contained in the complaint and notice shall be mailed to the receiver.
(3) With respect to the forms applicable to actions commenced under division (B) of this section and contained in section 5721.181 of the Revised Code:

(a) The notice of foreclosure prescribed by division (B) of section 5721.181 of the Revised Code shall be revised to exclude any reference to the inclusion of the name and address of each lienholder and other person with an interest in the parcel identified in a statutorily required title search relating to the parcel, and to exclude any such names and addresses from the published notice, except that the revised notice shall refer to the inclusion of the name and address of a receiver under section 3767.41 of the Revised Code and the published notice shall include the receiver's name and address. The notice of foreclosure also shall include the following in boldface type:

"If pursuant to the action the parcel is sold, the sale shall not affect or extinguish any lien or encumbrance with respect to the parcel other than a receiver's lien and other than the lien for land taxes, assessments, charges, interest, and penalties for which the lien is foreclosed and in satisfaction of which the property is sold. All other liens and encumbrances with respect to the parcel shall survive the sale."

(b) The notice to the owner, lienholders, and other persons with an interest in a parcel shall be a notice only to the owner and to any receiver under section 3767.41 of the Revised Code, and the last two sentences of the notice shall be omitted.

(4) As used in this division, a "receiver's lien" means the lien of a receiver appointed pursuant to divisions (C)(2) and (3) of section 3767.41 of the Revised Code that is acquired pursuant to division (H)(2)(b) of that section for any unreimbursed expenses and other amounts paid in accordance with division (F) of that section by the receiver and for the fees of the receiver approved pursuant to division (H)(1) of that section.
(D) The conveyance by the owner of any parcel against which a complaint has been filed pursuant to this section at any time after the date of publication of the parcel on the delinquent tax list but before the date of a judgment of foreclosure pursuant to section 5721.19 of the Revised Code shall not nullify the right of the county to proceed with the foreclosure.

Sec. 5725.05. On or before the third day of December, annually, the tax commissioner shall fix the day as of which the taxable deposits in financial institutions shall be listed and assessed. The day fixed shall be between the first and the thirtieth day of November, and the action of the commissioner shall be taken not more than three days after the day fixed. Notice of such action by the commissioner shall be immediately given to each financial institution and to the county auditor of each county by certified mail in the manner provided in section 5703.37 of the Revised Code, and the date fixed shall be printed or stamped on the forms of return to be made by all financial institutions. The commissioner shall also give immediate notice, by collect telegram, to those financial institutions or persons that have filed a request for this service with the commissioner. The dates fixed by this section for the action of the commissioner are directory, and if through inadvertence or mistake such action is not taken at the time prescribed, or the notice required to be given to a financial institution or a county auditor is not duly given, the remaining requirements of sections 5725.01 to 5725.26 of the Revised Code, and the validity of any assessment made hereunder shall not be affected.

Sec. 5725.36. (A) Terms used in this section have the same meanings as in section 175.16 of the Revised Code.

(B) There is allowed a nonrefundable tax credit against the tax imposed by section 5725.18 of the Revised Code for a domestic
insurance company that is allocated a credit issued by the executive director of the Ohio housing finance agency under section 175.16 of the Revised Code. The credit equals the amount allocated to such company for the calendar year and reported by the designated reporter on the form prescribed by division (I) of section 175.16 of the Revised Code.

The credit authorized in this section shall be claimed in the order required under section 5725.98 of the Revised Code. If the amount of a credit exceeds the tax otherwise due under section 5725.18 of the Revised Code after deducting all other credits preceding the credit in the order prescribed in section 5725.98 of the Revised Code, the excess may be carried forward for not more than five ensuing calendar years. The amount of the excess credit claimed in any such year shall be deducted from the balance carried forward to the next calendar year.

No credit shall be claimed under this section to the extent the credit was claimed under section 5726.58, 5729.19, or 5747.83 of the Revised Code.

Sec. 5725.98. (A) To provide a uniform procedure for calculating the amount of tax imposed by section 5725.18 of the Revised Code that is due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order:

The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code;

The credit for eligible employee training costs under section 5725.31 of the Revised Code;

The credit for purchasers of qualified low-income community investments under section 5725.33 of the Revised Code;

The nonrefundable job retention credit under division (B) of
section 122.171 of the Revised Code;

The nonrefundable credit for investments in rural business growth funds under section 122.152 of the Revised Code;

The nonrefundable Ohio low-income housing tax credit under section 5725.36 of the Revised Code;

The nonrefundable credit for contributing capital to a transformational mixed use development project under section 5725.35 of the Revised Code;

The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code;

The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code;

The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;

The refundable credit for Ohio job creation under section 5725.32 of the Revised Code;

The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or
indirectly, a credit more than once for a taxable year.

Sec. 5726.01. As used in this chapter:

(A) "Affiliated group" means a group of two or more persons with fifty per cent or greater of the value of each person's ownership interests owned or controlled directly, indirectly, or constructively through related interests by common owners during all or any portion of the taxable year, and the common owners. "Affiliated group" includes, but is not limited to, any person eligible to be included in a consolidated elected taxpayer group under section 5751.011 of the Revised Code or a combined taxpayer group under section 5751.012 of the Revised Code.

(B) "Bank organization" means any of the following:

(1) A national bank organized and operating as a national bank association pursuant to the "National Bank Act," 13 Stat. 100 (1864), 12 U.S.C. 21, et seq.;

(2) A federal savings association or federal savings bank chartered under 12 U.S.C. 1464;

(3) A bank, banking association, trust company, savings and loan association, savings bank, or other banking institution that is organized or incorporated under the laws of the United States, any state, or a foreign country;

(4) Any corporation organized and operating pursuant to 12 U.S.C. 611, et seq.;

(5) Any agency or branch of a foreign bank, as those terms are defined in 12 U.S.C. 3101.

"Bank organization" does not include an institution organized under the "Federal Farm Loan Act," 39 Stat. 360 (1916), or a successor of such an institution, a company chartered under the "Farm Credit Act of 1933," 48 Stat. 257, or a successor of such a company, an association formed pursuant to 12 U.S.C. 2279c-1, an
insurance company, or a credit union.

(C) "Call report" means the consolidated reports of condition and income prescribed by the federal financial institutions examination council that a person is required to file with a federal regulatory agency pursuant to 12 U.S.C. 161, 12 U.S.C. 324, or 12 U.S.C. 1817.

(D) "Captive finance company" means a person that derived at least seventy-five per cent of its gross income for the current taxable year and the two taxable years preceding the current taxable year from one or more of the following transactions:

(1) Financing transactions with members of its affiliated group;

(2) Financing transactions with or for customers of products manufactured or sold by a member of its affiliated group;

(3) Financing transactions with or for a distributor or franchisee that sells, leases, or services a product manufactured or sold by a member of the person's affiliated group;

(4) Financing transactions with or for a supplier to a member of the person's affiliated group in connection with the member's manufacturing business;

(5) Issuing bonds or other publicly traded debt instruments for the benefit of the affiliated group;

(6) Short-term or long-term investments whereby the person invests the cash reserves of the affiliated group and the affiliated group utilizes the proceeds from the investments.

For the purposes of division (D) of this section, "financing transaction" means making or selling loans, extending credit, leasing, earning or receiving subvention, including interest supplements and other support costs related thereto, or acquiring, selling, or servicing accounts receivable, notes, loans, leases,
debt, or installment obligations that arise from the sale or lease of tangible personal property or the performance of services, and "gross income" has the same meaning as in section 61 of the Internal Revenue Code and includes income from transactions between the captive finance company and other members of its affiliated group.

A person that has not been in continuous existence for the two taxable years preceding the current taxable year qualifies as a "captive finance company" for purposes of division (D) of this section if the person derived at least seventy-five per cent of its gross income for the period of its existence from one or more of the transactions described in divisions (D)(1) to (6) of this section.

"Captive finance company" does not include a small dollar lender.

(E) "Credit union" means a nonprofit cooperative financial institution organized or chartered under the laws of this state, any other state, or the United States.

(F) "Diversified savings and loan holding company" has the same meaning as in 12 U.S.C. 1467a, as that section existed on January 1, 2012.

(G) "Document of creation" means the articles of incorporation of a corporation, articles of organization of a limited liability company, registration of a foreign limited liability company, certificate of limited partnership, registration of a foreign limited partnership, registration of a domestic or foreign limited liability partnership, or registration of a trade name.

(H) "Financial institution" means a bank organization, a holding company of a bank organization, or a nonbank financial organization, except when one of the following applies:
(1) If two or more such entities are consolidated for the purposes of filing an FR Y-9, "financial institution" means a group consisting of all entities that are included consolidated in the FR Y-9.

(2) If two or more such entities are consolidated for the purposes of filing a call report, "financial institution" means a group consisting of all entities that are included consolidated in the call report and that are not included in a group described in division (H)(1) of this section.

(3) If a bank organization is owned directly by a grandfathered unitary savings and loan holding company or directly or indirectly by an entity that was a grandfathered unitary savings and loan holding company on January 1, 2012, "financial institution" means a group consisting only of that bank organization and the entities included consolidated in that bank organization's call report, notwithstanding division (H)(1) or (2) of this section.

"Financial institution" does not include a diversified savings and loan holding company, a grandfathered unitary savings and loan holding company, any entity that was a grandfathered unitary savings and loan holding company on January 1, 2012, or any entity that is not a bank organization or owned by a bank organization and that is owned directly or indirectly by an entity that was a grandfathered unitary savings and loan holding company on January 1, 2012.

(I) "FR Y-9" means the consolidated or parent-only financial statements that a holding company is required to file with the federal reserve board pursuant to 12 U.S.C. 1844. In the case of a holding company required to file both consolidated and parent-only financial statements, "FR Y-9" means the consolidated financial statements that the holding company is required to file. For purposes of division (H)(1) of this section, if a holding company...
is required to file a parent-only financial statement and not a consolidated financial statement, "FR Y-9" means the consolidated financial statement the company would file if it were required to do so by the federal reserve board.

(J) "Grandfathered unitary savings and loan holding company" means an entity described in 12 U.S.C. 1467a(c)(9)(C), as that section existed on December 31, 1999.

(K) "Gross receipts" means all items of income, without deduction for expenses. If the reporting person for a taxpayer is a holding company, "gross receipts" includes all items of income reported on the FR Y-9 filed by the holding company. If the reporting person for a taxpayer is a bank organization, "gross receipts" includes all items of income reported on the call report filed by the bank organization. If the reporting person for a taxpayer is a nonbank financial organization, "gross receipts" includes all items of income reported in accordance with generally accepted accounting principles.

(L) "Insurance company" means every corporation, association, and society engaged in the business of insurance of any character, or engaged in the business of entering into contracts substantially amounting to insurance of any character, or of indemnifying or guaranteeing against loss or damage, or acting as surety on bonds or undertakings. "Insurance company" also includes any health insuring corporation as defined in section 1751.01 of the Revised Code.

(M)(1) "Nonbank financial organization" means every person that is not a bank organization or a holding company of a bank organization and that engages in business primarily as a small dollar lender. "Nonbank financial organization" does not include an institution organized under the "Federal Farm Loan Act," 39 Stat. 360 (1916), or a successor of such an institution, an insurance company, a captive finance company, a credit union, an
institution organized and operated exclusively for charitable purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or a person that facilitates or services one or more securitizations for a bank organization, a holding company of a bank organization, a captive finance company, or any member of the person's affiliated group.

(2) A person is engaged in business primarily as a small dollar lender if the person has, for the taxable year, gross income from the activities described in division (O) of this section that exceeds the person's gross income from all other activities. As used in division (M) of this section, "gross income" has the same meaning as in section 61 of the Internal Revenue Code, and income from transactions between the person and the other members of the affiliated group shall be eliminated, and any sales, exchanges, and other dispositions of commercial paper to persons outside the affiliated group produces gross income only to the extent the proceeds from such transactions exceed the affiliated group's basis in such commercial paper.

(N) "Reporting person" means one of the following:

(1) In the case of a financial institution described in division (H)(1) of this section, the top-tier holding company required to file an FR Y-9.

(2) In the case of a financial institution described in division (H)(2) or (3) of this section, the bank organization required to file the call report.

(3) In the case of a bank organization or nonbank financial organization that is not included in a group described in division (H)(1) or (2) of this section, the bank organization or nonbank financial organization.

(O) "Small dollar lender" means any person engaged primarily in the business of loaning money to individuals, provided that the
loan amounts do not exceed five thousand dollars and the duration of the loans do not exceed twelve months. A "small dollar lender" does not include a bank organization, credit union, or captive finance company.

(P) "Tax year" means the calendar year for which the tax levied under section 5726.02 of the Revised Code is required to be paid.

(Q) "Taxable year" means the calendar year preceding the year in which an annual report is required to be filed under section 5726.03 of the Revised Code.

(R) "Taxpayer" means a financial institution subject to the tax levied under section 5726.02 of the Revised Code.

(S) "Total equity capital" means the sum of the common stock at par value, perpetual preferred stock and related surplus, other surplus not related to perpetual preferred stock, retained earnings, accumulated other comprehensive income, treasury stock, unearned employee stock ownership plan shares, and other equity components of a financial institution. "Total equity capital" shall not include any noncontrolling (minority) interests as reported on an FR Y-9 or call report, unless such interests are in a bank organization or a bank holding company.

(T) "Total Ohio equity capital" means the portion of the total equity capital of a financial institution apportioned to Ohio pursuant to section 5726.05 of the Revised Code.

(U) "Holding company" does not include a diversified savings and loan holding company, a grandfathered unitary savings and loan holding company, any entity that was a grandfathered unitary savings and loan holding company on January 1, 2012, or any entity that is not a bank organization or owned by a bank organization and that is owned directly or indirectly by an entity that was a grandfathered unitary savings and loan holding company on January
1, 2012.

(V) "Securitization" means transferring one or more assets to one or more persons and subsequently issuing securities backed by the right to receive payment from the asset or assets so transferred.

(W) "De novo bank organization" means a bank organization that first began operations in the taxable year preceding the current tax year or in either of the two immediately preceding taxable years. For the purposes of this division, a bank organization "first began operations" on the day the bank organization was issued a charter, a certificate of authority to commence business, or the equivalent document enabling the bank organization to begin conducting business as a bank organization. A "de novo bank organization" does not include a bank organization formed by, acquired by, merged with, or converted by a taxpayer that filed and paid the tax under this chapter in any preceding calendar year.

Sec. 5726.04. (A)(1) The tax levied on a financial institution other than a de novo bank organization under this chapter shall be the greater of the following:

(a) A minimum tax equal to one thousand dollars;

(b) The product of the total Ohio equity capital of the financial institution, as determined under this section, multiplied by eight mills for each dollar of the first two hundred million dollars of total Ohio equity capital, by four mills for each dollar of total Ohio equity capital greater than two hundred million and less than one billion three hundred million dollars, and by two and one-half mills for each dollar of total Ohio equity capital equal to or greater than one billion three hundred million dollars.
(2) The tax levied on a de novo bank organization under this chapter shall equal the difference obtained by subtracting one million dollars from the amount of tax that would be calculated for the de novo bank organization under division (A)(1)(b) of this section, provided that if that difference is equal to or less than zero, no tax shall be due for the taxable year.

A de novo bank organization with no tax due for a taxable year pursuant to this division shall be considered a financial institution that "paid the tax imposed by section 5726.02 of the Revised Code based on" that taxable year for the purposes of division (E)(3) of section 5751.01 of the Revised Code.

(B) If the reporting person for a financial institution files an FR Y-9 or call report, the total equity capital of the financial institution shall equal the total equity capital shown on the reporting person's FR Y-9 or call report as of the end of the taxable year. The total equity capital of all other financial institutions shall be reported as of the end of the taxable year in accordance with generally accepted accounting principles.

(C) For the purposes of this section:

(1) "Total Ohio equity capital" means the product of (a) the total equity capital of a financial institution as of the end of a taxable year to the extent that the total equity capital does not exceed fourteen per cent of the financial institution's total assets multiplied by (b) the Ohio apportionment ratio calculated for the financial institution under section 5726.05 of the Revised Code, except as provided in section 5726.041 of the Revised Code.

(2) "Total assets" means:

(a) In the case of a financial institution described in division (H)(1) of section 5726.01 of the Revised Code, the total consolidated assets as shown on the reporting person's FR Y-9 as of the end of the taxable year;
(b) In the case of a financial institution described in division (H)(2) or (3) of section 5726.01 of the Revised Code, the total consolidated assets as shown on the reporting person's call report as of the end of the taxable year;

(c) In the case of all other financial institutions, the total consolidated assets of the financial institution as of the end of the taxable year in accordance with generally accepted accounting principles.

The tax commissioner may audit a reporting person's total assets to confirm the financial institution's actual total consolidated assets and may make any adjustments necessary.

(D) All payments received from the tax levied under this chapter shall be credited to the general revenue fund.

(E) The commissioner may adopt rules to provide additional guidance for the application of this section.

**Sec. 5726.56.** (A) As used in this section, "qualified research expenses" has the same meaning as in section 41 of the Internal Revenue Code.

(B) A taxpayer may claim a nonrefundable credit against the tax imposed under this chapter equal to seven per cent of the excess of (1) the qualified research expenses incurred by the taxpayer in this state in a taxable year over (2) the average annual qualified research expenses incurred by the taxpayer in this state in the three previous taxable years. For the purposes of this division, "qualified research expenses incurred by the taxpayer" includes the qualified research expenses incurred by all persons included in the annual report of the taxpayer and by any insurance company subject to the tax levied under section 5725.18 or Chapter 5729. of the Revised Code that has more than fifty per cent of its ownership interests directly or indirectly owned or
controlled by a person included in the annual report of the taxpayer, even though such an insurance company is not subject to the tax imposed under this chapter.

(C) A taxpayer shall claim the credit allowed under this section in the order prescribed by section 5726.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other credits preceding the credit in the order prescribed in section 5726.98 of the Revised Code, the excess may be carried forward for not more than seven ensuing tax years. The amount of the excess credit claimed in any such year shall be deducted from the balance carried forward to the next tax year.

(D) A taxpayer may claim against the tax imposed under this chapter any unused portion of a credit authorized under section 5733.351 of the Revised Code but only to the extent of the remaining portion of the seven-year carry-forward period authorized by that section.

(E) In the case of a taxpayer that includes more than one person, each person in the financial institution group shall separately calculate the credit claimed under this section using the qualified research expenses incurred by that person on a form prescribed by the tax commissioner, which shall be used by the taxpayer to claim the credit.

A taxpayer may only claim the credit with respect to persons included in the financial institution group as of the thirty-first day of December of the taxable year in which the qualified research expenses are incurred. A taxpayer may only claim any excess credit carried forward under division (C) of this section with respect to persons included in that group as of the last day of the taxable year for which the return claiming the credit is filed.
(F) A taxpayer that claims a credit under this section shall retain records to substantiate the claim. Required records include those relating to any expenses used in calculating the credit and incurred in the current taxable year and in the three preceding taxable years.

The taxpayer shall retain the required records until the date that is four years after the due date for the return on which the credit was claimed or four years after the date the return was actually filed, whichever is later.

(G) The tax commissioner may audit a sample of the taxpayer's qualified research expenses over a representative period to ascertain the amount of tax credit the taxpayer may claim under this section and may issue an assessment under section 5726.20 of the Revised Code based on the audit. The commissioner shall make a good faith effort to reach an agreement with the taxpayer in selecting a representative sample. The commissioner is not, however, precluded from proceeding under this division if an agreement is not made.

Sec. 5726.58. (A) Terms used in this section have the same meanings as in section 175.16 of the Revised Code.

(B) A taxpayer may claim a nonrefundable tax credit against the tax imposed under section 5736.02 of the Revised Code for each person included in the annual report of the taxpayer that is allocated a credit issued by the executive director of the Ohio housing finance agency under section 175.16 of the Revised Code. The credit equals the amount allocated to such person for the taxable year and reported by the designated reporter on the form prescribed by division (I) of section 175.16 of the Revised Code.

The credit authorized in this section shall be claimed in the order required under section 5726.98 of the Revised Code. If the amount of a credit exceeds the tax otherwise due under section
5726.02 of the Revised Code after deducting all other credits preceding the credit in the order prescribed in section 5726.98 of the Revised Code, the excess may be carried forward for not more than five ensuing tax years. The amount of the excess credit claimed in any such year shall be deducted from the balance carried forward to the next tax year.

No credit shall be claimed under this section to the extent the credit was claimed under section 5725.36, 5729.19, or 5747.83 of the Revised Code.

Sec. 5726.98. (A) To provide a uniform procedure for calculating the amount of tax due under section 5726.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled under this chapter in the following order:

The nonrefundable job retention credit under division (B) of section 5726.50 of the Revised Code;

The nonrefundable credit for purchases of qualified low-income community investments under section 5726.54 of the Revised Code;

The nonrefundable credit for qualified research expenses under section 5726.56 of the Revised Code;

The nonrefundable credit for qualifying dealer in intangibles taxes under section 5726.57 of the Revised Code;

The nonrefundable Ohio low-income housing tax credit under section 5726.58 of the Revised Code;

The refundable credit for rehabilitating an historic building under section 5726.52 of the Revised Code;

The refundable job retention or job creation credit under division (A) of section 5726.50 of the Revised Code;

The refundable credit under section 5726.53 of the Revised Code.
Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

The refundable motion picture and broadway theatrical production credit under section 5726.55 of the Revised Code.

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Sec. 5727.28. (A) The tax commissioner shall refund to a natural gas company or combined company subject to the tax imposed by section 5727.24 of the Revised Code amounts paid illegally or erroneously, or paid on an illegal or erroneous assessment. Applications for a refund shall be filed with the tax commissioner, on a form prescribed by the commissioner, within four years of the illegal or erroneous payment.

On the filing of the application, the commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall notify the director of budget and management and issue the refund from the tax refund fund under section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

If the application for refund is for payment of an illegal or erroneous assessment, the commissioner shall include in the certified amount interest calculated at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of
overpayment to the date of the commissioner's certification.

(B) If a natural gas company or combined company entitled to
a refund under this section, or section 5703.70 of the Revised
Code, is indebted to the state for any tax or fee administered by
the tax commissioner that is paid to the state, or any charge,
penalty, or interest arising from such a tax or fee, the amount
refundable may be applied in satisfaction of that debt. If the
amount refundable is less than the amount of the debt, it may be
applied in partial satisfaction of the debt. If the amount
refundable is greater than the amount of the debt, the amount
remaining after satisfaction of the debt shall be refunded.

(C) In lieu of granting a refund under division (A) or (B) of
this section, the tax commissioner may allow a natural gas company
or combined company to claim a credit of the amount of the tax
refund on the return for the period during which the tax became
refundable. The commissioner may require the company to submit
information to support a claim for a credit under this division,
and the commissioner may disallow the credit if the information is
not provided.

Sec. 5727.42. (A) The treasurer of state shall notify the tax
commissioner of any payment of the excise tax imposed by section
5727.30 of the Revised Code. The commissioner shall collect and
the taxpayer shall pay all taxes and any penalties thereon.
Payments of the tax may be made by mail, in person, by electronic
funds transfer if required to do so by section 5727.311 of the
Revised Code, or by any other means authorized by the
commissioner. The commissioner may adopt rules concerning the
methods and timeliness of payment.

(B) Each tax assessment issued pursuant to this section shall
separately reflect the taxes and any penalty due, and any other
information considered necessary. The commissioner shall mail the
assessment to the taxpayer, and the mailing of it shall be prima-facie evidence of receipt thereof by the taxpayer.

(C) The commissioner shall refund taxes levied and payments made for the tax imposed by section 5727.30 of the Revised Code as provided in this section, but no refund shall be made to a taxpayer having a delinquent claim certified pursuant to this section that remains unpaid. The commissioner may consult the attorney general regarding such claims.

(D) After receiving any excise tax annual statement for the tax imposed by section 5727.30 of the Revised Code, the commissioner shall:

1) Ascertain the difference between the total taxes owed and the sum of all payments made for that year.

2) If the difference is a deficiency, the commissioner shall issue an assessment.

3) If the difference is an excess, the commissioner shall notify the director of budget and management and issue a refund of that amount to the taxpayer. If the amount of the refund is less than that claimed by the taxpayer, the taxpayer, within sixty days of the issuance of the refund, may provide to the commissioner additional information to support the claim or may request a hearing. Upon receiving such information or request within that time, the commissioner shall follow the same procedures set forth in divisions (C) and (D) of section 5703.70 of the Revised Code for the determination of refund applications.

If the taxpayer has a deficiency for one tax year and an excess for another tax year, or any combination thereof for more than two years, the commissioner may determine the net result and, depending on such result, proceed to issue an assessment or certify a refund.

(E) If a taxpayer fails to pay the amount of taxes required
to be paid, or fails to make an estimated payment on or before the

due date prescribed in division (B) of section 5727.31 of the

Revised Code, the commissioner shall impose a penalty in the

amount of fifteen per cent of the unpaid amount, and the

commissioner shall issue an assessment for the unpaid amount and

penalty. Unless a timely petition for reassessment is filed under

section 5727.47 of the Revised Code, the attorney general shall

proceed to collect the delinquent taxes and penalties thereon in

the manner prescribed by law and notify the commissioner of all

collections.

Sec. 5727.47. (A) Notice of each assessment certified or

issued pursuant to section 5727.23 or 5727.38 of the Revised Code

shall be mailed to the public utility, and its mailing shall be

prima-facie evidence of its receipt by the public utility to which

it is addressed. With the notice, the tax commissioner shall

provide instructions on how to petition for reassessment and

request a hearing on the petition. If except as otherwise provided

in division (G) of this section, if a public utility objects to

such an assessment, it may file with the commissioner, either

personally or by certified mail, within sixty days after the

mailing of the notice of assessment a written petition for

reassessment signed by the utility's authorized agent having

knowledge of the facts. The date the commissioner receives the

petition shall be considered the date of filing. The petition

shall indicate the utility's objections, but additional objections

may be raised in writing if received by the commissioner prior to

the date shown on the final determination.

In the case of a petition seeking a reduction in taxable

value filed with respect to an assessment certified under section

5727.23 of the Revised Code, the petitioner shall state in the

petition the total amount of reduction in taxable value sought by

the petitioner. If the petitioner objects to the percentage of
true value at which taxable property is assessed by the commissioner, the petitioner shall state in the petition the total amount of reduction in taxable value sought both with and without regard to the objection pertaining to the percentage of true value at which its taxable property is assessed. If a petitioner objects to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner shall distinctly state in the petition that the petitioner objects to the commissioner's apportionment, and, within forty-five days after filing the petition for reassessment, shall submit the petitioner's proposed apportionment of the taxable value of its taxable property among taxing districts. If a petitioner that objects to the commissioner's apportionment fails to state its objections to that apportionment in its petition for reassessment or fails to submit its proposed apportionment within forty-five days after filing the petition for reassessment, the commissioner shall dismiss the petitioner's objection to the commissioner's apportionment, and the taxable value of the petitioner's taxable property, subject to any adjustment to taxable value pursuant to the petition or appeal, shall be apportioned in the manner used by the commissioner in the preliminary or amended preliminary assessment certified under section 5727.23 of the Revised Code.

If an additional objection seeking a reduction in taxable value in excess of the reduction stated in the original petition is properly and timely raised with respect to an assessment issued under section 5727.23 of the Revised Code, the petitioner shall state the total amount of the reduction in taxable value sought in the additional objection both with and without regard to any reduction in taxable value pertaining to the percentage of true value at which taxable property is assessed. If a petitioner fails to state the reduction in taxable value sought in the original petition or in additional objections properly raised after the petition is filed, the commissioner shall notify the petitioner of
the failure by certified mail in the manner provided in section 5703.37 of the Revised Code. If the petitioner fails to notify the commissioner in writing of the reduction in taxable value sought in the petition or in an additional objection within thirty days after receiving the commissioner's notice, the commissioner shall dismiss the petition or the additional objection in which that reduction is sought.

(B)(1) Subject to divisions (B)(2) and (3) of this section, a public utility filing a petition for reassessment regarding an assessment certified or issued under section 5727.23 or 5727.38 of the Revised Code shall pay the tax with respect to the assessment objected to as required by law. The acceptance of any tax payment by the treasurer of state, tax commissioner, or any county treasurer shall not prejudice any claim for taxes on final determination by the commissioner or final decision by the board of tax appeals or any court.

(2) If a public utility properly and timely files a petition for reassessment regarding an assessment certified under section 5727.23 of the Revised Code, the petitioner shall pay the tax as prescribed by divisions (B)(2)(a), (b), and (c) of this section:

(a) If the petitioner does not object to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the part of the tax otherwise due on the taxable value that the petitioner seeks to have reduced, subject to division (B)(2)(c) of this section.

(b) If the petitioner objects to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the tax otherwise due on the part of the taxable value apportioned to any taxing district that the petitioner objects to, subject to division (B)(2)(c) of this section. If, pursuant to division (A) of this section, the petitioner has, in a proper and timely manner,
apportioned taxable value to a taxing district to which the commissioner did not apportion the petitioner's taxable value, the petitioner shall pay the tax due on the taxable value that the petitioner has apportioned to the taxing district, subject to division (B)(2)(c) of this section.

(c) If a petitioner objects to the percentage of true value at which taxable property is assessed by the commissioner, the petitioner shall pay the tax due on the basis of the percentage of true value at which the public utility's taxable property is assessed by the commissioner. In any case, the petitioner's payment of tax shall not be less than the amount of tax due based on the taxable value reflected on the last appeal notice issued by the commissioner under division (C) of this section. Until the county auditor receives notification under division (E) of this section and proceeds under section 5727.471 of the Revised Code to issue any refund that is found to be due, the county auditor shall not issue a refund for any increase in the reduction in taxable value that is sought by a petitioner later than forty-five days after the petitioner files the original petition as required under division (A) of this section.

(3) Any part of the tax that, under division (B)(2)(a) or (b) of this section, is not paid shall be collected upon receipt of the notification as provided in section 5727.471 of the Revised Code with interest thereon computed in the same manner as interest is computed under division (E) of section 5715.19 of the Revised Code, subject to any correction of the assessment by the commissioner under division (E) of this section or the final judgment of the board of tax appeals or a court to which the board's final judgment is appealed. The penalty imposed under section 323.121 of the Revised Code shall apply only to the unpaid portion of the tax if the petitioner's tax payment is less than the amount of tax due based on the taxable value reflected on the
last appeal notice issued by the commissioner under division (C) of this section.

(C) Upon receipt of a properly filed petition for reassessment with respect to an assessment certified under section 5727.23 of the Revised Code, the tax commissioner shall notify the treasurer of state or the auditor of each county to which the assessment objected to has been certified. In the case of a petition with respect to an assessment certified under section 5727.23 of the Revised Code, the commissioner shall issue an appeal notice within thirty days after receiving the amount of the taxable value reduction and apportionment changes sought by the petitioner in the original petition or in any additional objections properly and timely raised by the petitioner. The appeal notice shall indicate the amount of the reduction in taxable value sought in the petition or in the additional objections and the extent to which the reduction in taxable value and any change in apportionment requested by the petitioner would affect the commissioner's apportionment of the taxable value among taxing districts in the county as shown in the assessment. If a petitioner is seeking a reduction in taxable value on the basis of a lower percentage of true value than the percentage at which the commissioner assessed the petitioner's taxable property, the appeal notice shall indicate the reduction in taxable value sought by the petitioner without regard to the reduction sought on the basis of the lower percentage and shall indicate that the petitioner is required to pay tax on the reduced taxable value determined without regard to the reduction sought on the basis of a lower percentage of true value, as provided under division (B)(2)(c) of this section. The appeal notice shall include a statement that the reduced taxable value and the apportionment indicated in the notice are not final and are subject to adjustment by the commissioner or by the board of tax appeals or a court on appeal. If the commissioner finds an error in the appeal notice.
notice, the commissioner may amend the notice, but the notice is only for informational and tax payment purposes; the notice is not subject to appeal by any person. The commissioner also shall mail a copy of the appeal notice to the petitioner. Upon the request of a taxing authority, the county auditor may disclose to the taxing authority the extent to which a reduction in taxable value sought by a petitioner would affect the apportionment of taxable value to the taxing district or districts under the taxing authority's jurisdiction, but such a disclosure does not constitute a notice required by law to be given for the purpose of section 5717.02 of the Revised Code.

(D) If the petitioner requests a hearing on the petition, the tax commissioner shall assign a time and place for the hearing on the petition and notify the petitioner of such time and place, but the commissioner may continue the hearing from time to time as necessary.

(E) The tax commissioner may make corrections to the assessment as the commissioner finds proper. The commissioner shall serve a copy of the commissioner's final determination on the petitioner in the manner provided in section 5703.37 of the Revised Code. The commissioner's decision in the matter shall be final, subject to appeal under section 5717.02 of the Revised Code. With respect to a final determination issued for an assessment certified under section 5727.23 of the Revised Code, the commissioner also shall transmit a copy of the final determination to the applicable county auditor. In the absence of any further appeal, or when a decision of the board of tax appeals or of any court to which the decision has been appealed becomes final, the commissioner shall notify the public utility and, as appropriate, shall proceed under section 5727.42 of the Revised Code, or notify the applicable county auditor, who shall proceed under section 5727.471 of the Revised Code.
The notification made under this division is not subject to further appeal.

(F) On appeal, no adjustment shall be made in the tax commissioner's assessment certified under section 5727.23 of the Revised Code that reduces the taxable value of a petitioner's taxable property by an amount that exceeds the reduction sought by the petitioner in its petition for reassessment or in any additional objections properly and timely raised after the petition is filed with the commissioner.

(G) An electric company with taxable property that is, or is part of, a facility that generates electricity may file a petition for reassessment seeking a reduction in taxable value of that property, provided that any such petition shall not request, and the tax commissioner shall have no authority to grant, a reduction in taxable value of more than seven and one-half per cent of the taxable value of the property for the immediately preceding tax year.

Sec. 5727.75. (A) For purposes of this section:

(1) "Qualified energy project" means an energy project certified by the director of development pursuant to this section.

(2) "Energy project" means a project to provide electric power through the construction, installation, and use of an energy facility.

(3) "Alternative energy zone" means a county declared as such by the board of county commissioners under division (E)(1)(b) or (c) of this section.

(4) "Full-time equivalent employee" means the total number of employee-hours for which compensation was paid to individuals employed at a qualified energy project for services performed at the project during the calendar year divided by two thousand.
eighty hours. For the purpose of this calculation, "performed at the project" includes only hours worked at the qualified energy project and devoted to site preparation or protection, construction and installation, and the unloading and distribution of materials at the project site, but does not include hours worked by superintendents, owners, manufacturers' representatives, persons employed in a bona fide executive, management, supervisory, or administrative capacity, or persons whose sole employment on the project is transporting materials or persons to the project site.

(5) "Solar energy project" means an energy project composed of an energy facility using solar panels to generate electricity.

(6) "Internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.

(7) "Applicable year" means the tax year that aligns with the applicable year, as that term is defined in section 45Y of the Internal Revenue Code.

(B)(1) Tangible personal property of a qualified energy project using renewable energy resources is exempt from taxation for tax years 2011 through 2025 if all of the following conditions are satisfied:

(a) On or before December 31, 2024 the last day of the tax year preceding the applicable year, the owner or a lessee pursuant to a sale and leaseback transaction of the project submits an application to the power siting board for a certificate under section 4906.20 of the Revised Code, or if that section does not apply, submits an application for any approval, consent, permit, or certificate or satisfies any condition required by a public agency or political subdivision of this state for the construction or initial operation of an energy project.

(b) Construction or installation of the energy facility.
begins on or after January 1, 2009, and before January 1, 2025 the
first day of the applicable year. For the purposes of this
division, construction begins on the earlier of the date of
application for a certificate or other approval or permit
described in division (B)(1)(a) of this section, or the date the
contract for the construction or installation of the energy
facility is entered into.

(c) For a qualified energy project with a nameplate capacity
of twenty megawatts or greater, a board of county commissioners of
a county in which property of the project is located has adopted a
resolution under division (E)(1)(b) or (c) of this section to
approve the application submitted under division (E) of this
section to exempt the property located in that county from
taxation. A board's adoption of a resolution rejecting an
application or its failure to adopt a resolution approving the
application does not affect the tax-exempt status of the qualified
energy project's property that is located in another county.

(2) If tangible personal property of a qualified energy
project using renewable energy resources was exempt from taxation
under this section beginning in any of tax years 2011 through 2025
the applicable year, and the certification under division (E)(2)
of this section has not been revoked, the tangible personal
property of the qualified energy project is exempt from taxation
for the tax year 2026 following the applicable year and all
ensuing tax years if the property was placed into service before
January 1, 2026 before the first day of the tax year following the
applicable year, as certified in the construction progress report
required under division (F)(2) of this section. Tangible personal
property that has not been placed into service before that date is
taxable property subject to taxation. An energy project for which
certification has been revoked is ineligible for further exemption
under this section. Revocation does not affect the tax-exempt
status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(C) Tangible personal property of a qualified energy project using clean coal technology, advanced nuclear technology, or cogeneration technology is exempt from taxation for the first tax year that the property would be listed for taxation and all subsequent years if all of the following circumstances are met:

(1) The property was placed into service before January 1, 2021. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation.

(2) For such a qualified energy project with a nameplate capacity of twenty megawatts or greater, a board of county commissioners of a county in which property of the qualified energy project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting the application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(3) The certification for the qualified energy project issued under division (E)(2) of this section has not been revoked. An energy project for which certification has been revoked is ineligible for exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(D) Except as otherwise provided in this section, real property of a qualified energy project is exempt from taxation for any tax year for which the tangible personal property of the
qualified energy project is exempted under this section.

(E)(1)(a) A person may apply to the director of development for certification of an energy project as a qualified energy project on or before the following dates:

(i) December 31, 2024  The last day of the tax year preceding the applicable year, for an energy project using renewable energy resources;

(ii) December 31, 2017, for an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology.

(b) The director shall forward a copy of each application for certification of an energy project with a nameplate capacity of twenty megawatts or greater to the board of county commissioners of each county in which the project is located and to each taxing unit with territory located in each of the affected counties. Any board that receives from the director a copy of an application submitted under this division shall adopt a resolution approving or rejecting the application unless it has adopted a resolution under division (E)(1)(c) of this section. A resolution adopted under division (E)(1)(b) or (c) of this section may require an annual service payment to be made in addition to the service payment required under division (G) of this section. The sum of the service payment required in the resolution and the service payment required under division (G) of this section shall not exceed nine thousand dollars per megawatt of nameplate capacity located in the county. The resolution shall specify the time and manner in which the payments required by the resolution shall be paid to the county treasurer. The county treasurer shall deposit the payment to the credit of the county's general fund to be used for any purpose for which money credited to that fund may be used.

The board shall send copies of the resolution to the owner of
the facility and the director by certified mail or, if the board has record of an internet identifier of record associated with the owner or director, by ordinary mail and by that internet identifier of record. The board shall send such notice within thirty days after receipt of the application, or a longer period of time if authorized by the director.

(c) A board of county commissioners may adopt a resolution declaring the county to be an alternative energy zone and declaring all applications submitted to the director of development under this division after the adoption of the resolution, and prior to its repeal, to be approved by the board.

All tangible personal property and real property of an energy project with a nameplate capacity of twenty megawatts or greater is taxable if it is located in a county in which the board of county commissioners adopted a resolution rejecting the application submitted under this division or failed to adopt a resolution approving the application under division (E)(1)(b) or (c) of this section.

(2) The director shall certify an energy project if all of the following circumstances exist:

(a) The application was timely submitted.

(b) For an energy project with a nameplate capacity of twenty megawatts or greater, a board of county commissioners of at least one county in which the project is located has adopted a resolution approving the application under division (E)(1)(b) or (c) of this section.

(c) No portion of the project's facility was used to supply electricity before December 31, 2009.

(d) For construction or installation of a qualified energy project described in division (B)(1)(b) of this section, that the project is subject to wage requirements described in section
45(b)(7)(A) of the Internal Revenue Code and apprenticeship requirements described in section 45(b)(8)(A)(i) of the Internal Revenue Code, provided both of the following apply:

(i) The person applies for such certificate after the effective date of this amendment.

(ii) A board of commissioners of at least one county in which the project is located is required to adopt a resolution approving the application under division (E)(1)(b) or (c) of this section.

(3) The director shall deny a certification application if the director determines the person has failed to comply with any requirement under this section. The director may revoke a certification if the director determines the person, or subsequent owner or lessee pursuant to a sale and leaseback transaction of the qualified energy project, has failed to comply with any requirement under this section. Upon certification or revocation, the director shall notify the person, owner, or lessee, the tax commissioner, and the county auditor of a county in which the project is located of the certification or revocation. Notice shall be provided in a manner convenient to the director.

(F) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall do each of the following:

(1) Comply with all applicable regulations;

(2) File with the director of development a certified construction progress report before the first day of March of each year during the energy facility's construction or installation indicating the percentage of the project completed, and the project's nameplate capacity, as of the preceding thirty-first day of December. Unless otherwise instructed by the director of development, the owner or lessee of an energy project shall file a report with the director on or before the first day of March each
year after completion of the energy facility's construction or
installation indicating the project's nameplate capacity as of the
preceding thirty-first day of December. Not later than sixty days
after June 17, 2010, the owner or lessee of an energy project, the
construction of which was completed before June 17, 2010, shall
file a certificate indicating the project's nameplate capacity.

(3) File with the director of development, in a manner
prescribed by the director, a report of the total number of
full-time equivalent employees, and the total number of full-time
equivalent employees domiciled in Ohio, who are employed in the
construction or installation of the energy facility;

(4) For energy projects with a nameplate capacity of twenty
megawatts or greater, repair all roads, bridges, and culverts
affected by construction as reasonably required to restore them to
their preconstruction condition, as determined by the county
ingineer in consultation with the local jurisdiction responsible
for the roads, bridges, and culverts. In the event that the county
ingineer deems any road, bridge, or culvert to be inadequate to
support the construction or decommissioning of the energy
facility, the road, bridge, or culvert shall be rebuilt or
reinforced to the specifications established by the county
ingineer prior to the construction or decommissioning of the
facility. The owner or lessee of the facility shall post a bond in
an amount established by the county engineer and to be held by the
board of county commissioners to ensure funding for repairs of
roads, bridges, and culverts affected during the construction. The
bond shall be released by the board not later than one year after
the date the repairs are completed. The energy facility owner or
lessee pursuant to a sale and leaseback transaction shall post a
bond, as may be required by the Ohio power siting board in the
certificate authorizing commencement of construction issued
pursuant to section 4906.10 of the Revised Code, to ensure funding
for repairs to roads, bridges, and culverts resulting from decommissioning of the facility. The energy facility owner or lessee and the county engineer may enter into an agreement regarding specific transportation plans, reinforcements, modifications, use and repair of roads, financial security to be provided, and any other relevant issue.

(5) Provide or facilitate training for fire and emergency responders for response to emergency situations related to the energy project and, for energy projects with a nameplate capacity of twenty megawatts or greater, at the person's expense, equip the fire and emergency responders with proper equipment as reasonably required to enable them to respond to such emergency situations;

(6) Maintain (6)(a) Except as otherwise provided in this division, for projects for which certification as a qualified energy project was applied for, under division (E) of this section, before the effective date of this amendment, maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less than eighty per cent in the case of a solar energy project, and not less than fifty per cent in the case of any other energy project. In A person applying for such a qualified energy project may certify to the director of development that the project will be voluntarily subject to the wage requirements described in section 45(b)(7)(A) of the Internal Revenue Code and apprenticeship requirements described in section 45(b)(8)(A)(i) of the Internal Revenue Code as authorized in division (F)(6)(b) of this section. Upon receipt of that certification, the project shall comply with division (F)(6)(b) of this section rather than division (F)(6)(a) of this section.

(b) For projects for which certification as a qualified
energy project was applied for, under division (E) of this section, on or after the effective date of this amendment, maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less than seventy per cent in the case of a solar energy project, and not less than fifty per cent in the case of any other energy project.

(c) For purposes of divisions (F)(6)(a) and (b) of this section, "Ohio-domiciled" includes persons who live outside the state but within fifty miles of a border of the state who are members of any bona fide labor organization which has as members, or is authorized to represent, employees in Ohio and which exists, in whole or in part, for the purpose of negotiating with employers concerning the wages, hours, or terms and conditions of employment of employees and whose members are engaged to perform work on the construction or installation of the qualified energy project.

(d) For purposes of divisions (F)(6)(a) and (b) of this section, in the case of an energy project for which certification from the power siting board is required under section 4906.20 of the Revised Code, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed in the certificate application, if such projection is required under regulations adopted pursuant to section 4906.03 of the Revised Code, whichever is greater. For all other energy projects, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed by the director of development, whichever is greater. To estimate the number of employees to be employed in the construction or
installation of an energy project, the director shall use a generally accepted job-estimating model in use for renewable energy projects, including but not limited to the job and economic development impact model. The director may adjust an estimate produced by a model to account for variables not accounted for by the model.

(7) For energy projects with a nameplate capacity in excess of twenty megawatts, establish a relationship with any of the following to educate and train individuals for careers in the wind or solar energy industry:

(a) A member of the university system of Ohio as defined in section 3345.011 of the Revised Code;

(b) A person offering an apprenticeship program registered with the employment and training administration within the United States department of labor or with the apprenticeship council created by section 4139.02 of the Revised Code;

(c) A career-technical center, joint vocational school district, comprehensive career-technical center, or compact career-technical center;

(d) A training center operated by a labor organization, or with a training center operated by a for-profit or nonprofit organization.

The relationship may include endowments, cooperative programs, internships, apprenticeships, research and development projects, and curriculum development.

(8) Offer to sell power or renewable energy credits from the energy project to electric distribution utilities or electric service companies subject to renewable energy resource requirements under section 4928.64 of the Revised Code that have issued requests for proposal for such power or renewable energy credits. If no electric distribution utility or electric service
company issues a request for proposal on or before December 31, 2010, or accepts an offer for power or renewable energy credits within forty-five days after the offer is submitted, power or renewable energy credits from the energy project may be sold to other persons. Division (F)(8) of this section does not apply if:

(a) The owner or lessee is a rural electric company or a municipal power agency as defined in section 3734.058 of the Revised Code.

(b) The owner or lessee is a person that, before completion of the energy project, contracted for the sale of power or renewable energy credits with a rural electric company or a municipal power agency.

(c) The owner or lessee contracts for the sale of power or renewable energy credits from the energy project before June 17, 2010.

(9) Make annual service payments as required by division (G) of this section and as may be required in a resolution adopted by a board of county commissioners under division (E) of this section.

(G) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payments of taxes on public utility personal property on the real and public utility personal property tax list for each tax year for which property of the energy project is exempt from taxation under this section. The county treasurer shall allocate the payment on the basis of the project's physical location. Upon receipt of a payment, or if timely payment has not been received, the county treasurer shall certify such receipt or non-receipt to the director of development and tax commissioner in a form determined by the director and
commissioner, respectively. Each payment shall be in the following amount:

(1) In the case of a solar energy project, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first-day of December of the preceding tax year;

(2) In the case of any other energy project using renewable energy resources, the following:

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year.

(3) In the case of an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology, the following:

(a) If the project maintains during the construction or
installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year.

H) The director of development in consultation with the tax commissioner shall adopt rules pursuant to Chapter 119. of the Revised Code to implement and enforce this section.

Sec. 5727.91. (A) The treasurer of state shall refund the amount of tax paid under section 5727.81 or 5727.811 of the Revised Code that was paid illegally or erroneously, or paid on an illegal or erroneous assessment, or any penalty assessed with respect to such taxes. A natural gas distribution company, an electric distribution company, or a self-assessing purchaser shall file an application for a refund with the tax commissioner on a form prescribed by the commissioner, within four years of the illegal or erroneous payment.
On the filing of the application, the commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify that amount to the director of budget and management and the treasurer of state for payment from the tax refund fund under section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

The commissioner shall include in the certified amount interest calculated at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of overpayment to the date of the commissioner's certification.

(B) If a natural gas distribution company or an electric distribution company entitled to a refund under this section, or section 5703.70 of the Revised Code, is indebted to the state for any tax or fee administered by the tax commissioner that is paid to the state, or any charge, penalty, or interest arising from such a tax or fee, the amount refundable may be applied in satisfaction of the debt. If the amount refundable is less than the amount of the debt, it may be applied in partial satisfaction of the debt. If the amount refundable is greater than the amount of the debt, the amount remaining after satisfaction of the debt shall be refunded. If the natural gas distribution company or electric distribution company has more than one such debt, any debt subject to section 5739.33 or division (G) of section 5747.07 of the Revised Code shall be satisfied first. This section applies only to debts that have become final.

(C)(1) Any electric distribution company that can substantiate to the tax commissioner that the tax imposed by section 5727.81 of the Revised Code was paid on electricity distributed via wires and consumed at a location outside of this state may claim a refund in the manner and within the time period...
prescribed in division (A) of this section.

(2) Any natural gas distribution company that can substantiate to the tax commissioner that the tax imposed by section 5727.811 of the Revised Code was paid on natural gas distributed via its facilities and consumed at a location outside of this state may claim a refund in the manner and within the time period prescribed in division (A) of this section.

(3) If the commissioner certifies a refund based on an application filed under division (C)(1) or (2) of this section, the commissioner shall include in the certified amount interest calculated at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of overpayment to the date of the commissioner's certification.

(D) Before a refund is issued under this section or section 5703.70 of the Revised Code, a natural gas company or an electric distribution company shall certify, as prescribed by the tax commissioner, that it either did not include the tax imposed by section 5727.81 of the Revised Code in the case of an electric distribution company, or the tax imposed by section 5727.811 of the Revised Code in the case of a natural gas distribution company, in its distribution charge to its customer upon which a refund of the tax is claimed, or it has refunded or credited to the customer the excess distribution charge related to the tax that was erroneously included in the customer's distribution charge.

Sec. 5728.16. (A)(1) If any person, regardless of organizational form, required to file reports and remit taxes imposed under this chapter fails for any reason to file such reports or remit such taxes, any employees of the person having control or supervision of, or charged with the responsibility of, filing reports and making payments, or any officers or trustees of
the person responsible for the execution of the person's fiscal responsibilities, shall be personally liable for the failure.

(2) The dissolution, termination, or bankruptcy of a person shall not discharge a responsible officer's, shareholder's, member's, manager's, employee's, or trustee's liability for failure of the person to file reports or remit taxes. The sum due for the liability may be collected by assessment as provided in section 5728.10 of the Revised Code.

(B) If more than one individual is personally liable under this section for the unpaid tax of a person, then the liability of all such individuals shall be joint and several.

Sec. 5729.19. (A) Terms used in this section have the same meanings as in section 175.16 of the Revised Code.

(B) There is allowed a nonrefundable tax credit against the tax imposed by section 5729.03 or 5729.06 of the Revised Code for a foreign insurance company that is allocated a credit issued by the executive director of the Ohio housing finance agency under section 175.16 of the Revised Code. The credit equals the amount allocated to such company for the calendar year and reported by the designated reporter on the form prescribed by division (I) of section 175.16 of the Revised Code.

The credit authorized in this section shall be claimed in the order required under section 5729.98 of the Revised Code. If the amount of a credit exceeds the tax otherwise due under section 5729.03 or 5729.06 of the Revised Code after deducting all other credits preceding the credit in the order prescribed in section 5726.98 of the Revised Code, the excess may be carried forward for not more than five ensuing calendar years. The amount of the excess credit claimed in any such year shall be deducted from the balance carried forward to the next calendar year.
Sec. 5729.98. (A) To provide a uniform procedure for calculating the amount of tax due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order:

- The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code;
- The credit for eligible employee training costs under section 5729.07 of the Revised Code;
- The credit for purchases of qualified low-income community investments under section 5729.16 of the Revised Code;
- The nonrefundable job retention credit under division (B) of section 122.171 of the Revised Code;
- The nonrefundable credit for investments in rural business growth funds under section 122.152 of the Revised Code;
- The nonrefundable Ohio low-income housing tax credit under section 5729.19 of the Revised Code;
- The nonrefundable credit for contributing capital to a transformational mixed use development project under section 5729.18 of the Revised Code;
- The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code;
- The refundable credit for rehabilitating a historic building...
under section 5729.17 of the Revised Code;

The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;

The refundable credit for Ohio job creation under section 5729.032 of the Revised Code;

The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Sec. 5731.27. (A) The tax commissioner shall, after determining that a return indicating that a tax is due is correct as filed, issue a certificate of determination of final estate tax liability showing the amount of such liability, if any, in triplicate, one copy of which shall be sent by regular mail to the person filing the return, one copy of which shall be sent to the county auditor for the county in which the return was filed, and one copy of which shall be sent to the probate court of the county in which the return was filed if there is an administration of or other proceedings in the decedent's estate.
The tax commissioner, if he determines after determining that a deficiency or refund of tax or penalty addition to tax, shall issue his a certificate of determination stating the adjusted amount of the tax due and the amount of any refund, deficiency, or penalty. Such certificate also shall state whether or not any portion of the tax liability has been reserved for later determination in accordance with division (C) of section 5731.26 of the Revised Code. Such certificate shall be issued in triplicate, one copy of which shall be sent by certified mail, return receipt requested, in the manner provided in section 5703.37 of the Revised Code to the person filing the return, or to the person required to file the return if no such return was filed, one copy of which shall be sent to the county auditor for the county in which the return was filed or was required to be filed, and one copy of which shall be sent to the probate court for the county in which the return was filed or required to be filed if there will be an administration of or other proceedings in the decedent's estate. The person required to file the return, or any interested party, shall have sixty days from the date of receipt of such certificate by the person required to file the return within which to file exceptions to such determination as provided in section 5731.30 of the Revised Code.

The county auditor, if no exceptions have been filed within the time specified in division (B) of this section, or if the right to file exceptions has been waived by all interested parties by written waivers filed with the county auditor, shall:

(1) If the certificate of determination is for a refund, draw his a warrant for the proper amount of the refund and interest on it, which warrant shall be paid by the county treasurer out of any money in his the treasurer's possession to the credit of estate taxes;

(2) If the certificate of determination is for a deficiency
or penalty, make a charge based upon such determination, and certify a duplicate of it to the county treasurer, who shall collect, subject to division (A) of section 5731.25 of the Revised Code or any other statute extending the time for payment of an estate tax, the deficiency or penalty so charged.

**Sec. 5733.031.** (A) A corporation's taxable year is a period ending on the date immediately preceding the date of commencement of the corporation's annual accounting period that includes the first day of January of the tax year. Except as otherwise provided, a corporation's taxable year is the same as the corporation's taxable year for federal income tax purposes. If a corporation's taxable year is changed for federal income tax purposes, the taxable year for purposes of this chapter is changed accordingly but may consist of an aggregation of more than one taxable year for federal income tax purposes. The tax commissioner may prescribe by rule, an appropriate period as the taxable year for a corporation that has had a change of its taxable year for federal income tax purposes, for a corporation that has two or more short taxable years for federal income tax purposes as the result of a change of ownership, or for a new taxpayer that would otherwise have no taxable year.

(B) A corporation's method of accounting for the base calculated under division (B) of section 5733.05 of the Revised Code shall be the same as its method of accounting for federal income tax purposes. In the absence of any method of accounting for federal income tax purposes, income shall be computed under such method as in the opinion of the tax commissioner clearly reflects income.

If a corporation's method of accounting is changed for federal income tax purposes, its method of accounting for purposes of this chapter shall be changed accordingly.
Except as provided in division (C)(3) of this section, any of the facts, figures, computations, or attachments required in a corporation's annual report to determine the tax imposed by section 5733.06 of the Revised Code must be altered as the result of an adjustment to the corporation's federal income tax return, whether the adjustment is initiated by the corporation or the internal revenue service, and such alteration affects the corporation's liability for the tax imposed by section 5733.06 of the Revised Code, the corporation shall file an amended report with the tax commissioner in such form as the commissioner requires. The amended report shall be filed not later than one year after the adjustment has been agreed to or finally determined for federal income tax purposes or any federal income tax deficiency or refund, or the abatement or credit resulting therefrom, has been assessed or paid, whichever occurs first.

(1) In the case of an underpayment, the amended report shall be accompanied by payment of an additional tax and interest due and is a report subject to assessment under section 5733.11 of the Revised Code for the purpose of assessing any additional tax due under this division, together with any applicable penalty and interest. It shall not reopen those facts, figures, computations, or attachments from a previously filed report no longer subject to assessment that are not affected, either directly or indirectly, by the adjustment to the corporation's federal income tax return.

(2) In the case of an overpayment, an application for refund may be filed under this division within the one-year period prescribed for filing the amended report even if it is filed beyond the period prescribed in division (B) of section 5733.12 of the Revised Code if it otherwise conforms to the requirements of such section. An application filed under this division shall claim refund of overpayments resulting from alterations to only those facts, figures, computations, or attachments required in the
corporation's annual report that are affected, either directly or indirectly, by the adjustment to the corporation's federal income tax return unless it is also filed within the time prescribed in division (B) of section 5733.12 of the Revised Code. It shall not reopen those facts, figures, computations, or attachments that are not affected, either directly or indirectly, by the adjustment to the corporation's federal income tax return.

(3) A taxpayer is not required to file an amended report, and is not permitted to file an application for refund, under this section on or after January 1, 2024.

Sec. 5735.024. (A) No aviation fuel dealer shall purchase aviation fuel for resale in this state without first being licensed as an aviation fuel dealer by the tax commissioner to engage in such activities.

(B) The failure to register with the commissioner as an aviation fuel dealer does not relieve a person from the requirement to file returns under this title.

(C) No person shall make a false or fraudulent statement on the application required by this section.

(D) Each aviation fuel dealer shall file a report with the commissioner on or before the last day of each month for the preceding month. The commissioner shall adopt rules pursuant to Chapter 119. of the Revised Code specifying the information that shall be required to be included in the report.

(E) If an aviation fuel dealer files a false monthly report of the information required by the commissioner or fails to file a monthly report as required by this section, the commissioner may revoke the license of the aviation fuel dealer and notify the aviation fuel dealer in writing of such revocation by certified mail in the manner provided in section 5703.37 of the Revised Code.
Sec. 5735.04. If a motor fuel dealer files a false monthly report of the information required under section 5735.06 of the Revised Code, fails to file a monthly report as required by that section or section 5735.024 of the Revised Code, or fails to pay the full amount of the tax as required by the motor fuel laws of the state or as may be agreed upon by the tax commissioner and the motor fuel dealer, the commissioner may revoke the license of the motor fuel dealer, and notify the motor fuel dealer in writing of such revocation by certified mail in the manner provided in section 5703.37 of the Revised Code.

The commissioner may cancel any license issued to any motor fuel dealer, and the cancellation shall become effective at the time that may be determined by the commissioner. The commissioner also may cancel the license of any motor fuel dealer upon sixty days' notice mailed to the last known address of the motor fuel dealer if the commissioner, upon investigation, finds that the person to whom the license has been issued is no longer engaged in the receipt, use, or sale of motor fuel as a motor fuel dealer, and has not been so engaged for the period of six months prior to the cancellation. No license shall be canceled upon the request of any motor fuel dealer unless the motor fuel dealer, prior to the date of cancellation, has paid to the state all motor fuel taxes payable or assumed by the motor fuel dealer under the laws of the state, together with all penalties and fines accruing by reason of any failure of the motor fuel dealer to make accurate reports of receipts of motor fuel or to pay the taxes and penalties.

If the license of any motor fuel dealer is canceled by the commissioner as provided in this section, and if the motor fuel dealer has paid to the state all motor fuel taxes due and payable by the motor fuel dealer under the laws of the state, or assumed
by the motor fuel dealer upon the receipt, sale, or use of motor fuel, together with all penalties accruing by reason of any failure on the part of the motor fuel dealer to make accurate reports or to pay the tax and penalties, then the commissioner shall cancel and surrender the bond theretofore filed by the motor fuel dealer.

Sec. 5735.041. (A) The tax commissioner may revoke the license of a retail dealer in the following circumstances:

(1) The retail dealer sells or attempts to sell any motor fuel upon which any motor fuel tax imposed by this chapter has not been paid;

(2) The retail dealer attempts to evade any motor fuel tax imposed by this chapter;

(3) The retail dealer violates any provision of this chapter.

(B) The commissioner shall notify the retail dealer in writing of the revocation by certified mail in the manner provided in section 5703.37 of the Revised Code.

Sec. 5735.042. (A) The tax commissioner may revoke an exporter's license in the following circumstances:

(1) An exporter licensed under section 5735.026 of the Revised Code purchases, for export, motor fuel in this state exclusive of the motor fuel tax, and subsequently diverts or causes the motor fuel to be diverted to a destination in this state or any state other than the originally designated state;

(2) The exporter is no longer the holder of a valid license to purchase motor fuel tax free in the specified destination state or states for which the license is issued.

(B) The commissioner shall notify the exporter in writing of such revocation by certified mail in the manner provided in
Sec. 5735.043. If a terminal operator files a false monthly report of the information required under section 5735.063 of the Revised Code, or fails to file the monthly report required by section 5735.063 of the Revised Code, the tax commissioner may revoke the license of the terminal operator. The commissioner shall notify the terminal operator in writing of such revocation by certified mail in the manner provided in section 5703.37 of the Revised Code.

The commissioner also may cancel the license of any terminal operator upon sixty days' notice mailed to the last known address of the terminal operator if the commissioner finds that the person to whom the license has been issued is no longer engaged as a terminal operator in this state, and has not been so engaged for at least six months prior to cancellation.

Sec. 5735.044. If a permissive motor fuel dealer files a false monthly report of the information required under section 5735.06 of the Revised Code, fails to file the monthly report as required by section 5735.06 of the Revised Code, or fails to pay the full amount of the tax as required by this chapter or as may be agreed upon by the tax commissioner and the permissive motor fuel dealer, the commissioner may revoke the license of the permissive motor fuel dealer. The commissioner shall notify the permissive motor fuel dealer in writing of the revocation by certified mail in the manner provided in section 5703.37 of the Revised Code.

The commissioner may cancel any license issued to any permissive motor fuel dealer and the cancellation shall become effective at the time that the commissioner determines. No license shall be canceled upon the request of any permissive motor fuel dealer.
dealer unless the permissive motor fuel dealer, prior to the date of cancellation, has paid to the state all motor fuel taxes payable or assumed by the dealer under the laws of the state, together with all penalties, fines, and interest accruing by reason of any failure of the permissive motor fuel dealer to make accurate reports of sales of motor fuel or to pay the taxes, penalties, and interest.

If the license of any permissive motor fuel dealer is canceled by the commissioner under this section, and the permissive motor fuel dealer has paid to the state all motor fuel taxes due and payable by the permissive motor fuel dealer under the laws of this state or assumed by the permissive motor fuel dealer upon the sale of motor fuel, together with all penalties and interest accruing by reason of any failure on the part of the permissive motor fuel dealer to make accurate reports or to pay the tax, penalties, and interest, then the commissioner shall cancel and surrender the bond previously filed by the permissive motor fuel dealer.

Sec. 5735.27. (A) There is hereby created in the state treasury the gasoline excise tax fund. All investment earnings of the fund shall be credited to the fund. Revenue credited to the fund under section 5735.051 from the tax levied under section 5735.05 of the Revised Code shall be distributed to municipal corporations, counties, and townships as provided in divisions (A)(1), (2), and (3) of this section.

(1) The amount distributed to each municipal corporation shall be that proportion of the amount to be distributed among municipal corporations that the number of motor vehicles registered within the municipal corporation bears to the total number of motor vehicles registered within all the municipal corporations of this state during the preceding motor vehicle...
registration year. When a new village is incorporated, the registrar of motor vehicles shall determine from the applications on file in the bureau of motor vehicles the number of motor vehicles located within the territory comprising the village during the entire registration year in which the municipal corporation was incorporated. The registrar shall forthwith certify the number of motor vehicles so determined to the tax commissioner for use in distributing motor vehicle fuel tax funds to the village until the village is qualified to participate in the distribution of the funds pursuant to this division. The number of motor vehicle registrations shall be determined by the official records of the bureau of motor vehicles. The amount received by each municipal corporation shall be used to plan, construct, reconstruct, repave, widen, maintain, repair, clear, and clean public highways, roads, and streets; to maintain and repair bridges and viaducts; to purchase, erect, and maintain street and traffic signs and markers; to pay the costs apportioned to the municipal corporation under section 4907.47 of the Revised Code; to purchase, erect, and maintain traffic lights and signals; to pay the principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for the purpose of acquiring or constructing roads, highways, bridges, or viaducts or acquiring or making other highway improvements for which the municipal corporation may issue bonds; and to supplement revenue already available for these purposes.

(2) The amount distributed to counties shall be paid in equal proportions to the county treasurer of each county within the state and shall be used only for the purposes of planning, maintaining, and repairing the county system of public roads and highways within the county; the planning, construction, and repair of walks or paths along county roads in congested areas; the planning, construction, purchase, lease, and maintenance of...
suitable buildings for the housing and repair of county road machinery, housing of supplies, and housing of personnel associated with the machinery and supplies; the payment of costs apportioned to the county under section 4907.47 of the Revised Code; the payment of principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for the purpose of acquiring or constructing roads, highways, bridges, or viaducts or acquiring or making other highway improvements for which the board of county commissioners may issue bonds under that chapter; and the purchase, installation, and maintenance of traffic signal lights.

(3)(a) The amounts described under divisions (A)(2)(a)(iii)(III) and (B)(2) of section 5735.051 of the Revised Code to be distributed among townships shall be divided in equal proportions among the townships.

(b) As used in division (A)(3)(b) of this section, the "formula amount" for any township is the amount that would be allocated to that township if fifty per cent of the total amount credited to townships pursuant to divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) of section 5735.051 of the Revised Code were allocated among townships in the state proportionate to the number of centerline miles within the boundaries of the respective townships, as determined annually by the department of transportation, and the other fifty per cent of that amount were allocated among townships in the state proportionate to the number of motor vehicles registered within the respective townships, as determined annually by the records of the bureau of motor vehicles. The number of centerline miles within the boundaries of a township shall not include any centerline miles of township roads that have been placed on nonmaintained status by a board of township trustees pursuant to section 5571.20 of the Revised Code.
The portion of the revenue of the tax levied by section 5735.05 of the Revised Code that is described under divisions (A)(3) and (B) of that section shall be partially allocated to provide funding for townships. Each township shall receive the greater of the following two calculations:

(i) The total statewide amount credited to townships under divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) of section 5735.051 of the Revised Code divided by the number of townships in the state at the time of the calculation;

(ii) Seventy per cent of the formula amount for that township.

(c) The total difference between the amount of money credited to townships under divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) of section 5735.051 of the Revised Code and the total amount of money required to make all the payments specified in division (A)(3)(b) of this section shall be deducted, in accordance with division (C)(3) of section 5735.051 of the Revised Code, from the revenues resulting from the portion of the revenue described in division (A)(3) of section 5735.05 of the Revised Code prior to crediting portions of such revenues to counties, municipal corporations, and the highway operating fund.

(d) All amounts credited pursuant to divisions (A)(3)(a) and (b) of this section shall be paid to the county treasurer of each county for the total amount payable to the townships within each of the counties. The county treasurer shall pay to each township within the county its proportional share of the funds, which shall be expended by each township only for the purposes of planning, constructing, maintaining, widening, and reconstructing the public roads and highways within the township, paying principal, interest, and charges on bonds and other obligations issued pursuant to Chapter 133. or 505. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for the purpose of
acquiring or constructing roads, highways, bridges, or viaducts or
acquiring or making other highway improvements for which the board
of township trustees may issue bonds under those chapters, and
paying costs apportioned to the township under section 4907.47 of
the Revised Code.

No part of the funds designated for road and highway purposes
shall be used for any purpose except to pay in whole or part the
contract price of any such work done by contract, or to pay the
cost of labor in planning, constructing, widening, and
reconstructing such roads and highways, and the cost of materials
forming a part of the improvement; provided that the funds may be
used for the purchase of road machinery and equipment, the
planning, construction, purchase, and maintenance of suitable
buildings for housing road machinery and equipment, and the
payment of principal, interest, and charges on bonds and other
obligations issued pursuant to Chapter 133. or 505. of the Revised
Code for the purpose of purchasing road machinery and equipment or
planning, constructing, purchasing, and maintaining suitable
buildings for housing road machinery and equipment; and provided
that all such improvement of roads shall be under supervision and
direction of the county engineer as provided in section 5575.07 of
the Revised Code. No obligation against the funds shall be
incurred unless plans and specifications for the improvement,
approved by the county engineer, are on file in the office of the
township fiscal officer, and all contracts for material and for
work done by contract shall be approved by the county engineer
before being signed by the board of township trustees. The board
of township trustees of any township may pass a resolution
permitting the board of county commissioners to expend the
township's share of the funds, or any portion of it, for the
improvement of the roads within the township as may be designated
in the resolution.
(B) Amounts credited to the highway operating fund under section 5735.051 and other sections of the Revised Code are subject to transfer to the sinking fund upon receipt by the treasurer of state of the certification by the commissioners of the sinking fund, as required by section 5528.15 of the Revised Code, that there are sufficient moneys to the credit of the highway improvement bond retirement fund to meet in full all payments of principal, interest, and charges for the retirement of bonds and other obligations issued pursuant to Section 2g of Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 of the Revised Code due and payable during the current calendar year. All remaining amounts credited to the highway operating fund shall be expended for the purposes of planning, maintaining, repairing, and keeping in passable condition for travel the roads and highways of the state required by law to be maintained by the department; paying the costs apportioned to the state under section 4907.47 of the Revised Code; paying that portion of the construction cost of a highway project which a county, township, or municipal corporation normally would be required to pay, but which the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; paying the costs of the department of public safety in administering and enforcing the state law relating to the registration and operation of motor vehicles; paying the state's share of the cost of planning, constructing, widening, maintaining, and reconstructing the state highways; paying that portion of the construction cost of a highway project which a county, township, or municipal corporation normally would be required to pay, but which the director of transportation, pursuant to division (B) of section 5531.08 of the Revised Code, determines instead will be paid from moneys in the highway operating fund; and also for supplying the state's share of the cost of eliminating railway grade crossings upon such
highways and costs apportioned to the state under section 4907.47 of the Revised Code. The director of transportation may expend portions of such amount upon extensions of state highways within municipal corporations or upon portions of state highways within municipal corporations, as is provided by law.

All investment earnings of the highway operating fund shall be credited to the fund.

Sec. 5736.07. (A) If a taxpayer files a false return, fails to file a return as required by section 5736.04 of the Revised Code, or fails to pay the full amount of tax due with a return, the tax commissioner may revoke the supplier's license issued to the taxpayer under section 5736.06 of the Revised Code by notifying the taxpayer in writing of such revocation by certified mail in the manner provided in section 5703.37 of the Revised Code.

(B) Upon the request of a person that is no longer subject to the tax imposed by this chapter, the tax commissioner may cancel the supplier's license issued to the person under section 5736.06 of the Revised Code. The cancellation shall become effective at the time determined by the commissioner. No license shall be canceled upon the request of any person unless, prior to the date of cancellation, the person has paid to the state all taxes payable by such person under the laws of the state, together with any interest and penalties.

Sec. 5739.01. As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form.
(B) "Sale" and "selling" include all of the following transactions for a consideration in any manner, whether absolutely or conditionally, whether for a price or rental, in money or by exchange, and by any means whatsoever:

(1) All transactions by which title or possession, or both, of tangible personal property, is or is to be transferred, or a license to use or consume tangible personal property is or is to be granted;

(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;

(3) All transactions by which:

(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code;

(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;

(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;

(d) Laundry and dry cleaning services are or are to be provided;

(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data
processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights.

(f) Telecommunications service, including prepaid calling service, prepaid wireless calling service, or ancillary service, is or is to be provided, but not including coin-operated telephone service;

(g) Landscaping and lawn care service is or is to be provided;

(h) Private investigation and security service is or is to be provided;

(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;

(j) Building maintenance and janitorial service is or is to be provided;

(k) Exterminating service is or is to be provided;

(l) Physical fitness facility service is or is to be provided;

(m) Recreation and sports club service is or is to be provided;

(n) Satellite broadcasting service is or is to be provided;

(o) Personal care service is or is to be provided to an individual. As used in this division, "personal care service"
includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.

(p) The transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;

(q) Motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.

(r) Snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year.

(s) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in division (B)(3)(e) of this section, are not sales.

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal
property for a consideration for consumers who furnish either directly or indirectly the materials used in the production of fabrication work; and include the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. Except as provided in section 5739.03 of the Revised Code, a construction contract pursuant to which tangible personal property is or is to be incorporated into a structure or improvement on and becoming a part of real property is not a sale of such tangible personal property. The construction contractor is the consumer of such tangible personal property, provided that the sale and installation of carpeting, the sale and installation of agricultural land tile, the sale and erection or installation of portable grain bins, or the provision of landscaping and lawn care service and the transfer of property as part of such service is never a construction contract.

As used in division (B)(5) of this section:

(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used primarily in production by farming, agriculture, horticulture, or floriculture. The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

(6) All transactions in which all of the shares of stock of a
closely held corporation are transferred, or an ownership interest in a pass-through entity, as defined in section 5733.04 of the Revised Code, is transferred, if the corporation or pass-through entity is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders or owners;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale;

(9) All transactions by which tangible personal property is or is to be stored, except such property that the consumer of the storage holds for sale in the regular course of business;

(10) All transactions in which "guaranteed auto protection" is provided whereby a person promises to pay to the consumer the difference between the amount the consumer receives from motor vehicle insurance and the amount the consumer owes to a person holding title to or a lien on the consumer's motor vehicle in the event the consumer's motor vehicle suffers a total loss under the terms of the motor vehicle insurance policy or is stolen and not recovered, if the protection and its price are included in the purchase or lease agreement;

(11)(a) Except as provided in division (B)(11)(b) of this section, all transactions by which health care services are paid for, reimbursed, provided, delivered, arranged for, or otherwise made available by a medicaid health insuring corporation pursuant
to the corporation's contract with the state.

(b) If the centers for medicare and medicaid services of the United States department of health and human services determines that the taxation of transactions described in division (B)(11)(a) of this section constitutes an impermissible health care-related tax under the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w), and regulations adopted thereunder, the medicaid director shall notify the tax commissioner of that determination. Beginning with the first day of the month following that notification, the transactions described in division (B)(11)(a) of this section are not sales for the purposes of this chapter or Chapter 5741. of the Revised Code. The tax commissioner shall order that the collection of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code shall cease for transactions occurring on or after that date.

(12) All transactions by which a specified digital product is provided for permanent use or less than permanent use, regardless of whether continued payment is required.

Except as provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the original lessee and the terms of the original lease agreement remain unchanged, or professional, insurance, or personal service transactions that involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides the nine hundred telephone service; if two or more persons are engaged in business at the same place of business under a single
trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor.

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

The operator of any peer-to-peer car sharing program shall be considered to be the vendor.

(D)(1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B)(3)(f) or (i) of this section is charged, or to whom the admission is granted.

(2) Physicians, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition of hospital or blood bank service, or the practice of veterinary medicine, surgery, and dentistry. In addition to being consumers of drugs administered by them or by their assistants according to their direction, veterinarians also are consumers of drugs that under federal law may be dispensed only by or upon the order of a licensed veterinarian or physician, when transferred by them to others for a consideration to provide treatment to animals as directed by the veterinarian.

(3) A person who performs a facility management, or similar service contract for a contractee is a consumer of all tangible
personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E) of this section.

(4)(a) In the case of a person who purchases printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of that printed matter, and the purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of all tangible personal property and services purchased for use or consumption in the production of that printed matter. That person is not entitled to claim exemption under division (B)(42)(f) of section 5739.02 of the Revised Code for any material incorporated into the printed matter or any equipment, supplies, or services primarily used to produce the printed matter.

(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B)(3) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under division (E) of this section.

(6) A person who engages in highway transportation for hire
is the consumer of all packaging materials purchased by that
person and used in performing the service, except for packaging
materials sold by such person in a transaction separate from the
service.

(7) In the case of a transaction for health care services
under division (B)(11) of this section, a medicaid health insuring
corporation is the consumer of such services. The purchase of such
services by a medicaid health insuring corporation is not subject
to the exception for resale under division (E) of this section or
to the exemptions provided under divisions (B)(12), (18), (19),
and (22) of section 5739.02 of the Revised Code.

(E) "Retail sale" and "sales at retail" include all sales,
except those in which the purpose of the consumer is to resell the
thing transferred or benefit of the service provided, by a person
engaging in business, in the form in which the same is, or is to
be, received by the person.

(F) "Business" includes any activity engaged in by any person
with the object of gain, benefit, or advantage, either direct or
indirect. "Business" does not include the activity of a person in
managing and investing the person's own funds.

(G) "Engaging in business" means commencing, conducting, or
continuing in business, and liquidating a business when the
liquidator thereof holds itself out to the public as conducting
such business. Making a casual sale is not engaging in business.

(H)(1)(a) "Price," except as provided in divisions (H)(2),
(3), and (4) of this section, means the total amount of
consideration, including cash, credit, property, and services, for
which tangible personal property or services are sold, leased, or
rented, valued in money, whether received in money or otherwise,
without any deduction for any of the following:

(i) The vendor's cost of the property sold;
(ii) The cost of materials used, labor or service costs, interest, losses, all costs of transportation to the vendor, all taxes imposed on the vendor, including the tax imposed under Chapter 5751. of the Revised Code, and any other expense of the vendor;

(iii) Charges by the vendor for any services necessary to complete the sale;

(iv) Delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing.

(v) Installation charges;

(vi) Credit for any trade-in.

(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met:

(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented;

(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price...
reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization.

(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

(c) "Price" does not include any of the following:

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a
vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in this division, "watercraft" includes an outdrive unit attached to the watercraft.

(4) In the case of transactions for health care services under division (B)(11) of this section, "price" means the amount of managed care premiums received each month by a medicaid health insuring corporation.

(I) "Receipts" means the total amount of the prices of the sales of vendors, provided that the dollar value of gift cards distributed pursuant to an awards, loyalty, or promotional program, and cash discounts allowed and taken on sales at the time they are consummated are not included, minus any amount deducted as a bad debt pursuant to section 5739.121 of the Revised Code.
"Receipts" does not include the sale price of property returned or services rejected by consumers when the full sale price and tax are refunded either in cash or by credit.

(J) "Place of business" means any location at which a person engages in business.

(K) "Premises" includes any real property or portion thereof upon which any person engages in selling tangible personal property at retail or making retail sales and also includes any real property or portion thereof designated for, or devoted to, use in conjunction with the business engaged in by such person.

(L) "Casual sale" means a sale of an item of tangible personal property that was obtained by the person making the sale, through purchase or otherwise, for the person's own use and was previously subject to any state's taxing jurisdiction on its sale or use, and includes such items acquired for the seller's use that are sold by an auctioneer employed directly by the person for such purpose, provided the location of such sales is not the auctioneer's permanent place of business. As used in this division, "permanent place of business" includes any location where such auctioneer has conducted more than two auctions during the year.

(M) "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures, except as otherwise provided in section 5739.091 of the Revised Code.

(N) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.

(O) "Making retail sales" means the effecting of transactions
wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold. "Making retail sales" does not include the preliminary acts of promoting or soliciting the retail sales, other than the distribution of printed matter which displays or describes and prices the item offered for sale, nor does it include delivery of a predetermined quantity of tangible personal property or transportation of property or personnel to or from a place where a service is performed.

(P) "Used directly in the rendition of a public utility service" means that property that is to be incorporated into and will become a part of the consumer's production, transmission, transportation, or distribution system and that retains its classification as tangible personal property after such incorporation; fuel or power used in the production, transmission, transportation, or distribution system; and tangible personal property used in the repair and maintenance of the production, transmission, transportation, or distribution system, including only such motor vehicles as are specially designed and equipped for such use. Tangible personal property and services used primarily in providing highway transportation for hire are not used directly in the rendition of a public utility service. In this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product.

(S) "Manufacturing operation" means a process in which
materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by
the most recent census taken by the United States census bureau.  

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration. 

(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data. 

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems. 

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following: 

(i) Examining or acquiring data stored in or accessible to the computer equipment; 

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment. 

"Electronic information services" does not include electronic publishing. 

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services. 

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:
(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;

(c) Identifying management information needs;

(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;

(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;

(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;

(g) Testing of business procedures;

(h) Training personnel in business procedure applications;

(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;

(j) Providing debt collection services by any oral, written, graphic, or electronic means;

(k) Providing digital advertising services;

(l) Providing services to electronically file any federal, state, or local individual income tax return, report, or other
related document or schedule with a federal, state, or local
government entity or to electronically remit a payment of any such
individual income tax to such an entity. For the purpose of this
division, "individual income tax" does not include federal, state,
or local taxes withheld by an employer from an employee's
compensation.

The services listed in divisions (Y)(2)(a) to (l) of this
section are not automatic data processing or computer services.

(Z) "Highway transportation for hire" means the
transportation of personal property belonging to others for
consideration by any of the following:

(1) The holder of a permit or certificate issued by this
state or the United States authorizing the holder to engage in
transportation of personal property belonging to others for
consideration over or on highways, roadways, streets, or any
similar public thoroughfare;

(2) A person who engages in the transportation of personal
property belonging to others for consideration over or on
highways, roadways, streets, or any similar public thoroughfare
but who could not have engaged in such transportation on December
11, 1985, unless the person was the holder of a permit or
certificate of the types described in division (Z)(1) of this
section;

(3) A person who leases a motor vehicle to and operates it
for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic
transmission, conveyance, or routing of voice, data, audio, video,
or any other information or signals to a point, or between or
among points. "Telecommunications service" includes such
transmission, conveyance, or routing in which computer processing
applications are used to act on the form, code, or protocol of the
content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;

(h) Ancillary service;

(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.

(2) "Ancillary service" means a service that is associated
with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:

(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.

(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(c) "Directory assistance" means an ancillary service of providing telephone number or address information.

(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service.

(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900 service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the
telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer.

(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(5) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile telecommunications service as well as other non-telecommunications services, including the download of digital products delivered electronically, and content and ancillary services, that must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(6) "Value-added non-voice data service" means a telecommunications service in which computer processing applications are used to act on the form, content, code, or protocol of the information or data primarily for a purpose other than transmission, conveyance, or routing.

(7) "Coin-operated telephone service" means a telecommunications service paid for by inserting money into a telephone accepting direct deposits of money to operate.

(8) "Customer" has the same meaning as in section 5739.034 of the Revised Code.

(BB) "Laundry and dry cleaning services" means removing soil or dirt from towels, linens, articles of clothing, or other fabric items that belong to others and supplying towels, linens, articles of clothing, or other fabric items. "Laundry and dry cleaning services" does not include the provision of self-service.
facilities for use by consumers to remove soil or dirt from
towels, linens, articles of clothing, or other fabric items.

(CC) "Magazines distributed as controlled circulation
publications" means magazines containing at least twenty-four
pages, at least twenty-five per cent editorial content, issued at
regular intervals four or more times a year, and circulated
without charge to the recipient, provided that such magazines are
not owned or controlled by individuals or business concerns which
conduct such publications as an auxiliary to, and essentially for
the advancement of the main business or calling of, those who own
or control them.

(DD) "Landscaping and lawn care service" means the services
of planting, seeding, sodding, removing, cutting, trimming,
pruning, mulching, aerating, applying chemicals, watering,
fertilizing, and providing similar services to establish, promote,
or control the growth of trees, shrubs, flowers, grass, ground
cover, and other flora, or otherwise maintaining a lawn or
landscape grown or maintained by the owner for ornamentation or
other nonagricultural purpose. However, "landscaping and lawn care
service" does not include the providing of such services by a
person who has less than five thousand dollars in sales of such
services during the calendar year.

(EE) "Private investigation and security service" means the
performance of any activity for which the provider of such service
is required to be licensed pursuant to Chapter 4749. of the
Revised Code, or would be required to be so licensed in performing
such services in this state, and also includes the services of
conducting polygraph examinations and of monitoring or overseeing
the activities on or in, or the condition of, the consumer's home,
business, or other facility by means of electronic or similar
monitoring devices. "Private investigation and security service"
does not include special duty services provided by off-duty police
officers, deputy sheriffs, and other peace officers regularly employed by the state or a political subdivision.

(FF) "Information services" means providing conversation, giving consultation or advice, playing or making a voice or other recording, making or keeping a record of the number of callers, and any other service provided to a consumer by means of a nine hundred telephone call, except when the nine hundred telephone call is the means by which the consumer makes a contribution to a recognized charity.

(GG) "Research and development" means designing, creating, or formulating new or enhanced products, equipment, or manufacturing processes, and also means conducting scientific or technological inquiry and experimentation in the physical sciences with the goal of increasing scientific knowledge which may reveal the bases for new or enhanced products, equipment, or manufacturing processes.

(HH) "Qualified research and development equipment" means either of the following:

(1) Capitalized tangible personal property, and leased personal property that would be capitalized if purchased, used by a person primarily to perform research and development;

(2) Any tangible personal property used by a megaproject operator primarily to perform research and development at the site of a megaproject that satisfies the criteria described in division (A)(11)(a)(ii) of section 122.17 of the Revised Code during the period that the megaproject operator has an agreement for such megaproject with the tax credit authority under division (D) of that section that remains in effect and has not expired or been terminated.

"Qualified research and development equipment" does not include tangible personal property primarily used in testing, as defined in division (A)(4) of section 5739.011 of the Revised
Code, or used for recording or storing test results, unless such
property is primarily used by the consumer in testing the product,
equipment, or manufacturing process being created, designed, or
formulated by the consumer in the research and development
activity or in recording or storing such test results.

(II) "Building maintenance and janitorial service" means
cleaning the interior or exterior of a building and any tangible
personal property located therein or thereon, including any
services incidental to such cleaning for which no separate charge
is made. However, "building maintenance and janitorial service"
does not include the providing of such service by a person who has
less than five thousand dollars in sales of such service during
the calendar year. As used in this division, "cleaning" does not
include sanitation services necessary for an establishment
described in 21 U.S.C. 608 to comply with rules and regulations
adopted pursuant to that section.

(JJ) "Exterminating service" means eradicating or attempting
to eradicate vermin infestations from a building or structure, or
the area surrounding a building or structure, and includes
activities to inspect, detect, or prevent vermin infestation of a
building or structure.

(KK) "Physical fitness facility service" means all
transactions by which a membership is granted, maintained, or
renewed, including initiation fees, membership dues, renewal fees,
monthly minimum fees, and other similar fees and dues, by a
physical fitness facility such as an athletic club, health spa, or
gymnasium, which entitles the member to use the facility for
physical exercise.

(LL) "Recreation and sports club service" means all
transactions by which a membership is granted, maintained, or
renewed, including initiation fees, membership dues, renewal fees,
monthly minimum fees, and other similar fees and dues, by a
recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization.

(MM) "Livestock" means farm animals commonly raised for food, food production, or other agricultural purposes, including, but not limited to, cattle, sheep, goats, swine, poultry, and captive deer. "Livestock" does not include invertebrates, amphibians, reptiles, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

(NN) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling.

(OO) "Horticulture" means the growing, cultivation, and production of flowers, fruits, herbs, vegetables, sod, mushrooms, and nursery stock. As used in this division, "nursery stock" has the same meaning as in section 927.51 of the Revised Code.

(PP) "Horticulture structure" means a building or structure used exclusively for the commercial growing, raising, or overwintering of horticultural products, and includes the area used for stocking, storing, and packing horticultural products when done in conjunction with the production of those products.

(QQ) "Newspaper" means an unbound publication bearing a title or name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a
substantial amount of news matter of international, national, or local events of interest to the general public.

(RR)(1) "Feminine hygiene products" means tampons, panty liners, menstrual cups, sanitary napkins, and other similar tangible personal property designed for feminine hygiene in connection with the human menstrual cycle, but does not include grooming and hygiene products.

(2) "Grooming and hygiene products" means soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, regardless of whether any of these products are over-the-counter drugs.

(3) "Over-the-counter drugs" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. 201.66, which label includes a drug facts panel or a statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation.

(SS)(1) "Lease" or "rental" means any transfer of the possession or control of tangible personal property for a fixed or indefinite term, for consideration. "Lease" or "rental" includes future options to purchase or extend, and agreements described in 26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon the sale or disposition of the property. "Lease" or "rental" does not include:

(a) A transfer of possession or control of tangible personal property under a security agreement or a deferred payment plan that requires the transfer of title upon completion of the required payments;

(b) A transfer of possession or control of tangible personal property under an agreement that requires the transfer of title upon completion of required payments and payment of an option.
price that does not exceed the greater of one hundred dollars or one per cent of the total required payments;

(c) Providing tangible personal property along with an operator for a fixed or indefinite period of time, if the operator is necessary for the property to perform as designed. For purposes of this division, the operator must do more than maintain, inspect, or set up the tangible personal property.

(2) "Lease" and "rental," as defined in division (SS) of this section, shall not apply to leases or rentals that exist before June 26, 2003.

(3) "Lease" and "rental" have the same meaning as in division (SS)(1) of this section regardless of whether a transaction is characterized as a lease or rental under generally accepted accounting principles, the Internal Revenue Code, Title XIII of the Revised Code, or other federal, state, or local laws.

(TT) "Mobile telecommunications service" has the same meaning as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, on and after August 1, 2003, includes related fees and ancillary services, including universal service fees, detailed billing service, directory assistance, service initiation, voice mail service, and vertical services, such as caller ID and three-way calling.

(UU) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code.

(VV) "Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium
channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service.

(WW) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. For purposes of this chapter and Chapter 5741. of the Revised Code, "tangible personal property" includes motor vehicles, electricity, water, gas, steam, and prewritten computer software.

(XX) "Municipal gas utility" means a municipal corporation that owns or operates a system for the distribution of natural gas.

(YY) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(ZZ) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(AAA) "Delivered electronically" means delivery of computer software from the seller to the purchaser by means other than tangible storage media.

(BBB) "Prewritten computer software" means computer software, including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances computer software of
which the person is not the author or creator, the person shall be
deemed to be the author or creator only of such person's
modifications or enhancements. Prewritten computer software or a
prewritten portion thereof that is modified or enhanced to any
degree, where such modification or enhancement is designed and
developed to the specifications of a specific purchaser, remains
prewritten computer software; provided, however, that where there
is a reasonable, separately stated charge or an invoice or other
statement of the price given to the purchaser for the modification
or enhancement, the modification or enhancement shall not
constitute prewritten computer software.

(CCC)(1) "Food" means substances, whether in liquid,
concentrated, solid, frozen, dried, or dehydrated form, that are
sold for ingestion or chewing by humans and are consumed for their
taste or nutritional value. "Food" does not include alcoholic
beverages, dietary supplements, soft drinks, or tobacco.

(2) As used in division (CCC)(1) of this section:

(a) "Alcoholic beverages" means beverages that are suitable
for human consumption and contain one-half of one per cent or more
of alcohol by volume.

(b) "Dietary supplements" means any product, other than
tobacco, that is intended to supplement the diet and that is
intended for ingestion in tablet, capsule, powder, softgel,
gelcap, or liquid form, or, if not intended for ingestion in such
a form, is not represented as conventional food for use as a sole
item of a meal or of the diet; that is required to be labeled as a
dietary supplement, identifiable by the "supplement facts" box
found on the label, as required by 21 C.F.R. 101.36; and that
contains one or more of the following dietary ingredients:

(i) A vitamin;

(ii) A mineral;
(iii) An herb or other botanical;

(iv) An amino acid;

(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;

(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (CCC)(2)(b)(i) to (v) of this section.

(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty percent vegetable or fruit juice by volume.

(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(DDD) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.

(EEE) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.

(FFF) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve
a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the body. "Durable medical equipment" does not include mobility enhancing equipment.

(GGG) "Mobility enhancing equipment" means equipment, including repair and replacement parts for such equipment, that is primarily and customarily used to provide or increase the ability to move from one place to another and is appropriate for use either in a home or a motor vehicle, that is not generally used by persons with normal mobility, and that does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer. "Mobility enhancing equipment" does not include durable medical equipment.

(HHH) "Prosthetic device" means a replacement, corrective, or supportive device, including repair and replacement parts for the device, worn on or in the human body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body. As used in this division, before July 1, 2019, "prosthetic device" does not include corrective eyeglasses, contact lenses, or dental prosthesis. On or after July 1, 2019, "prosthetic device" does not include dental prosthesis but does include corrective eyeglasses or contact lenses.

(III)(1) "Fractional aircraft ownership program" means a program in which persons within an affiliated group sell and manage fractional ownership program aircraft, provided that at least one hundred airworthy aircraft are operated in the program and the program meets all of the following criteria:

(a) Management services are provided by at least one program manager within an affiliated group on behalf of the fractional owners.
(b) Each program aircraft is owned or possessed by at least one fractional owner.

(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft.

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners.

(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program.

(2) As used in division (III)(1) of this section:

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section.

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (III)(1)(e) of this section.

(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (III)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (III)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the
coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.

(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (III)(1)(e) of this section.

(JJJ) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other similar information which has been gathered and made available by the provider to the consumer in an electronic format. Providing electronic publishing includes the functions necessary for the acquisition, formatting, editing, storage, and dissemination of data or information that is the subject of a sale.

(KKK) "Medicaid health insuring corporation" means a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code and is under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code.

(LLL) "Managed care premium" means any premium, capitation, or other payment a medicaid health insuring corporation receives
for providing or arranging for the provision of health care services to its members or enrollees residing in this state.

(MMM) "Captive deer" means deer and other cervidae that have been legally acquired, or their offspring, that are privately owned for agricultural or farming purposes.

(NNN) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services.

(000) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book.

As used in division (000) of this section:

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.

(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media.

(PPP) "Digital advertising services" means providing access, by means of telecommunications equipment, to computer equipment that is used to enter, upload, download, review, manipulate, store, add, or delete data for the purpose of electronically displaying, delivering, placing, or transferring promotional
advertisements to potential customers about products or services or about industry or business brands.

(QQQ) "Peer-to-peer car sharing program" has the same meaning as in section 4516.01 of the Revised Code.

(RRR) "Megaproject" and "megaproject operator" have the same meanings as in section 122.17 of the Revised Code.

(SSS)(1) "Diaper" means an absorbent garment worn by humans who are incapable of, or have difficulty, controlling their bladder or bowel movements.

(2) "Children's diaper" means a diaper marketed to be worn by children.

(3) "Adult diaper" means a diaper other than a children's diaper.

Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state.

(A)(1) The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five and three-fourths per cent. The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

(2) In the case of the lease or rental, with a fixed term of more than thirty days or an indefinite term with a minimum period
of more than thirty days, of any motor vehicles designed by the manufacturer to carry a load of not more than one ton, watercraft, outboard motor, or aircraft, or of any tangible personal property, other than motor vehicles designed by the manufacturer to carry a load of more than one ton, to be used by the lessee or renter primarily for business purposes, the tax shall be collected by the vendor at the time the lease or rental is consummated and shall be calculated by the vendor on the basis of the total amount to be paid by the lessee or renter under the lease agreement. If the total amount of the consideration for the lease or rental includes amounts that are not calculated at the time the lease or rental is executed, the tax shall be calculated and collected by the vendor at the time such amounts are billed to the lessee or renter. In the case of an open-end lease or rental, the tax shall be calculated by the vendor on the basis of the total amount to be paid during the initial fixed term of the lease or rental, and for each subsequent renewal period as it comes due. As used in this division, "motor vehicle" has the same meaning as in section 4501.01 of the Revised Code, and "watercraft" includes an outdrive unit attached to the watercraft.

A lease with a renewal clause and a termination penalty or similar provision that applies if the renewal clause is not exercised is presumed to be a sham transaction. In such a case, the tax shall be calculated and paid on the basis of the entire length of the lease period, including any renewal periods, until the termination penalty or similar provision no longer applies. The taxpayer shall bear the burden, by a preponderance of the evidence, that the transaction or series of transactions is not a sham transaction.

(3) Except as provided in division (A)(2) of this section, in the case of a sale, the price of which consists in whole or in part of the lease or rental of tangible personal property, the tax
shall be measured by the installments of that lease or rental.

(4) In the case of a sale of a physical fitness facility service or recreation and sports club service, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall be measured by the installments thereof.

(B) The tax does not apply to the following:

(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions including either of the following:

(a) Sales or rentals of tangible personal property by construction contractors or subcontractors to provide temporary traffic control or temporary structures, including material and equipment used to comply with the Ohio manual of uniform traffic control devices adopted pursuant to section 4511.09 of the Revised Code, whereby the state or any of its political subdivisions take title to, or permanent or temporary possession of, such tangible personal property for use by the state or any of its political subdivisions, including for use by the general public thereof;

(b) Sales of services by construction contractors or subcontractors to provide temporary traffic control or structures, including labor used to comply with the Ohio manual of uniform traffic control devices adopted pursuant to section 4511.09 of the Revised Code, whereby the state or any of its political subdivisions, including the general public thereof, receive the benefit of such services.

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private,
public, or parochial school, college, or university;

(4) Sales of newspapers and sales or transfers of magazines distributed as controlled circulation publications;

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;

(6)(a) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;

(b) Sales of motor fuel other than that described in division (B)(6)(a) of this section and used for powering a refrigeration unit on a vehicle other than one used primarily to provide comfort to the operator or occupants of the vehicle.

(7) Sales of natural gas by a natural gas company or municipal gas utility, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires;

(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be
titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code;

(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution
of this state, including either of the following:

(a) Sales or rentals of tangible personal property by construction contractors or subcontractors to provide temporary traffic control or temporary structures, including material and equipment used to comply with the Ohio manual of uniform traffic control devices adopted pursuant to section 4511.09 of the Revised Code, whereby the United States takes title to, or permanent or temporary possession of, such tangible personal property for use by the United States including for use by the general public thereof;

(b) Sales of services by construction contractors or subcontractors to provide temporary traffic control or structures, including labor used to comply with the Ohio manual of uniform traffic control devices adopted pursuant to section 4511.09 of the Revised Code, whereby the United States, including the general public thereof, receives the benefit of such services.

As used in divisions (B)(10)(a) and (b) of this section, "temporary structures" include temporary roads, bridges, drains, and pavement.

(11) Except for transactions that are sales under division (B)(3)(p) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation;
sales to offices administering one or more homes for the aged or
one or more hospital facilities exempt under section 140.08 of the
Revised Code; and sales to organizations described in division (D)
of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the
improvement of health through the alleviation of illness, disease,
or injury; the operation of an organization exclusively for the
provision of professional, laundry, printing, and purchasing
services to hospitals or charitable institutions; the operation of
a home for the aged, as defined in section 5701.13 of the Revised
Code; the operation of a radio or television broadcasting station
that is licensed by the federal communications commission as a
noncommercial educational radio or television station; the
operation of a nonprofit animal adoption service or a county
humane society; the promotion of education by an institution of
learning that maintains a faculty of qualified instructors,
teaches regular continuous courses of study, and confers a
recognized diploma upon completion of a specific curriculum; the
operation of a parent-teacher association, booster group, or
similar organization primarily engaged in the promotion and
support of the curricular or extracurricular activities of a
primary or secondary school; the operation of a community or area
center in which presentations in music, dramatics, the arts, and
related fields are made in order to foster public interest and
education therein; the production of performances in music,
dramatics, and the arts; or the promotion of education by an
organization engaged in carrying on research in, or the
dissemination of, scientific and technological knowledge and
information primarily for the public.

Nothing in this division shall be deemed to exempt sales to
any organization for use in the operation or carrying on of a
trade or business, or sales to a home for the aged for use in the
operation of independent living facilities as defined in division (A) of section 5709.12 of the Revised Code.

(13) Building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property under a construction contract with this state or a political subdivision of this state, or with the United States government or any of its agencies; building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property that are accepted for ownership by this state or any of its political subdivisions, or by the United States government or any of its agencies at the time of completion of the structures or improvements; building and construction materials sold to construction contractors for incorporation into a horticulture structure or livestock structure for a person engaged in the business of horticulture or producing livestock; building materials and services sold to a construction contractor for incorporation into a house of public worship or religious education, or a building used exclusively for charitable purposes under a construction contract with an organization whose purpose is as described in division (B)(12) of this section; building materials and services sold to a construction contractor for incorporation into a building under a construction contract with an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 when the building is to be used exclusively for the organization's exempt purposes; building and construction materials sold for incorporation into the original construction of a sports facility under section 307.696 of the Revised Code; building and construction materials and services sold to a construction contractor for incorporation into real property outside this state if such materials and services, when sold to a construction contractor in the state in which the real property is located for incorporation into real property in that
state, would be exempt from a tax on sales levied by that state; building and construction materials for incorporation into a transportation facility pursuant to a public-private agreement entered into under sections 5501.70 to 5501.83 of the Revised Code; until one calendar year after the construction of a convention center that qualifies for property tax exemption under section 5709.084 of the Revised Code is completed, building and construction materials and services sold to a construction contractor for incorporation into the real property comprising that convention center; and building and construction materials sold for incorporation into a structure or improvement to real property that is used primarily as, or primarily in support of, a manufacturing facility or research and development facility and that is to be owned by a megaproject operator upon completion and located at the site of a megaproject that satisfies the criteria described in division (A)(11)(a)(ii) of section 122.17 of the Revised Code, provided that the sale occurs during the period that the megaproject operator has an agreement for such megaproject with the tax credit authority under division (D) of section 122.17 of the Revised Code that remains in effect and has not expired or been terminated.

(14) Sales of ships or vessels or rail rolling stock used or to be used principally in interstate or foreign commerce, and repairs, alterations, fuel, and lubricants for such ships or vessels or rail rolling stock;

(15) Sales to persons primarily engaged in any of the activities mentioned in division (B)(42)(a), (g), or (h) of this section, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material, labels, and parts for packages, and of machinery,
equipment, and material for use primarily in packaging tangible personal property produced for sale, including any machinery, equipment, and supplies used to make labels or packages, to prepare packages or products for labeling, or to label packages or products, by or on the order of the person doing the packaging, or sold at retail. "Packages" includes bags, baskets, cartons, crates, boxes, cans, bottles, bindings, wrappings, and other similar devices and containers, but does not include motor vehicles or bulk tanks, trailers, or similar devices attached to motor vehicles. "Packaging" means placing in a package. Division (B)(15) of this section does not apply to persons engaged in highway transportation for hire.

(16) Sales of food to persons using supplemental nutrition assistance program benefits to purchase the food. As used in this division, "food" has the same meaning as in 7 U.S.C. 2012 and federal regulations adopted pursuant to the Food and Nutrition Act of 2008.

(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption primarily in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption primarily in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property;

(18) Sales of drugs for a human being that may be dispensed
only pursuant to a prescription; insulin as recognized in the
official United States pharmacopoeia; urine and blood testing
materials when used by diabetics or persons with hypoglycemia to
test for glucose or acetone; hypodermic syringes and needles when
used by diabetics for insulin injections; epoetin alfa when
purchased for use in the treatment of persons with medical
disease; hospital beds when purchased by hospitals, nursing homes,
or other medical facilities; and medical oxygen and medical
oxygen-dispensing equipment when purchased by hospitals, nursing
homes, or other medical facilities;

(19) Sales of prosthetic devices, durable medical equipment
for home use, or mobility enhancing equipment, when made pursuant
to a prescription and when such devices or equipment are for use
by a human being.

(20) Sales of emergency and fire protection vehicles and
equipment to nonprofit organizations for use solely in providing
fire protection and emergency services, including trauma care and
emergency medical services, for political subdivisions of the
state;

(21) Sales of tangible personal property manufactured in this
state, if sold by the manufacturer in this state to a retailer for
use in the retail business of the retailer outside of this state
and if possession is taken from the manufacturer by the purchaser
within this state for the sole purpose of immediately removing the
same from this state in a vehicle owned by the purchaser;

(22) Sales of services provided by the state or any of its
political subdivisions, agencies, instrumentalities, institutions,
or authorities, or by governmental entities of the state or any of
its political subdivisions, agencies, instrumentalities,
institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state
under the circumstances described in division (B) of section 5739.029 of the Revised Code;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.

(25)(a) Sales of water to a consumer for residential use;

(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;

(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:

(a) To prepare food for human consumption for sale;

(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not
including tangible personal property used to display food for
selection by the consumer;

(c) To clean tangible personal property used to prepare or
serve food for human consumption for sale.

(28) Sales of animals by nonprofit animal adoption services
or county humane societies;

(29) Sales of services to a corporation described in division
(A) of section 5709.72 of the Revised Code, and sales of tangible
personal property that qualifies for exemption from taxation under
section 5709.72 of the Revised Code;

(30) Sales and installation of agricultural land tile, as
defined in division (B)(5)(a) of section 5739.01 of the Revised
Code;

(31) Sales and erection or installation of portable grain
bins, as defined in division (B)(5)(b) of section 5739.01 of the
Revised Code;

(32) The sale, lease, repair, and maintenance of, parts for,
or items attached to or incorporated in, motor vehicles that are
primarily used for transporting tangible personal property
belonging to others by a person engaged in highway transportation
for hire, except for packages and packaging used for the
transportation of tangible personal property;

(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued
a charter by the congress of the United States or is recognized by
the United States veterans administration, for use by the
headquarters;

(34) Sales to a telecommunications service vendor, mobile
telecommunications service vendor, or satellite broadcasting
service vendor of tangible personal property and services used
directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) or (n) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service.

(35)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material that prices and describes tangible personal property offered for retail sale.

(b) Sales to direct marketing vendors of preliminary materials such as photographs, artwork, and typesetting that will be used in printing advertising material; and of printed matter that offers free merchandise or chances to win sweepstake prizes and that is mailed to potential customers with advertising material described in division (B)(35)(a) of this section;

(c) Sales of equipment such as telephones, computers, facsimile machines, and similar tangible personal property primarily used to accept orders for direct marketing retail sales.

(d) Sales of automatic food vending machines that preserve food with a shelf life of forty-five days or less by refrigeration and dispense it to the consumer.

For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order
tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;

(38) Sales of tangible personal property that is not required to be registered or licensed under the laws of this state to a citizen of a foreign nation that is not a citizen of the United States, provided the property is delivered to a person in this state that is not a related member of the purchaser, is physically present in this state for the sole purpose of temporary storage and package consolidation, and is subsequently delivered to the purchaser at a delivery address in a foreign nation. As used in division (B)(38) of this section, "related member" has the same meaning as in section 5733.042 of the Revised Code, and "temporary storage" means the storage of tangible personal property for a period of not more than sixty days.

(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in
generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

(41) Sales to a person providing services under division (B)(3)(p) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

(42) Sales where the purpose of the purchaser is to do any of the following:

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, or directly in the rendition of a public utility service, except that the sales tax levied by this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. This
paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(b) To hold the thing transferred as security for the performance of an obligation of the vendor;

(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;

(d) To use or consume the thing directly in commercial fishing;

(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;

(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;

(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;

(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;

(i) To use the thing transferred as qualified research and development equipment;

(j) To use or consume the thing transferred primarily in
storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.

(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;

(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does
not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing;

(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced;

(q) To use or consume the thing transferred directly in production of crude oil and natural gas for sale. Persons engaged in rendering production services for others are deemed engaged in production.

As used in division (B)(42)(q) of this section, "production" means operations and tangible personal property directly used to expose and evaluate an underground reservoir that may contain hydrocarbon resources, prepare the wellbore for production, and lift and control all substances yielded by the reservoir to the surface of the earth.

(i) For the purposes of division (B)(42)(q) of this section, the "thing transferred" includes, but is not limited to, any of the following:

(I) Services provided in the construction of permanent access roads, services provided in the construction of the well site, and services provided in the construction of temporary impoundments;

(II) Equipment and rigging used for the specific purpose of creating with integrity a wellbore pathway to underground
(III) Drilling and workover services used to work within a subsurface wellbore, and tangible personal property directly used in providing such services;

(IV) Casing, tubulars, and float and centralizing equipment;

(V) Trailers to which production equipment is attached;

(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services;

(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;

(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;

(IX) Pressure pumping equipment;

(X) Artificial lift systems equipment;

(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;

(XII) Tangible personal property directly used to control production equipment.

(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:

(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;

(II) Tangible personal property used primarily in storing,
holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;

(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;

(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;

(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;

(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;

(VII) Well site fencing, lighting, or security systems;

(VIII) Communication devices or services;

(IX) Office supplies;

(X) Trailers used as offices or lodging;

(XI) Motor vehicles of any kind;

(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;

(XIII) Tangible personal property used primarily as a safety device;

(XIV) Data collection or monitoring devices;

(XV) Access ladders, stairs, or platforms attached to storage tanks.

The enumeration of tangible personal property in division (B)(42)(q)(ii) of this section is not intended to be exhaustive,
and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B)(42)(q) of this section.

The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the commissioner deems necessary to administer division (B)(42)(q) of this section.

As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.

(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.

(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft used primarily in a fractional aircraft ownership program, and sales of services for the repair, modification, and maintenance of such aircraft, and machinery, equipment, and supplies primarily used to provide those services.

(45) Sales of telecommunications service that is used directly and primarily to perform the functions of a call center. As used in this division, "call center" means any physical location where telephone calls are placed or received in high volume for the purpose of making sales, marketing, customer service, technical support, or other specialized business activity, and that employs at least fifty individuals that engage in call center activities on a full-time basis, or sufficient
individuals to fill fifty full-time equivalent positions.

(46) Sales by a telecommunications service vendor of 900 service to a subscriber. This division does not apply to information services.

(47) Sales of value-added non-voice data service. This division does not apply to any similar service that is not otherwise a telecommunications service.

(48) Sales of feminine hygiene products.

(49) Sales of materials, parts, equipment, or engines used in the repair or maintenance of aircraft or avionics systems of such aircraft, and sales of repair, remodeling, replacement, or maintenance services in this state performed on aircraft or on an aircraft's avionics, engine, or component materials or parts. As used in division (B)(49) of this section, "aircraft" means aircraft of more than six thousand pounds maximum certified takeoff weight or used exclusively in general aviation.

(50) Sales of full flight simulators that are used for pilot or flight-crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators. "Full flight simulator" means a replica of a specific type, or make, model, and series of aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-cockpit view, and a system that provides cues at least equivalent to those of a three-degree-of-freedom motion system, and has the full range of capabilities of the systems installed in the device as described in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations.

(51) Any transfer or lease of tangible personal property between the state and JobsOhio in accordance with section 4313.02
of the Revised Code.

(52) (a) Sales to a qualifying corporation.

(b) As used in division (B)(52) of this section:

(i) "Qualifying corporation" means a nonprofit corporation organized in this state that leases from an eligible county land, buildings, structures, fixtures, and improvements to the land that are part of or used in a public recreational facility used by a major league professional athletic team or a class A to class AAA minor league affiliate of a major league professional athletic team for a significant portion of the team's home schedule, provided the following apply:

(I) The facility is leased from the eligible county pursuant to a lease that requires substantially all of the revenue from the operation of the business or activity conducted by the nonprofit corporation at the facility in excess of operating costs, capital expenditures, and reserves to be paid to the eligible county at least once per calendar year.

(II) Upon dissolution and liquidation of the nonprofit corporation, all of its net assets are distributable to the board of commissioners of the eligible county from which the corporation leases the facility.

(ii) "Eligible county" has the same meaning as in section 307.695 of the Revised Code.

(53) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of cable service or programming, video service or programming, audio service or programming, or electronically transferred digital audiovisual or audio work. As used in division (B)(53) of this section, "cable service" and "cable service provider" have the same meanings as in section 1332.01 of the Revised Code, and "video service," "video service
provider," and "video programming" have the same meanings as in section 1332.21 of the Revised Code.

(54) Sales of a digital audio work electronically transferred for delivery through use of a machine, such as a juke box, that does all of the following:

(a) Accepts direct payments to operate;

(b) Automatically plays a selected digital audio work for a single play upon receipt of a payment described in division (B)(54)(a) of this section;

(c) Operates exclusively for the purpose of playing digital audio works in a commercial establishment.

(55)(a) Sales of the following occurring on the first Friday of August and the following Saturday and Sunday of each year, beginning in 2018:

(i) An item of clothing, the price of which is seventy-five dollars or less;

(ii) An item of school supplies, the price of which is twenty dollars or less;

(iii) An item of school instructional material, the price of which is twenty dollars or less.

(b) As used in division (B)(55) of this section:

(i) "Clothing" means all human wearing apparel suitable for general use. "Clothing" includes, but is not limited to, aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; diapers, children and adult, including disposable diapers; earmuffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab coats; neckties; overshoes; pantyhose; rainwear; rubber pants;
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks and stockings; steel-toed shoes; underwear; uniforms, athletic and nonathletic; and wedding apparel. "Clothing" does not include items purchased for use in a trade or business; clothing accessories or equipment; protective equipment; sports or recreational equipment; belt buckles sold separately; costume masks sold separately; patches and emblems sold separately; sewing equipment and supplies including, but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and sewing materials that become part of "clothing" including, but not limited to, buttons, fabric, lace, thread, yarn, and zippers.

(ii) "School supplies" means items commonly used by a student in a course of study. "School supplies" includes only the following items: binders; book bags; calculators; cellophane tape; blackboard chalk; compasses; composition books; crayons; erasers; folders, expandable, pocket, plastic, and manila; glue, paste, and paste sticks; highlighters; index cards; index card boxes; legal pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper; pencil boxes and other school supply boxes; pencil sharpeners; pencils; pens; protractors; rulers; scissors; and writing tablets. "School supplies" does not include any item purchased for use in a trade or business.

(iii) "School instructional material" means written material commonly used by a student in a course of study as a reference and to learn the subject being taught. "School instructional material" includes only the following items: reference books, reference maps and globes, textbooks, and workbooks. "School instructional material" does not include any material purchased for use in a trade or business.
(56) (a) Sales of adult diapers or incontinence underpads sold pursuant to a prescription, for the benefit of a medicaid recipient with a diagnosis of incontinence, and by a medicaid provider that maintains a valid provider agreement under section 5164.30 of the Revised Code with the department of medicaid, provided that the medicaid program covers diapers or incontinence underpads as an incontinence garment.

(b) As used in division (B)(56)(a) of this section:

(i) "Diaper" means an absorbent garment worn by humans who are incapable of, or have difficulty, controlling their bladder or bowel movements.

(ii) "Incontinence, incontinence underpad" means an absorbent product, not worn on the body, designed to protect furniture or other tangible personal property from soiling or damage due to human incontinence.

(57) Sales of investment metal bullion and investment coins. "Investment metal bullion" means any bullion described in section 408(m)(3)(B) of the Internal Revenue Code, regardless of whether that bullion is in the physical possession of a trustee. "Investment coin" means any coin composed primarily of gold, silver, platinum, or palladium.

(58) Sales of tangible personal property used primarily for any of the following purposes by a megaproject operator at the site of a megaproject that satisfies the criteria described in division (A)(11)(a)(ii) of section 122.17 of the Revised Code, provided that the sale occurs during the period that the megaproject operator has an agreement for such megaproject with the tax credit authority under division (D) of section 122.17 of the Revised Code that remains in effect and has not expired or been terminated:

(a) To store, transmit, convey, distribute, recycle,
circulate, or clean water, steam, or other gases used in or
produced as a result of manufacturing activity, including items
that support or aid in the operation of such property;

(b) To clean or prepare inventory, at any stage of storage or
production, or equipment used in a manufacturing activity,
including chemicals, solvents, catalysts, soaps, and other items
that support or aid in the operation of property;

(c) To regulate, treat, filter, condition, improve, clean,
maintain, or monitor environmental conditions within areas where
manufacturing activities take place;

(d) To handle, transport, or convey inventory during
production or manufacturing.

(59) Documentary services charges imposed pursuant to section
4517.261 or 4781.24 of the Revised Code.

(60) Sales of children's diapers.

(61) Sales of therapeutic or preventative creams and wipes
marketed primarily for use on the skin of children.

(62) Sales of a child restraint device or booster seat that
meets the national highway traffic safety administration standard
for child restraint systems under 49 C.F.R. 571.213.

(63) Sales of cribs intended to provide sleeping
accommodations for children that comply with the United States
consumer product safety commission's safety standard for full-size
baby cribs under 16 C.F.R. 1219 or the commission's safety
standard for non-full-size baby cribs under 16 C.F.R. 1220.

(64) Sales of strollers meant for transporting children from
infancy to about thirty-six months of age that meet the United
States consumer product safety commission safety standard for
carriages and strollers under 16 C.F.R. 1227.2.

(C) For the purpose of the proper administration of this
chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

Sec. 5739.05. (A)(1) The tax commissioner shall enforce and administer sections 5739.01 to 5739.31 of the Revised Code, which are hereby declared to be sections which the commissioner is required to administer within the meaning of sections 5703.17 to 5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The commissioner may adopt and promulgate, in accordance with sections 119.01 to 119.13 of the Revised Code, such rules as the commissioner deems necessary to administer sections 5739.01 to 5739.31 of the Revised Code.

(2) On or before the first day of May of each year, the commissioner shall make available to vendors a notice explaining the three-day exemption period required under division (B)(55) of section 5739.02 of the Revised Code.

(B) Upon application, the commissioner may authorize a vendor to pay on a predetermined basis the tax levied by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised
Code upon sales of things produced or distributed or services provided by such vendor, and the commissioner may waive the collection of the tax from the consumer. The commissioner shall not grant such authority unless the commissioner finds that the granting of the authority would improve compliance and increase the efficiency of the administration of the tax. The person to whom such authority is granted shall post a notice, if required by the commissioner, at the location where the product is offered for sale that the tax is included in the selling price. The commissioner may adopt rules to administer this division.

(C) Upon application, the commissioner may authorize a vendor to remit, on the basis of a prearranged agreement under this division, the tax levied by section 5739.02 or pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code. The proportions and ratios in a prearranged agreement shall be determined either by a test check conducted by the commissioner under terms and conditions agreed to by the commissioner and the vendor or by any other method agreed upon by the vendor and the commissioner. If the parties are unable to agree to the terms and conditions of the test check or other method, the application shall be denied.

If used, the test check shall determine the proportion that taxable retail sales bear to all of the vendor's retail sales and the ratio which the tax required to be collected under sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code bears to the receipts from the vendor's taxable retail sales.

The vendor's liability for remitting the tax shall be based solely upon the proportions and ratios established in the agreement until such time that the vendor or the commissioner believes that the nature of the vendor's business has so changed as to make the agreement no longer representative. The commissioner may give notice to the vendor at any time that the
authorization is revoked or the vendor may notify the commissioner that the vendor no longer elects to report under the authorization. Such notice shall be delivered to the other party or in the manner provided in section 5703.37 of the Revised Code. The revocation or cancellation is effective the last day of the month in which the vendor or the commissioner receives the notice.

Sec. 5739.08. (A) A municipal corporation or township may levy an excise tax for any lawful purpose not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests in addition to the tax levied by section 5739.02 of the Revised Code. If a municipal corporation or township repeals a tax imposed under division (A) of this section, and a county in which the municipal corporation or township has territory has a tax imposed under division (M) of section 5739.09 of the Revised Code in effect, the municipal corporation or township may not reimpose its tax as long as that county tax remains in effect. A municipal corporation or township in which a tax is levied under division (B)(2) of section 351.021 of the Revised Code may not increase the rate of its tax levied under division (A) of this section to any rate that would cause the total taxes levied under both of those divisions to exceed three per cent on any lodging transaction within the municipal corporation or township.

(B) The legislative authority of a municipal corporation or the board of trustees of a township that is not wholly or partly located in a county that has in effect a resolution levying an excise tax pursuant to division (A) of section 5739.09 of the Revised Code may, by ordinance or resolution, levy an additional excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The legislative authority of the municipal corporation or the board of trustees of the township shall deposit at least fifty per
cent of the revenue from the tax levied pursuant to this division into a separate fund, which shall be spent solely to make contributions to convention and visitors' bureaus operating within the county in which the municipal corporation or township is wholly or partly located, and the balance of that revenue shall be deposited in the general fund. The municipal corporation or township shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. The levy of a tax under this division is in addition to any tax imposed on the same transaction by a municipal corporation or a township under division (A) of this section.

(C)(1) As used in division (C) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) The legislative authority of the most populous municipal corporation located wholly or partly in a county in which the board of county commissioners has levied a tax under division (D) of section 5739.09 of the Revised Code may amend, on or before September 30, 2002, that municipal corporation's ordinance or resolution that levies an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests, to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional one per cent on each transaction;

(b) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority
established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law, by the board of county commissioners, or by the legislative authority, for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(3) The legislative authority of a municipal corporation that, pursuant to division (C)(2) of this section, has amended its ordinance or resolution to increase the rate of the tax authorized by division (B) of this section may further amend the ordinance or resolution to provide that the revenue referred to in division (C)(2)(b) of this section shall be pledged and contributed both to a convention facilities authority to pay the costs of constructing, expanding, maintaining, or operating one or more convention centers in the county, including paying bonds, or notes issued in anticipation of bonds, as provided in Chapter 351. of the Revised Code, and to a convention and visitors' bureau to pay the costs of promoting one or more convention centers in the county.

(D) As used in division (D) of this section, "eligible municipal corporation" means a municipal corporation that, on September 29, 2017, levied a tax under division (B) of this section at a rate of three per cent and that is located in a
county that, on that date, levied a tax under division (A) of section 5739.09 of the Revised Code at a rate of three per cent and that has, according to the most recent federal decennial census, a population exceeding three hundred thousand but not greater than three hundred fifty thousand.

The legislative authority of an eligible municipal corporation may amend, on or before December 31, 2017, that municipal corporation's ordinance or resolution that levies an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests, to provide for the following:

(1) That the rate of the tax shall be increased by not more than an additional three per cent on each transaction;

(2) That all of the revenue from the increase in rate shall be used by the municipal corporation for economic development and tourism-related purposes.

(E)(1) The legislative authority of a municipal corporation that has adopted a resolution or ordinance levying a tax authorized by division (A) of this section may amend the resolution or ordinance to provide that all or a portion of the revenue referred to in division (A) of this section may be pledged and contributed to a convention facilities authority or a port authority to pay the costs of acquiring, constructing, renovating, expanding, maintaining, or operating one or more facilities in the county, including paying bonds, or notes issued in anticipation of bonds, or paying the expenses of maintaining, operating, or promoting one or more facilities.

(2) The legislative authority of any municipal corporation that, pursuant to division (C)(2) of this section, has amended a resolution or ordinance levying the tax authorized by division (D) of section 5739.09 of the Revised Code may further amend the resolution or ordinance to provide that all or a portion of the
revenue referred to in division (C)(2)(b) of this section may be pledged and contributed to pay the costs of acquiring, constructing, renovating, expanding, maintaining, or operating one or more facilities in the county, including paying bonds, or notes issued in anticipation of bonds, or paying the expenses of maintaining, operating, or promoting one or more facilities.

Sec. 5739.09. (A)(1) A board of county commissioners may, by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. Except as otherwise provided in this section, the regulations shall provide, after deducting the real and actual costs of administering the tax, for the return to each municipal corporation or township that does not levy an excise tax on the transactions, a uniform percentage of the tax collected in the municipal corporation or in the unincorporated portion of the township from each transaction, not to exceed thirty-three and one-third per cent. Except as provided in this section, the remainder of the revenue arising from the tax shall be deposited in a separate fund and shall be spent solely either (a) to make contributions to the convention and visitors' bureau operating within the county, including a pledge and contribution of any portion of the remainder pursuant to an agreement authorized by section 307.678 or 307.695 of the Revised Code or (b) to pay, if authorized in the regulations, for public safety
services in a resort area designated under section 5739.101 of the Revised Code or (b) to pay, if authorized in the regulations, for public safety services in a resort area designated under section 5739.101 of the Revised Code.

(2) If the board of county commissioners of an eligible county as defined in section 307.678 or 307.695 of the Revised Code adopts a resolution amending a resolution levying a tax under division (A) of this section to provide that revenue from the tax shall be used by the board as described in either division (D) of section 307.678 or division (H) of section 307.695 of the Revised Code, the remainder of the revenue shall be used as described in the resolution making that amendment.

(3) Except as provided in division (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), or (Q) of this section, on and after May 10, 1994, a board of county commissioners may not levy an excise tax pursuant to division (A) of this section in any municipal corporation or township located wholly or partly within the county that has in effect an ordinance or resolution levying an excise tax pursuant to division (B) of section 5739.08 of the Revised Code.

(4) The board of a county that has levied a tax under division (M) of this section may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, amend the resolution levying a tax under division (A) of this section to provide for a portion of that tax to be pledged and contributed in accordance with an agreement entered into under section 307.695 of the Revised Code. A tax, any revenue from which is pledged pursuant to such an agreement, shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue from the tax has been so pledged.

(5) The board of county commissioners of an eligible county
as defined in section 307.695 of the Revised Code may, by
resolution adopted by a majority of the members of the board,
amend a resolution levying a tax under division (A) of this
section to provide that the revenue from the tax shall be used by
the board as described in division (H) of section 307.695 of the
Revised Code, in which case the tax shall remain in effect at the
rate at which it was imposed for the duration of any agreement
entered into by the board under section 307.695 of the Revised
Code, the duration during which any securities issued by the board
under that section are outstanding, or the duration of the period
during which the board owns a project as defined in section
307.695 of the Revised Code, whichever duration is longest.

(6) The board of county commissioners of an eligible county
as defined in section 307.678 of the Revised Code may, by
resolution, amend a resolution levying a tax under division (A) of
this section to provide that revenue from the tax, not to exceed
five hundred thousand dollars each year, may be used as described
in division (E) of section 307.678 of the Revised Code.

(7) Notwithstanding division (A) of this section, the board
of county commissioners of a county described in division (H)(1)
of this section may, by resolution, amend a resolution levying a
tax under division (A) of this section to provide that all or a
portion of the revenue from the tax, including any revenue
otherwise required to be returned to townships or municipal
corporations under that division, may be used or pledged for the
payment of debt service on securities issued to pay the costs of
constructing, operating, and maintaining sports facilities
described in division (H)(2) of this section.

(8) The board of county commissioners of a county described
in division (I) of this section may, by resolution, amend a
resolution levying a tax under division (A) of this section to
provide that all or a portion of the revenue from the tax may be
used for the purposes described in section 307.679 of the Revised Code.

(B) A board of county commissioners that levies an excise tax under division (A) of this section on June 30, 1997, at a rate of three per cent, and that has pledged revenue from the tax to an agreement entered into under section 307.695 of the Revised Code or, in the case of the board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code, has amended a resolution levying a tax under division (M) of this section to provide that proceeds from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying a tax under division (A) of this section to provide for an increase in the rate of that tax up to seven per cent on each transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; and to provide that the rate in excess of the three per cent levied under division (A) of this section shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal
corporations as would otherwise be required under division (A) of this section.

(C)(1) As used in division (C) of this section, "cost" and "facility" have the same meanings as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) A board of county commissioners that levies a tax under division (A) of this section on March 18, 1999, at a rate of three per cent may, by resolution adopted not later than forty-five days after March 18, 1999, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in the rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before November 15, 1998, and used to pay costs of constructing, maintaining, operating, and promoting a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A) of this section;

(d) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefor that is satisfactory to the
trustee if a trust agreement secures the bonds. (3) Division (C) of this section does not apply to the board of county commissioners of any county in which a convention center or facility exists or is being constructed on November 15, 1998, or of any county in which a convention facilities authority levies a tax pursuant to section 351.021 of the Revised Code on that date.

(D)(1) As used in division (D) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) A board of county commissioners that levies a tax under division (A) of this section on June 30, 2002, at a rate of three per cent may, by resolution adopted not later than September 30, 2002, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional three and one-half per cent on each transaction;

(b) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A) of this section;

(d) That the increase in rate shall not be subject to
diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(3) Any board of county commissioners that, pursuant to division (D)(2) of this section, has amended a resolution levying the tax authorized by division (A) of this section may further amend the resolution to provide that the revenue referred to in division (D)(2)(b) of this section shall be pledged and contributed both to a convention facilities authority to pay the costs of constructing, expanding, maintaining, or operating one or more convention centers in the county, including paying bonds, or notes issued in anticipation of bonds, as provided in Chapter 351. of the Revised Code, and to a convention and visitors' bureau to pay the costs of promoting one or more convention centers in the county.

(E)(1) As used in division (E) of this section:

(a) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.

(b) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.

(2) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority
military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:

(a) Amend a resolution previously adopted under division (A) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;

(b) Amend a resolution previously adopted under division (A) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(3) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (E)(2)(b) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(F)(1) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3, Ohio Constitution, and that levies an excise tax under division (A) of this section at a rate of three per cent and levies an additional excise tax under division (O) of this section at a rate of one and one-half per cent may, by resolution adopted not later than January 1, 2008, by a majority of the members of the board, amend the resolution levying a tax under division (A) of this section to provide for an increase in the rate of that tax by not more than an additional one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding divisions (A) and (O) of this section, the resolution shall provide that all of the revenue from the increase in rate, after deducting the real and actual costs of
administering the tax, shall be used to pay the costs of improving, expanding, equipping, financing, or operating a convention center by a convention and visitors' bureau in the county.

(2) The increase in rate shall remain in effect for the period specified in the resolution, not to exceed ten years, and may be extended for an additional period of time not to exceed ten years thereafter by a resolution adopted by a majority of the members of the board.

(3) The increase in rate shall be subject to the regulations adopted under division (A) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under that division.

(G)(1) Division (G) of this section applies only to a county with a population greater than sixty-five thousand and less than seventy thousand according to the most recent federal decennial census and in which, on December 31, 2006, an excise tax is levied under division (A) of this section at a rate not less than and not greater than three per cent, and in which the most recent increase in the rate of that tax was enacted or took effect in November 1984.

(2) The board of county commissioners of a county to which division (G) of this section applies, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be for the purpose of paying expenses deemed necessary by the convention and visitors' bureau operating in the county to promote travel and tourism.

(3) The increase in rate shall remain in effect for the
period specified in the resolution, not to exceed twenty years, provided that the increase in rate may not continue beyond the time when the purpose for which the increase is levied ceases to exist. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(4) The increase in rate shall be subject to the regulations adopted under division (A) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(5) A resolution adopted under division (G) of this section is subject to referendum under sections 305.31 to 305.99 of the Revised Code.

(H)(1) Division (H) of this section applies only to a county satisfying all of the following:

(a) The population of the county is greater than one hundred seventy-five thousand and less than two hundred twenty-five thousand according to the most recent federal decennial census.

(b) An amusement park with an average yearly attendance in excess of two million guests is located in the county.

(c) On December 31, 2014, an excise tax was levied in the county under division (A) of this section at a rate of three percent.

(2) The board of county commissioners of a county to which division (H) of this section applies, by resolution adopted by a
majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be used to pay the costs of constructing and maintaining facilities owned by the county or by a port authority created under Chapter 4582. of the Revised Code, and designed to host sporting events and expenses deemed necessary by the convention and visitors' bureau operating in the county to promote travel and tourism with reference to the sports facilities, and to pay or pledge to the payment of debt service on securities issued to pay the costs of constructing, operating, and maintaining the sports facilities.

(3) The increase in rate shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(4) The increase in rate shall be subject to the regulations adopted under division (A) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(I)(1) The board of county commissioners of a county with a population greater than seventy-five thousand and less than seventy-eight thousand, by resolution adopted by a majority of the members of the board not later than October 15, 2015, may increase the rate of the tax by not more than one per cent on transactions
by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be for the purposes described in section 307.679 of the Revised Code or for the promotion of travel and tourism in the county, including travel and tourism to sports facilities.

(2) The increase in rate shall remain in effect for the period specified in the resolution and as necessary to fulfill the county's obligations under a cooperative agreement entered into under section 307.679 of the Revised Code. If the resolution is adopted by the board before September 29, 2015, but after that enactment becomes law, the increase in rate shall become effective beginning on September 29, 2015. If revenue from the increase in rate is pledged to the payment of debt charges on securities, or to substitute for other revenues pledged to the payment of such debt, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(3) The increase in rate shall be subject to the regulations adopted under division (A) of this section, except that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(J)(1) Division (J) of this section applies only to counties satisfying either of the following:

(a) A county that, on July 1, 2015, does not levy an excise tax under division (A) of this section and that has a population of at least thirty-nine thousand but not more than forty thousand according to the 2010 federal decennial census;
(b) A county that, on July 1, 2015, levies an excise tax under division (A) of this section at a rate of three per cent and that has a population of at least seventy-one thousand but not more than seventy-five thousand according to 2010 federal decennial census.

(2) The board of county commissioners of a county to which division (J) of this section applies, by resolution adopted by a majority of the members of the board, may levy an excise tax at a rate not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of acquiring, constructing, equipping, or repairing permanent improvements, as defined in section 133.01 of the Revised Code.

(3) If the board does not levy a tax under division (A) of this section, the board shall establish regulations necessary to provide for the administration of the tax, which may prescribe the time for payment of the tax and the imposition of penalty or interest subject to the limitations on penalty and interest provided in division (A) of this section. No portion of the revenue shall be returned to townships or municipal corporations in the county unless otherwise provided by resolution of the board.

(4) The tax shall apply throughout the territory of the county, including in any township or municipal corporation levying an excise tax under division (A) or (B) of section 5739.08 of the Revised Code. The levy of the tax is subject to referendum as provided under section 305.31 of the Revised Code.

(5) The tax shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding unless provision is
made by law or by the board for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(K)(1) The board of county commissioners of an eligible county, as defined in section 307.678 of the Revised Code, that levies an excise tax under division (A) of this section on July 1, 2017, at a rate of three per cent may, by resolution adopted by a majority of the members of the board, amend the resolution levying the tax to increase the rate of the tax by not more than an additional three per cent on each transaction.

(2) No portion of the revenue shall be returned to townships or municipal corporations in the county unless otherwise provided by resolution of the board. Otherwise, the revenue from the increase in the rate shall be distributed and used in the same manner described under division (A) of this section or distributed or used to provide credit enhancement facilities as authorized under section 307.678 of the Revised Code.

(3) The increase in rate shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding unless provision is made by law or by the board for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(L)(1) As used in division (L) of this section:

(a) "Eligible county" means a county that has a population greater than one hundred ninety thousand and less than two hundred thousand according to the 2010 federal decennial census and that levies an excise tax under division (A) of this section at a rate of three per cent.
(b) "Professional sports facility" means a sports facility that is intended to house major or minor league professional athletic teams, including a stadium, together with all parking facilities, walkways, and other auxiliary facilities, real and personal property, property rights, easements, and interests that may be appropriate for, or used in connection with, the operation of the facility.

(2) Subject to division (L)(3) of this section, the board of county commissioners of an eligible county, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Revenue from the increase in rate shall be used for the purposes of paying the costs of constructing, improving, and maintaining a professional sports facility in the county and paying expenses considered necessary by the convention and visitors' bureau operating in the county to promote travel and tourism with respect to that professional sports facility. The tax shall take effect only after the convention and visitors' bureau enters into a contract for the construction, improvement, or maintenance of a professional sports facility that is or will be located on property acquired, in whole or in part, with revenue from the increased rate, and thereafter shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless a provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A) of this section, except that the resolution may provide that no portion of the
revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(3) If, on December 31, 2019, the convention and visitors' bureau has not entered into a contract for the construction, improvement, or maintenance of a professional sports facility that is or will be located on property acquired, in whole or in part, with revenue from the increased rate, the authority to levy the tax under division (L)(2) of this section is hereby repealed on that date.

(M)(1) For the purposes described in section 307.695 of the Revised Code and to cover the costs of administering the tax, a board of county commissioners of a county where a tax imposed under division (A) of this section is in effect may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, levy an additional excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The tax authorized by division (M) of this section shall be in addition to any tax that is levied pursuant to divisions (A) to (L) of this section, but it shall not apply to transactions subject to a tax levied by a municipal corporation or township pursuant to section 5739.08 of the Revised Code.

(2) The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code.

(3) All revenues arising from the tax shall be expended in...
accordance with section 307.695 of the Revised Code. The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend the resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code.

(4) A tax imposed under this division shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement entered into by the board under section 307.695 of the Revised Code is in effect, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

(N)(1) For the purpose of providing contributions under division (B)(1) of section 307.671 of the Revised Code to enable the acquisition, construction, and equipping of a port authority educational and cultural facility in the county and, to the extent provided for in the cooperative agreement authorized by that section, for the purpose of paying debt service charges on bonds, or notes in anticipation of bonds, described in division (B)(1)(b) of that section, a board of county commissioners, by resolution adopted within ninety days after December 22, 1992, by a majority of the members of the board, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by division (N) of this section shall be in addition to any tax that is levied pursuant to divisions (A) to (M) of this section, to any excise tax levied pursuant to section 5739.08 of the Revised Code, and to any excise tax levied pursuant...
to section 351.021 of the Revised Code.

(2) The board of county commissioners shall establish all regulations necessary to provide for the administration and allocation of the tax that are not inconsistent with this section or section 307.671 of the Revised Code. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code.

(3) All revenues arising from the tax shall be expended in accordance with section 307.671 of the Revised Code and division (N) of this section. The levy of a tax imposed under division (N) of this section may not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.671 of the Revised Code by all parties to that agreement.

(4) The tax shall remain in effect at the rate at which it is imposed for the period of time described in division (C) of section 307.671 of the Revised Code for which the revenue from the tax has been pledged by the county to the corporation pursuant to that section, but, to any extent provided for in the cooperative agreement, for no lesser period than the period of time required for payment of the debt service charges on bonds, or notes in anticipation of bonds, described in division (B)(1)(b) of that section.

(O)(1) For the purpose of paying the costs of acquiring, constructing, equipping, and improving a municipal educational and cultural facility, including debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code, and for any additional purposes determined by the county in...
the resolution levying the tax or amendments to the resolution, including subsequent amendments providing for paying costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, as defined in section 307.674 of the Revised Code, and including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, the legislative authority of a county, by resolution adopted within ninety days after June 30, 1993, by a majority of the members of the legislative authority, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by division (O) of this section shall be in addition to any tax that is levied pursuant to divisions (A) to (N) of this section, to any excise tax levied pursuant to section 5739.08 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code.

(2) The legislative authority of the county shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code.

(3) All revenues arising from the tax shall be expended in accordance with section 307.672 of the Revised Code and this division. The levy of a tax imposed under this division shall not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.672 of the Revised Code by all parties to that agreement. The tax shall remain in effect at the rate at which it is imposed for
the period of time determined by the legislative authority of the county. That period of time shall not exceed fifteen years, except that the legislative authority of a county with a population of less than two hundred fifty thousand according to the most recent federal decennial census, by resolution adopted by a majority of its members before the original tax expires, may extend the duration of the tax for an additional period of time. The additional period of time by which a legislative authority extends a tax levied under division (O) of this section shall not exceed fifteen years.

(P)(1) The legislative authority of a county that has levied a tax under division (O) of this section may, by resolution adopted within one hundred eighty days after January 4, 2001, by a majority of the members of the legislative authority, amend the resolution levying a tax under that division to provide for the use of the proceeds of that tax, to the extent that it is no longer needed for its original purpose as determined by the parties to a cooperative agreement amendment pursuant to division (D) of section 307.672 of the Revised Code, to pay costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, and to pay all obligations under any guaranty agreements, reimbursement agreements, or other credit enhancement agreements described in division (C) of section 307.674 of the Revised Code.

(2) The resolution may also provide for the extension of the tax at the same rate for the longer of the period of time determined by the legislative authority of the county, but not to exceed an additional twenty-five years, or the period of time required to pay all debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code and on port
authority revenue bonds provided for in division (B) of section 307.674 of the Revised Code.

(3) All revenues arising from the amendment and extension of the tax shall be expended in accordance with section 307.674 of the Revised Code and divisions (O) and (P) of this section.

(Q)(1) As used in division (Q) of this section:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (N) of this section, the legislative authority of a county with a population of one million or more according to the most recent federal decennial census that has levied a tax under division (N) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that they are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code, shall be deposited into the county general revenue fund. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (N) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million or more that has levied a tax under division (A) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A) of this section to a rate not to exceed five per cent on transactions by which lodging by a
hotel is or is to be furnished to transient guests.

Notwithstanding any contrary provision of division (A) of this section, the resolution may provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be deposited in the county general fund.

(4) The legislative authority of a county with a population of one million or more that has levied a tax under division (A) of this section may, by resolution adopted on or before August 30, 2004, by a majority of the members of the legislative authority, provide that all or a portion of the proceeds of the tax levied under division (A) of this section, after deducting the real and actual costs of administering the tax and the amounts required to be returned to townships and municipal corporations with respect to the first three per cent levied under division (A) of this section, shall be deposited in the county general fund, provided that such proceeds shall be used to satisfy any pledges made in connection with an agreement entered into under section 307.695 of the Revised Code.

(5) No amount collected from a tax levied, extended, or required to be deposited in the county general fund under division (Q) of this section shall be contributed to a convention facilities authority, corporation, or other entity created after July 1, 2003, for the principal purpose of constructing, improving, expanding, equipping, financing, or operating a convention center unless the mayor of the municipal corporation in which the convention center is to be operated by that convention facilities authority, corporation, or other entity has consented to the creation of that convention facilities authority, corporation, or entity. Notwithstanding any contrary provision of section 351.04 of the Revised Code, if a tax is levied by a county under division (Q) of this section, the board of county
commissioners of that county may determine the manner of
selection, the qualifications, the number, and terms of office of
the members of the board of directors of any convention facilities
authority, corporation, or other entity described in division
(Q)(5) of this section.

(6)(a) No amount collected from a tax levied, extended, or
required to be deposited in the county general fund under division
(Q) of this section may be used for any purpose other than paying
the direct and indirect costs of constructing, improving,
expanding, equipping, financing, or operating a convention center
and for the real and actual costs of administering the tax,
unless, prior to the adoption of the resolution of the legislative
authority of the county authorizing the levy, extension, increase,
or deposit, the county and the mayor of the most populous
municipal corporation in that county have entered into an
agreement as to the use of such amounts, provided that such
agreement has been approved by a majority of the mayors of the
other municipal corporations in that county. The agreement shall
provide that the amounts to be used for purposes other than paying
the convention center or administrative costs described in
division (Q)(6)(a) of this section be used only for the direct and
indirect costs of capital improvements, including the financing of
capital improvements, except that the agreement may subsequently
be amended by the parties that have entered into that agreement to
authorize such amounts to instead be used for any costs related to
the promotion or support of tourism or tourism-related programs.

(b) If the county in which the tax is levied has an
association of mayors and city managers, the approval of that
association of an agreement described in division (Q)(6)(a) of
this section shall be considered to be the approval of the
majority of the mayors of the other municipal corporations for
purposes of that division.
(7) Each year, the auditor of state shall conduct an audit of the uses of any amounts collected from taxes levied, extended, or deposited under division (Q) of this section and shall prepare a report of the auditor of state's findings. The auditor of state shall submit the report to the legislative authority of the county that has levied, extended, or deposited the tax, the speaker of the house of representatives, the president of the senate, and the leaders of the minority parties of the house of representatives and the senate.

(R)(1) As used in division (R) of this section:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (N) of this section, the legislative authority of a county with a population of one million two hundred thousand or more according to the most recent federal decennial census or the most recent annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (N) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code and after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (N) of this
section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A) of this section, the resolution shall provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(4) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A) of this section may, by resolution adopted on or before July 1, 2008, by a majority of the members of the legislative authority, provide that all or a portion of the proceeds of the tax levied under division (A) of this section, after deducting the real and actual costs of administering the tax and the amounts required to be returned to townships and municipal corporations with respect to the first three per cent levied under division (A) of this section, shall be used to satisfy any pledges made in connection with an agreement entered into under section 307.695 of the Revised Code or shall otherwise be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(5) Any amount collected from a tax levied or extended under...
division (R) of this section may be contributed to a convention facilities authority created before July 1, 2005, but no amount collected from a tax levied or extended under division (R) of this section may be contributed to a convention facilities authority, corporation, or other entity created after July 1, 2005, unless the mayor of the municipal corporation in which the convention center is to be operated by that convention facilities authority, corporation, or other entity has consented to the creation of that convention facilities authority, corporation, or entity.

(S) As used in division (S) of this section, "soldiers' memorial" means a memorial constructed and funded under Chapter 345. of the Revised Code.

The board of county commissioners of a county with a population between one hundred three thousand and one hundred seven thousand according to the most recent federal decennial census, by resolution adopted by a majority of the members of the board within six months after September 15, 2014, may levy a tax not to exceed three per cent on transactions by which a hotel is or is to be furnished to transient guests. The purpose of the tax shall be to pay the costs of expanding, maintaining, or operating a soldiers' memorial and the costs of administering the tax. All revenue arising from the tax shall be credited to one or more special funds in the county treasury and shall be spent solely for the purposes of paying those costs.

The board of county commissioners shall adopt all rules necessary to provide for the administration of the tax subject to the same limitations on imposing penalty or interest under division (A) of this section.

(T) As used in division (T) of this section, "eligible county" means a county in which a county agricultural society or independent agricultural society is organized under section 1711.01 or 1711.02 of the Revised Code, provided the agricultural
society owns a facility or site in the county at which an annual
harness horse race is conducted where one-day attendance equals at
least forty thousand attendees.

A board of county commissioners of an eligible county, by
resolution adopted by a majority of the members of the board, may
levy an excise tax at the rate of up to three per cent on
transactions by which lodging by a hotel is or is to be furnished
to transient guests for the purpose of paying the costs of
permanent improvements at sites at which one or more agricultural
societies conduct fairs or exhibits, paying the costs of
maintaining or operating such permanent improvements, and paying
the costs of administering the tax.

A resolution adopted under division (T) of this section,
other than a resolution that only extends the period of time for
which the tax is levied, shall direct the board of elections to
submit the question of the proposed lodging tax to the electors of
the county at a special election held on the date specified by the
board in the resolution, provided that the election occurs not
less than ninety days after a certified copy of the resolution is
transmitted to the board of elections. A resolution submitted to
the electors under division (T) of this section shall not go into
effect unless it is approved by a majority of those voting upon
it. The resolution takes effect on the date the board of county
commissioners receives notification from the board of elections of
an affirmative vote.

The tax shall remain in effect for the period specified in
the resolution, not to exceed five years, and may be extended for
an additional period of time not to exceed fifteen years
thereafter by a resolution adopted by a majority of the members of
the board. A resolution extending the period of time for which the
tax is in effect is not subject to approval of the electors of the
county, but is subject to referendum under sections 305.31 to
305.99 of the Revised Code. All revenue arising from the tax shall be credited to one or more special funds in the county treasury and shall be spent solely for the purposes of paying the costs of such permanent improvements and maintaining or operating the improvements. Revenue allocated for the use of a county agricultural society may be credited to the county agricultural society fund created in section 1711.16 of the Revised Code upon appropriation by the board. If revenue is credited to that fund, it shall be expended only as provided in that section.

The board of county commissioners shall adopt all rules necessary to provide for the administration of the tax. The rules may prescribe the time for payment of the tax, and may provide for the imposition or penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed in section 5703.47 of the Revised Code.

(U) As used in division (U) of this section, "eligible county" means a county in which a tax is levied under division (A) of this section at a rate of three per cent and whose territory includes a part of Lake Erie the shoreline of which represents at least fifty per cent of the linear length of the county's border with other counties of this state.

The board of county commissioners of an eligible county that has entered into an agreement with a port authority in the county under section 4582.56 of the Revised Code may levy an additional lodging tax on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of financing lakeshore improvement projects constructed or financed by the port authority under that section. The resolution levying the tax shall specify the purpose of the tax, the rate of the tax, which shall not exceed two per cent, and the number of years the tax will be
levied or that it will be levied for a continuing period of time. The tax shall be administered pursuant to the regulations adopted by the board under division (A) of this section, except that all the proceeds of the tax levied under this division shall be pledged to the payment of the costs, including debt charges, of lakeshore improvements undertaken by a port authority pursuant to the agreement under section 4582.56 of the Revised Code. No revenue from the tax may be used to pay the current expenses of the port authority.

A resolution levying a tax under division (U) of this section is subject to referendum under sections 305.31 to 305.41 and 305.99 of the Revised Code.

(V)(1) As used in division (V) of this section:

(a) "Tourism development district" means a district designated by a municipal corporation under section 715.014 of the Revised Code or by a township under section 503.56 of the Revised Code.

(b) "Lodging tax" means a tax levied pursuant to this section or section 5739.08 of the Revised Code.

(c) "Tourism development district lodging tax proceeds" means all proceeds of a lodging tax derived from transactions by which lodging by a hotel located in a tourism development district is or is to be provided to transient guests.

(d) "Eligible county" has the same meaning as in section 307.678 of the Revised Code.

(2)(a) Notwithstanding division (A) of this section, the board of county commissioners, board of township trustees, or legislative authority of any county, township, or municipal corporation that levies a lodging tax on September 29, 2017, and in which any part of a tourism development district is located on or after that date shall amend the ordinance or resolution levying
the tax to require either of the following:

(i) In the case of a tax levied by a county, that all tourism development district lodging tax proceeds from that tax be used exclusively to foster and develop tourism in the tourism development district;

(ii) In the case of a tax levied by a township or municipal corporation, that all tourism development district lodging tax proceeds from that tax be used exclusively to foster and develop tourism in the tourism development district.

(b) Notwithstanding division (A) of this section, any ordinance or resolution levying a lodging tax adopted on or after September 29, 2017, by a county, township, or municipal corporation in which any part of a tourism development district is located on or after that date shall require that all tourism development district lodging tax proceeds from that tax be used exclusively to foster and develop tourism in the tourism development district.

(c) A county shall not use any of the proceeds described in division (V)(2)(a)(i) or (V)(2)(b) of this section unless the convention and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed-upon purpose.

A municipal corporation or township shall not use any of the proceeds described in division (V)(2)(a)(ii) or (V)(2)(b) of this section unless the convention and visitors' bureau operating within the municipal corporation or township approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the municipal corporation or township may pay such proceeds to the
bureau to use for the agreed-upon purpose.

(3) (a) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that levies a lodging tax on March 23, 2018, may amend the resolution levying that tax to require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county shall be used to foster and develop tourism in a tourism development district.

(b) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that adopts a resolution levying a lodging tax on or after March 23, 2018, may require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county pursuant to division (A) of this section shall be used to foster and develop tourism in a tourism development district.

(c) A county shall not use any of the proceeds in the manner described in division (V)(3)(a) or (b) of this section unless the convention and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed upon purpose.

(W)(1) As used in division (W) of this section:

(a) "Eligible county" means a county with a population greater than three hundred thousand and less than three hundred fifty thousand that levies a tax under division (A) of this section at a rate of three per cent;

(b) "Cost" and "facility" have the same meanings as in section 351.01 of the Revised Code.
(2) A board of county commissioners of an eligible county, by resolution adopted by a majority of the members of the board, may levy an excise tax at the rate of up to three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. All of the revenue from the tax shall be used to pay the costs of administering the tax or pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code and used by the authority to pay the cost of constructing a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter, or paying the expenses of maintaining, operating, or promoting such a facility. No portion of the revenue arising from the tax need be returned to municipal corporations or townships as required for taxes levied under division (A) of this section.

(3) A resolution adopted under division (W) of this section shall direct the board of elections to submit the question of the proposed lodging tax to the electors of the county at a special election held on the date specified by the board in the resolution, provided that the election occurs not less than ninety days after a certified copy of the resolution is transmitted to the board of elections. A resolution submitted to the electors under division (W) of this section shall not go into effect unless it is approved by a majority of those voting upon it. The resolution takes effect on the date the board of county commissioners receives notification from the board of elections of an affirmative vote.

(4) Once the tax is approved by the electors of the county pursuant to division (W)(3) of this section, it shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the
revenue is pledged, remain outstanding in accordance with their
terms, unless provision is made by law or by the board of county
commissioners for an adequate substitute therefore that is
satisfactory to the trustee if a trust agreement secures the
bonds.

(5) The tax authorized by division (W) of this section shall
be in addition to any other tax that is levied pursuant to this
section.

(X)(1) As used in division (X) of this section:

(a) "Convention facilities authority," "cost," and "facility"
have the same meanings as in section 351.01 of the Revised Code.

(b) "Eligible county" means a county with a population
greater than eight hundred thousand but less than one million that
levies a tax under division (A) of this section.

(c) "Port authority" means a port authority created under
Chapter 4582. of the Revised Code.

(2) A board of county commissioners or the legislative
authority of an eligible county may, by resolution adopted by a
majority of the members of the board or legislative authority,
levy an excise tax at a rate not to exceed one per cent on
transactions by which lodging by a hotel is or is to be furnished
to transient guests. All revenue arising from the tax shall be
used to pay the costs of administering the tax or pledged and
contributed to the convention and visitors' bureau operating
within the applicable eligible county, a convention facilities
authority within the applicable eligible county, or a port
authority and used by the convention and visitors' bureau, the
convention facilities authority, or the port authority to pay the
cost of acquiring, constructing, renovating, expanding,
maintaining, or operating one or more facilities in the county,
including paying bonds, or notes issued in anticipation of bonds,
or paying the expenses of maintaining, operating, or promoting one or more facilities. No portion of the revenue arising from the tax need be returned to municipal corporations or townships as required for taxes levied under division (A) of this section.

(3) The tax authorized by division (X) of this section shall be in addition to any other tax that is levied pursuant to this section.

(4) Any board of county commissioners of an eligible county that, pursuant to division (D)(2) of this section, has amended a resolution levying the tax authorized by division (A) of this section may further amend the resolution to provide that all or a portion of the revenue referred to in division (D)(2)(b) of this section and division (A) of this section may be pledged and contributed to pay the costs of acquiring, constructing, renovating, expanding, maintaining, or operating one or more facilities in the county, including paying bonds, or notes issued in anticipation of bonds, or paying the expenses of maintaining, operating, or promoting one or more facilities.

Sec. 5739.093. (A) As used in this section:

(1) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) "Convention center headquarters hotel" means a hotel designated as such in authorizing legislation.

(3) "Convention center headquarters hotel facilities" means a convention center headquarters hotel, the convention center associated with the convention center headquarters hotel, and any improvements, buildings, outdoor space, infrastructure, and parking lots or garages directly adjacent to or associated with the convention center headquarters hotel and convention center.

(4) "Eligible convention facilities authority" means a
convention facilities authority created within an eligible county under Chapter 351. of the Revised Code.

(5) "Cost" and "facility" have the same meanings as in section 351.01 of the Revised Code.

(6) "Eligible county" means a county with a population greater than eight hundred thousand that levies a tax under division (A) of section 5739.09 of the Revised Code and in which one or more convention centers are located.

(7) "Eligible municipal corporation" means a municipal corporation that is located in an eligible county, that levies a tax under section 5739.08 of the Revised Code, and in which one or more convention centers are located.

(8) "Qualifying lodging tax" means a tax levied by an eligible municipal corporation under section 5739.08 of the Revised Code or a tax levied by an eligible county under section 5739.09 of the Revised Code.

(9) "Eligible port authority" means a port authority created within an eligible county under Chapter 4582. of the Revised Code or a port authority created under Chapter 4582. of the Revised Code in a different county and that is partnering with a port authority located within an eligible county.

(10) "Issuing authority" means an eligible municipal corporation, an eligible county, a convention facilities authority, or an eligible port authority.

(11) "Qualifying vendor" means the person responsible for collecting and remitting qualifying lodging taxes from a convention center headquarters hotel.

(12) "Authorizing legislation" means an ordinance or resolution adopted under division (B) of this section.

(13) "Qualifying township" means a township that levies a tax
under section 5739.08 of the Revised Code that applies to transactions for lodging at a convention center headquarters hotel.

(14) "Eligible convention and visitors' bureau" means a convention and visitors' bureau that receives revenue from a tax levied under section 5739.09 of the Revised Code that applies to transactions for lodging at a convention center headquarters hotel.

(15) "Minimum payment obligation" is an obligation, including a contingent obligation, for a qualifying vendor to make a payment to an eligible municipal corporation, eligible county, or eligible port authority to ensure sufficient funds to finance the expenditures authorized under division (D)(2) of this section.

(B) The legislative authority of an eligible county or eligible municipal corporation, by ordinance or resolution, may declare all of the following:

(1) A hotel within that county or municipal corporation is designated as a convention center headquarters hotel;

(2) The name of the convention center that the hotel is associated with;

(3) That that hotel and any convention center headquarters hotel facilities associated with it are for a public purpose;

(4) That transactions by which lodging by the hotel is to be furnished to transient guests shall be wholly or partially exempt from the qualifying lodging taxes for a period not to exceed thirty years from the date the exemption begins;

(5) The date the exemption begins, which shall be the first day of a month;

(6) If the exemption is a partial exemption, the percentage of the qualifying lodging tax that is subject to exemption;
(7) Whether payments are to be required under division (D)(1) of this section and, if so, the issuing authority to which those payments are to be pledged.

Not more than one convention center headquarters hotel may be designated for each convention center located in the county or municipal corporation.

(C) Not later than fourteen days before adopting authorizing legislation, the eligible municipal corporation shall give notice of the proposed authorizing legislation to the eligible county, eligible convention and visitors' bureau, and any eligible township. Not later than thirty days after adopting authorizing legislation, the municipal corporation shall deliver a copy of the authorizing legislation to the eligible county, eligible convention and visitors' bureau, and eligible township, as applicable.

Not later than fourteen days before adopting authorizing legislation, the eligible county shall give notice of the proposed authorizing legislation to the eligible convention and visitors' bureau and any eligible municipal corporation or eligible township. Not later than thirty days after adopting authorizing legislation, the county shall deliver a copy of the authorizing legislation to the eligible convention and visitors' bureau and eligible municipal corporation or eligible township, as applicable.

An exemption granted pursuant to authorizing legislation commences on the date specified in the authorizing legislation.

(D)(1) An eligible municipal corporation or eligible county that has adopted authorizing legislation may require the convention center headquarters hotel's qualifying vendor to make monthly payments in lieu of qualifying lodging taxes on or before the final dates for payment of such taxes. Each such payment shall...
be charged and collected in the same amount as the exempted qualifying lodging tax. The vendor shall remit all payments to the eligible municipal corporation or eligible county that adopted the authorizing legislation. Such payments shall be used for the purpose of paying the cost of acquiring, constructing, renovating, or maintaining convention center headquarters hotel facilities located in the eligible county.

(2) An eligible municipal corporation or eligible county that adopts authorizing legislation shall establish a lodging tax equivalent fund into which shall be deposited all payments required under division (D)(1) of this section and all payments of minimum payment obligations made under agreements authorized pursuant to division (E) of this section.

Money in the lodging tax equivalent fund shall be pledged and contributed to the issuing authority designated in the authorizing legislation, or agent thereof, to pay the costs described in division (D)(1) of this section, including paying bonds or notes issued in anticipation of the issuance of bonds, or paying the expenses of maintaining, operating, or promoting one or more convention center headquarters facilities. If approved by the applicable issuing authority, money in the lodging tax equivalent fund may also be used by the eligible municipal corporation or eligible county, as applicable, for any other purpose the municipal corporation's or county's tax levied under section 5739.08 or 5739.09 of the Revised Code, respectively, may be used for.

The eligible municipal corporation or eligible county also may deposit or permit to be deposited into the lodging tax equivalent fund other money or taxes levied under section 5739.08 or 5739.09 of the Revised Code and lawfully available for those purposes as determined by the municipal corporation or county.

(3) A lodging tax equivalent fund established under division
(D)(2) of this section may be held by and pledged by the eligible municipal corporation or eligible county to a trustee for bonds or notes issued by an issuing authority.

(4) Any incidental surplus remaining in the lodging tax equivalent fund, upon dissolution of the fund, shall be transferred to the general fund of the eligible municipal corporation or eligible county to be used for any purpose for which the municipal corporation's or county's tax levied under section 5739.08 or 5739.09 of the Revised Code, respectively, may be used.

(E) An eligible municipal corporation, eligible county, or eligible port authority may enter into an agreement with a qualifying vendor to make payments of minimum payment obligations for deposit into the lodging tax equivalent fund established under division (D)(2) of this section. An agreement entered into under this division is binding and enforceable against all subsequent qualifying vendors for a convention center headquarters hotel without the necessity of a written assignment of the agreement.

(F) Payments required under division (D)(1) of this section and minimum payment obligations shall be collected and enforced by the eligible municipal corporation or eligible county. The municipal corporation or county may delegate this authority to the issuing authority designated in the authorizing legislation, or to an agent thereof, by including this delegation in the authorizing legislation or adopting a separate ordinance or resolution. Such issuing authority or agent shall be subject to any regulations or restrictions imposed upon the municipal corporation or county in collecting and enforcing qualifying lodging tax.

(G) A qualifying vendor may charge a consumer for any payments required under division (D)(1) of this section in the same amount as the consumer would have paid in qualifying lodging taxes had such taxes not been exempted, provided that the charges
shall be separately stated on the invoice, bill of sale, or similar document given to the consumer.

Any charges paid by the consumer shall be considered taxes described in division (H)(1)(c)(iii) of section 5739.01 of the Revised Code.

**Sec. 5739.19.** The tax commissioner may revoke any retail vendor's license upon ascertaining that the vendor has no need for the license because the vendor is not engaged in making taxable retail sales. Notice of the revocation shall be delivered to the vendor personally or by certified mail or by an alternative delivery service as authorized under in the manner provided in section 5703.37 of the Revised Code. The revocation shall be effective on the first day of the month following the expiration of fifteen days after the vendor received the notice of the revocation.

The revocation of the vendor's license shall be stayed if, within fifteen days after receiving notice of the revocation, the vendor objects, in writing, to the revocation. The commissioner shall consider the written objections of the vendor and issue a final determination on the revocation of the vendor's license. The commissioner's final determination may be appealed to the board of tax appeals pursuant to section 5717.02 of the Revised Code. The revocation shall be effective on the first day of the month following the expiration of all time limits for appeal.

**Sec. 5739.30.** (A) No person, including any officer, employee, or trustee of a corporation or business trust, shall fail to file any return or report required to be filed by this chapter, or file or cause to be filed any incomplete, false or fraudulent return, report, or statement, or aid or abet another in the filing of any false or fraudulent return, report, or statement.
If any vendor required to file monthly returns under section 5739.12 of the Revised Code fails, on two consecutive months or on three or more months within a twelve-month period, to file such returns when due or to pay the tax thereon, or if any vendor authorized by the tax commissioner to file semiannual returns fails on two or more occasions within a twenty-four month period, to file such returns when due or to pay the tax due thereon, the commissioner may do any of the following:

(1) Require the vendor to furnish security in an amount equal to the average tax liability of the vendor for a period of one year, as determined by the commissioner from a review of returns or other information pertaining to the vendor, which amount shall in no event be less than one thousand dollars. The security may be in the form of a corporate surety bond, satisfactory to the commissioner, conditioned upon payment of the tax due with the returns from the vendor. The security shall be filed within ten days following the vendor's receipt of the notice from the commissioner of its requirements.

(2) Suspend the license issued to the vendor pursuant to section 5739.17 of the Revised Code. The suspension shall be effective ten days after service of written notice to the vendor of the commissioner's intention to do so. The notice shall be served upon the vendor personally, by certified mail, or by an alternative delivery service as authorized under in the manner provided in section 5703.37 of the Revised Code. On the first day of the suspension, the commissioner shall cause to be posted, at every public entrance of the vendor's premises, a notice identifying the vendor and the location and informing the public that the vendor's license is under suspension and that no retail sales may be transacted at that location. No person, other than the commissioner or the commissioner's agent or employee, shall.
remove, cover, or deface the posted notice. No license which has been suspended under this section shall be reinstated, and no posted notice shall be removed, until the vendor has filed complete and correct returns under this chapter and section 5747.07 of the Revised Code for all periods in which no return had been filed and has paid the full amount of the tax, penalties, or other charges due.

A corporate surety bond filed under this section shall be returned to the vendor if, for a period of twelve consecutive months following the date the bond was filed, the vendor has filed all returns and remitted payment with them within the time prescribed in section 5739.12 of the Revised Code.

(C) The tax commissioner may suspend a license issued to a vendor pursuant to section 5739.17 of the Revised Code if the vendor is required, as an employer, to file returns or make payments under section 5747.07 of the Revised Code and the vendor fails to do either of the following:

(1) File such returns when due on two consecutive occasions or on three or more occasions within a twelve-month period;

(2) Pay the undeposited taxes when due on two consecutive occasions or on three or more occasions within a twelve-month period.

Any such suspension shall comply with the provisions of division (B)(2) of this section.

(D) If a vendor whose license has been suspended under division (B)(2) of this section fails to file returns or make payments under section 5747.07 of the Revised Code during such suspension, the license may not be reinstated, and the notice required by that division shall not be removed, until the vendor files complete and correct returns and pays the amounts due, plus any penalties and other related charges, under section 5747.07 of
the Revised Code for all periods for which the vendor failed to
file such returns and make such payments.

Sec. 5739.31. (A)(1) No person shall engage in the business
of selling at retail or sell at retail incidental to any other
regularly conducted business without having a license therefor, as
required by sections 5739.01 to 5739.31 of the Revised Code.

(2) No person shall engage in the business of selling at
retail as a transient vendor, as defined in section 5739.17 of the
Revised Code, without first having obtained a license as required
by that section.

(B) No person shall continue to engage in the business of
selling at retail or sell at retail incidental to any other
regularly conducted business after the license issued to that
person pursuant to section 5739.17 of the Revised Code has been
suspended by the tax commissioner under division (B)(2) of section
5739.30 of the Revised Code, nor shall any person obtain a new
license from the any county auditor or the tax commissioner while
such suspension is in effect. If a corporation's license has been
suspended, none of its officers, or employees having control or
supervision of or charged with the responsibility of filing
returns and making payments of tax due, shall obtain a license
from the any county auditor or the tax commissioner during the
period of such suspension.

(C) The tax commissioner may cancel any license obtained in
violation of division (B) of this section or obtained by any
person who violates division (A)(1) of this section more than
once.

Sec. 5739.99. (A) Whoever negligently violates section
5739.26 or 5739.29 of the Revised Code shall be fined not less
than twenty-five nor more than one hundred dollars is guilty of a
minor misdemeanor for a first offense; for each subsequent offense such person shall, if a corporation, be fined not less than one hundred nor more than five hundred dollars, or if an individual, or a member of a partnership, firm, or association, be fined not less than twenty-five nor more than one hundred dollars, or imprisoned not more than sixty days, or both is guilty of a misdemeanor of the third degree.

(B) Whoever negligently violates division (A) of section 5739.30 of the Revised Code shall be fined not less than one hundred nor more than one thousand dollars, or imprisoned not more than sixty days, or both is guilty of a misdemeanor of the third degree.

(C)(1) Whoever negligently violates division (A)(1) of section 5739.31 of the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars is guilty of a minor misdemeanor on the first offense. If the offender previously has been convicted of an offense under division (C)(1) of this section, the offender is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of two or more previous convictions for a violation of division (A)(1) of section 5739.31 of the Revised Code, the offender is guilty of a felony of the fourth degree.

(2) Whoever negligently violates division (A)(2) of section 5739.31 of the Revised Code shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not more than ten days, or both, is guilty of a minor misdemeanor for the first offense; for each subsequent offense, each such person shall be fined not less than one thousand dollars nor more than twenty-five hundred dollars, or imprisoned not more than thirty days, or both is guilty of a misdemeanor of the fourth degree. The motor vehicles and goods of any person charged with violating division (A)(2) of section 5739.31 of the Revised Code
may be impounded and held pending the disposition of the charge, and may be sold at auction by the county sheriff in the manner prescribed by law to satisfy any fine imposed by this division.

(3) Whoever negligently violates division (B) of section 5739.31 of the Revised Code is guilty of a misdemeanor of the first degree on the first offense; on each subsequent offense, the person is guilty of a felony of the fourth degree. Each day that business is conducted while a vendor's license is suspended constitutes a separate offense.

(D) Except as otherwise provided in this section, whoever violates sections 5739.01 to 5739.31 of the Revised Code, or any lawful rule promulgated by the department of taxation under authority of such sections, shall be fined not less than twenty-five nor more than one hundred dollars.

(E) Whoever violates section 5739.12 of the Revised Code by failing to remit to the state the tax collected under section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code is guilty of a felony of the fourth degree and shall suffer the loss of the person's vendor's license as required by section 5739.17 of the Revised Code. A person shall not be eligible for a vendor's license for two years following conviction.

(F) Whoever violates division (E) of section 5739.17 of the Revised Code is guilty of failure to display a transient vendor's license, a minor misdemeanor. A sheriff or police officer in a municipal corporation may enforce this division. The prosecuting attorney of a county shall inform the tax commissioner of any instance when a complaint is brought against a transient vendor pursuant to this division.

(G) Whoever violates section 5739.103 of the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars. If the offender previously has been convicted of
violating that section, the offender is guilty of a felony of the fourth degree.

(H) The penalties provided in this section are in addition to any penalties imposed by the tax commissioner under section 5739.133 of the Revised Code.

Sec. 5741.11. (A) Except as otherwise provided in divisions (B) and (C) of this section, if any seller who is required or authorized to collect the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code fails to do so, the seller shall be liable personally for such amount as the seller failed to collect. If any seller collects the tax imposed by or pursuant to any such section and fails to remit the same to the state as prescribed, the seller shall be personally liable for any amount collected that the seller failed to remit. The tax commissioner may make an assessment against such seller, based upon any information within the commissioner's possession. The commissioner shall give to the seller written notice of such assessment. Such notice shall be served upon the seller personally or by certified mail in the manner provided in section 5703.37 of the Revised Code.

(B) A marketplace facilitator is relieved of all liability under division (A) of this section for failure to collect the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code on a sale facilitated by the marketplace facilitator on behalf of an unaffiliated marketplace seller if it is demonstrated to the satisfaction of the commissioner that the marketplace facilitator made a reasonable effort to obtain sufficient and accurate information about the sale from the marketplace seller and that the marketplace facilitator failed to collect the correct amount of tax because of insufficient or incorrect information provided by the marketplace seller.
If a marketplace facilitator is relieved of liability under this division, the marketplace seller for which the sale was facilitated and the purchaser are personally liable for any amount of tax that is not properly collected, paid, or remitted.

(C) Division (B) of this section does not absolve a marketplace facilitator, marketplace seller, or any other person from personal liability for collecting but failing to remit the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code.

(D) No class action may be brought against a marketplace facilitator in any court of this state on behalf of consumers arising from or in any way related to an overpayment of the tax imposed by or pursuant to sections section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code on sales facilitated by the marketplace facilitator, regardless of whether the claim is characterized as a tax refund claim.

**Sec. 5743.06.** (A) As used in this section, "bad debt" means any debt that arises from the sale by a wholesale dealer of cigarettes properly stamped under section 5743.03, 5743.031, or 5743.04 of the Revised Code, that has become worthless or uncollectible, that has been uncollected for at least six months, and that may be claimed as a deduction pursuant to the "Internal Revenue Code of 1954," 26 U.S.C. 166, and regulations adopted pursuant thereto, or that could be claimed as such a deduction if the wholesale dealer kept accounts on an accrual basis. "Bad debt" does not include any interest or financing charges on the debt, expenses incurred in attempting to collect the debt or for any portion of the debt recovered, any accounts receivable that have been sold or assigned to a third party, or repossessed property.

(B) A wholesale dealer may apply to the tax commissioner for
a refund of the value of cigarette tax stamps, less any discounts
provided under section 5743.05 of the Revised Code, that are part
of bad debt of the dealer. The commissioner shall not refund any
amount for bad debt under this section unless the dealer has
charged off the bad debt on its books as uncollectible. If a
purchaser or other person pays all or part of a bad debt with
respect to which a wholesale dealer received a refund under this
section, the dealer is liable for the prorated amount of taxes
refunded in connection with that portion of the debt for which
such payment was received and shall remit such taxes to the
commissioner in the manner the commissioner prescribes. Any
request for refund under this section shall be supported by such
evidence the commissioner requires, including, but not limited to,
all of the following:

(1) A copy of the original invoice;

(2) Evidence that the cigarettes described in the invoice
were delivered to the person that ordered them;

(3) Evidence that the person who ordered and received such
cigarettes did not pay the wholesale dealer for the cigarettes and
that the dealer used reasonable collection practices in attempting
to collect the debt.

(C) A request for refund under this section shall be filed
within three years after the date the bad debt became
uncollectible. For each request, the commissioner shall determine
the amount of refund to which the applicant is entitled. If the
amount is not less than that claimed, the commissioner shall
certify the amount to the director of budget and management and
treasurer of state for payment from the tax refund fund created by
section 5703.052 of the Revised Code. If the amount is less than
that claimed, the commissioner shall proceed in accordance with
section 5703.70 of the Revised Code.
(D) The commissioner may adopt any rules necessary to administer this section. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code.

(E) No person other than the wholesaler that purchased the tax stamps and generated the bad debt may claim the refund authorized under this section.

Sec. 5743.15. (A) Except as otherwise provided in this division, no person shall engage in this state in the wholesale or retail business of trafficking in cigarettes or in the business of a manufacturer or importer of cigarettes without having a license to conduct each such activity issued by a county auditor under division (B) of this section or the tax commissioner under divisions (C) and (F) of this section. On dissolution of a partnership by death, the surviving partner may operate under the license of the partnership until expiration of the license, and the heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the license of the person succeeded in possession by such heir, representative, receiver, or trustee in bankruptcy if the partner or successor notifies the issuer of the license of the dissolution or succession within thirty days after the dissolution or succession.

(B)(1) Each applicant for a license to engage in the retail business of trafficking in cigarettes under this section, annually, on or before the fourth Monday of May first day of June, shall make and deliver to the county auditor of the county in which the applicant desires to engage in the retail business of trafficking in cigarettes, upon a blank form furnished by such auditor for that purpose, a statement showing the name of the
applicant, each physical place in the county where the applicant's business is conducted, the nature of the business, and any other information the tax commissioner requires in the form of statement prescribed by the commissioner. If the applicant is a firm, partnership, or association other than a corporation, the application shall state the name and address of each of its members. If the applicant is a corporation, the application shall state the name and address of each of its officers. At the time of making the application required by this section, every person desiring to engage in the retail business of trafficking in cigarettes shall pay an application fee in the sum of one hundred twenty-five dollars for each physical place where the person proposes to carry on such business. Each place of business shall be deemed such space, under lease or license to, or under the control of, or under the supervision of the applicant, as is contained in one or more contiguous, adjacent, or adjoining buildings constituting an industrial plant or a place of business operated by, or under the control of, one person, or under one roof and connected by doors, halls, stairways, or elevators, which space may contain any number of points at which cigarettes are offered for sale, provided that each additional point at which cigarettes are offered for sale shall be listed in the application.

(2) Upon receipt of the application and exhibition of the county treasurer's receipt showing the payment of the application fee, the county auditor shall issue to the applicant a license for each place of business designated in the application, authorizing the applicant to engage in such business at such place for one year commencing on the fourth Monday of May first day of June. The form of the license shall be prescribed by the commissioner. A duplicate license may be obtained from the county auditor upon payment of a five-dollar fee if the original license is lost, destroyed, or defaced. When an application is filed after the...
fourth Monday of May first day of June, the application fee required to be paid shall be proportioned in amount to the remainder of the license year, except that it shall not be less than twenty-five dollars in any one year.

(3) The holder of a retail dealer's cigarette license may transfer the license to a place of business within the same county other than that designated on the license on condition that the licensee's ownership interest and business structure remain unchanged, and that the licensee applies to the county auditor therefor, upon forms approved by the commissioner and the payment of a fee of five dollars into the county treasury.

(C)(1) Each applicant for a license to engage in the wholesale business of trafficking in cigarettes under this section, annually, on or before the fourth Monday in May first day of June, shall make and deliver to the tax commissioner, upon a blank form furnished by the commissioner for that purpose, a statement showing the name of the applicant, physical street address where the applicant's business is conducted, the nature of the business, and any other information required by the commissioner. If the applicant is a firm, partnership, or association other than a corporation, the applicant shall state the name and address of each of its members. If the applicant is a corporation, the applicant shall state the name and address of each of its officers. At the time of making the application required by this section, every person desiring to engage in the wholesale business of trafficking in cigarettes shall pay an application fee of one thousand dollars for each physical place where the person proposes to carry on such business. Each place of business shall be deemed such space, under lease or license to, or under the control of, or under the supervision of the applicant, as is contained in one or more contiguous, adjacent, or adjoining buildings constituting an industrial plant or a place of business.
operated by, or under the control of, one person, or under one 97162
roof and connected by doors, halls, stairways, or elevators. A 97163
duplicate license may be obtained from the commissioner upon 97164
payment of a twenty-five-dollar fee if the original license is 97165
lost, destroyed, or defaced.

(2) Upon receipt of the application and payment of any 97167
application fee required by this section, the commissioner shall 97168
verify that the applicant is not in violation of any provision of 97169
Chapter 1346. or Title LVII of the Revised Code. The commissioner 97170
shall also verify that the applicant has filed any returns, 97171
submitted any information, and paid any outstanding taxes, 97172
charges, or fees as required for any tax, charge, or fee 97173
administered by the commissioner, to the extent that the 97174
commissioner is aware of the returns, information, or payments at 97175
the time of the application. Upon approval, the commissioner shall 97176
issue to the applicant a license for each physical place of 97177
business designated in the application authorizing the applicant 97178
to engage in business at that location for one year commencing on 97179
the fourth Monday in May first day of June. For licenses issued 97180
after the fourth Monday in May first day of June, the application 97181
fee shall be reduced proportionately by the remainder of the 97182
twelve-month period for which the license is issued, except that 97183
the application fee required to be paid under this section shall 97184
be not less than two hundred dollars in any one year.

(3) The holder of a wholesale dealer cigarette license may 97186
transfer the license to a place of business other than that 97187
designated on the license on condition that the licensee's 97188
ownership or business structure remains unchanged, and that the 97189
licensee applies to the commissioner for such a transfer upon a 97190
form promulgated by the commissioner and pays a fee of twenty-five 97191
dollars, which shall be deposited into the cigarette tax 97192
enforcement fund created in division (E) of this section.
(D)(1) The wholesale cigarette license application fees collected under this section shall be paid into the cigarette tax enforcement fund.

(2) The retail cigarette license application fees collected under this section shall be distributed as follows:

(a) Thirty per cent shall be paid upon the warrant of the county auditor into the treasury of the municipal corporation or township in which the places of business for which the tax revenue was received are located;

(b) Ten per cent shall be credited to the general fund of the county;

(c) Sixty per cent shall be paid into the cigarette tax enforcement fund.

(3) The remainder of the revenues and fines collected under this section and the penal laws relating to cigarettes shall be distributed as follows:

(a) Three-fourths shall be paid upon the warrant of the county auditor into the treasury of the municipal corporation or township in which the place of business, on account of which the revenues and fines were received, is located;

(b) One-fourth shall be credited to the general fund of the county.

(E) There is hereby created within the state treasury the cigarette tax enforcement fund for the purpose of providing funds to assist in paying the costs of enforcing sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code.

The portion of cigarette license application fees received by a county auditor during the annual application period that ends on the fourth Monday in May and that is required to be deposited in the cigarette tax enforcement fund shall be sent...
to the treasurer of state by the thirtieth day of June each year
accompanied by the form prescribed by the tax commissioner. The
portion of cigarette license application fees received by each
county auditor after the fourth Monday in May first day of June
and that is required to be deposited in the cigarette tax
enforcement fund shall be sent to the treasurer of state by the
last day of the month following the month in which such fees were
collected.

(F)(1) Every person who desires to engage in the business of
a manufacturer or importer of cigarettes shall, annually, on or
before the fourth Monday of May first day of June, make and
deliver to the tax commissioner, upon a blank form furnished by
the commissioner for that purpose, a statement showing the name of
the applicant, the nature of the applicant's business, and any
other information required by the commissioner. If the applicant
is a firm, partnership, or association other than a corporation,
the applicant shall state the name and address of each of its
members. If the applicant is a corporation, the applicant shall
state the name and address of each of its officers.

(2) Upon receipt of the application required under this
section, the commissioner shall verify that the applicant is not
in violation of any provision of Chapter 1346. of the Revised
Code. The commissioner shall also verify that the applicant has
filed any returns, submitted any information, and paid any
outstanding taxes, charges, or fees as required for any tax,
charge, or fee administered by the commissioner, to the extent
that the commissioner is aware of the returns, information, taxes,
charges, or fees at the time of the application. Upon approval,
the commissioner shall issue to the applicant a license
authorizing the applicant to engage in the business of
manufacturer or importer, whichever the case may be, for one year
commencing on the fourth Monday of May first day of June.
(3) The issuing of a license under division (F)(1) of this section to a manufacturer does not excuse a manufacturer from the certification process required under section 1346.05 of the Revised Code. A manufacturer who is issued a license under division (F)(1) of this section and who is not listed on the directory required under section 1346.05 of the Revised Code shall not be permitted to sell cigarettes in this state other than to a licensed cigarette wholesaler for sale outside this state. Such a manufacturer shall provide documentation to the commissioner evidencing that the cigarettes are legal for sale in another state.

(G) The tax commissioner may adopt rules necessary to administer this section.

Sec. 5743.53. (A) The treasurer of state shall refund to a taxpayer any of the following:

(1) Amounts imposed under this chapter that were paid illegally or erroneously or paid on an illegal or erroneous assessment;

(2) Any tax paid on tobacco products or vapor products that have been sold or shipped to retail dealers, wholesale dealers, or vapor distributors outside this state, returned to the manufacturer, or destroyed by the taxpayer with the prior approval of the tax commissioner;

(3) In accordance with division (E) of this section, any tax paid by a distributor or vapor distributor on tobacco or vapor products, less any discounts provided under section 5743.52 of the Revised Code, that are part of bad debt of the distributor or vapor distributor.

Any application for refund shall be filed with the commissioner on a form prescribed by the commissioner for that
purpose. The commissioner may not pay any refund on an application for refund filed with the commissioner more than three years from the date of the payment.

(B) On the filing of the application for refund, the commissioner shall determine the amount of the refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and to the treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

If a refund is granted for payment of an illegal or erroneous assessment issued by the department of taxation, the refund shall include interest on the amount of the refund from the date of the overpayment. The interest shall be computed at the rate per annum in the manner prescribed by section 5703.47 of the Revised Code.

(C) If any person entitled to a refund under this section or section 5703.70 of the Revised Code is indebted to the state for any tax administered by the tax commissioner, or any charge, penalties, or interest arising from such tax, the amount allowable on the application for refund first shall be applied in satisfaction of the debt.

(D) In lieu of granting a refund payable under division (A)(2) of this section, the tax commissioner may allow a taxpayer to claim a credit of the amount of refundable tax on the return for the period during which the tax became refundable. The commissioner may require taxpayers to submit any information necessary to support a claim for a credit under this section, and the commissioner shall allow no credit if that information is not provided.
As used in this section, "bad debt" means any debt that arises from the sale by a distributor or vapor distributor of tobacco or vapor products for which the distributor or vapor distributor remitted the tax due under section 5743.51 of the Revised Code, that has become worthless or uncollectible, that has been uncollected for at least six months, and that may be claimed as a deduction pursuant to the "Internal Revenue Code of 1954," 26 U.S.C. 166, and regulations adopted pursuant thereto, or that could be claimed as such a deduction if the distributor or vapor distributor kept account on an accrual basis. "Bad debt" does not include any interest or financing charges on the debt, expenses incurred in attempting to collect the debt or for any portion of the debt recovered, any accounts receivable that have been sold or assigned to a third party, or repossessed property.

(2) The commissioner shall not refund any amount for bad debt under division (A)(3) of this section unless the distributor or vapor distributor has charged off the bad debt on its books as uncollectible. If a purchaser or other person pays all or part of a bad debt with respect to which a distributor or vapor distributor received a refund under this section, the distributor or vapor distributor is liable for the prorated amount of taxes refunded in connection with that portion of the debt for which such payment was received and shall remit such taxes to the commissioner in the manner the commissioner prescribes. Any request for refund under division (A)(3) of this section shall be supported by such evidence the commissioner requires, including, but not limited to, all of the following:

(a) A copy of the original invoice;

(b) Evidence that the tobacco or vapor products described in the invoice were delivered to the person that ordered them;

(c) Evidence that the person who ordered and received such tobacco or vapor products did not pay the distributor or vapor
distributor for the tobacco or vapor products and that the distributor or vapor distributor used reasonable collection practices in attempting to collect the debt;

(d) Evidence of the wholesale price or vapor volume, as applicable to the product, at the time the product was subjected to the tax imposed under section 5743.51 of the Revised Code.

(3) No person other than the distributor or vapor distributor that paid the tax imposed under section 5743.51 of the Revised Code to the state and generated the bad debt may claim the bad debt refund authorized under division (E) of this section.

(F) The commissioner may adopt any rules necessary to administer this section. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (E) of this section is not subject to sections 121.95 to 121.953 of the Revised Code.

**Sec. 5743.61.** (A)(1) No distributor or vapor distributor shall engage in the business of distributing tobacco products, vapor products, or both within this state without having a license issued by the department of taxation to engage in that business.

(2) On the dissolution of a partnership by death, the surviving partner may operate under the license of the partnership until the expiration of the license, and the heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the license of the person succeeded in possession by the heir, representative, receiver, or trustee in bankruptcy if the partner or successor notifies the department of taxation of the dissolution or succession within thirty days after the dissolution or succession.
(B)(1) Each applicant for a license described by division (A)(1) of this section, annually, on or before the first day of February, shall make and deliver to the tax commissioner, upon a form furnished by the commissioner for that purpose, a statement showing the name of the applicant, each physical place from which the applicant distributes to distributors, vapor distributors, retail dealers, or wholesale dealers, and any other information the commissioner considers necessary for the administration of sections 5743.51 to 5743.66 of the Revised Code.

(2) At the time of making the application for a license to engage either in the business of distributing tobacco products or in the business of distributing both tobacco products and vapor products, the applicant shall pay an application fee of one thousand dollars for each place listed on the application where the applicant proposes to carry on that business. The application fee for a license to engage solely in the business of distributing vapor products shall be one hundred twenty-five dollars for each place listed on the application where the applicant proposes to carry on that business. The fee charged for the application shall accompany the application and shall be made payable to the treasurer of state for deposit into the cigarette tax enforcement fund.

(3) Upon receipt of the application and payment of any licensing fee required by this section, the commissioner shall verify that the applicant has filed all returns, submitted all information, and paid all outstanding taxes, charges, or fees as required for any taxes, charges, or fees administered by the commissioner, to the extent the commissioner is aware of the returns, information, taxes, charges, or fees at the time of the application. Upon approval, the commissioner shall issue to the applicant a license for each place of distribution designated in the application authorizing the applicant to engage in business at
that location for one year commencing on the first day of February. For licenses issued after the first day of February, the license application fee shall be reduced proportionately by the remainder of the twelve-month period for which the license is issued, except that the application fee required to be paid under this section shall be not less than two hundred dollars. If the original license is lost, destroyed, or defaced, a duplicate license may be obtained from the commissioner upon payment of a license replacement fee of twenty-five dollars.

(C) The holder of a tobacco or vapor products license may transfer the license to a place of business on condition that the licensee's ownership and business structure remains unchanged and the licensee applies to the commissioner for the transfer on a form issued by the commissioner, and pays a transfer fee of twenty-five dollars.

(D) If a distributor or vapor distributor fails to file forms as required under Chapter 1346. or section 5743.52 of the Revised Code or pay the tax due for two consecutive periods or three periods during any twelve-month period, the commissioner may suspend the license issued to the distributor or vapor distributor under this section. The suspension is effective ten days after the commissioner notifies the distributor or vapor distributor of the suspension in writing personally or by certified mail in the manner provided in section 5703.37 of the Revised Code. The commissioner shall lift the suspension when the distributor or vapor distributor files the delinquent forms and pays the tax due, including any penalties, interest, and additional charges. The commissioner may refuse to issue the annual renewal of the license required by this section and may refuse to issue a new license for a location of the distributor until all delinquent forms are filed and outstanding taxes are paid. This division does not apply to any unpaid or underpaid tax liability that is the subject of a
petition or appeal filed pursuant to section 5743.56, 5717.02, or 5717.04 of the Revised Code.

(E)(1) The tax commissioner may impose a penalty of up to one thousand dollars on any person found to be engaging in the business of distributing tobacco products or vapor products without a license as required by this section.

(2) Any person engaging in the business of distributing tobacco products or vapor products without a license as required by this section shall comply with divisions (B)(1) and (2) of this section within ten days after being notified of the requirement to do so. Failure to comply with division (E)(2) of this section subjects a person to penalties imposed under section 5743.99 of the Revised Code.

**Sec. 5747.01.** Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

As used in this chapter:

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:

(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.

(2) Add interest or dividends on obligations of any
authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.

(5) Deduct the following, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income:

(a) Benefits under Title II of the Social Security Act and tier 1 railroad retirement;

(b) Railroad retirement benefits, other than tier 1 railroad retirement benefits, to the extent such amounts are exempt from state taxation under federal law.

(6) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal adjusted gross income for the taxable year, had the work opportunity tax credit allowed and determined under sections 38, 51, and 52 of the Internal Revenue Code not been in effect.

(7) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent that the interest or interest equivalent is included in federal adjusted gross income.
(8) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent that the loss has been deducted or the gain has been included in computing federal adjusted gross income.

(9) Deduct or add amounts, as provided under section 5747.70 of the Revised Code, related to contributions made to or tuition units purchased under a qualified tuition program established pursuant to section 529 of the Internal Revenue Code.

(10)(a) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer paid during the taxable year for medical care insurance and qualified long-term care insurance for the taxpayer, the taxpayer's spouse, and dependents. No deduction for medical care insurance under division (A)(10)(a) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(10)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(10)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year.

(b) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, the amount the taxpayer paid during the taxable year, not compensated for by any insurance or otherwise, for medical care of the taxpayer, the taxpayer's spouse, and
dependents, to the extent the expenses exceed seven and one-half per cent of the taxpayer's federal adjusted gross income.

(c) For purposes of division (A)(10) of this section, "medical care" has the meaning given in section 213 of the Internal Revenue Code, subject to the special rules, limitations, and exclusions set forth therein, and "qualified long-term care" has the same meaning given in section 7702B(c) of the Internal Revenue Code. Solely for purposes of division (A)(10)(a) of this section, "dependent" includes a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(11)(a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A)(11)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(12) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:
(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;

(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.

(13) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(13) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.

(14)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code;

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year.

(15) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that such amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any
of the taxpayer's taxable years under the Internal Revenue Code.

(16) Deduct the amount contributed by the taxpayer to an
individual development account program established by a county
department of job and family services pursuant to sections 329.11
to 329.14 of the Revised Code for the purpose of matching funds
deposited by program participants. On request of the tax
commissioner, the taxpayer shall provide any information that, in
the tax commissioner's opinion, is necessary to establish the
amount deducted under division (A)(16) of this section.

(17)(a)(i) Subject to divisions (A)(17)(a)(iii), (iv), and
(v) of this section, add five-sixths of the amount of depreciation
expense allowed by subsection (k) of section 168 of the Internal
Revenue Code, including the taxpayer's proportionate or
distributive share of the amount of depreciation expense allowed
by that subsection to a pass-through entity in which the taxpayer
has a direct or indirect ownership interest.

(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of
this section, add five-sixths of the amount of qualifying section
179 depreciation expense, including the taxpayer's proportionate
or distributive share of the amount of qualifying section 179
depreciation expense allowed to any pass-through entity in which
the taxpayer has a direct or indirect ownership interest.

(iii) Subject to division (A)(17)(a)(v) of this section, for
taxable years beginning in 2012 or thereafter, if the increase in
income taxes withheld by the taxpayer is equal to or greater than
ten per cent of income taxes withheld by the taxpayer during the
taxpayer's immediately preceding taxable year, "two-thirds" shall
be substituted for "five-sixths" for the purpose of divisions
(A)(17)(a)(i) and (ii) of this section.

(iv) Subject to division (A)(17)(a)(v) of this section, for
taxable years beginning in 2012 or thereafter, a taxpayer is not
required to add an amount under division (A)(17) of this section if the increase in income taxes withheld by the taxpayer and by any pass-through entity in which the taxpayer has a direct or indirect ownership interest is equal to or greater than the sum of (I) the amount of qualifying section 179 depreciation expense and (II) the amount of depreciation expense allowed to the taxpayer by subsection (k) of section 168 of the Internal Revenue Code, and including the taxpayer's proportionate or distributive shares of such amounts allowed to any such pass-through entities.

(v) If a taxpayer directly or indirectly incurs a net operating loss for the taxable year for federal income tax purposes, to the extent such loss resulted from depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code and by qualifying section 179 depreciation expense, "the entire" shall be substituted for "five-sixths of the" for the purpose of divisions (A)(17)(a)(i) and (ii) of this section.

The tax commissioner, under procedures established by the commissioner, may waive the add-backs related to a pass-through entity if the taxpayer owns, directly or indirectly, less than five per cent of the pass-through entity.

(b) Nothing in division (A)(17) of this section shall be construed to adjust or modify the adjusted basis of any asset.

(c) To the extent the add-back required under division (A)(17)(a) of this section is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situated to the same location as the nonbusiness income or loss generated by the property for the purpose of determining the credit under division (A) of section 5747.05 of the Revised Code. Otherwise, the add-back shall be apportioned, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.
(d) For the purposes of division (A)(17)(a)(v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount.

(e) For the purposes of divisions (A)(17) and (18) of this section:

(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year.

(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year.

(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

(18)(a) If the taxpayer was required to add an amount under division (A)(17)(a) of this section for a taxable year, deduct one of the following:

(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code.
(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense;

(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added.

(b) If the amount deducted under division (A)(18)(a) of this section is attributable to an add-back allocated under division (A)(17)(c) of this section, the amount deducted shall be sitused to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(18)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation results in or increases a federal net operating loss carryback or carryforward. If no such deduction is available for a taxable year, the taxpayer may carry forward the amount not deducted in such taxable year to the next taxable year and add that amount to any deduction otherwise available under division (A)(18)(a) of this section for that next taxable year. The carryforward of amounts not so deducted shall continue until the entire addition required by division (A)(17)(a) of this section has been deducted.

(19) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as
reimbursement for life insurance premiums under section 5919.31 of the Revised Code.

(20) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as a death benefit paid by the adjutant general under section 5919.33 of the Revised Code.

(21) Deduct, to the extent included in federal adjusted gross income and not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, military pay and allowances received by the taxpayer during the taxable year for active duty service in the United States army, air force, navy, marine corps, or coast guard or reserve components thereof or the national guard. The deduction may not be claimed for military pay and allowances received by the taxpayer while the taxpayer is stationed in this state.

(22) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year and not otherwise compensated for by any other source, the amount of qualified organ donation expenses incurred by the taxpayer during the taxable year, not to exceed ten thousand dollars. A taxpayer may deduct qualified organ donation expenses only once for all taxable years beginning with taxable years beginning in 2007.

For the purposes of division (A)(22) of this section:

(a) "Human organ" means all or any portion of a human liver, pancreas, kidney, intestine, or lung, and any portion of human bone marrow.

(b) "Qualified organ donation expenses" means travel expenses, lodging expenses, and wages and salary forgone by a taxpayer in connection with the taxpayer's donation, while living,
of one or more of the taxpayer's human organs to another human being.

(23) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts received by the taxpayer as retired personnel pay for service in the uniformed services or reserve components thereof, or the national guard, or received by the surviving spouse or former spouse of such a taxpayer under the survivor benefit plan on account of such a taxpayer's death. If the taxpayer receives income on account of retirement paid under the federal civil service retirement system or federal employees retirement system, or under any successor retirement program enacted by the congress of the United States that is established and maintained for retired employees of the United States government, and such retirement income is based, in whole or in part, on credit for the taxpayer's uniformed service, the deduction allowed under this division shall include only that portion of such retirement income that is attributable to the taxpayer's uniformed service, to the extent that portion of such retirement income is otherwise included in federal adjusted gross income and is not otherwise deducted under this section. Any amount deducted under division (A)(23) of this section is not included in a taxpayer's adjusted gross income for the purposes of section 5747.055 of the Revised Code. No amount may be deducted under division (A)(23) of this section on the basis of which a credit was claimed under section 5747.055 of the Revised Code.

(24) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year from the military injury relief fund created in section 5902.05 of the Revised Code.

(25) Deduct, to the extent not otherwise deducted or excluded
in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received as a veterans bonus during the taxable year from the Ohio department of veterans services as authorized by Section 2r of Article VIII, Ohio Constitution.

(26) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(27) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, Ohio college opportunity or federal Pell grant amounts received by the taxpayer or the taxpayer's spouse or dependent pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 1070a, et seq., and used to pay room or board furnished by the educational institution for which the grant was awarded at the institution's facilities, including meal plans administered by the institution. For the purposes of this division, receipt of a grant includes the distribution of a grant directly to an educational institution and the crediting of the grant to the enrollee's account with the institution.

(28) Deduct from the portion of an individual's federal adjusted gross income that is business income, to the extent not otherwise deducted or excluded in computing federal adjusted gross income for the taxable year, one hundred twenty-five thousand dollars for each spouse if spouses file separate returns under section 5747.08 of the Revised Code or two hundred fifty thousand dollars for all other individuals.

(29) Deduct, as provided under section 5747.78 of the Revised Code, contributions to ABLE savings accounts made in accordance with sections 113.50 to 113.56 of the Revised Code.
(30)(a) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, all of the following:

(i) Compensation paid to a qualifying employee described in division (A)(14)(a) of section 5703.94 of the Revised Code to the extent such compensation is for disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the employee's employer;

(ii) Compensation paid to a qualifying employee described in division (A)(14)(b) of section 5703.94 of the Revised Code to the extent such compensation is for disaster work conducted in this state by the employee during the disaster response period on critical infrastructure owned or used by the employee's employer;

(iii) Income received by an out-of-state disaster business for disaster work conducted in this state during a disaster response period, or, if the out-of-state disaster business is a pass-through entity, a taxpayer's distributive share of the pass-through entity's income from the business conducting disaster work in this state during a disaster response period, if, in either case, the disaster work is conducted pursuant to a qualifying solicitation received by the business.

(b) All terms used in division (A)(30) of this section have the same meanings as in section 5703.94 of the Revised Code.

(31) For a taxpayer who is a qualifying Ohio educator, deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the lesser of two hundred fifty dollars or the amount of expenses described in subsections (a)(2)(D)(i) and (ii) of section 62 of the Internal Revenue Code paid or incurred by the taxpayer during the taxpayer's taxable year in excess of the amount the taxpayer is authorized to deduct for that taxable year under
subsection (a)(2)(D) of that section.

(32) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts received by the taxpayer as a disability severance payment, computed under 10 U.S.C. 1212, following discharge or release under honorable conditions from the armed forces, as defined by 10 U.S.C. 101.

(33) Deduct, to the extent not otherwise deducted or excluded in computing federal adjusted gross income or Ohio adjusted gross income, amounts not subject to tax due to an agreement entered into under division (A)(2) of section 5747.05 of the Revised Code.

(34) Deduct amounts as provided under section 5747.79 of the Revised Code related to the taxpayer's qualifying capital gains and deductible payroll.

To the extent a qualifying capital gain described under division (A)(34) of this section is business income, the taxpayer shall deduct those gains under this division before deducting any such gains under division (A)(28) of this section.

(35)(a) For taxable years beginning in or after 2026, deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year:

(i) One hundred per cent of the capital gain received by the taxpayer in the taxable year from a qualifying interest in an Ohio venture capital operating company attributable to the company's investments in Ohio businesses during the period for which the company was an Ohio venture operating company; and

(ii) Fifty per cent of the capital gain received by the taxpayer in the taxable year from a qualifying interest in an Ohio venture capital operating company attributable to the company's investments in all other businesses during the period for which the company was an Ohio venture operating company.
(b) Add amounts previously deducted by the taxpayer under division (A)(35)(a) of this section if the director of development certifies to the tax commissioner that the requirements for the deduction were not met.

(c) All terms used in division (A)(35) of this section have the same meanings as in section 122.851 of the Revised Code.

(d) To the extent a capital gain described in division (A)(35)(a) of this section is business income, the taxpayer shall apply that division before applying division (A)(28) of this section.

(36) Add, to the extent not otherwise included in computing federal or Ohio adjusted gross income for any taxable year, the taxpayer's proportionate share of the amount of the tax levied under section 5747.38 of the Revised Code and paid by an electing pass-through entity for the taxable year.

(37) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts delivered to a qualifying institution pursuant to section 3333.128 of the Revised Code for the benefit of the taxpayer or the taxpayer's spouse or dependent.

(38) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts received under the Ohio adoption grant program pursuant to section 5101.191 of the Revised Code.

(39) Deduct, to the extent included in federal adjusted gross income, income attributable to loan repayments on behalf of the taxpayer under the rural practice incentive program under section 3333.135 of the Revised Code.

(40) Deduct, to the extent included in federal adjusted gross income, income attributable to amounts provided to a taxpayer for any of the purposes for which a deduction is authorized under
section 139 of the Internal Revenue Code, assuming that the train derailment near the city of East Palestine on February 3, 2023, is a qualified disaster pursuant to that section, or to compensate for lost business resulting from that derailment, if such amounts are provided by any of the following:

(a) A federal, state, or local government agency;

(b) Norfolk southern railway;

(c) Any subsidiary, insurer, or agent of Norfolk southern railway or any related person.

(B) "Business income" means income, including gain or loss, arising from transactions, activities, and sources in the regular course of a trade or business and includes income, gain, or loss from real property, tangible property, and intangible property if the acquisition, rental, management, and disposition of the property constitute integral parts of the regular course of a trade or business operation. "Business income" includes income, including gain or loss, from a partial or complete liquidation of a business, including, but not limited to, gain or loss from the sale or other disposition of goodwill or the sale of an equity or ownership interest in a business.

As used in this division, the "sale of an equity or ownership interest in a business" means sales to which either or both of the following apply:

(1) The sale is treated for federal income tax purposes as the sale of assets.

(2) The seller materially participated, as described in 26 C.F.R. 1.469-5T, in the activities of the business during the taxable year in which the sale occurs or during any of the five preceding taxable years.

(C) "Nonbusiness income" means all income other than business
income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.

(D) "Compensation" means any form of remuneration paid to an employee for personal services.

(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.

(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

(G) "Individual" means any natural person.


(I) "Resident" means any of the following:

1. An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;

2. The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.

3. A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.

   For the purposes of division (I)(3) of this section:

   (a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or
indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust’s qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust’s current taxable year;

(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust’s qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust’s current taxable year. If a trust document or instrument became irrevocable upon the death of a person who at the time of death was domiciled in this state for purposes of this chapter, that person is a person described in division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or
instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code.

(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows:

(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section shall be ascertained without regard to the domicile of the trust's
beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this section:

(i) A trust is described in division (I)(3)(e) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(ii) A trust is described in division (I)(3)(e) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following:

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the
purposes of this chapter.

(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the transferor and either the decedent or the estate of the decedent at any time prior to the date of the decedent's death, and the decedent was domiciled in this state at the time of death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(iv) The transfer is made to a trust on account of a contractual relationship existing directly or indirectly between the transferor and another person who at the time of the decedent's death was domiciled in this state for purposes of this chapter.

(v) The transfer is made to a trust on account of the will of a testator who was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly created in connection with or as a result of the death of an individual who, for purposes of the taxes levied under Chapter 5731. of the Revised Code, was domiciled in this state at the time of the individual's death.

(g) The tax commissioner may adopt rules to ascertain the part of a trust residing in this state.

(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.

(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.
(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.

(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.

(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.

(O) "Dependents" means one of the following:

1. For taxable years beginning on or after January 1, 2018, and before January 1, 2026, dependents as defined in the Internal Revenue Code;

2. For all other taxable years, dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

1. "Subdivision" means any county, municipal corporation, park district, or township.
(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section:

(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year;

(b) The net amount is attributable to the S portion of an electing small business trust for the taxable year.

(2) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section;
(3) Add the amount of personal exemption allowed to the estate pursuant to section 642(b) of the Internal Revenue Code;

(4) Deduct interest or dividends, net of related expenses deducted in computing federal taxable income, on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are exempt from state taxes under the laws of the United States, but only to the extent that such amount is included in federal taxable income and is described in either division (S)(1)(a) or (b) of this section;

(5) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income for the taxable year, had the work opportunity tax credit allowed under sections 38, 51, and 52 of the Internal Revenue Code not been in effect, but only to the extent such amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;

(6) Deduct any interest or interest equivalent, net of related expenses deducted in computing federal taxable income, on public obligations and purchase obligations, but only to the extent that such net amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;

(7) Add any loss or deduct any gain resulting from sale, exchange, or other disposition of public obligations to the extent that such loss has been deducted or such gain has been included in computing either federal taxable income or income of the S portion of an electing small business trust for the taxable year;

(8) Except in the case of the final return of an estate, add
any amount deducted by the taxpayer on both its Ohio estate tax return pursuant to section 5731.14 of the Revised Code, and on its federal income tax return in determining federal taxable income;

(9)(a) Deduct any amount included in federal taxable income solely because the amount represents a reimbursement or refund of expenses that in a previous year the decedent had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable treasury regulations. The deduction otherwise allowed under division (S)(9)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer or decedent deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio taxable income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio taxable income in any taxable year, but only to the extent such amount has not been distributed to beneficiaries for the taxable year.

(10) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's taxable income or the decedent's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year.

(b) It does not otherwise reduce the taxpayer's taxable income or the decedent's adjusted gross income for the current or any other taxable year.

(11) Add any amount claimed as a credit under section
5747.059 of the Revised Code to the extent that the amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal taxable income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction in the taxpayer's federal taxable income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(12) Deduct any amount, net of related expenses deducted in computing federal taxable income, that a trust is required to report as farm income on its federal income tax return, but only if the assets of the trust include at least ten acres of land satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(17) or (18) of this section if the taxpayer's Ohio taxable income were computed in the same
manner as an individual's Ohio adjusted gross income is computed under this section.

(15) Add, to the extent not otherwise included in computing taxable income or Ohio taxable income for any taxable year, the taxpayer's proportionate share of the amount of the tax levied under section 5747.38 of the Revised Code and paid by an electing pass-through entity for the taxable year.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(7), (A)(8), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of any other state.

(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity.

(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code.

(Y) "Month" means a calendar month.

(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.

(AA)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.

(2) "Qualifying trust amount" of a trust means capital gains
and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:

(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.

(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss.

Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be.

(3) "Modified nonbusiness income" means a trust's Ohio taxable income other than modified business income, other than the qualifying trust amount, and other than qualifying investment income, as defined in section 5747.012 of the Revised Code, to the extent such qualifying investment income is not otherwise part of modified business income.

(4) "Modified Ohio taxable income" applies only to trusts, and means the sum of the amounts described in divisions (AA)(4)(a) to (c) of this section:

(a) The fraction, calculated under section 5747.013, and applying section 5747.231 of the Revised Code, multiplied by the sum of the following amounts:

(i) The trust's modified business income;

(ii) The trust's qualifying investment income, as defined in section 5747.012 of the Revised Code, but only to the extent the
qualifying investment income does not otherwise constitute modified business income and does not otherwise constitute a qualifying trust amount.

(b) The qualifying trust amount multiplied by a fraction, the numerator of which is the sum of the book value of the qualifying investee's physical assets in this state on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount, and the denominator of which is the sum of the book value of the qualifying investee's total physical assets everywhere on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount. If, for a taxable year, the trust recognizes a qualifying trust amount with respect to more than one qualifying investee, the amount described in division (AA)(4)(b) of this section shall equal the sum of the products so computed for each such qualifying investee.

(c)(i) With respect to a trust or portion of a trust that is a resident as ascertained in accordance with division (I)(3)(d) of this section, its modified nonbusiness income.

(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B)(2) to (5) of section 5747.20 of the Revised Code, except as otherwise provided in division (AA)(4)(c)(ii) of this section. With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the trust's portion of modified nonbusiness income recognized from the sale, exchange, or other disposition of a debt interest in or equity interest in a section 5747.212 entity, as defined in section 5747.212 of the Revised Code, without regard to division (A) of
that section, shall not be allocated to this state in accordance
with section 5747.20 of the Revised Code but shall be apportioned
to this state in accordance with division (B) of section 5747.212
of the Revised Code without regard to division (A) of that
section.

If the allocation and apportionment of a trust's income under
divisions (AA)(4)(a) and (c) of this section do not fairly
represent the modified Ohio taxable income of the trust in this
state, the alternative methods described in division (C) of
section 5747.21 of the Revised Code may be applied in the manner
and to the same extent provided in that section.

(5)(a) Except as set forth in division (AA)(5)(b) of this
section, "qualifying investee" means a person in which a trust has
an equity or ownership interest, or a person or unit of government
the debt obligations of either of which are owned by a trust. For
the purposes of division (AA)(2)(a) of this section and for the
purpose of computing the fraction described in division (AA)(4)(b)
of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying
controlled group on the last day of the qualifying investee's
fiscal or calendar year ending immediately prior to the date on
which the trust recognizes the gain or loss, then "qualifying
investee" includes all persons in the qualifying controlled group
on such last day.

(ii) If the qualifying investee, or if the qualifying
investee and any members of the qualifying controlled group of
which the qualifying investee is a member on the last day of the
qualifying investee's fiscal or calendar year ending immediately
prior to the date on which the trust recognizes the gain or loss,
separately or cumulatively own, directly or indirectly, on the
last day of the qualifying investee's fiscal or calendar year
ending immediately prior to the date on which the trust recognizes

...
the qualifying trust amount, more than fifty per cent of the
equity of a pass-through entity, then the qualifying investee and
the other members are deemed to own the proportionate share of the
pass-through entity's physical assets which the pass-through
entity directly or indirectly owns on the last day of the
pass-through entity's calendar or fiscal year ending within or
with the last day of the qualifying investee's fiscal or calendar
year ending immediately prior to the date on which the trust
recognizes the qualifying trust amount.

(iii) For the purposes of division (AA)(5)(a)(iii) of this
section, "upper level pass-through entity" means a pass-through
entity directly or indirectly owning any equity of another
pass-through entity, and "lower level pass-through entity" means
that other pass-through entity.

An upper level pass-through entity, whether or not it is also
a qualifying investee, is deemed to own, on the last day of the
upper level pass-through entity's calendar or fiscal year, the
proportionate share of the lower level pass-through entity's
physical assets that the lower level pass-through entity directly
or indirectly owns on the last day of the lower level pass-through
entity's calendar or fiscal year ending within or with the last
day of the upper level pass-through entity's fiscal or calendar
year. If the upper level pass-through entity directly and
indirectly owns less than fifty per cent of the equity of the
lower level pass-through entity on each day of the upper level
pass-through entity's calendar or fiscal year in which or with
which ends the calendar or fiscal year of the lower level
pass-through entity and if, based upon clear and convincing
evidence, complete information about the location and cost of the
physical assets of the lower pass-through entity is not available
to the upper level pass-through entity, then solely for purposes
of ascertaining if a gain or loss constitutes a qualifying trust
amount, the upper level pass-through entity shall be deemed as owning no equity of the lower level pass-through entity for each day during the upper level pass-through entity's calendar or fiscal year in which or with which ends the lower level pass-through entity's calendar or fiscal year. Nothing in division (AA)(5)(a)(iii) of this section shall be construed to provide for any deduction or exclusion in computing any trust's Ohio taxable income.

(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year, "qualifying investee" for that taxable year does not include a C corporation if both of the following apply:

(i) During the taxable year the trust or part of the trust recognizes a gain or loss from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, the C corporation.

(ii) Such gain or loss constitutes nonbusiness income.

(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.

(BB) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.

(CC) "Related member" has the same meaning as in section 5733.042 of the Revised Code.

(DD)(1) For the purposes of division (DD) of this section:

(a) "Qualifying person" means any person other than a qualifying corporation.

(b) "Qualifying corporation" means any person classified for
federal income tax purposes as an association taxable as a corporation, except either of the following:

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(EE) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (EE)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.
(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

(FF) "Uniformed services" has the same meaning as in 10 U.S.C. 101.

(GG) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual is authorized to deduct under division (A)(28) of this section for the taxable year.

(HH) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1.

(II) "Modified adjusted gross income" means Ohio adjusted gross income plus any amount deducted under divisions (A)(28) and (34) of this section for the taxable year.

(JJ) "Qualifying Ohio educator" means an individual who, for a taxable year, qualifies as an eligible educator, as that term is
defined in section 62 of the Internal Revenue Code, and who holds a certificate, license, or permit described in Chapter 3319. or section 3301.071 of the Revised Code.

Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, on every individual, trust, and estate earning or receiving winnings on casino or sports gaming, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured as prescribed in divisions (A)(1) to (4) of this section.

(1) In the case of trusts, the tax imposed by this section shall be measured by modified Ohio taxable income under division (D) of this section and levied in the same amount as the tax is imposed on estates as prescribed in division (A)(2) of this section.

(2) In the case of estates, the tax imposed by this section shall be measured by Ohio taxable income. The tax shall be levied at the rate of 1.38462% for the first twenty-five thousand fifty dollars of such income and, for income in excess of that amount, the tax shall be levied at the same rates prescribed in division (A)(3) of this section for individuals.

(3) In the case of individuals, the tax imposed by this section on income other than taxable business income shall be measured by Ohio adjusted gross income, less taxable business income.
income and less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code. If the balance thus obtained is equal to or less than twenty-five thousand fifty dollars, no tax shall be imposed on that balance. If the balance thus obtained is greater than twenty-five thousand fifty dollars, the tax is hereby levied as follows:

<table>
<thead>
<tr>
<th>OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS) OR OHIO TAXABLE INCOME (ESTATES)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>More than $25,000 but not more than $44,250</td>
<td>$346.16 360.69 plus 2.765 2.75% of the amount in excess of $25,000 26,050</td>
</tr>
<tr>
<td>More than $44,250 but not more than $88,450</td>
<td>$878.42 plus 3.226% of the amount in excess of $44,250</td>
</tr>
<tr>
<td>More than $88,450 but not more than $110,650</td>
<td>$2,304.31 2,178.44 plus 3.688% of the amount in excess of $88,450 92,150</td>
</tr>
<tr>
<td>More than $110,650</td>
<td>$3,123.05 3,032.21 plus 3.990% of the amount in excess of $110,650 115,300</td>
</tr>
</tbody>
</table>

(4)(a) In the case of individuals, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(b) of this section from the individual's taxable business income.

(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted...
from taxable business income before computing the tax under division (A)(4)(a) of this section.

(5) Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in divisions (A)(2) and (3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. To recompute the tax dollar amount corresponding to the lowest tax rate in division (A)(3) of this section, the commissioner shall multiply the tax rate prescribed in division (A)(2) of this section by the income amount specified in that division and as adjusted according to this paragraph. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year.

(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under divisions (A)(1) to (3) of this section shall be
reduced by the percentage prescribed in that certification for taxable years beginning in the calendar year in which that certification is made.

(C)(1) The tax imposed by this section on a trust shall be computed by multiplying the Ohio modified taxable income of the trust by the rates prescribed by division (A) of this section.

(2) A resident trust may claim a credit against the tax computed under division (C) of this section equal to the lesser of (a) the tax paid to another state or the District of Columbia on the resident trust's modified nonbusiness income, other than the portion of the resident trust's nonbusiness income that is qualifying investment income as defined in section 5747.012 of the Revised Code, or (b) the effective tax rate, based on modified Ohio taxable income, multiplied by the resident trust's modified nonbusiness income other than the portion of the resident trust's nonbusiness income that is qualifying investment income. The credit applies before any other applicable credits.

(3) Any credit authorized against the tax imposed by this section applies to a trust subject to division (C) of this section only if the trust otherwise qualifies for the credit. To the extent that the trust distributes income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.

(D) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31
to 4717.38 of the Revised Code that are not qualified funeral  
trusts, endowment and perpetual care trusts, qualified settlement  
trusts and funds, designated settlement trusts and funds, and  
trusts exempted from taxation under section 501(a) of the Internal  
Revenue Code.

(E) Nothing in division (A)(3) of this section shall prohibit  
an individual with an Ohio adjusted gross income, less taxable  
business income and exemptions, of twenty-five twenty-six thousand  
fifty dollars or less from filing a return under this chapter to  
receive a refund of taxes withheld or to claim any refundable  
credit allowed under this chapter.

Sec. 5747.07. (A) As used in this section:

(1) "Partial weekly withholding period" means a period during  
which an employer directly, indirectly, or constructively pays  
compensation to, or credits compensation to the benefit of, an  
employee, and that consists of a consecutive Saturday, Sunday,  
Monday, and Tuesday or a consecutive Wednesday, Thursday, and  
Friday. There are two partial weekly withholding periods each  
week, except that a partial weekly withholding period cannot  
extend from one calendar year into the next calendar year; if the  
first day of January falls on a day other than Saturday or  
Wednesday, the partial weekly withholding period ends on the  
thirty-first day of December and there are three partial weekly  
withholding periods during that week.

(2) "Undeposited taxes" means the taxes an employer is  
required to deduct and withhold from an employee's compensation  
pursuant to section 5747.06 of the Revised Code that have not been  
remitted to the tax commissioner pursuant to this section or to  
the treasurer of state pursuant to section 5747.072 of the Revised  
Code.

(3) A "week" begins on Saturday and concludes at the end of
the following Friday.

(4) "Professional employer organization," "professional employer organization agreement," and "professional employer organization reporting entity" have the same meanings as in section 4125.01 of the Revised Code.

(5) "Alternate employer organization" and "alternate employer organization agreement" have the same meanings as in section 4133.01 of the Revised Code.

(6) "Client employer" has the same meaning as in section 4125.01 of the Revised Code in the context of a professional employer organization or a professional employer organization reporting entity, or the same meaning as in section 4133.01 of the Revised Code in the context of an alternate employer organization.

(B) Except as provided in divisions (C) and (D) of this section and in division (A) of section 5747.072 of the Revised Code, every employer required to deduct and withhold any amount under section 5747.06 of the Revised Code shall file a return and shall pay the amount required by law as follows:

(1) An employer who accumulates or is required to accumulate undeposited taxes of one hundred thousand dollars or more during a partial weekly withholding period shall make the payment of the undeposited taxes by the close of the first banking day after the day on which the accumulation reaches one hundred thousand dollars. If required under division (I) of this section, the payment shall be made by electronic funds transfer under section 5747.072 of the Revised Code.

(2) Except as required by division (B)(1) of this section, an employer whose actual or required payments under this section were at least eighty-four thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year shall make the payment of undeposited taxes within
three banking days after the close of a partial weekly withholding period during which the employer was required to deduct and withhold any amount under this chapter. If required under division (I) of this section, the payment shall be made by electronic funds transfer under section 5747.072 of the Revised Code.

(3) Except as required by divisions (B)(1) and (2) of this section, if an employer's actual or required payments were more than two thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year, the employer shall make the payment of undeposited taxes for each month during which they were required to be withheld no later than fifteen days following the last day of that month. The employer shall file the return prescribed by the tax commissioner with the payment.

(4) Except as required by divisions (B)(1), (2), and (3) of this section, an employer shall make the payment of undeposited taxes for each calendar quarter during which they were required to be withheld no later than the last day of the month following the last day of March, June, September, and December each year. The employer shall file the return prescribed by the tax commissioner with the payment.

(C) The return and payment schedules prescribed by divisions (B)(1) and (2) of this section do not apply to the return and payment of undeposited school district income taxes arising from taxes levied pursuant to Chapter 5748. of the Revised Code. Undeposited school district income taxes shall be returned and paid pursuant to divisions (B)(3) and (4) of this section, as applicable.

(D)(1) The requirements of division (B) of this section are met if the amount paid is not less than ninety-five per cent of the actual tax withheld or required to be withheld for the prior quarterly, monthly, or partial weekly withholding period, and the...
Any underpayment of withheld tax shall be paid within thirty days of the date on which the withheld tax was due without regard to division (D)(1) of this section. An employer described in division (B)(1) or (2) of this section shall make the payment by electronic funds transfer under section 5747.072 of the Revised Code.

(2) If the tax commissioner believes that quarterly or monthly payments would result in a delay that might jeopardize the remittance of withholding payments, the commissioner may order that the payments be made weekly, or more frequently if necessary, and the payments shall be made no later than three banking days following the close of the period for which the jeopardy order is made. An order requiring weekly or more frequent payments shall be delivered to the employer personally or by certified mail in the manner provided in section 5703.37 of the Revised Code and remains in effect until the commissioner notifies the employer to the contrary.

(3) If compelling circumstances exist concerning the remittance of undeposited taxes, the commissioner may order the employer to make payments under any of the payment schedules under division (B) of this section. The order shall be delivered to the employer personally or by certified mail in the manner provided in section 5703.37 of the Revised Code and shall remain in effect until the commissioner notifies the employer to the contrary. For purposes of division (D)(3) of this section, "compelling circumstances" exist if either or both of the following are true:

(a) Based upon annualization of payments made or required to be made during the preceding calendar year and during the current calendar year, the employer would be required for the next calendar year to make payments under division (B)(2) of this section.

(b) Based upon annualization of payments made or required to
be made during the current calendar year, the employer would be required for the next calendar year to make payments under division (B)(2) of this section.

(E)(1) An employer described in division (B)(1) or (2) of this section shall file, not later than the last day of the month following the end of each calendar quarter, a return covering, but not limited to, both the actual amount deducted and withheld and the amount required to be deducted and withheld for the tax imposed under section 5747.02 of the Revised Code during each partial weekly withholding period or portion of a partial weekly withholding period during that quarter. The employer shall file the quarterly return even if the aggregate amount required to be deducted and withheld for the quarter is zero dollars. At the time of filing the return, the employer shall pay any amounts of undeposited taxes for the quarter, whether actually deducted and withheld or required to be deducted and withheld, that have not been previously paid. If required under division (I) of this section, the payment shall be made by electronic funds transfer. The tax commissioner shall prescribe the form and other requirements of the quarterly return.

(2) In addition to other returns required to be filed and payments required to be made under this section, every employer required to deduct and withhold taxes shall file, not later than the thirty-first day of January of each year, an annual return covering, but not limited to, both the aggregate amount deducted and withheld and the aggregate amount required to be deducted and withheld during the entire preceding year for the tax imposed under section 5747.02 of the Revised Code and for each tax imposed under Chapter 5748. of the Revised Code. At the time of filing that return, the employer shall pay over any amounts of undeposited taxes for the preceding year, whether actually deducted and withheld or required to be deducted and withheld,
that have not been previously paid. The employer shall make the annual report, to each employee and to the tax commissioner, of the compensation paid and each tax withheld, as the commissioner by rule may prescribe.

(2) Each employer required to deduct and withhold any tax is liable for the payment of that amount required to be deducted and withheld, whether or not the tax has in fact been withheld, unless the failure to withhold was based upon the employer's good faith in reliance upon the statement of the employee as to liability, and the amount shall be deemed to be a special fund in trust for the general revenue fund.

(F) Each employer shall file with the employer's annual return the following items of information on employees for whom withholding is required under section 5747.06 of the Revised Code:

(1) The full name of each employee, the employee's address, the employee's school district of residence, and in the case of a nonresident employee, the employee's principal county of employment;

(2) The social security number of each employee;

(3) The total amount of compensation paid before any deductions to each employee for the period for which the annual return is made;

(4) The amount of the tax imposed by section 5747.02 of the Revised Code and the amount of each tax imposed under Chapter 5748. of the Revised Code withheld from the compensation of the employee for the period for which the annual return is made. The commissioner may extend upon good cause the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions of time. If the extension results in an extension of time for the payment of the amounts withheld with respect to which the return is filed, the employer
shall pay, at the time the amount withheld is paid, an amount of interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that amount withheld, from the day that amount was originally required to be paid to the day of actual payment or to the day an assessment is issued under section 5747.13 of the Revised Code, whichever occurs first.

(5) In addition to all other interest charges and penalties imposed, all amounts of taxes withheld or required to be withheld and remaining unpaid after the day the amounts are required to be paid shall bear interest from the date prescribed for payment at the rate per annum prescribed by section 5703.47 of the Revised Code on the amount unpaid, in addition to the amount withheld, until paid or until the day an assessment is issued under section 5747.13 of the Revised Code, whichever occurs first.

(G) An employee of a corporation, limited liability company, or business trust having control or supervision of or charged with the responsibility of filing the report and making payment, or an officer, member, manager, or trustee of a corporation, limited liability company, or business trust who is responsible for the execution of the corporation's, limited liability company's, or business trust's fiscal responsibilities, shall be personally liable for failure to file the report or pay the tax due as required by this section. The dissolution, termination, or bankruptcy of a corporation, limited liability company, or business trust does not discharge a responsible officer's, member's, manager's, employee's, or trustee's liability for a failure of the corporation, limited liability company, or business trust to file returns or pay tax due.

(H) If an employer required to deduct and withhold income tax from compensation and to pay that tax to the state under sections 5747.06 and 5747.07 of the Revised Code sells the employer's business or stock of merchandise or quits the employer's business,
the taxes required to be deducted and withheld and paid to the
state pursuant to those sections prior to that time, together with
any interest and penalties imposed on those taxes, become due and
payable immediately, and that person shall make a final return
within fifteen days after the date of selling or quitting
business. The employer's successor shall withhold a sufficient
amount of the purchase money to cover the amount of the taxes,
interest, and penalties due and unpaid, until the former owner
produces a receipt from the tax commissioner showing that the
taxes, interest, and penalties have been paid or a certificate
indicating that no such taxes are due. If the purchaser of the
business or stock of merchandise fails to withhold purchase money,
the purchaser shall be personally liable for the payment of the
taxes, interest, and penalties accrued and unpaid during the
operation of the business by the former owner. If the amount of
taxes, interest, and penalties outstanding at the time of the
purchase exceeds the total purchase money, the tax commissioner in
the commissioner's discretion may adjust the liability of the
seller or the responsibility of the purchaser to pay that
liability to maximize the collection of withholding tax revenue.

(I) An employer whose actual or required payments under this
section exceeded eighty-four thousand dollars during the
twelve-month period ending on the thirtieth day of June of the
preceding calendar year shall make all payments required by this
section for the year by electronic funds transfer under section
5747.072 of the Revised Code.

(J)(1) Every professional employer organization, professional
employer organization reporting entity, and alternate employer
organization shall file a report with the tax commissioner within
thirty days after commencing business in this state that includes
all of the following information:

(a) The name, address, number the employer receives from the
secretary of state to do business in this state, if applicable, and federal employer identification number of each client employer of the organization or entity;

(b) The date that each client employer became a client of the organization or entity;

(c) The names and mailing addresses of the chief executive officer and the chief financial officer of each client employer for taxation of the client employer.

(2) Beginning with the calendar quarter ending after a professional employer organization, professional employer organization reporting entity, or alternate employer organization files the report required under division (J)(1) of this section, and every calendar quarter thereafter, the organization or entity shall file an updated report with the tax commissioner. The organization or entity shall file the updated report not later than the last day of the month following the end of the calendar quarter and shall include all of the following information in the report:

(a) If an entity became a client employer of the professional employer organization, professional employer organization reporting entity, or alternate employer organization at any time during the calendar quarter, all of the information required under division (J)(1) of this section for each new client employer;

(b) If an entity terminated the professional employer organization agreement or the alternate employer organization agreement between the entity and the professional employer organization, professional employer organization reporting entity, or alternate employer organization, as applicable, at any time during the calendar quarter, the information described in division (J)(1)(a) of this section for that entity, the date during the calendar quarter that the entity ceased being a client of the
organization or reporting entity, if applicable, or the date the
entity ceased business operations in this state, if applicable;

(c) If the name or mailing address of the chief executive
officer or the chief financial officer of a client employer has
changed since the professional employer organization, professional
employer organization reporting entity, or alternate employer
organization previously submitted a report under division (J)(1)
or (2) of this section, the updated name or mailing address, or
both, of the chief executive officer or the chief financial
officer, as applicable;

(d) If none of the events described in divisions (J)(2)(a) to
(c) of this section occurred during the calendar quarter, a
statement of that fact.

Sec. 5747.072. (A) Any employer required by section 5747.07
of the Revised Code to remit undeposited taxes by electronic funds
transfer shall do so in the manner prescribed by rules adopted by
the treasurer of state under section 113.061 of the Revised Code
and on or before the dates specified under that division. The tax
commissioner shall notify each such employer of the employer's
obligation to remit undeposited taxes by electronic funds
transfer, shall maintain an updated list of those employers, and
shall provide the list and any additions thereto or deletions
therefrom to the treasurer of state. Failure by the tax
commissioner to notify an employer subject to this section to
remit taxes by electronic funds transfer does not relieve the
employer of its obligation to remit taxes by electronic funds
transfer.

Except as otherwise provided in this paragraph, the payment
of taxes by electronic funds transfer does not affect an
employer's obligation to file the quarterly return as required
under division (E)(1) of section 5747.07 of the Revised Code or
the annual return as required under divisions (E)(2)(E) and (F) of that section 5747.07 of the Revised Code. If the employer remits estimated tax payments in a manner, designated by the treasurer of state, that permits the inclusion of all information necessary for the treasurer of state to process the tax payment, the employer need not file the return required under division (B) of section 5747.07 of the Revised Code. The treasurer of state, in consultation with the tax commissioner, may adopt rules governing the format for filing the returns under section 5747.07 of the Revised Code by employers who remit undeposited taxes by electronic funds transfer. The rules may permit the filing of returns at less frequent intervals than required by that division if the treasurer of state and the tax commissioner determine that remittance by electronic funds transfer warrants less frequent filing of returns.

An employer required by this section to remit taxes by electronic funds transfer may apply to the treasurer of state to be excused from that requirement. The treasurer of state may excuse the employer from remittance by electronic funds transfer for good cause shown for the period of time requested by the employer or a portion of that period. The treasurer shall notify the tax commissioner and the employer of the treasurer's decision as soon as is practicable.

(B) If an employer required by this section to remit undeposited taxes by electronic funds transfer remits those taxes by some means other than electronic funds transfer as prescribed by the rules adopted by the treasurer of state, and the treasurer determines that such failure was not due to reasonable cause or was due to willful neglect, the treasurer shall notify the tax commissioner of the failure to remit by electronic funds transfer and shall provide the commissioner with any information used in making that determination. The tax commissioner may collect an
additional charge by assessment in the manner prescribed by section 5747.13 of the Revised Code. The additional charge shall equal five per cent of the amount of the undeposited taxes, but shall not exceed five thousand dollars. Any additional charge assessed under this section is in addition to any other penalty or charge imposed by this chapter, and shall be considered as revenue arising from the taxes imposed by this chapter. The tax commissioner may remit all or a portion of such a charge and may adopt rules governing such remission.

No additional charge shall be assessed under this division against an employer that has been notified of its obligation to remit taxes under this section and that remits its first two tax payments after such notification by some means other than electronic funds transfer. The additional charge may be assessed upon the remittance of any subsequent tax payment that the employer remits by some means other than electronic funds transfer.

Sec. 5747.501. (A) On or before the twenty-fifth day of July of each year, the tax commissioner shall estimate and certify to each county auditor the amount to be distributed from the local government fund to each undivided local government fund during the following calendar year under section 5747.50 of the Revised Code. The estimate shall equal the sum of the separate amounts computed under divisions (B)(1) and (2) of this section.

(B)(1) The product obtained by multiplying the percentage described in division (B)(1)(a) of this section by the amount described in division (B)(1)(b) of this section.

(a) Each county's proportionate share of the total amount distributed to the counties from the local government fund and the local government revenue assistance fund during calendar year 2007. In fiscal year 2014 and thereafter, the amount distributed...
to any county undivided local government fund shall be an amount not less than seven eighth hundred fifty thousand dollars or the amount distributed to such fund in fiscal year 2013, whichever amount is smaller. To the extent necessary to implement this minimum distribution requirement, the proportionate shares computed under this division shall be adjusted accordingly.

(b) The total amount distributed to counties from the local government fund and the local government revenue assistance fund during calendar year 2007 adjusted downward if, and to the extent that, total local government fund distributions to counties for the following year are projected to be less than what was distributed to counties from the local government fund and local government revenue assistance fund during calendar year 2007.

(2) The product obtained by multiplying the percentage described in division (B)(2)(a) of this section by the amount described in division (B)(2)(b) of this section.

(a) Each county's proportionate share of the state's population as reflected in the most recent federal decennial census or the federal government's most recent census estimates, whichever represents the most recent year.

(b) The amount by which total estimated distributions from the local government fund during the immediately succeeding calendar year, less the total estimated amount to be distributed from the fund to municipal corporations under division (C) of section 5747.50 of the Revised Code during the immediately succeeding calendar year, exceed the total amount distributed to counties from the local government fund and local government revenue assistance fund during calendar year 2007.

Sec. 5747.53. (A) As used in this section:

(1) "City, located wholly or partially in the county, with
the greatest population" means the city, located wholly or partially in the county, with the greatest population residing in the county; however, if the county budget commission on or before January 1, 1998, adopted an alternative method of apportionment that was approved by the legislative authority of the city, located partially in the county, with the greatest population but not the greatest population residing in the county, "city, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population whether residing in the county or not, if this alternative meaning is adopted by action of the board of county commissioners and a majority of the boards of township trustees and legislative authorities of municipal corporations located wholly or partially in the county.

(2) "Participating political subdivision" means a municipal corporation or township that satisfies all of the following:

(a) It is located wholly or partially in the county.

(b) It is not the city, located wholly or partially in the county, with the greatest population.

(c) Undivided local government fund moneys are apportioned to it under the county's alternative method or formula of apportionment in the current calendar year.

(B) In lieu of the method of apportionment of the undivided local government fund of the county provided by section 5747.51 of the Revised Code, the county budget commission may provide for the apportionment of the fund under an alternative method or on a formula basis as authorized by this section. The commissioner shall reduce or increase the amount of funds from the undivided local government fund to a subdivision required to receive reduced or increased funds under section 5747.502 of the Revised Code.

Except as otherwise provided in division (C) of this section,
the alternative method of apportionment shall have first been approved by all of the following governmental units: the board of county commissioners; the legislative authority of the city, located wholly or partially in the county, with the greatest population; and a majority of the boards of township trustees and legislative authorities of municipal corporations, located wholly or partially in the county, excluding the legislative authority of the city, located wholly or partially in the county, with the greatest population. In granting or denying approval for an alternative method of apportionment, the board of county commissioners, boards of township trustees, and legislative authorities of municipal corporations shall act by motion. A motion to approve shall be passed upon a majority vote of the members of a board of county commissioners, board of township trustees, or legislative authority of a municipal corporation, shall take effect immediately, and need not be published.

Any alternative method of apportionment adopted and approved under this division shall be reviewed by the county budget commission at a public hearing held at least once in the year following the effective date of this amendment and in every fifth year thereafter. The county budget commission shall provide reasonable advance notice of the hearing to all political subdivisions eligible to participate in the fund and shall take public testimony from any such political subdivision that wishes to testify.

Any alternative method of apportionment adopted and approved under this division may be revised, amended, or repealed in the same manner as it may be adopted and approved. If an alternative method of apportionment adopted and approved under this division is repealed, the undivided local government fund of the county shall be apportioned among the subdivisions eligible to participate in the fund, commencing in the ensuing calendar year,
under the apportionment provided in section 5747.52 of the Revised Code, unless the repeal occurs by operation of division (C) of this section or a new method for apportionment of the fund is provided in the action of repeal.

(C) This division applies only in counties in which the city, located wholly or partially in the county, with the greatest population has a population of twenty thousand or less and a population that is less than fifteen per cent of the total population of the county. In such a county, the legislative authorities or boards of township trustees of two or more participating political subdivisions, which together have a population residing in the county that is a majority of the total population of the county, each may adopt a resolution to exclude the approval otherwise required of the legislative authority of the city, located wholly or partially in the county, with the greatest population. All of the resolutions to exclude that approval shall be adopted not later than the first Monday of August of the year preceding the calendar year in which distributions are to be made under an alternative method of apportionment.

A motion granting or denying approval of an alternative method of apportionment under this division shall be adopted by a majority vote of the members of the board of county commissioners and by a majority vote of a majority of the boards of township trustees and legislative authorities of the municipal corporations located wholly or partially in the county, other than the city, located wholly or partially in the county, with the greatest population, shall take effect immediately, and need not be published. The alternative method of apportionment under this division shall be adopted and approved annually, not later than the first Monday of August of the year preceding the calendar year in which distributions are to be made under it. A motion granting
approval of an alternative method of apportionment under this division repeals any existing alternative method of apportionment, effective with distributions to be made from the fund in the ensuing calendar year. An alternative method of apportionment under this division shall not be revised or amended after the first Monday of August of the year preceding the calendar year in which distributions are to be made under it.

(D) In determining an alternative method of apportionment authorized by this section, the county budget commission may include in the method any factor considered to be appropriate and reliable, in the sole discretion of the county budget commission.

(E) The limitations set forth in section 5747.51 of the Revised Code, stating the maximum amount that the county may receive from the undivided local government fund and the minimum amount the townships in counties having a population of less than one hundred thousand may receive from the fund, are applicable to any alternative method of apportionment authorized under this section.

(F) On the basis of any alternative method of apportionment adopted and approved as authorized by this section, as certified by the auditor to the county treasurer, the county treasurer shall make distribution of the money in the undivided local government fund to each subdivision eligible to participate in the fund, and the auditor, when the amount of those shares is in the custody of the treasurer in the amounts so computed to be due the respective subdivisions, shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. All money received into the treasury of a subdivision from the undivided local government fund in a county treasury shall be paid into the general fund and used for the current operating expenses of the subdivision. If a municipal corporation maintains a municipal university, the university, when the board of trustees
so requests the legislative authority of the municipal corporation, shall participate in the money apportioned to the municipal corporation from the total local government fund, however created and constituted, in the amount requested by the board of trustees, provided that amount does not exceed nine percent of the total amount paid to the municipal corporation.

(G) The actions of the county budget commission taken pursuant to this section are final and may not be appealed to the board of tax appeals, except on the issues of abuse of discretion and failure to comply with the formula.

**Sec. 5747.64.** (A) As used in this section:

(1) "Volunteer firefighter" means an individual who is authorized to act as a firefighter under section 3737.66 of the Revised Code and who serves as a firefighter in a volunteer capacity for a nonprofit fire company or for the fire department of a municipal corporation, township, township fire district, or joint fire district.

(2) "Volunteer emergency medical service provider" means an individual who holds a current, valid certificate issued under section 4765.30 of the Revised Code and who serves as a first responder, emergency medical technician, or paramedic in a volunteer capacity for an emergency medical service organization.

(3) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.

(B) There is hereby allowed a nonrefundable credit against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for a taxpayer who serves as a volunteer firefighter or volunteer emergency medical service provider during at least six months of the taxable year. For the purpose of this section, a taxpayer is considered to have served as a firefighter or
volunteer emergency medical service provider in a month if the
taxpayer volunteered in that capacity on one or more days in that
month.

The amount of the credit shall equal one thousand dollars.
The credit shall be claimed in the order required under section
5747.98 of the Revised Code.

Sec. 5747.83. (A) Terms used in this section have the same
meanings as in section 175.16 of the Revised Code.

(B) There is hereby allowed a nonrefundable credit against a
taxpayer's aggregate tax liability under section 5747.02 of the
Revised Code for a taxpayer that is allocated a credit issued by
the executive director of the Ohio housing finance agency under
section 175.16 of the Revised Code. The credit equals the amount
allocated to such taxpayer for the taxable year that begins in the
calendar year for which the designated reporter files the form
prescribed by division (I) of section 175.16 of the Revised Code.

The credit shall be claimed in the order required under
section 5747.98 of the Revised Code. If the credit exceeds the
taxpayer's aggregate tax due under section 5747.02 of the Revised
Code for that taxable year after allowing for credits that precede
the credit under this section in that order, such excess shall be
allowed as a credit in each of the ensuing five taxable years, but
the amount of any excess credit allowed in any such taxable year
shall be deducted from the balance carried forward to the ensuing
taxable year.

No credit shall be claimed under this section to the extent
the credit was claimed under section 5725.36, 5726.58, or 5729.19
of the Revised Code.

Sec. 5747.98. (A) To provide a uniform procedure for
calculating a taxpayer's aggregate tax liability under section
5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section;

Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;

The dependent care credit under section 5747.054 of the Revised Code;

The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

The campaign contribution credit under section 5747.29 of the Revised Code;

The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

The joint filing credit under division (G) of section 5747.05 of the Revised Code;

The earned income credit under section 5747.71 of the Revised Code;

The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;

The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;

The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;

The nonrefundable vocational job credit under section 5747.057 of the Revised Code;
The nonrefundable credit for volunteer firefighters and emergency medical service providers under section 5747.64 of the Revised Code;

The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;

The enterprise zone credit under section 5709.66 of the Revised Code;

The credit for beginning farmers who participate in a financial management program under division (B) of section 5747.77 of the Revised Code;

The credit for commercial vehicle operator training expenses under section 5747.82 of the Revised Code;

The credit for selling or renting agricultural assets to beginning farmers under division (A) of section 5747.77 of the Revised Code;

The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;

The small business investment credit under section 5747.81 of the Revised Code;

The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;

The opportunity zone investment credit under section 122.84 of the Revised Code;

The enterprise zone credits under section 5709.65 of the Revised Code;

The research and development credit under section 5747.331 of the Revised Code;

The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;
The nonrefundable Ohio low-income housing tax credit under section 5747.83 of the Revised Code;

The nonresident credit under division (A) of section 5747.05 of the Revised Code;

The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;

The refundable motion picture and broadway theatrical production credit under section 5747.66 of the Revised Code;

The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;

The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;

The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;

The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;

The refundable credit under section 5747.39 of the Revised Code for taxes levied under section 5747.38 of the Revised Code paid by an electing pass-through entity.

(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be
carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Sec. 5749.06. (A)(1) Each severer liable for the tax imposed by section 5749.02 of the Revised Code and each severer or owner liable for the amounts due under section 1509.50 of the Revised Code, except for any amount due under division (B)(2) of that section, shall make and file returns with the tax commissioner in the prescribed form and at the prescribed times, computing and reflecting therein the tax as required by this chapter and amounts due under section 1509.50 of the Revised Code.

(2) The returns shall be filed for every calendar quarter, as required by this section, unless a different return period is prescribed for a taxpayer by the commissioner.

(B)(1) A separate return shall be filed for each calendar quarter, or other period, or any part thereof, during which the severer holds a permit or has registered as provided by section 5749.04 of the Revised Code, or is required to hold the permit or registration, or during which an owner is required to file a return. The return shall be filed on or before the fifteenth day of the second month following the end of each return period. The tax due is payable along with the return. All such returns shall contain such information as the commissioner may require to fairly administer the tax.

(2) All returns shall be signed by the severer or owner, as applicable, shall contain the full and complete information requested, and shall be made under penalty of perjury.

(C) If the commissioner believes that quarterly payments of tax would result in a delay that might jeopardize the collection of such tax payments, the commissioner may order that such
payments be made weekly, or more frequently if necessary, such payments to be made not later than seven days following the close of the period for which the jeopardy payment is required. Such an order shall be delivered to the taxpayer personally or by certified mail in the manner provided in section 5703.37 of the Revised Code and shall remain in effect until the commissioner notifies the taxpayer to the contrary.

(D) Upon good cause the commissioner may extend for thirty days the period for filing any notice or return required to be filed under this section, and may remit all or a part of penalties that may become due under this chapter.

(E) Any tax and any amount due under section 1509.50 of the Revised Code not paid by the day the tax or amount is due shall bear interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that amount due from the day that the amount was originally required to be paid to the day of actual payment or to the day an assessment was issued under section 5749.07 or 5749.10 of the Revised Code, whichever occurs first.

(F) A severer or owner, as applicable, that fails to file a complete return or pay the full amount due under this chapter within the time prescribed, including any extensions of time granted by the commissioner, shall be subject to a penalty not to exceed the greater of fifty dollars or ten per cent of the amount due for the period.

(G)(1) A severer or owner, as applicable, shall remit payments electronically and, if required by the commissioner, file each return electronically. The commissioner may require that the severer or owner use the Ohio business gateway, as defined in section 718.01 of the Revised Code, or another electronic means to file returns and remit payments electronically.

(2) A severer or owner that is required to remit payments
electronically under this section may apply to the commissioner, in the manner prescribed by the commissioner, to be excused from that requirement. The commissioner may excuse a severer or owner from the requirements of division (G) of this section for good cause.

(3) If a severer or owner that is required to remit payments or file returns electronically under this section fails to do so, the commissioner may impose a penalty on the severer or owner not to exceed the following:

(a) For the first or second payment or return the severer or owner fails to remit or file electronically, the greater of five per cent of the amount of the payment that was required to be remitted or twenty-five dollars;

(b) For every payment or return after the second that the severer or owner fails to remit or file electronically, the greater of ten per cent of the amount of the payment that was required to be remitted or fifty dollars.

(H)(1) All amounts that the commissioner receives under this section shall be deemed to be revenue from taxes imposed under this chapter or from the amount due under section 1509.50 of the Revised Code, as applicable, and shall be deposited in the severance tax receipts fund, which is hereby created in the state treasury.

(2) The director of budget and management shall transfer from the severance tax receipts fund, as necessary, to the tax refund fund amounts equal to the refunds certified by the commissioner under section 5749.08 of the Revised Code. Any amount transferred under division (H)(2) of this section shall be derived from receipts of the same tax or other amount from which the refund arose.

(3) After the director of budget and management makes any
transfer required by division (H)(2) of this section, but not later than the twenty-fifth day of each month, the commissioner shall certify to the director the total amount remaining in the severance tax receipts fund organized according to the amount attributable to each natural resource and according to the amount attributable to a tax imposed by this chapter and the amounts due under section 1509.50 of the Revised Code, and shall provide for payment to the funds specified in division (B) of section 5749.02 of the Revised Code.

(I) Penalties imposed under this section are in addition to any other penalty imposed under this chapter and shall be considered as revenue arising from the tax levied under this chapter or the amount due under section 1509.50 of the Revised Code, as applicable. The commissioner may collect any penalty or interest imposed under this section in the same manner as provided for the making of an assessment in section 5749.07 of the Revised Code. The commissioner may abate all or a portion of such interest or penalties and may adopt rules governing such abatements.

Sec. 5749.17. Any information provided to the department of natural resources by the department of taxation in accordance with division (C)(12) of section 5703.21 of the Revised Code shall not be disclosed publicly by the department of natural resources. However the department of natural resources may provide such information to the attorney general for purposes of enforcement of Chapter 1509. of the Revised Code.

Sec. 5751.01. As used in this chapter:

(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability
partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.

(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.

(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

(E) "Excluded person" means any of the following:

1. Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a consolidated elected taxpayer.

2. A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:

   a. Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code.
(b) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;

(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code.

As used in division (E)(2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;
(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1706.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the
ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (EE) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

(F) Except as otherwise provided in divisions (F)(2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;

(b) Amounts realized from the taxpayer's performance of services for another;

(c) Amounts realized from another's use or possession of the taxpayer's property or capital;

(d) Any combination of the foregoing amounts.

(2) "Gross receipts" excludes the following amounts:

(a) Interest income except interest on credit sales;

(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the
(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board.

For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;

(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former
employee, or the employee's legal successor for services rendered
to or for an employer, including reimbursements received by or for
an individual for medical or education expenses, health insurance
premiums, or employee expenses, or on account of a dependent care
spending account, legal services plan, any cafeteria plan
described in section 125 of the Internal Revenue Code, or any
similar employee reimbursement;

(h) Proceeds received from the issuance of the taxpayer's own
stock, options, warrants, puts, or calls, or from the sale of the
taxpayer's treasury stock;

(i) Proceeds received on the account of payments from
insurance policies, except those proceeds received for the loss of
business revenue;

(j) Gifts or charitable contributions received; membership
dues received by trade, professional, homeowners', or condominium
associations; and payments received for educational courses,
meetings, meals, or similar payments to a trade, professional, or
other similar association; and fundraising receipts received by
any person when any excess receipts are donated or used
exclusively for charitable purposes;

(k) Damages received as the result of litigation in excess of
amounts that, if received without litigation, would be gross
receipts;

(l) Property, money, and other amounts received or acquired
by an agent on behalf of another in excess of the agent's
commission, fee, or other remuneration;

(m) Tax refunds, other tax benefit recoveries, and
reimbursements for the tax imposed under this chapter made by
entities that are part of the same combined taxpayer or
consolidated elected taxpayer group, and reimbursements made by
entities that are not members of a combined taxpayer or
consolidated elected taxpayer group that are required to be made
for economic parity among multiple owners of an entity whose tax
obligation under this chapter is required to be reported and paid
entirely by one owner, pursuant to the requirements of sections
5751.011 and 5751.012 of the Revised Code;

(n) Pension reversions;

(o) Contributions to capital;

(p) Sales or use taxes collected as a vendor or an
out-of-state seller on behalf of the taxing jurisdiction from a
consumer or other taxes the taxpayer is required by law to collect
directly from a purchaser and remit to a local, state, or federal
tax authority;

(q) In the case of receipts from the sale of cigarettes,
tobacco products, or vapor products by a wholesale dealer, retail
dealer, distributor, manufacturer, vapor distributor, or seller,
all as defined in section 5743.01 of the Revised Code, an amount
equal to the federal and state excise taxes paid by any person on
or for such cigarettes, tobacco products, or vapor products under
subtitle E of the Internal Revenue Code or Chapter 5743. of the
Revised Code;

(r) In the case of receipts from the sale, transfer,
exchange, or other disposition of motor fuel as "motor fuel" is
defined in section 5736.01 of the Revised Code, an amount equal to
the value of the motor fuel, including federal and state motor
fuel excise taxes and receipts from billing or invoicing the tax
imposed under section 5736.02 of the Revised Code to another
person;

(s) In the case of receipts from the sale of beer or
intoxicating liquor, as defined in section 4301.01 of the Revised
Code, by a person holding a permit issued under Chapter 4301. or
4303. of the Revised Code, an amount equal to federal and state
excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;

(u) Receipts from a financial institution described in division (E)(3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;

(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.
(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, or an alternate employer organization, as defined in section 4133.01 of the Revised Code, from a client employer, as defined in either of those sections as applicable, in excess of the administrative fee charged by the professional employer organization or the alternate employer organization to the client employer;

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;

(z) Qualifying distribution center receipts as determined under section 5751.40 of the Revised Code;

(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;

(bb) Cash discounts allowed and taken;

(cc) Returns and allowances;

(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer.
until the full purchase price is paid, or expenses in attempting
to collect any account receivable or for any portion of the debt
recovered.

(ee) Any amount realized from the sale of an account
receivable to the extent the receipts from the underlying
transaction giving rise to the account receivable were included in
the gross receipts of the taxpayer;

(ff) Any receipts directly attributed to a transfer agreement
or to the enterprise transferred under that agreement under
section 4313.02 of the Revised Code.

(gg) Qualified uranium receipts as determined under section
5751.41 of the Revised Code.

(hh) In the case of amounts collected by a licensed casino
operator from casino gaming, amounts in excess of the casino
operator's gross casino revenue. In this division, "casino
operator" and "casino gaming" have the meanings defined in section
3772.01 of the Revised Code, and "gross casino revenue" has the
meaning defined in section 5753.01 of the Revised Code.

(ii) Receipts realized from the sale of agricultural
commodities by an agricultural commodity handler, both as defined
in section 926.01 of the Revised Code, that is licensed by the
director of agriculture to handle agricultural commodities in this
state.

(jj) Qualifying integrated supply chain receipts as
determined under section 5751.42 of the Revised Code.

(kk) In the case of a railroad company described in division
(D)(9) of section 5727.01 of the Revised Code that purchases dyed
diesel fuel directly from a supplier as defined by section 5736.01
of the Revised Code, an amount equal to the product of the number
of gallons of dyed diesel fuel purchased directly from such a
supplier multiplied by the average wholesale price for a gallon of
diesel fuel as determined under section 5736.02 of the Revised Code for the period during which the fuel was purchased multiplied by a fraction, the numerator of which equals the rate of tax levied by section 5736.02 of the Revised Code less the rate of tax computed in section 5751.03 of the Revised Code, and the denominator of which equals the rate of tax computed in section 5751.03 of the Revised Code.

(ll) Receipts realized by an out-of-state disaster business from disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the business. Terms used in division (F)(2)(ll) of this section have the same meanings as in section 5703.94 of the Revised Code.

(mm) In the case of receipts from the sale or transfer of a mortgage-backed security or a mortgage loan by a mortgage lender holding a valid certificate of registration issued under Chapter 1322. of the Revised Code or by a person that is a member of the mortgage lender's consolidated elected taxpayer group, an amount equal to the principal balance of the mortgage loan.

(nn) Amounts of excess surplus of the state insurance fund received by the taxpayer from the Ohio bureau of workers' compensation pursuant to rules adopted under section 4123.321 of the Revised Code.

(oo) Except as otherwise provided in division (B) of section 5751.091 of the Revised Code, receipts of a megaproject supplier from sales of tangible personal property directly to a megaproject operator in this state for use at the site of the megaproject operator's megaproject, provided that the sale occurs during the period that the megaproject operator has an agreement with the tax credit authority for the megaproject under division (D) of section 122.17 of the Revised Code that remains in effect and has not expired or been terminated, and provided the megaproject supplier holds a certificate for such megaproject issued under section
5751.052 of the Revised Code for the calendar year in which the sales are made and, if the megaproject supplier meets the requirements described in division (A)(13)(b) of section 122.17 of the Revised Code, the megaproject supplier holds a certificate for such megaproject issued under division (D)(11) of section 122.17 of the Revised Code on the first day of that calendar year;

(pp) Receipts from the sale of each new piece of capital equipment that has a cost in excess of one hundred million dollars and that is used at the site of a megaproject that satisfies the criteria described in division (A)(11)(a)(ii) of section 122.17 of the Revised Code, provided that the sale occurs during the period that a megaproject operator has an agreement for that megaproject with the tax credit authority under division (D) of section 122.17 of the Revised Code that remains in effect and has not expired or been terminated;

(qq) In the case of amounts collected by a sports gaming proprietor from sports gaming, amounts in excess of the proprietor's sports gaming receipts. As used in this division, "sports gaming proprietor" has the same meaning as in section 3775.01 of the Revised Code and "sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(rr) Amounts received from any federal, state, or local grant, and amounts of indebtedness discharged or forgiven pursuant to federal, state, or local law, for providing or expanding access to broadband service in this state. As used in this division, "broadband service" has the same meaning as in section 188.01 of the Revised Code.

(ss) Receipts provided to a taxpayer to compensate for lost business resulting from the train derailment near the city of East Palestine on February 3, 2023, by any of the following:

(i) A federal, state, or local government agency;
(ii) Norfolk southern railway;

(iii) Any subsidiary, insurer, or agent of Norfolk southern railway or any related person.

Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state.

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts sitused to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;

(3) Has bright-line presence in this state;

(4) Otherwise has nexus with this state to an extent that the
person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and

(c) Any amount the person pays for services performed in this state on its behalf by another.

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.

(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.

(K) "Internal Revenue Code" means the Internal Revenue Code.
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in
this chapter that is not otherwise defined has the same meaning as
when used in a comparable context in the laws of the United States
relating to federal income taxes unless a different meaning is
clearly required. Any reference in this chapter to the Internal
Revenue Code includes other laws of the United States relating to
federal income taxes.

(L) "Calendar quarter" means a three-month period ending on
the thirty-first day of March, the thirtieth day of June, the
thirtieth day of September, or the thirty-first day of December.

(M) "Tax period" means the calendar quarter or calendar year
on the basis of which a taxpayer is required to pay the tax
imposed under this chapter.

(N) "Calendar year taxpayer" means a taxpayer for which the
tax period is a calendar year.

(O) "Calendar quarter taxpayer" means a taxpayer for which
the tax period is a calendar quarter.

(P) "Agent" means a person authorized by another person to
act on its behalf to undertake a transaction for the other,
including any of the following:

(1) A person receiving a fee to sell financial instruments;

(2) A person retaining only a commission from a transaction
with the other proceeds from the transaction being remitted to
another person;

(3) A person issuing licenses and permits under section
1533.13 of the Revised Code;

(4) A lottery sales agent holding a valid license issued
under section 3770.05 of the Revised Code;

(5) A person acting as an agent of the division of liquor
control under section 4301.17 of the Revised Code.
(Q) "Received" includes amounts accrued under the accrual method of accounting.

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.

(S) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code.

Sec. 5751.02. (A) For the purpose of funding the needs of this state and its local governments, there is hereby levied a commercial activity tax on each person with taxable gross receipts for the privilege of doing business in this state. For the purposes of this chapter, "doing business" means engaging in any activity, whether legal or illegal, that is conducted for, or results in, gain, profit, or income, at any time during a calendar year. Persons on which the commercial activity tax is levied include, but are not limited to, persons with substantial nexus with this state. The tax imposed under this section is not a transactional tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code. The tax levied under this section is imposed on the person receiving the gross receipts and is not a tax imposed directly on a purchaser. The tax imposed by this section is an annual privilege tax for the calendar year that, in the case of calendar year taxpayers, is the annual tax period and, in the case of calendar quarter taxpayers, contains all quarterly tax periods in the calendar year. A
taxpayer is subject to the annual privilege tax for doing business during any portion of such calendar year.

(B) The tax imposed by this section is a tax on the taxpayer and shall not be billed or invoiced to another person. Even if the tax or any portion thereof is billed or invoiced and separately stated, such amounts remain part of the price for purposes of the sales and use taxes levied under Chapters 5739. and 5741. of the Revised Code. Nothing in division (B) of this section prohibits:

(1) A person from including in the price charged for a good or service an amount sufficient to recover the tax imposed by this section; or

(2) A lessor from including an amount sufficient to recover the tax imposed by this section in a lease payment charged, or from including such an amount on a billing or invoice pursuant to the terms of a written lease agreement providing for the recovery of the lessor's tax costs. The recovery of such costs shall be based on an estimate of the total tax cost of the lessor during the tax period, as the tax liability of the lessor cannot be calculated until the end of that period.

(C)(1) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. Sixty-five one-hundredths of one per cent of the money credited to that fund shall be credited to the revenue enhancement fund and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder of the money in the commercial activities tax receipts fund shall first be credited to the commercial activity tax motor fuel receipts fund, pursuant to division (C)(2) of this section, and the remainder shall be credited in the following percentages each fiscal year to the
general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.92 of the Revised Code, and to the local government tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.93 of the Revised Code, in the following percentages:

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>General Revenue Fund</th>
<th>School District Tangible Property Tax Replacement Fund</th>
<th>Local Government Tangible Property Tax Replacement Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014 and 2015</td>
<td>50.0%</td>
<td>35.0%</td>
<td>15.0%</td>
</tr>
<tr>
<td>2016 and 2017</td>
<td>75.0%</td>
<td>20.0%</td>
<td>5.0%</td>
</tr>
<tr>
<td>2018 and thereafter to 2023</td>
<td>85.0%</td>
<td>13.0%</td>
<td>2.0%</td>
</tr>
<tr>
<td>2024 and thereafter</td>
<td>97.50%</td>
<td>2.25%</td>
<td>0.25%</td>
</tr>
</tbody>
</table>

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(D)(1) If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments...
under section 5709.92 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference between the total amount to be paid and the amount in the school district tangible property tax replacement fund.

(2) If the total amount in the local government tangible property tax replacement fund is insufficient to make all payments under section 5709.93 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the local government tangible property tax replacement fund the difference between the total amount to be paid and the amount in the local government tangible property tax replacement fund.

(E)(1) On or after the first day of June of each year, the director of budget and management may transfer any balance in the school district tangible property tax replacement fund to the general revenue fund.

(2) On or after the first day of June of each year, the director of budget and management may transfer any balance in the local government tangible property tax replacement fund to the general revenue fund.

(F)(1) There is hereby created in the state treasury the commercial activity tax motor fuel receipts fund.

(2) On or before the fifteenth day of June of each fiscal year beginning with fiscal year 2015, the director of the Ohio public works commission shall certify to the director of budget and management the amount of debt service paid from the general revenue fund in the current fiscal year on bonds issued to finance or assist in the financing of the cost of local subdivision public infrastructure capital improvement projects, as provided for in...
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, that are attributable to costs for construction, reconstruction, maintenance, or repair of public highways and bridges and other statutory highway purposes. That certification shall allocate the total amount of debt service paid from the general revenue fund and attributable to those costs in the current fiscal year according to the applicable section of the Ohio Constitution under which the bonds were originally issued.

(3) On or before the thirtieth day of June of each fiscal year beginning with fiscal year 2015, the director of budget and management shall determine an amount up to but not exceeding the amount certified under division (F)(2) of this section and shall reserve that amount from the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund for transfer to the general revenue fund at times and in amounts to be determined by the director. The director shall transfer the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund in excess of the amount so reserved to the highway operating fund on or before the thirtieth day of June of the current fiscal year.

Sec. 5751.033. For the purposes of this chapter, gross receipts shall be sitused to this state as follows:

(A) Gross rents and royalties from real property located in this state shall be sitused to this state.

(B) Gross rents and royalties from tangible personal property shall be sitused to this state to the extent the tangible personal property is located or used in this state.

(C) Gross receipts from the sale of electricity and electric transmission and distribution services shall be sitused to this state in the manner provided under section 5733.059 of the Revised
(D) Gross receipts from the sale of real property located in this state shall be sitused to this state.

(E) Gross receipts from the sale of tangible personal property shall be sitused to this state if the property is received in this state by the purchaser. In the case of delivery of tangible personal property by motor 
common carrier or by other means of transportation, the place at which such property is ultimately received after all transportation has been completed shall be considered the place where the purchaser receives the property. For purposes of this section, the phrase "delivery of tangible personal property by motor 
common carrier or by other means of transportation" includes the situation in which a purchaser accepts the property in this state and then transports the property directly or by other means to a location outside this state. Direct delivery in this state, other than for purposes of transportation, to a person or firm designated by a purchaser constitutes delivery to the purchaser in this state, and direct delivery outside this state to a person or firm designated by a purchaser does not constitute delivery to the purchaser in this state, regardless of where title passes or other conditions of sale.

(F) Gross receipts from the sale, exchange, disposition, or other grant of the right to use trademarks, trade names, patents, copyrights, and similar intellectual property shall be sitused to this state to the extent that the receipts are based on the amount of use of the property in this state. If the receipts are not based on the amount of use of the property, but rather on the right to use the property, and the payor has the right to use the property in this state, then the receipts from the sale, exchange, disposition, or other grant of the right to use such property shall be sitused to this state to the extent the receipts are
based on the right to use the property in this state.

(G) Gross receipts from the sale of transportation services by a motor common or contract carrier shall be sitused to this state in proportion to the mileage traveled by the carrier during the tax period on roadways, waterways, airways, and railways in this state to the mileage traveled by the carrier during the tax period on roadways, waterways, airways, and railways everywhere. With prior written approval of the tax commissioner, a motor common or contract carrier may use an alternative situsing procedure for transportation services.

(H) Gross receipts from dividends, interest, and other sources of income from financial instruments described in divisions (F)(4), (5), (6), (7), (8), (9), (10), (11), and (13) of section 5733.056 of the Revised Code shall be sitused to this state in accordance with the situsing provisions set forth in those divisions. When applying the provisions of divisions (F)(6), (8), and (13) of section 5733.056 of the Revised Code, "gross receipts" shall be substituted for "net gains" wherever "net gains" appears in those divisions. Nothing in this division limits or modifies the exclusions enumerated in divisions (E) and (F)(2) of section 5751.01 of the Revised Code. The tax commissioner may promulgate rules to further specify the manner in which to situs gross receipts subject to this division.

(I) Gross receipts from the sale of all other services, and all other gross receipts not otherwise sitused under this section, shall be sitused to this state in the proportion that the purchaser's benefit in this state with respect to what was purchased bears to the purchaser's benefit everywhere with respect to what was purchased. The physical location where the purchaser ultimately uses or receives the benefit of what was purchased shall be paramount in determining the proportion of the benefit in this state to the benefit everywhere. If a taxpayer's records do
not allow the taxpayer to determine that location, the taxpayer may use an alternative method to situs gross receipts under this division if the alternative method is reasonable, is consistently and uniformly applied, and is supported by the taxpayer's records as the records exist when the service is provided or within a reasonable period of time thereafter.

(J) If the situsing provisions of divisions (A) to (H) of this section do not fairly represent the extent of a person's activity in this state, the person may request, or the tax commissioner may require or permit, an alternative method. Such request by a person must be made within the applicable statute of limitations set forth in this chapter.

(K) The tax commissioner may adopt rules to provide additional guidance to the application of this section, and provide alternative methods of situsing gross receipts that apply to all persons, or subset of persons, that are engaged in similar business or trade activities.

(L) As used in this section, "motor carrier" has the same meaning as in section 4923.01 of the Revised Code.

**Sec. 5751.06.** (A) Any taxpayer that fails to file a return or pay the full amount of the tax due within the period prescribed therefor under this chapter shall pay a penalty in an amount not exceeding the greater of fifty dollars or ten per cent of the tax required to be paid for the tax period.

(B)(1) If any additional tax is found to be due, the tax commissioner may impose an additional penalty of up to fifteen per cent on the additional tax found to be due.

(2) Any delinquent payments of the tax made after a taxpayer is notified of an audit or a tax discrepancy by the commissioner is subject to the penalty imposed by division (B) of this section.
If an assessment is issued under section 5751.09 of the Revised Code in connection with such delinquent payments, the payments shall be credited to the assessment.

(C) After calendar year 2008, the tax commissioner may impose an additional penalty against a taxpayer that fails to switch to being a calendar quarter taxpayer at the time it had over two million in taxable gross receipts in the calendar year, as required under section 5751.04 of the Revised Code. The penalty may be imposed in an amount not to exceed ten per cent of the tax due above two million dollars in taxable gross receipts for the calendar year. Any penalty imposed under this division is in addition to any other penalties imposed under this section.

(D) If the tax commissioner notifies a person required to register under section 5751.05 of the Revised Code of such requirement and of the requirement to remit the tax due under this chapter, and the person fails to so register and remit the tax within sixty days after such notice, the tax commissioner may impose an additional penalty of up to thirty-five per cent of the tax due. The penalty imposed under this division is in addition to any other penalties imposed under this section.

(E) The tax commissioner may collect any penalty or interest imposed by this section in the same manner as the tax imposed under this chapter. Penalties and interest so collected shall be considered as revenue arising from the tax imposed under this chapter.

(F) The tax commissioner may abate all or a portion of any penalties imposed under this section and may adopt rules governing such abatements.

(G) If any tax due is not timely paid in accordance with this chapter, the taxpayer shall pay interest, calculated at the rate per annum prescribed by section 5703.47 of the Revised Code, from
the date the tax payment was due to the date of payment or to the 
date an assessment was issued, whichever occurs first.

(H) The tax commissioner may impose a penalty of up to ten 
per cent for any additional tax that is due under division 
(A)(2)(b) of section 5751.051 of the Revised Code from a taxpayer 
incorrectly reporting its taxable gross receipts.

(I) If the tax commissioner discovers that a taxpayer has 
billed or invoiced another person for the tax imposed under this 
chapter in violation of division (B) of section 5751.02 of the 
Revised Code, the tax commissioner shall notify the taxpayer of 
the violation by certified mail in the manner provided in section 
5703.37 of the Revised Code and may impose a penalty of up to five 
hundred dollars. If the taxpayer subsequently bills or invoices a 
person for the tax imposed under this chapter, the tax 
commissioner shall impose a penalty of five hundred dollars.

Sec. 5751.51. (A) As used in this section, "qualified 
research expenses" has the same meaning as in section 41 of the 
Internal Revenue Code.

(B)(1) For calendar years beginning on or after January 1, 
2008, a nonrefundable credit may be claimed under this chapter 
equal to seven per cent of the excess of (a) qualified research 
expenses incurred in this state by the taxpayer in the calendar 
year for which the credit is claimed over (b) the taxpayer's 
average annual qualified research expenses incurred in this state 
for the three preceding calendar years.

(2) The taxpayer shall claim the credit allowed under 
division (B)(1) of this section in the order required by section 
5751.98 of the Revised Code. A credit claimed in calendar year 
2008 may not be applied against the tax otherwise due under this 
chapter for a tax period beginning before July 1, 2008. Any credit 
amount in excess of the tax due under section 5751.03 of the
Revised Code, after allowing for any other credits that precede
the credit under this section in the order required under that
section, may be carried forward for seven years, but the amount of
the excess credit claimed against the tax for any tax period shall
be deducted from the balance carried forward to the next tax
period.

(3) No credit shall be allowed under this chapter if the
credit was available against the tax imposed by section 5733.06 of
the Revised Code, except to the extent the credit was not applied
against such tax.

(C) In the case of a taxpayer that is a consolidated elected
taxpayer or combined taxpayer, each person in the taxpayer's group
shall separately calculate the credit claimed under this section
using the qualified research expenses incurred by that person on a
form prescribed by the tax commissioner, which shall be used by
the taxpayer to claim the credit.

Such a taxpayer may only claim the credit with respect to
persons included in the taxpayer's group as of the thirty-first
day of December of the calendar year in which the qualified
research expenses are incurred. Such a taxpayer may only claim any
excess credit carried forward under division (B)(2) of this
section with respect to persons included in that group as of the
last day of the tax period for which the return claiming the
credit is filed.

(D) A taxpayer that claims a credit under this section shall
retain records to substantiate the claim. Required records include
those relating to any expenses used in calculating the credit and
incurred in the current calendar year and in the three preceding
calendar years.

The taxpayer shall retain the required records until the date
that is four years after the due date for the return on which the
credit was claimed or four years after the date the return was actually filed, whichever is later.

(E) The tax commissioner may audit a sample of the taxpayer's qualified research expenses over a representative period to ascertain the amount of tax credit the taxpayer may claim under this section and may issue an assessment under section 5751.09 of the Revised Code based on the audit. The commissioner shall make a good faith effort to reach an agreement with the taxpayer in selecting a representative sample. The commissioner is not, however, precluded from proceeding under this division if an agreement is not made.

Sec. 5751.53. (A) As used in this section:

(1) "Net income" and "taxable year" have the same meanings as in section 5733.04 of the Revised Code.

(2) "Franchise tax year" means "tax year" as defined in section 5733.04 of the Revised Code.

(3) "Deductible temporary differences" and "taxable temporary differences" have the same meanings as those terms have for purposes of paragraph 13 of the statement of financial accounting standards, number 109.

(4) "Qualifying taxpayer" means a taxpayer under this chapter that has a qualifying Ohio net operating loss carryforward equal to or greater than the qualifying amount.

(5) "Qualifying Ohio net operating loss carryforward" means an Ohio net operating loss carryforward that the taxpayer could deduct in whole or in part for franchise tax year 2006 under section 5733.04 of the Revised Code but for the application of division (H) of this section. A qualifying Ohio net operating loss carryforward shall not exceed the amount of loss carryforward from franchise tax year 2005 as reported by the taxpayer either on a
franchise tax report for franchise tax year 2005 pursuant to section 5733.02 of the Revised Code or on an amended franchise tax report prepared in good faith for such year and filed before July 1, 2006.

(6) "Disallowed Ohio net operating loss carryforward" means the lesser of the amounts described in division (A)(6)(a) or (b) of this section, but the amounts described in divisions (A)(6)(a) and (b) of this section shall each be reduced by the qualifying amount.

(a) The qualifying taxpayer's qualifying Ohio net operating loss carryforward;

(b) The Ohio net operating loss carryforward amount that the qualifying taxpayer used to compute the related deferred tax asset reflected on its books and records on the last day of its taxable year ending in 2004, adjusted for return to accrual, but this amount shall be reduced by the qualifying related valuation allowance amount. For the purposes of this section, the "qualifying related valuation allowance amount" is the amount of Ohio net operating loss reflected in the qualifying taxpayer's computation of the valuation allowance account, as shown on its books and records on the last day of its taxable year ending in 2004, with respect to the deferred tax asset relating to its Ohio net operating loss carryforward amount.

(7) "Other net deferred tax items apportioned to this state" is the product of (a) the amount of other net deferred tax items and (b) the fraction described in division (B)(2) of section 5733.05 for the qualifying taxpayer's franchise tax year 2005.

(8)(a) Subject to divisions (A)(8)(b) to (d) of this section, the "amount of other net deferred tax items" is the difference between (i) the qualifying taxpayer's deductible temporary differences, net of related valuation allowance amounts, shown on
the qualifying taxpayer's books and records on the last day of its taxable year ending in 2004, and (ii) the qualifying taxpayer's taxable temporary differences as shown on those books and records on that date. The amount of other net deferred tax items may be less than zero.

(b) For the purposes of computing the amount of the qualifying taxpayer's other net deferred tax items described in division (A)(8)(a) of this section, any credit carryforward allowed under Chapter 5733. of the Revised Code shall be excluded from the amount of deductible temporary differences to the extent such credit carryforward amount, net of any related valuation allowance amount, is otherwise included in the qualifying taxpayer's deductible temporary differences, net of related valuation allowance amounts, shown on the qualifying taxpayer's books and records on the last day of the qualifying taxpayer's taxable year ending in 2004.

(c) No portion of the disallowed Ohio net operating loss carryforward shall be included in the computation of the amount of the qualifying taxpayer's other net deferred tax items described in division (A)(8)(a) of this section.

(d) In no event shall the amount of other net deferred tax items apportioned to this state exceed twenty-five per cent of the qualifying Ohio net operating loss carryforward.

(9) "Amortizable amount" means:

(a) If the qualifying taxpayer's other net deferred tax items apportioned to this state is equal to or greater than zero, eight per cent of the sum of the qualifying taxpayer's disallowed Ohio net operating loss carryforward and the qualifying taxpayer's other net deferred tax items apportioned to this state;

(b) If the amount of the qualifying taxpayer's other net deferred tax items apportioned to this state is less than zero and
if the absolute value of the amount of qualifying taxpayer's other net deferred tax items apportioned to this state is less than the qualifying taxpayer's disallowed net operating loss, eight percent of the difference between the qualifying taxpayer's disallowed net operating loss carryforward and the absolute value of the qualifying taxpayer's other net deferred tax items apportioned to this state;

(c) If the amount of the qualifying taxpayer's other net deferred tax items apportioned to this state is less than zero and if the absolute value of the amount of qualifying taxpayer's other net deferred tax items apportioned to this state is equal to or greater than the qualifying taxpayer's disallowed net operating loss, zero.

(10) "Books and records" means the qualifying taxpayer's books, records, and all other information, all of which the qualifying taxpayer maintains and uses to prepare and issue its financial statements in accordance with generally accepted accounting principles.

(11)(a) Except as modified by division (A)(11)(b) of this section, "qualifying amount" means fifty million dollars per person.

(b) If for franchise tax year 2005 the person was a member of a combined franchise tax report, as provided by section 5733.052 of the Revised Code, the "qualifying amount" is, in the aggregate, fifty million dollars for all members of that combined franchise tax report, and for purposes of divisions (A)(6)(a) and (b) of this section, those members shall allocate to each member any portion of the fifty million dollar amount. The total amount allocated to the members who are qualifying taxpayers shall equal fifty million dollars.

(B) For each calendar period beginning prior to January 1,
2030 2040, there is hereby allowed a nonrefundable tax credit against the tax levied each year by this chapter on each qualifying taxpayer, on each consolidated elected taxpayer having one or more qualifying taxpayers as a member, and on each combined taxpayer having one or more qualifying taxpayers as a member. The credit shall be claimed in the order specified in section 5751.98 of the Revised Code and is allowed only to reduce the first one-half of any tax remaining after allowance of the credits that precede it in section 5751.98 of the Revised Code. No credit under division (B) of this section shall be allowed against the second one-half of such remaining tax.

Except as otherwise limited by divisions (C) and (D) of this section, the maximum amount of the nonrefundable credit that may be used against the first one-half of the remaining tax for each calendar year is as follows:

(1) For calendar year 2010, ten per cent of the amortizable amount;

(2) For calendar year 2011, twenty per cent of the amortizable amount, less all amounts previously used;

(3) For calendar year 2012, thirty per cent of the amortizable amount, less all amounts previously used;

(4) For calendar year 2013, forty per cent of the amortizable amount, less all amounts previously used;

(5) For calendar year 2014, fifty per cent of the amortizable amount, less all amounts previously used;

(6) For calendar year 2015, sixty per cent of the amortizable amount, less all amounts previously used;

(7) For calendar year 2016, seventy per cent of the amortizable amount, less all amounts previously used;

(8) For calendar year 2017, eighty per cent of the amortizable amount.
amortizable amount, less all amounts previously used;

(9) For calendar year 2018, ninety per cent of the amortizable amount, less all amounts previously used;

(10) For each of calendar years 2019 through 2039, one hundred per cent of the amortizable amount, less all amounts used in all previous years.

In no event shall the cumulative credit used for calendar years 2010 through 2039 exceed one hundred per cent of the amortizable amount.

(C)(1) Except as otherwise set forth in division (C)(2) of this section, a refundable credit is allowed in calendar year 2030 for any portion of the qualifying taxpayer's amortizable amount that is not used in accordance with division (B) of this section against the tax levied by this chapter on all taxpayers.

(2) Division (C)(1) of this section shall not apply and no refundable credit shall be available to any person if during any portion of the calendar year 2030 the person is not subject to the tax imposed by this chapter.

(D) Not later than June 30, 2006, each qualifying taxpayer, consolidated elected taxpayer, or combined taxpayer that will claim for any year the credit allowed in divisions (B) and (C) of this section shall file with the tax commissioner a report setting forth the amortizable amount available to such taxpayer and all other related information that the commissioner, by rule, requires. If the taxpayer does not timely file the report or fails to provide timely all information required by this division, the taxpayer is precluded from claiming any credit amounts described in divisions (B) and (C) of this section. Unless extended by mutual consent, the tax commissioner may, until June 30, 2010, audit the accuracy of the amortizable amount available to each taxpayer that will claim the credit, and adjust the amortizable
amount or, if appropriate, issue any assessment or final
determination, as applicable, necessary to correct any errors
found upon audit.

(E) For the purpose of calculating the amortizable amount, if
the tax commissioner ascertains that any portion of that amount is
the result of a sham transaction as described in section 5703.56
of the Revised Code, the commissioner shall reduce the amortizable
amount by two times the adjustment.

(F) If one entity transfers all or a portion of its assets
and equity to another entity as part of an entity organization or
reorganization or subsequent entity organization or reorganization
for which no gain or loss is recognized in whole or in part for
federal income tax purposes under the Internal Revenue Code, the
credits allowed by this section shall be computed in a manner
consistent with that used to compute the portion, if any, of
federal net operating losses allowed to the respective entities
under the Internal Revenue Code. The tax commissioner may
prescribe forms or rules for making the computations required by
this division.

(G)(1) Except as provided in division (F) of this section, no
person shall pledge, collateralize, hypothecate, assign, convey,
sell, exchange, or otherwise dispose of any or all tax credits, or
any portion of any or all tax credits allowed under this section.

(2) No credit allowed under this section is subject to
execution, attachment, lien, levy, or other judicial proceeding.

(H)(1)(a) Except as set forth in division (H)(1)(b) of this
section and notwithstanding division (I)(1) of section 5733.04 of
the Revised Code to the contrary, each person timely and fully
complying with the reporting requirements set forth in division
(D) of this section shall not claim, and shall not be entitled to
claim, any deduction or adjustment for any Ohio net operating loss
carried forward to any one or more franchise tax years after franchise tax year 2005.

(b) Division (H)(1)(a) of this section applies only to the portion of the Ohio net operating loss represented by the disallowed Ohio net operating loss carryforward.

(2) Notwithstanding division (I) of section 5733.04 of the Revised Code to the contrary, with respect to all franchise tax years after franchise tax year 2005, each person timely and fully complying with the reporting requirements set forth in division (D) of this section shall not claim, and shall not be entitled to claim, any deduction, exclusion, or adjustment with respect to deductible temporary differences reflected on the person's books and records on the last day of its taxable year ending in 2004.

(3)(a) Except as set forth in division (H)(3)(b) of this section and notwithstanding division (I) of section 5733.04 of the Revised Code to the contrary, with respect to all franchise tax years after franchise tax year 2005, each person timely and fully complying with the reporting requirements set forth in division (D) of this section shall exclude from Ohio net income all taxable temporary differences reflected on the person's books and records on the last day of its taxable year ending in 2004.

(b) In no event shall the exclusion provided by division (H)(3)(a) of this section for any franchise tax year exceed the amount of the taxable temporary differences otherwise included in Ohio net income for that year.

(4) Divisions (H)(2) and (3) of this section shall apply only to the extent such items were used in the calculations of the credit provided by this section.

Sec. 5751.98. (A) To provide a uniform procedure for calculating the amount of tax due under this chapter, a taxpayer...
shall claim any credits to which it is entitled in the following order:

The nonrefundable jobs retention credit under division (B) of section 5751.50 of the Revised Code;

The nonrefundable credit for qualified research expenses under division (B) of section 5751.51 of the Revised Code;

The nonrefundable credit for a borrower's qualified research and development loan payments under division (B) of section 5751.52 of the Revised Code;

The nonrefundable credit for calendar years 2010 to 2029 for unused net operating losses under division (B) of section 5751.53 of the Revised Code;

The refundable motion picture and broadway theatrical production credit under section 5751.54 of the Revised Code;

The refundable jobs creation credit or job retention credit under division (A) of section 5751.50 of the Revised Code;

The refundable credit for calendar year 2030 for unused net operating losses under division (C) of section 5751.53 of the Revised Code.

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax period shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating the credit.

Sec. 5753.031. (A) For the purpose of receiving and distributing, and accounting for, revenue received from the tax levied by section 5753.021 of the Revised Code and from fines imposed under Chapter 3775. of the Revised Code, the following
funds are created in the state treasury:

1. The sports gaming revenue fund;

2. The sports gaming tax administration fund, which the tax commissioner shall use to defray the costs incurred in administering the tax levied by section 5753.021 of the Revised Code;

3. The sports gaming profits education fund. Fifty per cent of the funds Amounts deposited in the sports gaming profits education fund shall be used as follows:
   - (a) Each fiscal year, the lesser of fifty per cent of the amount deposited or fifteen million dollars shall be used to support interscholastic athletics and other extracurricular activities for students in grades kindergarten through twelve as determined in appropriations made by the general assembly. The other fifty per cent
   - (b) The remainder of the fund shall be used for the support of public and nonpublic education for students in grades kindergarten through twelve as determined in appropriations made by the general assembly.

4. The problem sports gaming fund.

(B)(1) All of the following shall be deposited into the sports gaming revenue fund:
   - (a) All money collected from the tax levied under section 5753.021 of the Revised Code;
   - (b) The remainder of the fees described in division (G)(2) of section 3775.02 of the Revised Code, after the Ohio casino control commission deposits the required amount in the sports gaming profits veterans fund under that division;
   - (c) Unclaimed winnings collected under division (F) of Sub. H. B. No. 33 Page 3267 LSC 135 0001-3
section 3775.10 of the Revised Code;

(d) Any fines collected under Chapter 3775. of the Revised Code.

(2) All other fees collected under Chapter 3775. of the Revised Code shall be deposited into the casino control commission fund created under section 5753.03 of the Revised Code.

(C)(1) From the sports gaming revenue fund, the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code and attributable to the tax levied under section 5753.021 of the Revised Code.

(2) Not later than the fifteenth day of each month, the director of budget and management shall transfer from the sports gaming revenue fund to the sports gaming tax administration fund the amount necessary to reimburse the department of taxation's actual expenses incurred in administering the tax levied under section 5753.021 of the Revised Code.

(3) Of the amount in the sports gaming revenue fund remaining after making the transfers required by divisions (C)(1) and (2) of this section, the director of budget and management shall transfer, on or before the fifteenth day of the month following the end of each calendar quarter, amounts to each fund as follows:

(a) Ninety-eight per cent to the sports gaming profits education fund;

(b) Two per cent to the problem sports gaming fund.

(D) All interest generated by the funds created under this section shall be credited back to them.

Sec. 5910.01. As used in this chapter and section 5919.34 of the Revised Code:
(A) "Child" includes natural and adopted children and stepchildren who have not been legally adopted by the veteran parent provided that the relationship between the stepchild and the veteran parent meets the following criteria:

1. The veteran parent is married to the child's natural or adoptive parent at the time application for a scholarship granted under this chapter is made; or if the veteran parent is deceased, the child's natural or adoptive parent was married to the veteran parent at the time of the veteran parent's death;

2. The child resided with the veteran parent for a period of not less than ten consecutive years immediately prior to making application for the scholarship; or if the veteran parent is deceased, the child resided with the veteran parent for a period of not less than ten consecutive years immediately prior to the veteran parent's death;

3. The child received financial support from the veteran parent for a period of not less than ten consecutive years immediately prior to making application for the scholarship; or if the veteran parent is deceased, the child received financial support from the veteran parent for a period of not less than ten consecutive years immediately prior to the veteran parent's death.

(B) "Veteran" includes any of the following:

1. Any person who was a member of the armed services of the United States for a period of ninety days or more, or who was discharged from the armed services due to a disability incurred while a member with less than ninety days' service, or who died while a member of the armed services; provided that such service, disability, or death occurred during one of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to May 7, 1975; August 2, 1990, to the end of operations conducted as
a result of the invasion of Kuwait by Iraq, including support for
operation desert shield and operation desert storm, as declared by
the president of the United States or the congress; October 7,
2001, to the end of operation enduring freedom as declared by the
president of the United States or the congress; March 20, 2003, to
the end of operation Iraqi freedom as declared by the president of
the United States or the congress; or any other period of conflict
established by the United States department of veterans affairs
for pension purposes;

(2) Any person who was a member of the armed services of the
United States and participated in an operation for which the armed
forces expeditionary medal was awarded;

(3) Any person who served as a member of the United States
merchant marine and to whom either of the following applies:

(a) The person has an honorable report of separation from the
active duty military service, form DD214 or DD215.

(b) The person served in the United States merchant marine
between December 7, 1941, and December 31, 1946, and died on
active duty while serving in a war zone during that period of
service.

(C) "Armed services of the United States" or "United States
armed forces" includes the army, air force, navy, marine corps,
coast guard, and such other military service branch as may be
designated by congress as a part of the armed forces of the United
States.

(D) "Board" means the Ohio war orphans and severely disabled
veterans' children scholarship board created by section 5910.02 of
the Revised Code.

(E) "Disabled" means having a sixty per cent or greater
service-connected disability or receiving benefits for permanent
and total nonservice-connected disability, as determined by the
United States department of veterans affairs.  

(F) "United States merchant marine" includes the United States army transport service and the United States naval transport service.

Sec. 5913.01. (A) The adjutant general is the commander and administrative head of the Ohio organized militia, as described in section 5923.01 of the Revised Code. The adjutant general shall:

(1) Be provided offices and shall keep them open during usual business hours;

(2) Manage the recruitment of individuals for service in the Ohio organized militia;

(3) Have and maintain custody of all military records, correspondence, and other documents of the Ohio organized militia;

(4) Superintend the preparation of all returns and reports required by the United States from the state on military matters;

(5) Keep a roster of all officers of the Ohio organized militia, including retired officers;

(6) Whenever necessary, cause the military provisions of the Revised Code and the orders, regulations, pamphlets, circulars, and memorandums of the adjutant general's department to be printed and distributed to the organizations of the Ohio organized militia;

(7) Prepare and issue all necessary Ohio organized militia forms and attest to all commissions issued to officers of the Ohio organized militia;

(8) Have a seal, and all copies of orders, records, and papers in the adjutant general's office certified and authenticated with that seal shall be competent evidence in like manner as if the originals were produced. All orders issued from
the adjutant general's office shall bear a duplicate of the seal.

(8). (9) Keep and preserve the arms, ordnance, equipment, and all other military property belonging to the state or issued to the state by the federal government and issue any regulations necessary to keep, preserve, and repair the property as conditions demand;

(9). (10) Issue adjutant general's property to the units of the Ohio organized militia as the necessity of the service or organizational or allowance tables requires;

(10). (11) Submit an annual report to the governor at such time as the governor requires of the transaction of the adjutant general's department, setting forth the strength and condition of the Ohio organized militia and other matters that the adjutant general chooses;

(11). (12) Designate members of the Ohio national guard, who are participating in duties related to remotely piloted aircraft, including, but not limited to, pilots, sensor operators, and mission intelligence personnel, duties related to special forces operations, or duties related to cybersecurity, as designated public service workers under section 149.43 of the Revised Code;

(12). (13) Command the joint force headquarters of the Ohio national guard.

(B) The adjutant general shall issue and distribute all orders issued in the name of the governor as the commander in chief of the Ohio organized militia and perform the duties that the governor directs and other duties prescribed by law.

(C) The adjutant general may enter into cooperative agreements, contractual arrangements, or agreements for the acceptance of grants with the United States or any agency or department of the United States, other states, any department or political subdivision of this state, or any person or body
politic, to accomplish the purposes of the adjutant general's
department. The adjutant general shall cooperate with, and not
infringe upon, the rights of other state departments, divisions,
boards, commissions, and agencies, political subdivisions, and
other public officials and public and private agencies when the
interests of the adjutant general's department and those other
tentities overlap.

The funds made available by the United States for the
exclusive use of the department shall be expended only by the
department and only for the purposes for which the federal funds
were appropriated. In accepting federal funds, the department
agrees to abide by the terms and conditions of the grant or
cooperative agreement and further agrees to expend the federal
funds in accordance with the laws and regulations of the United
States.

Sec. 5913.012. (A) The adjutant general may authorize a judge
advocate appointed under section 5924.06 of the Revised Code to
provide legal assistance to any of the following:

(1) Investigative personnel of the bureau of criminal
identification and investigation as described in section 109.542
of the Revised Code, a natural resources law enforcement staff
officer designated under section 1501.013 of the Revised Code, a
forest-fire investigator appointed under section 1503.09 of the
Revised Code, a natural resources officer appointed under section
1501.24 of the Revised Code, a wildlife officer designated under
section 1531.13 of the Revised Code, a state highway patrol
trooper appointed under section 5503.01 of the Revised Code, and a
special police officer designated under section 5503.09 of the
Revised Code;

(2) A person commissioned or enlisted in the Ohio military
reserve under Chapter 5920. of the Revised Code;
(3) The spouse, surviving spouse, dependent parent, minor child, or ward of a person listed under divisions (A)(1) and (2) of this section.

(B) The adjutant general may specify matters upon which legal assistance may be provided and may limit services subject to the availability of a judge advocate.

Sec. 5919.34. (A) As used in this section:

(1) "Academic term" means any one of the following:

(a) Fall term, which consists of fall semester or fall quarter, as appropriate;

(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;

(c) Spring term, which consists of spring quarter;

(d) Summer term, which consists of summer semester or summer quarter, as appropriate.

(2) "Eligible applicant" means any individual to whom all of the following apply:

(a) The individual does not possess a baccalaureate degree.

(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.

(c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or master's degree-granting program at a state institution of higher education or a private institution of higher education, in a diploma-granting program at a state or private institution of higher education that is a school of nursing, or in a credential-certifying program, licensing program, trade
certification program, or apprenticeship program for an in-demand occupation as identified by the adjutant general and the chancellor of higher education, in consultation with the governor's office of workforce transformation.

(4) (c) The individual has not accumulated ninety-six eligibility units under division (E) of this section.

(3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code.

(4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or that holds a certificate of registration and program authorization issued by the state board of career colleges and schools pursuant to section 3332.05 of the Revised Code.

(5) "Tuition" means the charges imposed to attend an institution of higher education and includes general and instructional fees. "Tuition" does not include laboratory fees, room and board, or other similar fees and charges.

(B) There is hereby created a scholarship program to be known as the Ohio national guard scholarship program.

(C)(1) The adjutant general shall approve scholarships for all eligible applicants. The adjutant general shall process all
applications for scholarships for each academic term in the order in which they are received. The scholarships shall be made without regard to financial need. At no time shall one person be placed in priority over another because of sex, race, or religion.

(2) The adjutant general shall develop and provide a written explanation that informs all eligible scholarship recipients that the recipient may become ineligible and liable for repayment for an amount of scholarship payments received in accordance with division (G) of this section. The written explanation shall be reviewed by the scholarship recipient before acceptance of the scholarship and before acceptance of an enlistment, warrant, commission, or appointment for a term not less than the recipient's remaining term in the national guard or in the active duty component of the United States armed forces.

(D)(1) Except as provided in divisions (I) and (J) of this section, for each academic term that an eligible applicant is approved for a scholarship under this section and either remains a current member in good standing of the Ohio national guard or is eligible for a scholarship under division (F)(1) of this section, the institution of higher education in which the applicant is enrolled shall, if the applicant's enlistment obligation extends beyond the end of that academic term or if division (F)(1) of this section applies, be paid on the applicant's behalf the applicable one of the following amounts:

(a) If the institution is a state institution of higher education, an amount equal to one hundred per cent of the institution's tuition charges;

(b) If the institution is a nonprofit private institution or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, an amount equal to one hundred per cent of the average tuition charges of all state universities;
(c) If the institution is an institution that holds a certificate of registration from the state board of career colleges and schools, the lesser of the following:

(i) An amount equal to one hundred per cent of the institution's tuition;

(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code.

(2) The adjutant general and the chancellor may jointly adopt rules to require the use of other federal educational financial assistance programs, including such programs offered by the United States department of defense, for which an applicant is eligible based on the applicant's military service. If such rules are adopted, the rules shall require that financial assistance received by a scholarship recipient under those programs be applied to all eligible expenses prior to the use of scholarship funds awarded under this section. Scholarship funds awarded under this section shall then be applied to the recipient's remaining eligible expenses.


(E) A scholarship recipient under this section shall be entitled to receive scholarships under this section for the number of quarters or semesters it takes the recipient to accumulate ninety-six eligibility units as determined under divisions (E)(1) to (3) of this section.

(1) To determine the maximum number of semesters or quarters for which a recipient is entitled to a scholarship under this section, the adjutant general shall convert a recipient's credit hours of enrollment for each academic term into eligibility units.
in accordance with the following table:

<table>
<thead>
<tr>
<th>Number of credit hours</th>
<th>Following number of eligibility units if a term equals semester</th>
<th>The following number of eligibility units if a term equals quarter</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 or more hours</td>
<td>12 units</td>
<td>8 units</td>
</tr>
<tr>
<td>9 but less than 12</td>
<td>9 units</td>
<td>6 units</td>
</tr>
<tr>
<td>6 but less than 9</td>
<td>6 units</td>
<td>4 units</td>
</tr>
<tr>
<td>3 but less than 6</td>
<td>3 units</td>
<td>2 units</td>
</tr>
</tbody>
</table>

(2) A scholarship recipient under this section may continue to apply for scholarships under this section until the recipient has accumulated ninety-six eligibility units.

(3) If a scholarship recipient withdraws from courses prior to the end of an academic term so that the recipient's enrollment for that academic term is less than three credit hours, no scholarship shall be paid on behalf of that person for that academic term. Except as provided in division (F)(3) of this section, if a scholarship has already been paid on behalf of the person for that academic term, the adjutant general shall add to that person's accumulated eligibility units the number of eligibility units for which the scholarship was paid.

(F) This division applies to any eligible applicant called into active duty on or after September 11, 2001. As used in this division, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(1) For a period of up to five years from when an individual's enlistment obligation in the Ohio national guard
ends, an individual to whom this division applies is eligible for scholarships under this section for those academic terms that were missed or could have been missed as a result of the individual's call into active duty. Scholarships shall not be paid for the academic term in which an eligible applicant's enlistment obligation ends unless an applicant is eligible under this division for a scholarship for such academic term due to previous active duty.

(2) When an individual to whom this division applies withdraws or otherwise fails to complete courses, for which scholarships have been awarded under this section, because the individual was called into active duty, the institution of higher education shall grant the individual a leave of absence from the individual's education program and shall not impose any academic penalty for such withdrawal or failure to complete courses. Division (F)(2) of this section applies regardless of whether or not the scholarship amount was paid to the institution of higher education.

(3) If an individual to whom this division applies withdraws or otherwise fails to complete courses because the individual was called into active duty, and if scholarships for those courses have already been paid, either:

(a) The adjutant general shall not add to that person's accumulated eligibility units calculated under division (E) of this section the number of eligibility units for the academic courses or term for which the scholarship was paid and the institution of higher education shall repay the scholarship amount to the state.

(b) The adjutant general shall add to that individual's accumulated eligibility units calculated under division (E) of this section the number of eligibility units for the academic courses or term for which the scholarship was paid if the
institution of higher education agrees to permit the individual to complete the remainder of the academic courses in which the individual was enrolled at the time the individual was called into active duty.

(4) No individual who is discharged from the Ohio national guard under other than honorable conditions shall be eligible for scholarships under this division.

(G) A scholarship recipient under this section who fails to complete the term of enlistment, re-enlistment, or extension of current enlistment the recipient was serving at the time a scholarship was paid on behalf of the recipient under this section is liable to the state for repayment of a percentage of all Ohio national guard scholarships paid on behalf of the recipient under this section, plus interest at the rate of ten per cent per annum calculated from the dates the scholarships were paid. This percentage shall equal the percentage of the current term of enlistment, re-enlistment, or extension of enlistment a recipient has not completed as of the date the recipient is discharged from the Ohio national guard.

The attorney general may commence a civil action on behalf of the chancellor to recover the amount of the scholarships and the interest provided for in this division and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. A scholarship recipient is not liable under this division if the recipient's failure to complete the term of enlistment being served at the time a scholarship was paid on behalf of the recipient under this section is due to the recipient's death or discharge from the national guard due to disability.

(H) On or before the first day of each academic term, the adjutant general shall provide an eligibility roster to the chancellor and to each institution of higher education at which
one or more scholarship recipients have applied for enrollment. The institution shall use the roster to certify the actual full-time or part-time enrollment of each scholarship recipient listed as enrolled at the institution and return the roster to the adjutant general and the chancellor. Except as provided in division (J) of this section, the chancellor shall provide for payment of the appropriate number and amount of scholarships to each institution of higher education pursuant to division (D) of this section. If an institution of higher education fails to certify the actual enrollment of a scholarship recipient listed as enrolled at the institution within thirty days of the end of an academic term, the institution shall not be eligible to receive payment from the Ohio national guard scholarship program or from the individual enrollee. The adjutant general shall report on a semiannual basis to the director of budget and management, the speaker of the house of representatives, the president of the senate, and the chancellor the number of Ohio national guard scholarship recipients, the size of the scholarship-eligible population, and a projection of the cost of the program for the remainder of the biennium.

(I) The chancellor and the adjutant general may adopt rules pursuant to Chapter 119. of the Revised Code governing the administration and fiscal management of the Ohio national guard scholarship program and the procedure by which the chancellor and the department of the adjutant general may modify the amount of scholarships a member receives based on the amount of other state financial aid a member receives.

(J) The adjutant general, the chancellor, and the director, or their designees, shall jointly estimate the costs of the Ohio national guard scholarship program for each upcoming fiscal biennium, and shall report that estimate prior to the beginning of the fiscal biennium to the chairpersons of the finance committees.
in the general assembly. During each fiscal year of the biennium, the adjutant general, the chancellor, and the director, or their designees, shall meet regularly to monitor the actual costs of the Ohio national guard scholarship program and update cost projections for the remainder of the biennium as necessary. If the amounts appropriated for the Ohio national guard scholarship program and any funds in the Ohio national guard scholarship reserve fund and the Ohio national guard scholarship donation fund are not adequate to provide scholarships in the amounts specified in division (D)(1) of this section for all eligible applicants, the chancellor shall do all of the following:

(1) Notify each private institution of higher education, where a scholarship recipient is enrolled, that, by accepting the Ohio national guard scholarship program as payment for all or part of the institution's tuition, the institution agrees that if the chancellor reduces the amount of each scholarship, the institution shall provide each scholarship recipient a grant or tuition waiver in an amount equal to the amount the recipient's scholarship was reduced by the chancellor.

(2) Reduce the amount of each scholarship under division (D)(1)(a) of this section proportionally based on the amount of remaining available funds. Each state institution of higher education shall provide each scholarship recipient under division (D)(1)(a) of this section a grant or tuition waiver in an amount equal to the amount the recipient's scholarship was reduced by the chancellor.

(K) Notwithstanding division (A) of section 127.14 of the Revised Code, the controlling board shall not transfer all or part of any appropriation for the Ohio national guard scholarship program.

(L) The chancellor and the adjutant general may apply for, and may receive and accept grants, and may receive and accept
gifts, bequests, and contributions, from public and private sources, including agencies and instrumentalities of the United States and this state, and shall deposit the grants, gifts, bequests, or contributions into the national guard scholarship donation fund.

Sec. 5922.01. The governor shall organize and maintain within this state, on a reserve basis, civilian cyber security reserve forces capable of being expanded and trained to educate and protect state, county, and local government entities, critical infrastructure, including election systems, businesses, and citizens of this state from cyber attacks. In the case of an emergency proclaimed by the governor, or caused by illicit actors or imminent danger, the governor, as commander-in-chief, shall expand the reserve as the exigency of the occasion requires.

The reserve shall be a part of the Ohio organized militia under the adjutant general's department. The reserve shall be known as the Ohio cyber reserve. The adjutant general shall establish and may revise, in accordance with section 5923.12 of the Revised Code, the rates of pay for reserve members when called to state active duty. While performing any drill or training, reserve members shall serve in an unpaid volunteer status. When called to state active duty by the governor, reserve members shall function as civilian members of the Ohio organized militia and shall be paid at the rates established by the adjutant general.

The adjutant general may provide appropriate training to current and potential members of the Ohio cyber reserve. While performing any drill or training, current and potential reserve members shall serve in an unpaid volunteer status.

The adjutant general may pay from funds appropriated by the general assembly the actual and necessary expenses incurred by the Ohio cyber reserve for administration, training, and deployment of
the Ohio cyber reserve, at the discretion of the adjutant general or the adjutant general's designee. Expenses for administration, training, and deployment may include, but are not limited to, permanent or temporary state employees or contractual internal or external administrative staff, travel and subsistence expenses, the purchase or rental of equipment, hardware, and local operational support.

Sec. 5923.12. When ordered to state active duty by the governor, for which duty federal basic pay and allowances are not authorized, members of the organized militia of Ohio shall receive the same pay and allowances for each day's service as is provided for commissioned officers, warrant officers, noncommissioned officers, and enlisted personnel of like grade and longevity in the armed forces of the United States, together with the necessary transportation, housing, and subsistence allowances as prescribed by the United States department of defense pay manual, or an amount not less than seventy-five dollars per day as base pay for each day's duty performed, whichever is greater.

Notwithstanding any other provision of law, Ohio cyber reserve members shall receive a rate of pay determined and provided by rule by the adjutant general, in the name of the governor. The rule shall establish a rate of pay commensurate with those specified in pay schedules established by the director of administrative services for information technology employees of the state who have comparable training, experience, and professional qualifications.

When ordered by the governor to perform training or duty under this section or section 5919.29 of the Revised Code, members of the Ohio national guard shall have the protections afforded to persons on federal active duty by "The Servicemembers Civil Relief Act," 117 Stat. 2835, 50 U.S.C.A. App. 501.
The death benefit payable by the adjutant general under section 5919.33 of the Revised Code to any active duty member of the Ohio national guard shall also be payable to any member of the Ohio naval militia, Ohio cyber reserve, and the Ohio military reserve ordered to state active duty by proclamation of the governor and who subsequently dies while performing said duty, if a beneficiary or beneficiaries has been designated in writing on a form prescribed by the adjutant general.

Sec. 6119.10. The board of trustees of a regional water and sewer district or any officer or employee designated by the board may make any contract for the purchase of supplies or material or for labor for any work, under the supervision of the board, the cost of which shall not exceed fifty thousand dollars the amount specified in section 9.17 of the Revised Code. When an expenditure, other than for the acquisition of real estate and interests in real estate, the discharge of noncontractual claims, personal services, the joint use of facilities or the exercise of powers with other political subdivisions, or the product or services of public utilities, exceeds fifty thousand dollars the amount specified in section 9.17 of the Revised Code, the expenditures shall be made only after a notice calling for bids has been published once per week for two consecutive weeks in one newspaper of general circulation within the district or as provided in section 7.16 of the Revised Code. If the bids are for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, the board may let the contract to the lowest and best bidder who meets the requirements of section 153.54 of the Revised Code. If the bids are for a contract for any other work relating to the improvements for which a regional water and sewer district was established, the board of trustees of the regional water and sewer district may let the contract to the lowest or best bidder who gives a good and
approved bond with ample security conditioned on the carrying out of the contract. The contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done, approved by the board. The plans and specifications shall at all times be made and considered part of the contract. The contract shall be approved by the board and signed by its president or other duly authorized officer and by the contractor. In case of a real and present emergency, the board of trustees of the district, by two-thirds vote of all members, may authorize the president or other duly authorized officer to enter into a contract for work to be done or for the purchase of supplies or materials without formal bidding or advertising. All contracts shall have attached the certificate required by section 5705.41 of the Revised Code duly executed by the secretary of the board of trustees of the district. The district may make improvements by force account or direct labor, provided that, if the estimated cost of supplies or material for any such improvement exceeds fifty thousand dollars the amount specified in section 9.17 of the Revised Code, bids shall be received as provided in this section. For the purposes of the competitive bidding requirements of this section, the board shall not sever a contract for supplies or materials and labor into separate contracts for labor, supplies, or materials if the contracts are in fact a part of a single contract required to be bid competitively under this section.

Sec. 6121.02. There is hereby created the Ohio water development authority. Such authority is a body both corporate and politic in this state, and the carrying out of its purposes and the exercise by it of the powers conferred by this chapter shall be held to be, and are hereby determined to be, essential governmental functions and public purposes of the state, but the authority is not immune from liability by reason thereof. The
authority is subject to all provisions of law generally applicable to state agencies that do not conflict with this chapter.

The authority shall consist of eight members as follows: five members appointed by the governor, with the advice and consent of the senate, no more than three of whom shall be members of the same political party, and the directors of natural resources, environmental protection, and development, who shall be members ex officio without compensation. The director of development may designate a person in the unclassified civil service to serve in the director's place as a member of the authority notwithstanding section 121.05 of the Revised Code. The appointive members shall be residents of the state, and shall have been qualified electors therein for a period of at least five years next preceding their appointment. Appointed members' terms of office shall be for eight years, commencing on the second day of July and ending on the first day of July. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. A member of the authority is eligible for reappointment. Each appointed member of the authority, before entering upon the performance of the duties of the office, shall take an oath as provided by Section 7 of Article XV, Ohio Constitution. The governor may at any time remove any member of the authority for misfeasance, nonfeasance, or malfeasance in office.

The authority shall elect one of its appointed members as chairperson and another as vice-chairperson, and shall appoint a
secretary-treasurer who need not be a member of the authority.

Four members of the authority shall constitute a quorum, and the affirmative vote of four members shall be necessary for any action taken by vote of the authority. No vacancy in the membership of the authority shall impair the rights of a quorum by such vote to exercise all the rights and perform all the duties of the authority.

Before the issuance of any water development revenue bonds under this chapter, each appointed member of the authority shall give a surety bond to the state in the penal sum of twenty-five thousand dollars and the secretary-treasurer shall give such a bond in the penal sum of fifty thousand dollars, each such surety bond to be conditioned upon the faithful performance of the duties of the office, to be executed by a surety company authorized to transact business in this state, and to be approved by the governor and filed in the office of the secretary of state. Each appointed member of the authority shall receive an annual salary of five thousand five hundred dollars, payable in monthly installments, and is entitled to health care benefits comparable to those generally available to state officers and employees under section 124.82 of the Revised Code. If Section 20 of Article II, Ohio Constitution, prohibits the Ohio water development authority from paying all or a part of the cost of health care benefits on behalf of a member of the authority for the remainder of an existing term, the member may receive these benefits by paying their total cost from the member's own financial resources, including paying by means of deductions from the member's salary. Each member shall be reimbursed for actual expenses necessarily incurred in the performance of official duties. All expenses incurred in carrying out this chapter shall be payable solely from funds provided under this chapter, or appropriated for such purpose by the general assembly and no liability or obligation shall be incurred by the authority beyond the extent to which
moneys have been provided under this chapter or such appropriations.

**Sec. 6131.43.** (A) Upon the completion of the work and the approval of it by the county engineer, the board of county commissioners shall order the county auditor to reduce pro rata the assessments confirmed by it by the difference between the estimated cost of the construction and the final cost as certified by the county engineer. The assessments so reduced, including the cost of location, engineering, compensation, damages, and contingency and the assessment for maintenance for one year, shall be levied upon each parcel of land, each public corporation, and each department, office, or institution of the state as stated in the schedules as of the date of the order of the board approving the contracts and ordering the levying of the assessments.

(B) The auditor shall notify the owners of all assessed lands of the amount of the actual assessment, which shall be not less than ten dollars, and of the payment plan for the collection of the assessments. The auditor shall immediately place the assessments so levied upon the duplicates of the county, and the assessments shall be a lien upon the several parcels of land respectively from and after the date of the order of the board approving and levying the assessments. The auditor shall be liable on the auditor's bond for any damages sustained by any person by reason of the auditor's failure to place promptly the assessments upon the proper duplicates of the county.

(C) The county auditor shall transmit to the governing body of any political subdivision affected by an improvement the assessments levied against it. The governing body shall authorize payment to be made to the county treasurer of the county in which the improvement is located from the general fund of the political subdivision, except as otherwise provided by law.
(D) The county auditor shall also transmit to the director of any department, office, or institution of the state, affected by an improvement the assessments levied against any department, office, or institution of the state. Payment shall be made to the county treasurer of the county in which the improvement is located from the drainage assessment fund in the manner provided by section 6133.15 of the Revised Code. In presenting their proposed expenses to the director of budget and management pursuant to section 126.02 of the Revised Code, the directors of all departments, offices, or institutions of the state shall list all unpaid assessments received before the first day of October of the year preceding the first regular session of the general assembly for the state's proportionate share of the cost of any improvement authorized or constructed under this chapter and Chapters 6133. and 6135. of the Revised Code and all unpaid assessments for maintenance as provided by Chapter 6137. of the Revised Code. The assessments so listed shall be included in the state budget estimates of revenues and expenditures for each state fund and budget estimates for each state agency prepared and submitted to the governor under section 126.02 of the Revised Code.

Sec. 6301.113. The department of job and family services shall update the list of in-demand jobs required under section 6301.11 of the Revised Code to include teachers, notwithstanding anything to the contrary in the methodology under that section.

Section 101.02. That existing sections 101.35, 101.352, 101.353, 101.354, 101.38, 103.0521, 103.414, 103.60, 106.02, 106.031, 106.032, 106.04, 106.041, 107.51, 107.63, 109.42, 109.57, 109.572, 109.68, 109.803, 111.15, 113.41, 113.60, 117.34, 117.46, 117.47, 117.473, 119.01, 119.06, 119.062, 119.07, 119.09, 119.092, 119.12, 120.04, 120.06, 120.08, 120.34, 121.031, 121.04, 121.08, 121.37, 121.381, 121.49, 121.81, 121.811, 121.93, 121.95, 122.07,
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Section 105.01. That sections 117.471, 117.472, 121.371, 121.372, 121.374, 121.83, 121.954, 123.14, 131.38, 131.50, 155.37, 505.103, 717.21, 907.30, 2151.3529, 2151.3535, 3107.018, 3111.40, 3121.46, 3318.50, 3318.52, 3325.14, 3333.01, 3333.011, 3333.02, 3333.12, 3333.167, 3333.80, 3333.801, 3333.802, 3702.541, 3720.041, 3733.49, 3737.883, 3796.04, 4141.031, 4301.26, 4928.542, 5101.143, 5101.272, 5103.037, 5103.0310, 5103.18, 5103.181, 6131.43 of the Revised Code are hereby repealed.
Section 105.10. That sections 4723.89, 4723.90, 5120.658, and 5164.071 of the Revised Code are hereby repealed, effective five years after the effective date of this section.

Section 107.10. That Section 3 of S.B. 166 of the 134th General Assembly be amended and codified as section 4123.345 of the Revised Code to read as follows:

Sec. 3 4123.345. (A) The Employers Providing Work-Based Learning Pilot Program employers providing work-based learning program is created. The program expires two years after the effective date of this section.

As soon as practicable after the effective date of this section, the Administrator administrator of Workers' Compensation workers' compensation, subject to the approval of the Bureau bureau of Workers' Compensation Board workers' compensation board of Directors directors, shall adopt a rule that prohibits, for the program's duration, the Administrator administrator from charging any amount with respect to a claim for compensation or benefits under Chapter this chapter or Chapters 4121., 4123., 4127., or 4131. of the Revised Code to an employer's experience if both of the following apply:

(1) The employer provides work-based learning experiences for students enrolled in a career-technical career-technical education program approved under section 3317.161 of the Revised Code.

(2) The claim is based on a student's injury, occupational
disease, or death sustained in the course of and arising out of the student's participation in the employer's work-based learning experience.

(B) Pursuant to section 4109.06 of the Revised Code, the requirements of Chapter 4109. of the Revised Code do not apply to a student participating in a work-based learning experience described in division (A)(1) of this section.

Section 107.11. That existing Section 3 of S.B. 166 of the 134th General Assembly is hereby repealed.

Section 107.20. That Section 5 of H.B. 123 of the 133rd General Assembly (as amended by H.B. 583 of the 134th General Assembly) be amended and codified as section 3317.22 of the Revised Code to read as follows:

Sec. 3317.22. An eligible internet- or computer-based community school that receives funding for a fiscal year under the program established under this section shall not receive funding under section 3317.022 of the Revised Code.

(A) As used in this section:

(1) "Eligible internet- or computer-based community school" means the following:

(a) For fiscal year 2021, an internet- or computer-based community school that was designated for the 2019-2020 school year as an internet- or computer-based community school in which a majority of the students were enrolled in a dropout prevention and recovery program and satisfies both of the following conditions:

(i) The school does not have a for-profit operator;

(ii) The school received a rating of "exceeds standards" on the combined graduation component of the most recent report card.
issued for the school under section 3314.017 of the Revised Code.

(b) For fiscal years 2022 and 2023, an internet- or computer-based community school that participated in the program for fiscal year 2021.

(2) "Formula amount" shall equal the amount specified in division (F)(1) of the section of H.B. 166 of the 133rd General Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021." Statewide average base cost per-pupil" has the same meaning as in section 3317.02 of the Revised Code.

(3) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(B) The Department of Education shall establish a pilot program to provide additional funding for students enrolled in grades eight through twelve in eligible internet- or computer-based community schools for fiscal years 2021, 2022, and 2023. An eligible internet- or computer-based community school may choose to participate in the program by notifying the Department of Education not later than ten days after December 21, 2020 department in a form and manner determined by the department.

(C) For fiscal years 2021, 2022, and 2023, the Department of Education shall require each eligible internet- or computer-based community school that chooses to participate in the pilot program to report all information that is necessary to make payments under division (D) of this section.

(D) For fiscal years 2021, 2022, and 2023, the Department shall calculate an additional payment for each eligible internet- or computer-based community school that chooses to participate in the pilot program, as follows:

(1) Compute the lesser of the following for each student enrolled in grades eight through twelve:
(a) The formula amount statewide average base cost per-pupil $X$ the maximum full-time equivalency for the portion of the school year for which the student is enrolled in the school;

(b) The sum of the following:

(i) A one-time payment of $1,750. In the case of a student enrolled in the school for the first time for the 2020-2021, 2021-2022, or 2022-2023 school year for which the payment is being made, payment shall be made under division (D)(1)(b)(i) of this section at least thirty days after the student is considered to be enrolled in the school in accordance with division (H)(2) of section 3314.08 of the Revised Code, provided the student has been continuously enrolled in the school during that time, as determined by the Department. In the case of a student that was enrolled in the school for the 2019-2020, 2020-2021, or 2021-2022 prior school year, payment shall be made under division (D)(1)(b)(i) of this section at least thirty days after the student has started to participate in learning opportunities for the 2020-2021, 2021-2022, or 2022-2023 school year for which the payment is being made, provided the student has been continuously enrolled in the school during that time, as determined by the Department.

(ii) The formula amount statewide average base cost per-pupil $X$ (1/920) $X$ the lesser of the number of hours the student participates in learning opportunities in that fiscal year or 920;

(iii) The lesser of ($500 X$ either the number of courses completed by the student in that fiscal year, in the case of a student enrolled in grade eight, or the number of credits earned by the student in that fiscal year, in the case of a student enrolled in grades nine through twelve) or $2,500.$

(2) Compute the sum of the amounts calculated under division (D)(1) of this section for all students enrolled in grades eight
through twelve.

(3) Compute the school's payment in accordance with the following formula:

The amount determined under division (D)(2) of this section - (the total amount paid to the school for the fiscal year for which the payment is calculated under this section under division (C)(1)(a) of section 3314.08 of the Revised Code for students enrolled in grades eight through twelve)

If the amount computed under division (D)(3) is a negative number, the school shall not receive a payment under this section.

(E)(1) The Department may complete a review of the enrollment of each eligible internet- or computer-based community school that chooses to participate in the pilot program in accordance with division (K) of section 3314.08 of the Revised Code. If the Department determines a school has been overpaid based on a review completed under division (E)(1) of this section, the Department shall require a repayment of the overpaid funds and may require the school to establish a plan to improve the reporting of enrollment.

(2) The Department may require each eligible internet- or computer-based community school that chooses to participate in the pilot program to create a debt reduction plan approved by the school's sponsor, if determined appropriate by the Department.

(3) To the extent that an eligible internet- or computer-based community school that chooses to participate in the pilot program had, for the prior school year, a percentage of student engagement in learning opportunities that was less than sixty-five per cent, the school shall provide to the Department a meaningful plan for increasing student engagement.
(4) All eligible internet- or computer-based community schools that choose to participate in the pilot program shall implement programming or protocol which documents enrollment and participation in learning opportunities in order to participate in the program.

(F) Upon completion of the pilot program, and not later than December 31, 2022, the Department shall issue a report on the program. For purposes of this report, the Department may request each eligible internet- or computer-based community school that chooses to participate in the pilot program to submit information to the Department on any of the following:

(1) The time, resources, and cost associated with enrolling students in the school and preparing students to engage in learning opportunities;

(2) The time and cost associated with providing counseling and other supports to students;

(3) Student enrollment and participation data;

(4) Individualized student plans;

(5) An assessment of strategies used to improve student engagement and the percentage of participation in learning opportunities;

(6) Any other data the Department considers relevant.

The Department shall submit copies of the report in accordance with section 101.68 of the Revised Code to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the chairpersons and ranking members of the standing committees on primary and secondary education of the Senate and the House of Representatives.

Section 107.21. That existing Section 5 of H.B. 123 of the
133rd General Assembly (as amended by H.B. 583 of the 134th General Assembly) is hereby repealed.

Section 110.10. That the versions of sections 111.15, 3702.52, 3702.55, and 3711.14 of the Revised Code that are scheduled to take effect September 30, 2024, be amended to read as follows:

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

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

(2) "Agency" means any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, or institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, a state college or university, a community college district, a technical college district, a state community college, or any court.

(3) "Internal management rule" means any rule, regulation, bylaw, or standard governing the day-to-day staff procedures and operations within an agency.
(B)(1) Any rule, other than a rule of an emergency nature, adopted by any agency pursuant to this section shall be effective on the tenth day after the day on which the rule in final form and in compliance with division (B)(3) of this section is filed as follows:

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

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

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

If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B)(1) of this section, the rule if filed as required by such division shall become effective on the later date designated by the agency.

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

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

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

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

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

(3) An agency shall file a rule under division (B)(1) or (2) of this section in compliance with the following standards and procedures:
(a) The rule shall be numbered in accordance with the numbering system devised by the director for the Ohio administrative code.

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

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

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

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

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) of this section shall be recorded by the secretary of state and the director under the title of the agency adopting the rule and shall be numbered according to the numbering system devised by the director. The secretary of state and the director shall preserve the rules in an accessible manner. Each such rule shall be a public record open to public inspection and may be transmitted to any law publishing company that wishes to reproduce it.

(D) At least sixty-five days before a board, commission, department, division, or bureau of the government of the state files a rule under division (B)(1) of this section, it shall file the full text of the proposed rule in electronic form with the joint committee on agency rule review, and the proposed rule is subject to legislative review and invalidation under section
106.021 of the Revised Code. If a state board, commission, department, division, or bureau makes a revision in a proposed rule after it is filed with the joint committee, the state board, commission, department, division, or bureau shall promptly file the full text of the proposed rule in its revised form in electronic form with the joint committee. A state board, commission, department, division, or bureau shall also file the rule summary and fiscal analysis prepared under section 106.024 of the Revised Code in electronic form along with a proposed rule, and along with a proposed rule in revised form, that is filed under this division. If a proposed rule has an adverse impact on businesses, the state board, commission, department, division, or bureau also shall file the business impact analysis, any recommendations received from the common sense initiative office, and the associated memorandum of response, if any, in electronic form along with the proposed rule, or the proposed rule in revised form, that is filed under this division.

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

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

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

This division does not apply to any of the following:

(1) A proposed rule of an emergency nature;

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

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

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

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

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

(b) A citation to the federal law or rule that requires verbatim compliance.

(6) An initial rule proposed by the director of health to impose quality standards on a health care facility as defined in section 3702.30 of the Revised Code;

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

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

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

**Sec. 3702.52.** The director of health shall administer a state
certificate of need program in accordance with sections 3702.51 to
3702.62 of the Revised Code and rules adopted under those
sections. Administration of the program shall include both a
standard review process and an expedited review process.

(A) The director shall issue rulings on whether a particular
proposed project is a reviewable activity. The director shall
issue a ruling not later than forty-five days after receiving a
request for a ruling accompanied by the information needed to make
the ruling, except that if an expedited review is requested, the
ruling shall be issued not later than thirty days after receiving
the request for a ruling accompanied by the information needed to
make the ruling. If the director does not issue a ruling in the
required time, the project shall be considered to have been ruled
not a reviewable activity.

(B)(1) Each application for a certificate of need shall be
submitted to the director on forms and in the manner prescribed by
the director. An application for which expedited review is requested must meet the same requirements as all other applications.

Each application shall include a plan for obligating the capital expenditures or implementing the proposed project on a timely basis in accordance with section 3702.524 of the Revised Code. Each application shall also include all other information required by rules adopted under division (B) of section 3702.57 of the Revised Code.

(2) Each application shall be accompanied by the application fee established in rules adopted under division (G) of section 3702.57 of the Revised Code. Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections 3702.30 and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. An application fee is nonrefundable unless the director determines that the application cannot be accepted.

(3) The director shall review applications for certificates of need. As part of a review, the director shall determine whether an application is complete. The director shall not consider an application to be complete unless the application meets all criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code. For an application being considered under the standard review process, the director shall mail to the applicant a written notice that the application is complete, or a written request for additional information, not later than thirty days after receiving an application or a response to an earlier request for information. For an application for which expedited review is requested, the director's notice or request shall be mailed not later than fourteen days after the
director receives the application or a response to an earlier 101793 request for information. Except as provided in section 3702.522 of 101794 the Revised Code, the director shall not make more than two 101795 requests for additional information. For either the standard or 101796 expedited review process, the director shall make a final 101797 determination regarding an application's completeness and issue a 101798 notice of the determination not later than one hundred eighty days 101799 after the date the director received the initial application. 101800

The director's determination that an application is not 101801 complete is final and not subject to appeal. 101802

(4) Except as necessary to comply with a subpoena issued 101803 under division (F) of this section, after a notice of completeness 101804 has been received, no person shall make revisions to information 101805 that was submitted to the director before the director mailed the 101806 notice of completeness or knowingly discuss in person or by 101807 telephone the merits of the application with the director. A 101808 person may supplement an application after a notice of 101809 completeness has been received by submitting clarifying 101810 information to the director.

(C) All of the following apply to the process of granting or 101811 denying a certificate of need:

(1) If the project proposed in a certificate of need 101812 application meets all of the applicable certificate of need 101813 criteria for approval under sections 3702.51 to 3702.62 of the 101814 Revised Code and the rules adopted under those sections, the 101815 director shall grant a certificate of need for all or part of the 101816 project that is the subject of the application by the applicable 101817 deadline specified in division (C)(4) of this section or any 101818 extension of it under division (C)(5) of this section.

(2) The director's grant of a certificate of need does not 101822 affect, and sets no precedent for, the director's decision to 101823
grant or deny other applications for similar reviewable activities.

(3) Any affected person may submit written comments regarding an application. The director shall consider all written comments received by the forty-fifth day after the application is submitted to the director, except that to be considered in an expedited review, written comments must be received by the twenty-first day after the application is submitted.

(4) Except as provided in division (C)(5) of this section, the director shall grant or deny certificate of need applications not later than sixty days after mailing the notice of completeness unless the application is receiving expedited review. If the application is receiving expedited review, the director shall grant or deny the application not later than forty-five days after mailing the notice of completeness.

(5) Except as provided in division (C)(6) of this section, the director or the applicant may extend the deadline prescribed in division (C)(4) of this section once, for no longer than thirty days, by written notice before the end of the deadline prescribed by division (C)(4) of this section. An extension by the director under division (C)(5) of this section shall apply to all applications that are in comparative review.

(6) No applicant in a comparative review may extend the deadline specified in division (C)(4) of this section.

(7) If the director does not grant or deny the certificate by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, the certificate shall be considered to have been granted.

(8) In granting a certificate of need, the director shall specify as the maximum capital expenditure the certificate holder may obligate under the certificate a figure equal to one hundred
ten per cent of the approved project cost.

(9) In granting a certificate of need, the director may grant the certificate with conditions that must be met by the holder of the certificate.

(D) When a certificate of need is granted for a project under which beds are to be relocated, upon completion of the project for which the certificate of need was granted a number of beds equal to the number of beds relocated shall cease to be operated in the long-term care facility from which they are relocated, except that the beds may continue to be operated for not more than fifteen days to allow relocation of residents to the facility to which the beds have been relocated. Notwithstanding section 3721.03 of the Revised Code, if the relocated beds are in a home licensed under Chapter 3721. of the Revised Code, the facility's license is automatically reduced by the number of beds relocated effective fifteen days after the beds are relocated. If the beds are in a facility that is certified as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," the certification for the beds shall be surrendered. If the beds are reported in an application submitted under section 3722.03 of the Revised Code as skilled nursing beds or long-term care beds, the director shall remove the beds from registration not later than fifteen days after the beds are relocated.

(E) During the period beginning with the granting of a certificate of need and ending five years after implementation of the reviewable activity for which the certificate was granted, the director shall monitor the activities of the person granted the certificate to determine whether the reviewable activity is conducted in substantial accordance with the certificate. A reviewable activity shall not be determined to be not in substantial accordance with the certificate of need solely because of either of the following:
(1) A decrease in bed capacity;

(2) A change in the owner or operator of the facility unless any of the circumstances specified in division (B) of section 3702.59 of the Revised Code apply to the new owner or operator.

(F) When reviewing applications for certificates of need, considering appeals under section 3702.60 of the Revised Code, or monitoring activities of persons granted certificates of need, the director may issue and enforce, in the manner provided in section 119.09 of the Revised Code, subpoenas and subpoenas duces tecum to compel a person to testify and produce documents relevant to review of the application, consideration of the appeal, or monitoring of the activities. In addition, the director or the director's designee may visit the sites where the activities are or will be conducted.

(G) The director may withdraw certificates of need.

(H) All long-term care facilities shall submit to the director, upon request, any information prescribed by rules adopted under division (H) of section 3702.57 of the Revised Code that is necessary to conduct reviews of certificate of need applications and to develop criteria for reviews.

(I) Any decision to grant or deny a certificate of need shall consider the special needs and circumstances resulting from moral and ethical values and the free exercise of religious rights of long-term care facilities administered by religious organizations, and the special needs and circumstances of inner city and rural communities.

**Sec. 3702.55.** A person that the director of health determines has violated section 3702.53 of the Revised Code shall cease conducting the activity that constitutes the violation or utilizing the facility resulting from the violation not later than
thirty days after the person receives the notice mailed under section 3702.532 of the Revised Code or, if the person appeals the director's determination under section 3702.60 of the Revised Code, thirty days after the person receives an order upholding the director's determination that is not subject to further appeal.

If any person determined to have violated section 3702.53 of the Revised Code fails to cease conducting an activity or using a facility as required by this section or if the person continues to seek payment or reimbursement for services rendered or costs incurred in conducting the activity as prohibited by section 3702.56 of the Revised Code, in addition to the penalties imposed under section 3702.54 of the Revised Code:

(A) The director of health may refuse to license, or may revoke a license or reduce bed capacity previously granted to, a hospice care program under section 3712.04 of the Revised Code; a nursing home, residential care facility, or home for the aging under section 3721.02 of the Revised Code; or any beds within any of those facilities that are involved in the activity;

(B) A political subdivision certified under section 3721.09 of the Revised Code may refuse to license, or may revoke a license or reduce bed capacity previously granted to, a nursing home, residential care facility, or home for the aging, or any beds within any of those facilities that are involved in the activity;

(C) The director of mental health and addiction services may refuse to license under section 5119.33 of the Revised Code, or may revoke a license or reduce bed capacity previously granted to, a hospital receiving persons with mental illnesses or beds within such a hospital that are involved in the activity;

(D) The department of medicaid may refuse to enter into a provider agreement that includes a facility, beds, or services that result from the activity.
**Sec. 3711.14.** (A) In accordance with Chapter 119. of the Revised Code, the director of health may do any of the following:

1. Impose a civil penalty of not less than one thousand dollars and not more than two hundred fifty thousand dollars on a person who violates a provision of this chapter or the rules adopted under it;

2. Summarily suspend, in accordance with division (B) of this section, a license issued under this chapter if the director believes there is clear and convincing evidence that the continued operation of a maternity home presents a danger of immediate and serious harm to the public;

3. Revoke a license issued under this chapter if the director determines that a violation of a provision of this chapter or the rules adopted under it has occurred in such a manner as to pose an imminent threat of serious physical or life-threatening danger.

(B) If the director suspends a license under division (A)(2) of this section, the director shall issue serve a written order of suspension and cause it to be delivered by certified mail or in person in accordance with sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court while an appeal filed under section 119.12 of the Revised Code is pending. If the individual subject to the suspension requests an adjudication, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the individual makes the request, unless another date is agreed to by both the individual and the director. The summary suspension shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective.
The director shall issue a final adjudication order not later than ninety days after completion of the adjudication. If the director does not issue a final order within the ninety-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the ninety-day period shall not be affected.

(C) If the director issues an order revoking or suspending a license issued under this chapter and the license holder continues to operate a maternity home, the director may ask the attorney general to apply to the court of common pleas of the county in which the person is located for an order enjoining the person from operating the home. The court shall grant the order on a showing that the person is operating the home.

Section 110.11. That the existing versions of sections 111.15, 3702.52, 3702.55, and 3711.14 of the Revised Code that are scheduled to take effect September 30, 2024, are hereby repealed.

Section 110.12. Sections 110.10 and 110.11 of this act take effect September 30, 2024.

Section 110.20. That the versions of sections 173.21, 917.09, 1321.64, 3301.071, 3319.088, 3319.22, 3319.26, 3319.27, 3319.303, 3704.14, 3737.83, 3781.10, 3781.102, 4735.07, 4735.09, 4755.411, 4755.45, 4755.451, 4755.482, 4763.05, 4765.11, 4765.55, and 4781.17 of the Revised Code that are scheduled to take effect December 29, 2023, be amended to read as follows:

Sec. 173.21. (A) The office of the state long-term care ombudsman program, through the state long-term care ombudsman and the regional long-term care ombudsman programs, shall require each representative of the office to complete a training and certification program in accordance with this section and to meet
the any continuing education requirements that may be established under in rules adopted under division (B) of this section.

(B) The department of aging shall adopt rules in accordance with Chapter 119. of the Revised Code specifying the content of training programs for representatives of the office of the state long-term care ombudsman program. Training for representatives other than those who are volunteers providing services through regional long-term care ombudsman programs shall include instruction regarding federal, state, and local laws, rules, and policies on long-term care facilities and community-based long-term care services; investigative techniques; and other topics considered relevant by the department and shall consist.

All of the following apply to training for representatives other than volunteers:

(1) A Representatives shall complete a minimum of forty clock thirty-six hours of basic instruction, which shall be completed before the trainee is permitted to handle complaints without the supervision of a representative of the office certified under this section;

(2) An additional sixty clock Additional hours of instruction, which shall be completed within the first fifteen months of employment may include an internship, in-service training, and continuing education requirements as may be required in rules adopted under division (B) of this section;

(3) An internship of twenty clock hours, which shall be completed within the first twenty-four months of employment, including instruction in, and observation of, basic nursing care and long-term care provider operations and procedures. The internship shall be performed at a site that has been approved as an internship site by the state long-term care ombudsman.

(4) One of the following, which shall be completed within the
first twenty-four months of employment:

(a) Observation of a survey conducted by the director of health to certify a nursing facility to participate in the medicaid program;

(b) Observation of an inspection conducted by the director of mental health and addiction services to license a residential facility under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.

(5) Any Representatives may be required to complete any other training considered appropriate by the department.

(C) Any person who for a period of at least six months prior to June 11, 1990, served as an ombudsman through the long-term care ombudsman program established by the department of aging under section 173.01 of the Revised Code shall not be required to complete a training program. Such a person and persons who complete a training program shall take an examination administered by the department of aging. On attainment of a passing score, the person shall be certified by the department as a representative of the office. The department shall issue the person an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the office.

(D) The state ombudsman and each regional program shall conduct training programs for train volunteers on their respective staffs in accordance with the rules of the department of aging adopted under division (B) of this section. Training programs Volunteers may be conducted that train volunteers trained to complete some, but not all, of the duties of a representative of
the office. Each regional office shall bear the cost of training its representatives who are volunteers. On completion of a training program, the representative shall take an examination administered by the department of aging. On attainment of a passing score, a volunteer shall be certified by the department as a representative authorized to perform services specified in the certification. The department shall issue an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the office. Except as a supervised part of a training program, no volunteer shall perform any duty unless the volunteer is certified as a representative having received appropriate training for that duty.

(E) (D) The state ombudsman shall provide technical assistance to regional programs conducting training programs for volunteers and shall monitor the training programs.

(F) Prior to scheduling an observation of a certification survey or licensing inspection for purposes of division (B)(4) of this section, the state ombudsman shall obtain permission to have the survey or inspection observed from both the long-term care facility at which the survey or inspection is to take place and, as the case may be, the director of health or director of mental health and addiction services.

(G) (E) Notwithstanding the requirements for a certification under this section, the department shall issue a certificate as a representative of the office of the state long-term care ombudsman program in accordance with Chapter 4796. of the Revised Code to a person if either of the following applies:

(1) The person holds a license or certificate in another state.
(2) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter as a representative of a state long-term care ombudsman program in a state that does not issue that license or certificate.

(H) The department of aging shall establish continuing education requirements for representatives of the office.

Sec. 917.09. (A)(1) The director of agriculture may issue the following types of licenses:

(1) (a) Producer;
(2) (b) Processor;
(3) (c) Milk dealer;
(4) Raw milk retailer;
(5) (d) Weigher, sampler, or tester;
(6) (e) Milk hauler.

(2) The director shall issue a raw milk retailer license to a person if both of the following apply:

(a) The person submits an application in accordance with this section;
(b) The person intends to sell, offer for sale, or expose for sale raw milk to the ultimate consumer only at the raw milk retailer's farm or at a farmer's market.

(B) The director may adopt rules establishing categories for each type of license that are based on the grade or type of dairy product with which the licensee is involved.

(C) Except as provided in section 917.091 of the Revised Code and division (J) of this section, no person shall act as or hold the person's self out as a producer; processor; milk dealer; raw milk retailer; weigher, sampler, or tester; or milk hauler.
milk retailer; weigher, sampler, or tester; or milk hauler unless
the person holds a valid license issued by the director under this
section.

(D) Each person desiring a license shall submit to the
director a license application on a form prescribed by the
director, accompanied by a license fee in an amount specified in
rules adopted under section 917.02 of the Revised Code. The
applicant shall specify on the application the type of license and
category requested and shall include any other information
required by rules adopted under section 917.02 of the Revised
Code.

(E) Each applicant for a weigher, sampler, or tester license
or registration, prior to issuance of the license or registration,
shall pass an examination that is given in accordance with section
917.08 of the Revised Code and rules adopted under section 917.02
of the Revised Code.

Each applicant for any other type of license issued under
this section, prior to issuance of the license, shall pass an
inspection that is made in accordance with rules adopted under
section 917.02 of the Revised Code.

(F) The director shall not issue a license to an applicant
unless the director determines, through an inspection or
otherwise, that the applicant is in compliance with the
requirements set forth in this chapter and the rules adopted under
it.

(G) Examinations that must be passed prior to issuance of a
weigher, sampler, or tester license, inspections that must be
passed prior to issuance of any other type of license issued under
this section, procedures for issuing and renewing licenses, and
license terms and renewal periods shall comply with rules adopted
under section 917.02 of the Revised Code.
(H) Suspension and revocation of licenses shall comply with section 917.22 of the Revised Code and rules adopted under section 917.02 of the Revised Code.

(I) Each licensed weigher, sampler, and tester annually shall meet the continuing education requirements established in rules adopted under division (B) of section 917.02 of the Revised Code.

(J) A person whose religion prohibits the person from obtaining a license under this section, in place of a license, shall register with the director as a producer; processor; milk dealer; raw milk retailer; weigher, sampler, or tester; or milk hauler.

The person claiming the exemption from licensure shall register on a form prescribed by the director and shall meet any other registration requirements contained in rules adopted under section 917.02 of the Revised Code. Upon receiving the person's registration form and determining that the person has satisfied all requirements for registration, the director shall notify the person that the person is registered to lawfully operate as a producer; processor; milk dealer; raw milk retailer; weigher, sampler, or tester; or milk hauler.

A registrant is subject to all provisions governing licensees, such as provisions concerning testing, sampling, and inspection of dairy products. A registrant is subject to provisions governing issuance of a temporary weigher, sampler, or tester license under section 917.091 of the Revised Code. A registration shall be renewed, suspended, and revoked under the same terms as a license.

(K) Notwithstanding the requirements for a license or registration under this section, the director shall issue a license or registration to operate as a producer; processor; milk dealer; raw milk retailer; weigher, sampler, or tester; or milk hauler.
hauler, as applicable, in accordance with Chapter 4796. of the Revised Code to an individual if either of the following applies:

(1) The individual holds a license or registration in another state.

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a producer; processor; milk dealer; raw milk retailer; weigher, sampler, or tester; or milk hauler, as applicable, in a state that does not issue the applicable license or registration.

**Sec. 1321.64.** (A) An application for a license shall contain an undertaking by the applicant to abide by those sections. The application shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions, and shall contain any information that the superintendent may require. Applicants that are foreign corporations shall obtain and maintain a license pursuant to Chapter 1703. of the Revised Code before a license is issued or renewed.

(B) Upon the filing of the application and the payment by the applicant of a nonrefundable investigation fee of two hundred dollars, a nonrefundable annual registration fee of three hundred dollars, and any additional fee required by the NMLSR, the division of financial institutions shall investigate the relevant facts. If the application involves investigation outside this state, the applicant may be required by the division to advance sufficient funds to pay any of the actual expenses of the investigation when it appears that these expenses will exceed two hundred dollars. An itemized statement of any of these expenses which the applicant is required to pay shall be furnished to the applicant by the division. A license shall not be issued unless all the required fees have been submitted to the division.
(C)(1) The investigation undertaken upon receipt of an application shall include both a civil and criminal records check of any control person.

(2)(a) Notwithstanding division (K)(L) of section 121.08 of the Revised Code, the superintendent shall obtain a criminal records check on each control person and, as part of that records check, request that criminal records information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall do either of the following:

(i) Request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the control person's fingerprints or, if the fingerprints are unreadable, based on the control person's social security number, in accordance with section 109.572 of the Revised Code;

(ii) Authorize the NMLSR to request a criminal records check of the control person.

(b) Any fee required under division (C)(3) of section 109.572 of the Revised Code or by the NMLSR shall be paid by the applicant.

(D) If an application for a license does not contain all of the information required under division (A) of this section, and if such information is not submitted to the division or to the NMLSR within ninety days after the superintendent or the NMLSR requests the information in writing, including by electronic transmission or facsimile, the superintendent may consider the application withdrawn.

(E) If the superintendent of financial institutions finds that the financial responsibility, experience, and general fitness of the applicant command the confidence of the public and warrant the belief that the business will be operated honestly and fairly
in compliance with the purposes of sections 1321.62 to 1321.702 of the Revised Code and the rules adopted thereunder, and that the applicant has the requisite net worth and assets required under section 1321.65 of the Revised Code, the superintendent shall issue a license to the applicant. The license shall be valid until the thirty-first day of December of the year in which it is issued. A person may be licensed under both sections 1321.51 to 1321.60 and sections 1321.62 to 1321.702 of the Revised Code.

(F) If the superintendent finds that the applicant does not meet the conditions set forth in this section, the superintendent shall issue a notice of intent to deny the application, and promptly notify the applicant of the denial, the grounds for the denial, and the applicant's reasonable opportunity to be heard on the action in accordance with Chapter 119. of the Revised Code.

(G) Notwithstanding any provision of this section to the contrary, the superintendent shall issue a license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

1. The applicant holds a license in another state.

2. The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a consumer installment loan lender in a state that does not issue that license.

Sec. 3301.071. (A)(1) Except as provided in division (E) of this section, in the case of nontax-supported schools, standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a bachelor's degree or a master's degree from a college or university accredited by a national or regional association in the United States except that,
at the discretion of the state board of education, this requirement may be met by having an equivalent degree from a foreign college or university of comparable standing.

(2) Except as provided in division (E) of this section, in the case of nonchartered, nontax-supported schools, the standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a diploma from a "bible college" or "bible institute" described in division (E) of section 1713.02 of the Revised Code.

(3) A certificate issued under division (A)(3) of this section shall be valid only for teaching foreign language, music, religion, computer technology, or fine arts.

Notwithstanding division (A)(1) of this section and except as provided in division (E) of this section, the standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification of a person as a teacher upon receipt by the state board of an affidavit signed by the chief administrative officer of a chartered nonpublic school seeking to employ the person, stating that the person meets one of the following conditions:

(a) The person has specialized knowledge, skills, or expertise that qualifies the person to provide instruction.

(b) The person has provided to the chief administrative officer evidence of at least three years of teaching experience in a public or nonpublic school.

(c) The person has provided to the chief administrative officer evidence of completion of a teacher training program named in the affidavit.
(B) Each person applying for a certificate under this section for purposes of serving in a nonpublic school chartered by the state board under section 3301.16 of the Revised Code shall pay a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education certification fund established under division (B) of section 3319.51 of the Revised Code.

(C) A person applying for or holding any certificate pursuant to this section for purposes of serving in a nonpublic school chartered by the state board is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code.

(D) Divisions (B) and (C) of this section and sections 3319.291, 3319.31, and 3319.311 of the Revised Code do not apply to any administrators, supervisors, or teachers in nonchartered, nontax-supported schools.

(E) The state board shall issue a certificate to serve in a nonpublic school as an administrator, supervisor, or teacher in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a nonpublic school administrator, supervisor, or teacher in a state that does not issue one or more of those certificates.

Sec. 3319.088. As used in this section, "educational assistant" means any nonteaching employee in a school district who
directly assists a teacher as defined in section 3319.09 of the Revised Code, by performing duties for which a license issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required.

(A) Except as provided in division (G) of this section, the state board of education shall issue educational aide permits and educational paraprofessional licenses for educational assistants and shall adopt rules for the issuance and renewal of such permits and licenses which shall be consistent with the provisions of this section. Educational aide permits and educational paraprofessional licenses may be of several types and the rules shall prescribe the minimum qualifications of education and health for the service to be authorized under each type. The prescribed minimum qualifications may require special training or educational courses designed to qualify a person to perform effectively the duties authorized under an educational aide permit or educational paraprofessional license.

(B)(1) Except as provided in division (G) of this section, any application for a permit or license, or a renewal or duplicate of a permit or license, under this section shall be accompanied by the payment of a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education licensure fund established under division (B) of section 3319.51 of the Revised Code.

(2) Any person applying for or holding a permit or license pursuant to this section is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code.

(C) Educational assistants shall at all times while in the
performance of their duties be under the supervision and direction of a teacher as defined in section 3319.09 of the Revised Code.

Educational assistants may assist a teacher to whom assigned in the supervision of pupils, in assisting with instructional tasks, and in the performance of duties which, in the judgment of the teacher to whom the assistant is assigned, may be performed by a person not licensed pursuant to sections 3319.22 to 3319.30 of the Revised Code and for which a teaching license, issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required.

The duties of an educational assistant shall not include the assignment of grades to pupils. The duties of an educational assistant need not be performed in the physical presence of the teacher to whom assigned, but the activity of an educational assistant shall at all times be under the direction of the teacher to whom assigned. The assignment of an educational assistant need not be limited to assisting a single teacher. In the event an educational assistant is assigned to assist more than one teacher the assignments shall be clearly delineated and so arranged that the educational assistant shall never be subject to simultaneous supervision or direction by more than one teacher.

Educational assistants assigned to supervise children shall, when the teacher to whom assigned is not physically present, maintain the degree of control and discipline that would be maintained by the teacher.

Educational assistants may not be used in place of classroom teachers or other employees and any payment of compensation by boards of education to educational assistants for such services is prohibited. The ratio between the number of licensed teachers and the pupils in a school district may not be decreased by utilization of educational assistants and no grouping, or other organization of pupils, for utilization of educational assistants shall be established which is inconsistent with sound educational
practices and procedures. A school district may employ up to one full time equivalent educational assistant for each six full time equivalent licensed employees of the district. Educational assistants shall not be counted as licensed employees for purposes of state support in the school foundation program and no grouping or regrouping of pupils with educational assistants may be counted as a class or unit for school foundation program purposes. Neither special courses required by the regulations of the state board of education, prescribing minimum qualifications of education for an educational assistant, nor years of service as an educational assistant shall be counted in any way toward qualifying for a teacher license, for a teacher contract of any type, or for determining placement on a salary schedule in a school district as a teacher.

(D) Educational assistants employed by a board of education shall have all rights, benefits, and legal protection available to other nonteaching employees in the school district, except that provisions of Chapter 124. of the Revised Code shall not apply to any person employed as an educational assistant, and shall be members of the school employees retirement system. Educational assistants shall be compensated according to a salary plan adopted annually by the board.

Except as provided in this section nonteaching employees shall not serve as educational assistants without first obtaining an appropriate educational aide permit or educational paraprofessional license from the state board of education. A nonteaching employee who is the holder of a valid educational aide permit or educational paraprofessional license shall neither render nor be required to render services inconsistent with the type of services authorized by the permit or license held. No person shall receive compensation from a board of education for services rendered as an educational assistant in violation of this
provision.

Nonteaching employees whose functions are solely secretarial-clerical and who do not perform any other duties as educational assistants, even though they assist a teacher and work under the direction of a teacher shall not be required to hold a permit or license issued pursuant to this section. Students preparing to become licensed teachers or educational assistants shall not be required to hold an educational aide permit or paraprofessional license for such periods of time as such students are assigned, as part of their training program, to work with a teacher in a school district. Such students shall not be compensated for such services.

Following the determination of the assignment and general job description of an educational assistant and subject to supervision by the teacher's immediate administrative officer, a teacher to whom an educational assistant is assigned shall make all final determinations of the duties to be assigned to such assistant. Teachers shall not be required to hold a license designated for being a supervisor or administrator in order to perform the necessary supervision of educational assistants.

(E) No person who is, or who has been employed as an educational assistant shall divulge, except to the teacher to whom assigned, or the administrator of the school in the absence of the teacher to whom assigned, or when required to testify in a court or proceedings, any personal information concerning any pupil in the school district which was obtained or obtainable by the educational assistant while so employed. Violation of this provision is grounds for disciplinary action or dismissal, or both.

(F) Notwithstanding anything to the contrary in this section, the superintendent of a school district may allow an employee who does not hold a permit or license issued under this section to
work as a substitute for an educational assistant who is absent on account of illness or on a leave of absence, or to fill a temporary position created by an emergency, provided that the superintendent believes the employee's application materials indicate that the employee is qualified to obtain a permit or license under this section.

An employee shall begin work as a substitute under this division not earlier than on the date on which the employee files an application with the state board for a permit or license under this section. An employee shall cease working as a substitute under this division on the earliest of the following:

(1) The date on which the employee files a valid permit or license issued under this section with the superintendent;

(2) The date on which the employee is denied a permit or license under this section;

(3) Sixty days following the date on which the employee began work as a substitute under this division.

The superintendent shall ensure that an employee assigned to work as a substitute under division (F) of this section has undergone a criminal records check in accordance with section 3319.391 of the Revised Code.

(G) The state board shall issue an educational aide permit or educational paraprofessional license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a permit or license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an educational aide or educational paraprofessional in a state that does not issue that permit or license.
Sec. 3319.22. (A)(1) The state board of education shall issue the following educator licenses:

(a) A resident educator license, which shall be valid for two years and shall be renewable for reasons specified by rules adopted by the state board pursuant to division (A)(3) of this section. The state board, on a case-by-case basis, may extend the license's duration as necessary to enable the license holder to complete the Ohio teacher residency program established under section 3319.223 of the Revised Code;

(b) A professional educator license, which shall be valid for five years and shall be renewable;

(c) A senior professional educator license, which shall be valid for five years and shall be renewable;

(d) A lead professional educator license, which shall be valid for five years and shall be renewable.

Licenses issued under division (A)(1) of this section on and after November 2, 2018 the effective date of this amendment, shall specify whether the educator is licensed to teach grades pre-kindergarten through five, grades four through nine, eight or grades seven six through twelve. The changes to the grade band specifications under this amendment section shall not apply to a person who holds a license under division (A)(1) of this section prior to November 2, 2018 the effective date of this amendment. Further, the changes to the grade band specifications under this amendment section shall not apply to any license issued to teach in the area of computer information science, bilingual education, dance, drama or theater, world language, health, library or media, music, physical education, teaching English to speakers of other languages, career-technical education, or visual arts or to any
license issued to an intervention specialist, including a gifted intervention specialist, or to any other license that does not align to the grade band specifications.

(2)(a) Except as provided in division (A)(2)(b) of this section, the state board may issue any additional educator licenses of categories, types, and levels the board elects to provide.

(b) Not later than December 31, 2024, the state board shall cease licensing school psychologists. The state board shall coordinate with the state board of psychology to transition to licensure under Chapter 4732. of the Revised Code any school psychologists licensed under rules adopted in accordance with sections 3301.07 and 3319.22 of the Revised Code.

(3) Except as provided in division (I) of this section, the state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. The rules shall also include the reasons for which a resident educator license may be renewed under division (A)(1)(a) of this section.

(B) Except as provided in division (I) of this section, the rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A)(1) of this section:

(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code.

(2) An applicant for a professional educator license shall:

(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting
organization;

(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code.

(3) An applicant for a senior professional educator license shall:

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;

(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.

(4) An applicant for a lead professional educator license shall:

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;

(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by
the state board under section 3319.61 of the Revised Code;

(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.

(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.

(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of higher education, in the manner and to the extent permitted by state and federal law.

(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows:

(1) Notwithstanding division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any rule that necessitates institutions' offering preparation programs for educators and other school personnel that are approved by the chancellor of higher education under section 3333.048 of the Revised Code to revise the curriculum of those programs, the effective date shall not be as prescribed in division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code. Instead, the effective date of such rules, or the amendment or rescission of such rules, shall be the date
prescribed by section 3333.048 of the Revised Code.

(2) Notwithstanding the authority to adopt, amend, or rescind emergency rules in division (G) of section 119.03 of the Revised Code, this authority shall not apply to the state board of education with regard to rules for educator licenses.

(F)(1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to such officer. The committees established under this division shall determine whether coursework that a district or chartered nonpublic school teacher proposes to complete meets the requirement of the rules. The department of education shall provide technical assistance and support to committees as the committees incorporate the professional development standards adopted by the state board of education pursuant to section 3319.61 of the Revised Code into their review of coursework that is appropriate for license renewal. The rules shall establish a procedure by which a teacher may appeal the decision of a local professional development committee.

(2) In any school district in which there is no exclusive representative established under Chapter 4117. of the Revised Code, the professional development committees shall be established as described in division (F)(2) of this section.

Not later than the effective date of the rules adopted under this section, the board of education of each school district shall establish the structure for one or more local professional development committees to be operated by such school district. The committee structure so established by a district board shall remain in effect unless within thirty days prior to an anniversary
of the date upon which the current committee structure was established, the board provides notice to all affected district employees that the committee structure is to be modified. Professional development committees may have a district-level or building-level scope of operations, and may be established with regard to particular grade or age levels for which an educator license is designated.

Each professional development committee shall consist of at least three classroom teachers employed by the district, one principal employed by the district, and one other employee of the district appointed by the district superintendent. For committees with a building-level scope, the teacher and principal members shall be assigned to that building, and the teacher members shall be elected by majority vote of the classroom teachers assigned to that building. For committees with a district-level scope, the teacher members shall be elected by majority vote of the classroom teachers of the district, and the principal member shall be elected by a majority vote of the principals of the district, unless there are two or fewer principals employed by the district, in which case the one or two principals employed shall serve on the committee. If a committee has a particular grade or age level scope, the teacher members shall be licensed to teach such grade or age levels, and shall be elected by majority vote of the classroom teachers holding such a license and the principal shall be elected by all principals serving in buildings where any such teachers serve. The district superintendent shall appoint a replacement to fill any vacancy that occurs on a professional development committee, except in the case of vacancies among the elected classroom teacher members, which shall be filled by vote of the remaining members of the committee so selected.

Terms of office on professional development committees shall be prescribed by the district board establishing the committees.
The conduct of elections for members of professional development committees shall be prescribed by the district board establishing the committees. A professional development committee may include additional members, except that the majority of members on each such committee shall be classroom teachers employed by the district. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which a predecessor was appointed shall hold office as a member for the remainder of that term.

The initial meeting of any professional development committee, upon election and appointment of all committee members, shall be called by a member designated by the district superintendent. At this initial meeting, the committee shall select a chairperson and such other officers the committee deems necessary, and shall adopt rules for the conduct of its meetings. Thereafter, the committee shall meet at the call of the chairperson or upon the filing of a petition with the district superintendent signed by a majority of the committee members calling for the committee to meet.

(3) In the case of a school district in which an exclusive representative has been established pursuant to Chapter 4117. of the Revised Code, professional development committees shall be established in accordance with any collective bargaining agreement in effect in the district that includes provisions for such committees.

If the collective bargaining agreement does not specify a different method for the selection of teacher members of the committees, the exclusive representative of the district's teachers shall select the teacher members.

If the collective bargaining agreement does not specify a different structure for the committees, the board of education of the school district shall establish the structure, including the
number of committees and the number of teacher and administrative
members on each committee; the specific administrative members to
be part of each committee; whether the scope of the committees
will be district levels, building levels, or by type of grade or
age levels for which educator licenses are designated; the lengths
of terms for members; the manner of filling vacancies on the
committees; and the frequency and time and place of meetings.
However, in all cases, except as provided in division (F)(4) of
this section, there shall be a majority of teacher members of any
professional development committee, there shall be at least five
total members of any professional development committee, and the
exclusive representative shall designate replacement members in
the case of vacancies among teacher members, unless the collective
bargaining agreement specifies a different method of selecting
such replacements.

(4) Whenever an administrator's coursework plan is being
discussed or voted upon, the local professional development
committee shall, at the request of one of its administrative
members, cause a majority of the committee to consist of
administrative members by reducing the number of teacher members
voting on the plan.

(G)(1) The department of education, educational service
centers, county boards of developmental disabilities, college and
university departments of education, head start programs, and the
Ohio education computer network may establish local professional
development committees to determine whether the coursework
proposed by their employees who are licensed or certificated under
this section or section 3319.222 of the Revised Code, or under the
former version of either section as it existed prior to October
16, 2009, meet the requirements of the rules adopted under this
section. They may establish local professional development
committees on their own or in collaboration with a school district
or other agency having authority to establish them.

Local professional development committees established by county boards of developmental disabilities shall be structured in a manner comparable to the structures prescribed for school districts in divisions (F)(2) and (3) of this section, as shall the committees established by any other entity specified in division (G)(1) of this section that provides educational services by employing or contracting for services of classroom teachers licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to October 16, 2009. All other entities specified in division (G)(1) of this section shall structure their committees in accordance with guidelines which shall be issued by the state board.

(2) Educational service centers may establish local professional development committees to serve educators who are not employed in schools in this state, including pupil services personnel who are licensed under this section. Local professional development committees shall be structured in a manner comparable to the structures prescribed for school districts in divisions (F)(2) and (3) of this section.

These committees may agree to review the coursework, continuing education units, or other equivalent activities related to classroom teaching or the area of licensure that is proposed by an individual who satisfies both of the following conditions:

(a) The individual is licensed or certificated under this section or under the former version of this section as it existed prior to October 16, 2009.

(b) The individual is not currently employed as an educator or is not currently employed by an entity that operates a local professional development committee under this section.
Any committee that agrees to work with such an individual shall work to determine whether the proposed coursework, continuing education units, or other equivalent activities meet the requirements of the rules adopted by the state board under this section.

(3) Any public agency that is not specified in division (G)(1) or (2) of this section but provides educational services and employs or contracts for services of classroom teachers licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to October 16, 2009, may establish a local professional development committee, subject to the approval of the department of education. The committee shall be structured in accordance with guidelines issued by the state board.

(H) Not later than July 1, 2016, the state board, in accordance with Chapter 119. of the Revised Code, shall adopt rules pursuant to division (A)(3) of this section that do both of the following:

(1) Exempt consistently high-performing teachers from the requirement to complete any additional coursework for the renewal of an educator license issued under this section or section 3319.26 of the Revised Code. The rules also shall specify that such teachers are exempt from any requirements prescribed by professional development committees established under divisions (F) and (G) of this section.

(2) For purposes of division (H)(1) of this section, the state board shall define the term "consistently high-performing teacher."

(I) The state board shall issue a resident educator license, professional educator license, senior professional educator license, lead professional educator license, or any other educator license.
license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a resident educator, professional educator, senior professional educator, lead professional educator, or any other type of educator in a state that does not issue one or more of those licenses.

Sec. 3319.26. (A) Except as provided in division (H) of this section, the state board of education shall adopt rules establishing the standards and requirements for obtaining an alternative resident educator license for teaching in grades kindergarten to twelve, or the equivalent, in a designated subject area or in the area of intervention specialist, as defined by rule of the state board. The rules shall also include the reasons for which an alternative resident educator license may be renewed under division (D) of this section.

(B) The superintendent of public instruction and the chancellor of higher education jointly shall develop an intensive pedagogical training institute to provide instruction in the principles and practices of teaching for individuals seeking an alternative resident educator license. The instruction shall cover such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology.

(C) Except as provided in division (H) of this section, the rules adopted under this section shall require applicants for the alternative resident educator license to satisfy the following conditions prior to issuance of the license, but they shall not require applicants to have completed a major or coursework in the
subject area for which application is being made:

(1) Hold a minimum of a baccalaureate degree;

(2) Successfully complete the pedagogical training institute described in division (B) of this section or the preservice training provided to participants of a teacher preparation program that has been approved by the chancellor. The chancellor may approve any such program that requires participants to hold a bachelor's degree; have either a cumulative undergraduate grade point average of at least 2.5 out of 4.0, or its equivalent or a cumulative graduate school grade point average of at least 3.0 out of 4.0; and successfully complete the program's preservice training.

(3) Pass an examination in the subject area for which application is being made.

(D) An alternative resident educator license shall be valid for two years and shall be renewable for reasons specified by rules adopted by the state board pursuant to division (A) of this section. The state board, on a case-by-case basis, may extend the license's duration as necessary to enable the license holder to complete the Ohio teacher residency program established under section 3319.223 of the Revised Code.

(E) The rules shall require the holder of an alternative resident educator license, as a condition of continuing to hold the license, to do all of the following:

(1) Participate in the Ohio teacher residency program under section 3319.223 of the Revised Code;

(2) Show satisfactory progress in taking and successfully completing one of the following:

(a) At least twelve additional semester hours, or the equivalent, of college coursework in the principles and practices
of teaching in such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology;

(b) Professional development provided by a teacher preparation program that has been approved by the chancellor under division (C)(2) of this section.

(3) Take an assessment of professional knowledge in the second year of teaching under the license.

(F) The rules shall provide for the granting of a professional educator license to a holder of an alternative resident educator license upon successfully completing all of the following:

(1) Four Two years of teaching under the alternative license;

(2) The additional college coursework or professional development described in division (E)(2) of this section;

(3) The assessment of professional knowledge described in division (E)(3) of this section. The standards for successfully completing this assessment and the manner of conducting the assessment shall be the same as for any other individual who is required to take the assessment pursuant to rules adopted by the state board under section 3319.22 of the Revised Code.

(4) The Ohio teacher residency program;

(5) All other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code.

(G) A person who is assigned to teach in this state as a participant in the teach for America program or who has completed two years of teaching in another state as a participant in that program shall be eligible for a license only under section 3319.227 of the Revised Code and shall not be eligible for a
license under this section.

(H) The board shall issue an alternative resident educator license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an educator for grades kindergarten through twelve in a state that does not issue that license.

(I) The holder of an alternative resident educator license may teach preschool students under that license.

Sec. 3319.27. (A) Except as provided in division (C) of this section, the state board of education shall adopt rules that establish an alternative principal license. The rules establishing an alternative principal license shall include a requirement that an applicant have obtained classroom teaching experience. Beginning on the effective date of the rules, the state board shall cease to issue temporary educator licenses pursuant to former section 3319.225 of the Revised Code as it existed prior to April 12, 2021, for employment as a principal. Any person who on the effective date of the rules holds a valid temporary educator license issued under that section and is employed as a principal shall be allowed to continue employment as a principal until the expiration of the license. Employment of any such person as a principal by a school district after the expiration of the temporary educator license shall be contingent upon the state board issuing the person an alternative principal license in accordance with the rules adopted under this division.

(B) Except as provided in division (C) of this section, the state board shall adopt rules that establish an alternative
administrator license, which shall be valid for employment as a superintendent or in any other administrative position except principal. Beginning on the effective date of the rules, the state board shall cease to issue temporary educator licenses pursuant to former section 3319.225 of the Revised Code as it existed prior to April 12, 2021, for employment as a superintendent or in any other administrative position except principal. Any person who on the effective date of the rules holds a valid temporary educator license issued under that section and is employed as a superintendent or in any other administrative position except principal shall be allowed to continue employment in that position until the expiration of the license. Employment of any such person as a superintendent or in any other administrative position except principal by a school district after the expiration of the temporary educator license shall be contingent upon the state board issuing the person an alternative administrator license in accordance with the rules adopted under this division.

(C) The state board shall issue an alternative principal or alternative administrator license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a school principal or school administrator in a state that does not issue one or both of those licenses.

Sec. 3319.303. (A) Except as provided in division (D) of this section, the state board of education shall adopt rules establishing standards and requirements for obtaining a pupil-activity program permit for any individual who does not hold a valid educator license, certificate, or permit issued by the
state board under section 3319.22, 3319.26, or 3319.27 of the Revised Code. The permit issued under this section shall be valid for coaching, supervising, or directing a pupil-activity program under section 3313.53 of the Revised Code. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued under this division shall be valid for three years and shall be renewable.

(B) The state board shall adopt rules applicable to individuals who hold valid educator licenses, certificates, or permits issued by the state board under section 3319.22, 3319.26, or 3319.27 of the Revised Code setting forth standards to assure any such individual's competence to direct, supervise, or coach a pupil-activity program described in section 3313.53 of the Revised Code. The rules adopted under this division shall not be more stringent than the standards set forth in rules applicable to individuals who do not hold such licenses, certificates, or permits adopted under division (A) of this section. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued to an individual under this division shall be valid for the same number of years as the individual's educator license, certificate, or permit issued under section 3319.22, 3319.26, or 3319.27 of the Revised Code and shall be renewable.

(C)(1) Except as provided in division (D) of this section, as a condition to issuing a pupil-activity program permit to coach interscholastic athletics, the state board shall require each individual applying for a first permit on or after April 26, 2013, to successfully complete a training program that is specifically focused on brain trauma and brain injury management and the sudden cardiac arrest training course approved by the department of health under division (C) of section 3707.59 of the Revised Code.

(2) The state board shall require, as a condition to renewing
a pupil-activity program permit to coach interscholastic athletics, each individual applying for a permit renewal on or after that date to present evidence that the individual has successfully completed, within the duration of the individual's previous three years, a permit, both of the following:

(a) A training program in recognizing the symptoms of concussions and head injuries to which the department of health has provided a link on its internet web site under section 3707.52 of the Revised Code or a training program authorized and required by an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events;

(b) The sudden cardiac arrest training course approved by the department of health under division (C) of section 3707.59 of the Revised Code.

(3) The state board shall require each individual applying for a permit renewal on or after the effective date of this amendment to present evidence that the individual has complied with the student mental health training requirement under section 3313.5318 of the Revised Code.

(D) The state board shall issue a permit for coaching, supervising, or directing a pupil-activity program in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or permit in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a coach, supervisor, or pupil-activity program director in a state that does not issue that permit.

Sec. 3704.14. (A)(1) If the director of environmental protection determines that implementation of a motor vehicle
inspection and maintenance program is necessary for the state to effectively comply with the federal Clean Air Act after June 30, 2023, the director may provide for the implementation of the program in those counties in this state in which such a program is federally mandated. Upon making such a determination, the director of environmental protection may request the director of administrative services to extend the terms of the contract that was entered into under the authority of Am. Sub. H.B. 64 of the 131st general assembly. Upon receiving the request, the director of administrative services shall extend the contract, beginning on July 1, 2023, in accordance with this section. The contract shall be extended for a period of up to twenty-four months with the contractor who conducted the motor vehicle inspection and maintenance program under that contract.

(2) Prior to the expiration of the contract extension that is authorized by division (A)(1) of this section, the director of environmental protection shall request the director of administrative services to enter into a contract with a vendor to operate a decentralized motor vehicle inspection and maintenance program in each county in this state in which such a program is federally mandated through June 30, 2027, with an option for the state to renew the contract for a period of up to twenty-four months through June 30, 2029. The contract shall ensure that the decentralized motor vehicle inspection and maintenance program achieves at least the same emission reductions as achieved by the program operated under the authority of the contract that was extended under division (A)(1) of this section. The director of administrative services shall select a vendor through a competitive selection process in compliance with Chapter 125. of the Revised Code.

(3) Notwithstanding any law to the contrary, the director of administrative services shall ensure that a competitive selection
process regarding a contract to operate a decentralized motor
vehicle inspection and maintenance program in this state
incorporates the following, which shall be included in the
contract:

(a) For purposes of expanding the number of testing locations
for consumer convenience, a requirement that the vendor utilize
established local businesses, auto repair facilities, or leased
properties to operate state-approved inspection and maintenance
testing facilities;

(b) A requirement that the vendor selected to operate the
program provide notification of the program's requirements to each
owner of a motor vehicle that is required to be inspected under
the program. The contract shall require the notification to be
provided not later than sixty days prior to the date by which the
owner of the motor vehicle is required to have the motor vehicle
inspected. The director of environmental protection and the vendor
shall jointly agree on the content of the notice. However, the
notice shall include at a minimum the locations of all inspection
facilities within a specified distance of the address that is
listed on the owner's motor vehicle registration;

(c) A requirement that the vendor comply with testing
methodology and supply the required equipment approved by the
director of environmental protection as specified in the
competitive selection process in compliance with Chapter 125. of
the Revised Code.

(4) A decentralized motor vehicle inspection and maintenance
program operated under this section shall comply with division (B)
of this section. The director of environmental protection shall
administer the decentralized motor vehicle inspection and
maintenance program operated under this section.

(B) The decentralized motor vehicle inspection and
maintenance program authorized by this section, at a minimum, shall do all of the following:

(1) Comply with the federal Clean Air Act;

(2) Provide for the issuance of inspection certificates;

(3) Provide for a new car exemption for motor vehicles four years old or newer and provide that a new motor vehicle is exempt for four years regardless of whether legal title to the motor vehicle is transferred during that period;

(4) Provide for an exemption for battery electric motor vehicles.

(C)(1) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that the director determines are necessary to implement this section. The director may continue to implement and enforce rules pertaining to the motor vehicle inspection and maintenance program previously implemented under former section 3704.14 of the Revised Code as that section existed prior to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th general assembly, provided that the rules do not conflict with this section.

(2) The director of environmental protection shall issue an inspection certificate provided for under division (B)(2) of this section in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(a) The individual holds a certificate or license in another state.

(b) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a vehicle inspector in a state that does not issue that certificate.

(D) There is hereby created in the state treasury the auto
emissions test fund, which shall consist of money received by the
director from any cash transfers, state and local grants, and
other contributions that are received for the purpose of funding
the program established under this section. The director of
environmental protection shall use money in the fund solely for
the implementation, supervision, administration, operation, and
enforcement of the motor vehicle inspection and maintenance
program established under this section. Money in the fund shall
not be used for either of the following:

  (1) To pay for the inspection costs incurred by a motor
vehicle dealer so that the dealer may provide inspection
certificates to an individual purchasing a motor vehicle from the
dealer when that individual resides in a county that is subject to
the motor vehicle inspection and maintenance program;

  (2) To provide payment for more than one free passing
emissions inspection or a total of three emissions inspections for
a motor vehicle in any three-hundred-sixty-five-day period. The
owner or lessee of a motor vehicle is responsible for inspection
fees that are related to emissions inspections beyond one free
passing emissions inspection or three total emissions inspections
in any three-hundred-sixty-five-day period. Inspection fees that
are charged by a contractor conducting emissions inspections under
a motor vehicle inspection and maintenance program shall be
approved by the director of environmental protection.

  (E) The motor vehicle inspection and maintenance program
established under this section expires upon the termination of all
contracts entered into under this section and shall not be
implemented beyond the final date on which termination occurs.

  (F) As used in this section "battery electric motor vehicle"
has the same meaning as in section 4501.01 of the Revised Code.

Sec. 3737.83. The state fire marshal shall, as part of the
state fire code, adopt rules to:

(A) Establish minimum standards of performance for fire protection equipment and fire fighting equipment;

(B) Establish minimum standards of training, fix minimum qualifications, and require certificates for all persons who engage in the business for profit of installing, testing, repairing, or maintaining fire protection equipment;

(C) Provide for the issuance of certificates required under division (B) of this section and establish the fees to be charged for such certificates. A certificate shall be granted, renewed, or revoked according to rules the state fire marshal shall adopt, except that the state fire marshal shall grant a certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a person engaged in the business of installing, testing, repairing, or maintaining fire protection equipment in a state that does not issue that certificate.

(D) Establish minimum standards of flammability for consumer goods in any case where the federal government or any department or agency thereof has established, or may from time to time establish standards of flammability for consumer goods. The standards established by the state fire marshal shall be identical to the minimum federal standards.

In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the
state fire marshal, standards previously adopted by the state fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child day-care centers and in type A family day-care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The state fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services.

(G)(1) Establish that occupant load shall not include an exterior patio that has a means of egress on at least three sides or within fifty feet of an open side and in which each means of egress is compliant with the "Americans with Disabilities Act of 1990," 42 U.S.C. 12102, et seq.

(2) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (G)(1) of this section is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 3781.10. (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of
buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of the Revised Code is enforceable. The rules governing residential buildings are uniform requirements for residential buildings in any area with a building department certified to enforce the state residential building code. In no case shall any local code or regulation differ from the state residential building code unless that code or regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to section 3781.01 of the Revised Code.

(3) The rules adopted pursuant to this section are complete, lawful alternatives to any requirements specified for buildings or industrialized units in any section of the Revised Code. Except as otherwise provided in division (I) of this section, the board shall, on its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, formulate, propose, adopt, modify, amend, or repeal the rules to the extent necessary or desirable to effectuate the purposes of sections 3781.06 to 3781.18 of the Revised Code.

(B) The board shall report to the general assembly proposals
for amendments to existing statutes relating to the purposes declared in section 3781.06 of the Revised Code that public health and safety and the development of the arts require and shall recommend any additional legislation to assist in carrying out fully, in statutory form, the purposes declared in that section. The board shall prepare and submit to the general assembly a summary report of the number, nature, and disposition of the petitions filed under sections 3781.13 and 3781.14 of the Revised Code.

(C) On its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, and after thorough testing and evaluation, the board shall determine by rule that any particular fixture, device, material, process of manufacture, manufactured unit or component, method of manufacture, system, or method of construction complies with performance standards adopted pursuant to section 3781.11 of the Revised Code. The board shall make its determination with regard to adaptability for safe and sanitary erection, use, or construction, to that described in any section of the Revised Code, wherever the use of a fixture, device, material, method of manufacture, system, or method of construction described in that section of the Revised Code is permitted by law. The board shall amend or annul any rule or issue an authorization for the use of a new material or manufactured unit on any like application. No department, officer, board, or commission of the state other than the board of building standards or the board of building appeals shall permit the use of any fixture, device, material, method of manufacture, newly designed product, system, or method of construction at variance with what is described in any rule the board of building standards adopts or issues or that is authorized by any section of the Revised Code. Nothing in this section shall be construed as requiring approval, by rule, of plans for an industrialized unit that conforms with the rules the board of building standards adopts pursuant to
section 3781.11 of the Revised Code.

(D) The board shall recommend rules, codes, and standards to help carry out the purposes of section 3781.06 of the Revised Code and to help secure uniformity of state administrative rulings and local legislation and administrative action to the bureau of workers' compensation, the director of commerce, any other department, officer, board, or commission of the state, and to legislative authorities and building departments of counties, townships, and municipal corporations, and shall recommend that they audit those recommended rules, codes, and standards by any appropriate action that they are allowed pursuant to law or the constitution.

(E)(1) The board shall certify municipal, township, and county building departments, the personnel of those building departments, persons described in division (E)(7) of this section, and employees of individuals, firms, the state, or corporations described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. Any department, personnel, or person may enforce only the type of building code for which certified.

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential
and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the council of American building officials, national model code organizations, and agencies or entities the board recognizes are acceptable for purposes of this division. The rules shall specify requirements that are consistent with the provisions of section 5903.12 of the Revised Code relating to active duty military service and are compatible, to the extent possible, with requirements the council of American building officials and national model code organizations establish.

(4) The board shall establish and collect a certification and renewal fee for building department personnel, and persons and employees of persons, firms, or corporations as described in this section, who are certified pursuant to this division.

(5) Any individual certified pursuant to this division shall complete the number of hours of continuing building code education that the board requires or, for failure to do so, forfeit certification.

(6) This division does not require or authorize the board to certify personnel of municipal, township, and county building departments, and persons and employees of persons, firms, or corporations as described in this section, whose responsibilities do not include the exercise of enforcement authority, the approval of plans and specifications, or making inspections under the state
residential and nonresidential building codes.

(7) Enforcement authority for approval of plans and specifications and enforcement authority for inspections may be exercised, and plans and specifications may be approved and inspections may be made on behalf of a municipal corporation, township, or county, by any of the following who the board of building standards certifies:

(a) Officers or employees of the municipal corporation, township, or county;

(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to
exercise that authority and conduct those activities, as applicable.

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;

(e) The proposed budget for the operation of the building department.

(11) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance
of a building or the preparation of working drawings or
specifications for work within the jurisdictional area of the
department. The department shall provide other similarly qualified
personnel to enforce the residential and nonresidential building
codes as they pertain to that work.

(b) The minimum services to be provided by a certified
building department.

(12) The board of building standards may revoke or suspend
certification to enforce the residential and nonresidential
building codes, on petition to the board by any person affected by
that enforcement or approval of plans, or by the board on its own
motion. Hearings shall be held and appeals permitted on any
proceedings for certification or revocation or suspension of
certification in the same manner as provided in section 3781.101
of the Revised Code for other proceedings of the board of building
standards.

(13) Upon certification, and until that authority is revoked,
any county or township building department shall enforce the
residential and nonresidential building codes for which it is
certified without regard to limitation upon the authority of
boards of county commissioners under Chapter 307. of the Revised
Code or boards of township trustees under Chapter 505. of the
Revised Code.

(14) The board shall certify a person to exercise enforcement
authority, to accept and approve plans and specifications, or to
make inspections in this state in accordance with Chapter 4796. of
the Revised Code if either of the following applies:

(a) The person holds a license or certificate in another
state.

(b) The person has satisfactory work experience, a government
certification, or a private certification as described in that
chapter in the same profession, occupation, or occupational activity as the profession, occupation, or occupational activity for which the certificate is required in this state in a state that does not issue that license or certificate.

(F) In addition to hearings sections 3781.06 to 3781.18 and 3791.04 of the Revised Code require, the board of building standards shall make investigations and tests, and require from other state departments, officers, boards, and commissions information the board considers necessary or desirable to assist it in the discharge of any duty or the exercise of any power mentioned in this section or in sections 3781.06 to 3781.18, 3791.04, and 4104.43 of the Revised Code.

(G) The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product of a manufacturing process. The fee shall bear some reasonable relationship to the cost of the review or testing of the materials, assembly, or products and for the notification of approval or disapproval as provided in section 3781.12 of the Revised Code.

(H) The residential construction advisory committee shall provide the board with a proposal for a state residential building code that the committee recommends pursuant to division (D)(1) of section 4740.14 of the Revised Code. Upon receiving a recommendation from the committee that is acceptable to the board, the board shall adopt rules establishing that code as the state residential building code.

(I)(1) The committee may provide the board with proposed rules to update or amend the state residential building code that the committee recommends pursuant to division (E) of section 4740.14 of the Revised Code.
(2) If the board receives a proposed rule to update or amend the state residential building code as provided in division (I)(1) of this section, the board either may accept or reject the proposed rule for incorporation into the residential building code. If the board does not act to either accept or reject the proposed rule within ninety days after receiving the proposed rule from the committee as described in division (I)(1) of this section, the proposed rule shall become part of the residential building code.

(J) The board shall cooperate with the director of job and family services when the director promulgates rules pursuant to section 5104.05 of the Revised Code regarding safety and sanitation in type A family day-care homes.

(K) The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code.

(L) The board shall establish a grant program to assist building departments certified by the board pursuant to division (E) of this section in the recruitment, training, and retention of qualified personnel.

Sec. 3781.102. (A) Any county or municipal building department certified pursuant to division (E) of section 3781.10 of the Revised Code as of September 14, 1970, and that, as of that date, was inspecting single-family, two-family, and three-family residences, and any township building department certified pursuant to division (E) of section 3781.10 of the Revised Code, is hereby declared to be certified to inspect single-family, two-family, and three-family residences containing industrialized units, and shall inspect the buildings or classes of buildings subject to division (E) of section 3781.10 of the Revised Code.

(B) Each board of county commissioners may adopt, by resolution, rules establishing standards and providing for the
licensing of electrical and heating, ventilating, and air
conditioning contractors who are not required to hold a valid and
unexpired license pursuant to Chapter 4740. of the Revised Code.

Rules adopted by a board of county commissioners pursuant to
this division may be enforced within the unincorporated areas of
the county and within any municipal corporation where the
legislative authority of the municipal corporation has contracted
with the board for the enforcement of the county rules within the
municipal corporation pursuant to section 307.15 of the Revised
Code. The rules shall not conflict with rules adopted by the board
of building standards pursuant to section 3781.10 of the Revised
Code or by the department of commerce pursuant to Chapter 3703. of
the Revised Code. This division does not impair or restrict the
power of municipal corporations under Section 3 of Article XVIII,
Ohio Constitution, to adopt rules concerning the erection,
construction, repair, alteration, and maintenance of buildings and
structures or of establishing standards and providing for the
licensing of specialty contractors pursuant to section 715.27 of
the Revised Code.

A board of county commissioners, pursuant to this division,
may require all electrical contractors and heating, ventilating,
and air conditioning contractors, other than those who hold a
valid and unexpired license issued pursuant to Chapter 4740. of
the Revised Code, to successfully complete an examination, test,
or demonstration of technical skills, and may impose a fee and
additional requirements for a license to engage in their
respective occupations within the jurisdiction of the board's
rules under this division.

(C) No board of county commissioners shall require any
specialty contractor who holds a valid and unexpired license
issued pursuant to Chapter 4740. of the Revised Code to
successfully complete an examination, test, or demonstration of
technical skills in order to engage in the type of contracting for which the license is held, within the unincorporated areas of the county and within any municipal corporation whose legislative authority has contracted with the board for the enforcement of county regulations within the municipal corporation, pursuant to section 307.15 of the Revised Code.

(D) A board may impose a fee for registration of a specialty contractor who holds a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code before that specialty contractor may engage in the type of contracting for which the license is held within the unincorporated areas of the county and within any municipal corporation whose legislative authority has contracted with the board for the enforcement of county regulations within the municipal corporation, pursuant to section 307.15 of the Revised Code, provided that the fee is the same for all specialty contractors who wish to engage in that type of contracting. If a board imposes such a fee, the board immediately shall permit a specialty contractor who presents proof of holding a valid and unexpired license and pays the required fee to engage in the type of contracting for which the license is held within the unincorporated areas of the county and within any municipal corporation whose legislative authority has contracted with the board for the enforcement of county regulations within the municipal corporation, pursuant to section 307.15 of the Revised Code.

(E) The political subdivision associated with each municipal, township, and county building department the board of building standards certifies pursuant to division (E) of section 3781.10 of the Revised Code may prescribe fees to be paid by persons, political subdivisions, or any department, agency, board, commission, or institution of the state, for the acceptance and approval of plans and specifications, and for the making of
inspections, pursuant to sections 3781.03 and 3791.04 of the Revised Code.

(F) Each political subdivision that prescribes fees pursuant to division (E) of this section shall collect, on behalf of the board of building standards, fees equal to the following:

(1) Three per cent of the fees the political subdivision collects in connection with nonresidential buildings;

(2) One per cent of the fees the political subdivision collects in connection with residential buildings.

(G)(1) The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner in which the fee assessed pursuant to division (F) of this section shall be collected and remitted monthly to the board. The board shall pay the fees into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

(2) All money credited to the industrial compliance operating fund under this division shall be used exclusively for the following:

(a) Operating costs of the board;

(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code;

(c) Paying the expenses of the residential construction advisory committee, including the expenses of committee members as provided in section 4740.14 of the Revised Code.

(d) Implementation of the program established by division (L) of section 3781.10 of the Revised Code.

(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating,
ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of satisfying the requirements of rules adopted under that division, a valid and unexpired license issued pursuant to Chapter 4740. of the Revised Code that is held by an electrical or heating, ventilating, and air conditioning contractor, for the construction, replacement, maintenance, or repair of one-family, two-family, or three-family dwelling houses or accessory structures incidental to those dwelling houses.

(I) A board of county commissioners shall not register a specialty contractor who is required to hold a license under Chapter 4740. of the Revised Code but does not hold a valid license issued under that chapter.

(J) If a board of county commissioners regulates a profession, occupation, or occupational activity under this section, the board shall comply with Chapter 4796. of the Revised Code.

(K) As used in this section, "specialty contractor" means a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor, as those contractors are described in Chapter 4740. of the Revised Code.

Sec. 4735.07. (A) The superintendent of real estate, with the consent of the Ohio real estate commission, may enter into agreements with recognized national testing services to administer the real estate broker's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of such examination.

(B) No applicant for a real estate broker's license shall take the broker's examination who has not established to the satisfaction of the superintendent that the applicant:
(1) Is honest and truthful;

(2) (a) Has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code;

   (b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant's activities and employment record since the adjudication show that the applicant is honest and truthful, and there is no basis in fact for believing that the applicant will again violate the laws involved.

(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to, this chapter, or, if the applicant has violated any such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) Has been a licensed real estate broker or salesperson for at least two years; during at least two of the five years preceding the person's application, has worked as a licensed real estate broker or salesperson for an average of at least thirty hours per week; and has completed one of the following:

   (a) At least twenty real estate transactions, in which property was sold for another by the applicant while acting in the capacity of a real estate broker or salesperson;

   (b) Such equivalent experience as is defined by rules adopted by the commission.
(6) (a) If licensed as a real estate salesperson prior to August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:

(i) Thirty hours of instruction in real estate practice;

(ii) Thirty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(iii) Thirty hours of instruction in real estate appraisal;

(iv) Thirty hours of instruction in real estate finance;

(v) Three quarter hours, or its equivalent in semester hours, in financial management;

(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;

(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;

(viii) Three quarter hours, or its equivalent in semester hours, in business law.

(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of
higher education all of the following credit-eligible courses by
either classroom instruction or distance education:

(i) Forty hours of instruction in real estate practice;

(ii) Forty hours of instruction that includes the subjects of
Ohio real estate law, municipal, state, and federal civil rights
law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(iii) Twenty hours of instruction in real estate appraisal;

(iv) Twenty hours of instruction in real estate finance;

(v) The training in the amount of hours specified under divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section.

(c) Division (B)(6)(a) or (b) of this section does not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), (vi), (vii), and (viii) or division (B)(6)(b)(v) of this section do not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 3, 1984.

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this section do not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate broker's license.
(e) Successful completion of the instruction required by division (B)(6)(a) or (b) of this section shall be determined by the law in effect on the date the instruction was completed.

(7) If licensed as a real estate salesperson on or after January 3, 1984, satisfactorily has completed a minimum of two years of post-secondary education, or its equivalent in semester or quarter hours, at an institution of higher education, and has fulfilled the requirements of division (B)(6)(a) or (b) of this section. The requirements of division (B)(6)(a) or (b) of this section may be included in the two years of post-secondary education, or its equivalent in semester or quarter hours, that is required by this division. The post-secondary education requirement may be satisfied by completing the credit-eligible courses using either classroom instruction or distance education. Successful completion of any course required by this section shall be determined by the law in effect on the date the course was completed.

(C) Each applicant for a broker's license shall be examined in the principles of real estate practice, Ohio real estate law, and financing and appraisal, and as to the duties of real estate brokers and real estate salespersons, the applicant's knowledge of real estate transactions and instruments relating to them, and the canons of business ethics pertaining to them. The commission from time to time shall promulgate such canons and cause them to be published in printed form.

(D) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101. The contents of an examination shall be consistent with the requirements of division (B)(6) of this section and with the other specific requirements of this section. An applicant who has completed the requirements of division (B)(6) of this section
at the time of application shall be examined no later than twelve months after the applicant is notified of admission to the examination.

(E) Notwithstanding any provision of this chapter or Chapter 4796. of the Revised Code to the contrary, the superintendent shall issue a real estate broker's license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant satisfies the requirements specified in section 4796.03 or 4796.04 of the Revised Code, as applicable, and all of the following apply:

(a) The applicant has worked as a real estate broker for at least two of the five years immediately preceding the date of the application.

(b) The applicant has completed not less than twenty real estate transactions in which the applicant acted in the capacity of a real estate broker.

(c) The applicant passes an examination on Ohio real estate law.

(2) The applicant satisfies the requirements specified in section 4796.05 of the Revised Code and divisions (E)(1)(b) and (c) of this section.

(F) There shall be no limit placed on the number of times an applicant may retake the examination.

(G)(1) Not earlier than the date of issue of a real estate broker's license to a licensee, but not later than twelve months after the date of issue of a real estate broker's license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of ten hours of instruction that shall be completed...
in schools, seminars, and educational institutions that are approved by the commission. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education.

If the required proof of completion is not submitted to the superintendent within twelve months of the date a license is issued under this section, the license of the real estate broker is suspended automatically without the taking of any action by the superintendent. The broker's license shall not be reactivated by the superintendent until it is established, to the satisfaction of the superintendent, that the requirements of this division have been met and that the licensee is in compliance with this chapter. A licensee's license is revoked automatically without the taking of any action by the superintendent if the licensee fails to submit proof of completion of the education requirements specified under division (G)(1) of this section within twelve months of the date the license is suspended.

(2) If the license of a real estate broker is suspended pursuant to division (G)(1) of this section, the license of a real estate salesperson associated with that broker correspondingly is suspended pursuant to division (H) of section 4735.20 of the Revised Code. However, the suspended license of the associated real estate salesperson shall be reactivated and no fee shall be charged or collected for that reactivation if all of the following occur:

(a) That broker subsequently submits satisfactory proof to the superintendent that the broker has complied with the requirements of division (G)(1) of this section and requests that the broker's license as a real estate broker be reactivated;

(b) The superintendent then reactivates the broker's license as a real estate broker;
(c) The associated real estate salesperson intends to continue to be associated with that broker and otherwise is in compliance with this chapter.

Sec. 4735.09. (A) Application for a license as a real estate salesperson shall be made to the superintendent of real estate on forms furnished by the superintendent and signed by the applicant. The application shall be in the form prescribed by the superintendent and shall contain such information as is required by this chapter and the rules of the Ohio real estate commission. The application shall be accompanied by the recommendation of the real estate broker with whom the applicant is associated or with whom the applicant intends to be associated, certifying that the applicant is honest and truthful, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination.

(B) A fee of eighty-one dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The initial year of the licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. The application fee shall be nonrefundable. A fee of eighty-one dollars shall be charged by the superintendent for each successive application made by the applicant. One dollar of each application fee shall be credited to the real estate education and research fund.

(C) There shall be no limit placed on the number of times an applicant may retake the examination.
(D) The superintendent, with the consent of the commission, may enter into an agreement with a recognized national testing service to administer the real estate salesperson's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of the examination.

If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate salesperson's examination, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, each applicant shall submit to the superintendent a processing fee in an amount determined by the Ohio real estate commission pursuant to division (A)(1) of section 4735.10 of the Revised Code.

(E) The superintendent shall issue a real estate salesperson's license when satisfied that the applicant has received a passing score on each portion of the salesperson's examination as determined by rule by the real estate commission.

(F) No applicant for a salesperson's license shall take the salesperson's examination who has not established to the satisfaction of the superintendent that the applicant:

(1) Is honest and truthful;

(2)(a) Has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code;

(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded.
the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant is honest and truthful, and there is no basis in fact for believing that the applicant again will violate the laws involved.

(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to this chapter, or, if the applicant has violated such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued by the department of education;

(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:

(a) Forty hours of instruction in real estate practice;

(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.
(c) Twenty hours of instruction in real estate appraisal; 103894
(d) Twenty hours of instruction in real estate finance. 103895
(G)(1) Successful completion of the instruction required by 103896
division (F)(6) of this section shall be determined by the law in 103897
effect on the date the instruction was completed. 103898
(2) Division (F)(6)(c) of this section does not apply to any 103899
new applicant who holds a valid Ohio real estate appraiser license 103900
or certificate issued prior to the date of application for a real 103901
estate salesperson's license.
(H) Only for noncredit course offerings, an institution of 103903
higher education shall obtain approval from the appropriate state 103904
authorizing entity prior to offering a real estate course that is 103905
designed and marketed as satisfying the salesperson license 103906
education requirements of division (F)(6) of this section. The 103907
state authorizing entity may consult with the superintendent in 103908
reviewing the course for compliance with this section.
(I) Any person who has not been licensed as a real estate 103909
salesperson or broker within a four-year period immediately 103910
preceding the person's current application for the salesperson's 103911
examination shall have successfully completed the prelicensure 103912
instruction required by division (F)(6) of this section within a 103913
ten-year period immediately preceding the person's current 103914
application for the salesperson's examination.
(J) Not earlier than the date of issue of a real estate 103915
salesperson's license to a licensee, but not later than twelve 103916
months after the date of issue of a real estate salesperson 103917
license to a licensee, the licensee shall submit proof 103918
satisfactory to the superintendent, on forms made available by the 103919
superintendent, of the completion of twenty hours of instruction 103920
that shall be completed in schools, seminars, and educational 103921
institutions approved by the commission. The instruction shall 103922
include, but is not limited to, current practices relating to commercial real estate, property management, short sales, and land contracts; contract law; federal and state programs; economic conditions; and fiduciary responsibility. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education.

If proof of completion of the required instruction is not submitted within twelve months of the date a license is issued under this section, the licensee's license is suspended automatically without the taking of any action by the superintendent. The superintendent immediately shall notify the broker with whom such salesperson is associated of the suspension of the salesperson's license. A salesperson whose license has been suspended under this division shall have twelve months after the date of the suspension of the salesperson's license to submit proof of successful completion of the instruction required under this division. No such license shall be reactivated by the superintendent until it is established, to the satisfaction of the superintendent, that the requirements of this division have been met and that the licensee is in compliance with this chapter. A licensee's license is revoked automatically without the taking of any action by the superintendent when the licensee fails to submit the required proof of completion of the education requirements under division (I) of this section within twelve months of the date the license is suspended.

(K) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12189. The contents of an examination shall be consistent with the classroom instructional requirements of division (F)(6) of this section. An applicant who has completed the classroom
instructional requirements of division (F)(6) of this section at the time of application shall be examined no later than twelve months after the applicant is notified of the applicant's admission to the examination.

(L) Notwithstanding any provision of this chapter or Chapter 4796. of the Revised Code to the contrary, the superintendent shall issue a real estate salesperson's license in accordance with Chapter 4796. of the Revised Code to an applicant if both of the following apply:

(1) The applicant satisfies the requirements specified in section 4796.03, 4796.04, or 4796.05 of the Revised Code, as applicable.

(2) The applicant passes an examination on Ohio real estate law.

Sec. 4755.411. The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall adopt rules in accordance with Chapter 119. of the Revised Code pertaining to the following:

(A) Fees for the verification of a license and license reinstatement, and other fees established by the section;

(B) Provisions for the section's government and control of its actions and business affairs;

(C) Minimum curricula for physical therapy education programs that prepare graduates to be licensed in this state as physical therapists and physical therapist assistants;

(D) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;

(E) The form and manner for filing applications for licensure with the section;
(F) For purposes of section 4755.46 of the Revised Code, all of the following:

1. A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;

2. An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;

3. The conditions under which the license of a person who files a late application for renewal will be reinstated.

(G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;

(H) Appropriate ethical conduct in the practice of physical therapy;

(I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;

(J) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;

(K) For purposes of sections 4755.45 and 4755.451 of the Revised Code, both of the following:

1. Identification of the credentialing organizations from which the section will accept education equivalency evaluations for foreign physical therapist education and foreign physical therapist assistant education. The physical therapy section shall identify only those credentialing organizations that use a course evaluation tool or form approved by the physical therapy section.

2. Evidence, other than the evaluations described in division (K)(1) of this section, that the section will consider
for purposes of evaluating whether an applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state as a physical therapist or physical therapist assistant on the date of either of the following:

(a) The applicant's initial licensure or registration in another country;

(b) The applicant's completion of a physical therapist education program or physical therapist assistant education program if the country in which the education program was completed does not issue a physical therapist or physical therapist assistant license or registration.

(L) Standards of conduct for physical therapists and physical therapist assistants, including requirements for supervision, delegation, and practicing with or without referral or prescription;

(M) Appropriate display of a license;

(N) Procedures for a licensee to follow in notifying the section within thirty days of a change in name or address, or both;

(O) The amount and content of corrective action courses required by the board under section 4755.47 of the Revised Code.

Sec. 4755.45. (A) The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue to an applicant a license to practice as a physical therapist without requiring the applicant to have passed the national examination for physical therapists described in division (A) of section 4755.43 of the Revised Code within one year of filing an application described in section 4755.42 of the Revised Code if all of the following conditions are true:
(1) The applicant presents evidence satisfactory to the physical therapy section that the applicant received a score on the national physical therapy examination described in division (A) of section 4755.43 of the Revised Code that would have been a passing score according to the board in the year the applicant sat for the examination;

(2) The applicant presents evidence satisfactory to the physical therapy section that the applicant passed the jurisprudence examination described in division (B) of section 4755.43 of the Revised Code;

(3) The applicant holds either:

(a) Holds a current and valid license or registration to practice physical therapy in another country;

(b) Completed a physical therapist education program in a country that does not issue a physical therapist license or registration.

(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of either of the following:

(a) The applicant's initial licensure or registration in the other country;

(b) The applicant's completion of a physical therapist education program if the country in which the education program was completed does not issue a physical therapist license or registration.

(5) The applicant pays the fee described in division (B) of section 4755.42 of the Revised Code;

(6) The applicant is not in violation of any section of this chapter or rule adopted under it.
(B) For purposes of division (A)(4) of this section, if after receiving the results of an education equivalency evaluation from a credentialing organization identified by the section pursuant to rules adopted under section 4755.411 of the Revised Code, the section determines that the applicant's education is not reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in a foreign country meet the conditions of division (A)(4) of this section, the section shall send a written notice to the applicant stating that the section is denying the applicant's application and stating the specific reason why the section is denying the applicant's application. The section shall send the notice to the applicant through certified mail within thirty days after the section makes that determination.

Sec. 4755.451. (A) The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue to an applicant a license as a physical therapist assistant without requiring the applicant to have passed the national examination for physical therapist assistants described in division (A) of section 4755.431 of the Revised Code within one year of filing an application described in section 4755.421 of the Revised Code if all of the following conditions are true:

(1) The applicant presents evidence satisfactory to the physical therapy section that the applicant received a score on the national physical therapy examination described in division (A) of section 4755.431 of the Revised Code that would have been a passing score according to the board in the year the applicant sat for the examination;
(2) The applicant presents evidence satisfactory to the physical therapy section that the applicant passed the jurisprudence examination described in division (B) of section 4755.431 of the Revised Code;

(3) The applicant holds either:

(a) Holds a current and valid license or registration to practice as a physical therapist assistant in another country;

(b) Completed a physical therapist assistant education program in a country that does not issue a physical therapist assistant license or registration.

(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of either of the following:

(a) The applicant's initial licensure or registration in the other country;

(b) The applicant's completion of a physical therapist assistant education program if the country in which the education program was completed does not issue a physical therapist assistant license or registration.

(5) The applicant pays the fee described in division (B) of section 4755.421 of the Revised Code;

(6) The applicant is not in violation of any section of this chapter or rule adopted under it.

(B) For purposes of division (A)(4) of this section, if after receiving the results of an education equivalency evaluation from a credentialing organization identified by the section pursuant to rules adopted under section 4755.411 of the Revised Code, the section determines that, regardless of the results of the evaluation, the applicant's education is does not reasonably
equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in a foreign country meet the conditions of division (A)(4) of this section, the section shall send a written notice to the applicant stating that the section is denying the applicant's application and stating the specific reason why the section is denying the applicant's application. The section shall send the notice to the applicant through certified mail within thirty days after the section makes the determination.

**Sec. 4755.482.** (A) Except as otherwise provided in divisions (B) and (C) of this section, a person shall not teach a physical therapy theory and procedures course in physical therapy education without obtaining a license as a physical therapist from the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board.

(B) A nonresident person who is registered or licensed as a physical therapist under the laws of another state shall not teach a physical therapy theory and procedures course in physical therapy education for more than one year without obtaining a license as a physical therapist from the physical therapy section, and the section shall not require that person to obtain a license in accordance with Chapter 4796. of the Revised Code to teach as described in this division.

(C) A person who is registered or licensed as a physical therapist under the laws of a foreign country and is not registered or licensed as a physical therapist in any state who wishes to teach a physical therapy theory and procedures course in physical therapy education in this state, or an institution that wishes the person to teach such a course at the institution, may apply to the physical therapy section to request authorization for the person to teach such a course for a period of not more than
one year. Any member of the physical therapy section may approve
the person's or institution's application. No person described in
this division shall teach such a course for longer than one year
without obtaining a license from the physical therapy section.

(D) The physical therapy section may investigate any person
who allegedly has violated this section. The physical therapy
section has the same powers to investigate an alleged violation of
this section as those powers specified in section 4755.02 of the
Revised Code. If, after investigation, the physical therapy
section determines that reasonable evidence exists that a person
has violated this section, within seven days after that
determination, the physical therapy section shall send serve a
written notice to that person in the same manner as prescribed in
section sections 119.05 and 119.07 of the Revised Code for
licensees, except that the notice shall specify that a hearing
will be held and specify the date, time, and place of the hearing.

The physical therapy section shall hold a hearing regarding
the alleged violation in the same manner prescribed for an
adjudication hearing under section 119.09 of the Revised Code. If
the physical therapy section, after the hearing, determines a
violation has occurred, the physical therapy section may
discipline the person in the same manner as the physical therapy
section disciplines licensees under section 4755.47 of the Revised
Code. The physical therapy section's determination is an order
that the person may appeal in accordance with section 119.12 of
the Revised Code.

If a person who allegedly committed a violation of this
section fails to appear for a hearing, the physical therapy
section may request the court of common pleas of the county where
the alleged violation occurred to compel the person to appear
before the physical therapy section for a hearing. If the physical
therapy section assesses a person a civil penalty for a violation
of this section and the person fails to pay that civil penalty within the time period prescribed by the physical therapy section, the physical therapy section shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.

Sec. 4763.05. (A)(1)(a) A person shall make application for an initial state-certified general real estate appraiser certificate, an initial state-certified residential real estate appraiser certificate, an initial state-licensed residential real estate appraiser license, or an initial state-registered real estate appraiser assistant registration in writing to the superintendent of real estate on a form the superintendent prescribes. The application shall include the address of the applicant's principal place of business and all other addresses at which the applicant currently engages in the business of performing real estate appraisals and the address of the applicant's current residence. The superintendent shall retain the applicant's current residence address in a separate record which does not constitute a public record for purposes of section 149.43 of the Revised Code. The application shall indicate whether the applicant seeks certification as a general real estate appraiser or as a residential real estate appraiser, licensure as a residential real estate appraiser, or registration as a real estate appraiser assistant and be accompanied by the prescribed examination and certification, registration, or licensure fees set forth in section 4763.09 of the Revised Code. The application also shall include a pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter; and a statement that the applicant understands the types...
of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter.

(b) Upon the filing of an application and payment of any examination and certification, registration, or licensure fees, the superintendent of real estate shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints in accordance with section 109.572 of the Revised Code. Notwithstanding division (K)(L) of section 121.08 of the Revised Code, the superintendent of real estate shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the applicant.

(2) For purposes of providing funding for the real estate appraiser recovery fund established by section 4763.16 of the Revised Code, the real estate appraiser board shall levy an assessment against each person issued an initial certificate, registration, or license and against current licensees, registrants, and certificate holders, as required by board rule. The assessment is in addition to the application and examination fees for initial applicants required by division (A)(1) of this section and the renewal fees required for current certificate holders, registrants, and licensees. The superintendent of real estate shall deposit the assessment into the state treasury to the credit of the real estate appraiser recovery fund. The assessment for initial certificate holders, registrants, and licensees shall be paid prior to the issuance of a certificate, registration, or license, and for current certificate holders, registrants, and licensees, at the time of renewal.
(B) An applicant for an initial general real estate appraiser certificate, residential real estate appraiser certificate, or residential real estate appraiser license shall possess experience in real estate appraisal as the board prescribes by rule. In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or the board, shall make available for examination a sample of the appraisal reports prepared by the applicant in the course of the applicant's practice.

(C) An applicant for an initial certificate, registration, or license shall be at least eighteen years of age, honest, and truthful and shall present satisfactory evidence to the superintendent that the applicant has successfully completed any education requirements the board prescribes by rule.

(D) An applicant for an initial general real estate appraiser or residential real estate appraiser certificate or residential real estate appraiser license shall take and successfully complete a written examination in order to qualify for the certificate or license.

The board shall prescribe the examination requirements by rule.

(E) (1) The board shall issue a residential real estate appraiser license, a residential real estate appraiser certificate, real estate appraiser assistant registration, or a general real estate appraiser certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(a) The applicant holds a certificate, license, or registration in another state.
(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a residential real estate appraiser, real estate appraiser assistant, or general real estate appraiser in a state that does not issue that certificate, license, or registration.

(2)(a) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply:

(i) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction.

(ii) The appraiser's business in this state is of a temporary nature.

(iii) The appraiser registers with the board pursuant to this division.

(b) An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction.

(c) The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal assignment in this state. The board shall not issue more than two registrations for temporary practice to any one applicant in any calendar year. The application for obtaining a registration under this division may include any of the following:

(i) A pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter;
(ii) A statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter;  

(iii) A consent to service of process.  

(d) A nonresident appraiser whose certification or license has been recognized by the board on a temporary basis and who is acting in accordance with this section and the board's rules is not required to obtain a license in accordance with Chapter 4796 of the Revised Code.  

(F) The superintendent shall not issue a certificate, registration, or license to, or recognize on a temporary basis an appraiser from another state that is a corporation, partnership, or association. This prohibition shall not be construed to prevent a certificate holder or licensee from signing an appraisal report on behalf of a corporation, partnership, or association.  

(G) Every person licensed, registered, or certified under this chapter shall notify the superintendent, on a form provided by the superintendent, of a change in the address of the licensee's, registrant's, or certificate holder's principal place of business or residence within thirty days of the change. If a licensee's, registrant's, or certificate holder's license, registration, or certificate is revoked or not renewed, the licensee, registrant, or certificate holder immediately shall return the annual and any renewal certificate, registration, or license to the superintendent.  

(H)(1) The superintendent shall not issue a certificate, registration, or license to any person, or recognize on a temporary basis an appraiser from another state, who does not meet applicable minimum criteria for state certification, registration, or licensure prescribed by federal law or rule.  

(2) The superintendent shall not refuse to issue a general
real estate appraiser certificate, residential real estate appraiser certificate, residential real estate appraiser license, or real estate appraiser assistant registration to any person because of a conviction of or plea of guilty to any criminal offense unless the refusal is in accordance with section 9.79 of the Revised Code.

Sec. 4765.11. (A) The state board of emergency medical, fire, and transportation services shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and divisions (C) and (D) of this section that establish all of the following:

(1) Procedures for its governance and the control of its actions and business affairs;

(2) Standards for the performance of emergency medical services by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic;

(3) Application fees for certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, which shall be deposited into the trauma and emergency medical services fund created in section 4513.263 of the Revised Code;

(4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee;

(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including any measures necessary to implement section 9.79 of the Revised Code and any procedures necessary to ensure that adequate notice of renewal is provided in
accordance with division (E) of section 4765.30 of the Revised Code;

(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;

(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;

(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;

(9) Standards for certificates of accreditation and certificates of approval;

(10) Qualifications for certificates to teach;

(11) Requirements for a certificate to practice;

(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;

(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;

(14) Examinations for certificates to practice;

(15) Procedures for administering examinations for certificates to practice;

(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without
completing an emergency medical services continuing education program;

(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;

(18) Specifications of the emergency medical services that first responders are authorized to perform under section 4765.35 of the Revised Code, that EMTs-basic are authorized to perform under section 4765.37 of the Revised Code, that EMTs-I are authorized to perform under section 4765.38 of the Revised Code, and that paramedics are authorized to perform under section 4765.39 of the Revised Code;

(19) Standards and procedures for implementing the requirements of section 4765.06 of the Revised Code, including designations of the persons who are required to report information to the board and the types of information to be reported;

(20) Procedures for administering the emergency medical services grant program established under section 4765.07 of the Revised Code;

(21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board;

(22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical direction to emergency medical service personnel, including, subject to division (B) of section 4765.42 of the Revised Code, qualifications for a physician to be eligible to serve as the medical director of an emergency medical service organization or a member of its cooperating physician advisory board;

(23) The manner in which a patient, or a patient's parent, guardian, or custodian, may consent to the board releasing identifying information about the patient under division (D) of section 4765.102 of the Revised Code;
(24) Circumstances under which a training program or continuing education program, or portion of either type of program, may be taught by a person who does not hold a certificate to teach issued under section 4765.23 of the Revised Code;

(25) Certification cycles for certificates issued under sections 4765.23 and 4765.30 of the Revised Code and certificates issued by the executive director of the state board of emergency medical, fire, and transportation services under section 4765.55 of the Revised Code that establish a common expiration date for all certificates.

(B) The board may adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and divisions (C) and (D) of this section that establish any of the following:

(1) Specifications of information that may be collected under the trauma system registry and incidence reporting system created under section 4765.06 of the Revised Code;

(2) Standards and procedures for implementing any of the recommendations made by any committees of the board or under section 4765.04 of the Revised Code;

(3) Procedures and requirements for conducting background checks on applicants for the issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice in accordance with section 109.578 of the Revised Code;

(4) Any other rules necessary to implement this chapter.

(C) In developing and administering rules adopted under this chapter, the state board of emergency medical, fire, and transportation services shall consult with regional directors and regional advisory boards appointed under section 4765.05 of the Revised Code and emphasize the special needs of pediatric and geriatric patients.
(D) On and after April 6, 2023, the executive director shall not require certification issue to any new applicant a certificate to practice as an emergency medical services assistant instructor and shall not adopt or enforce rules or issue a certificate regarding the position of an emergency medical services assistant instructor. Any emergency medical services assistant instructor certificate that was issued in accordance with rules adopted under division (A) of this section prior to April 6, 2023, remains valid only until the expiration date of the certificate, subject to any conditions or responsibilities of retaining the validity of that certificate, until the holder of the certificate allows it to expire or lapse. The certificate shall not may be renewed by the holder of that certificate. The board shall adopt, amend, or rescind rules in accordance with Chapter 119. of the Revised Code in order to effectuate this division.

(E) Except as otherwise provided in this division, before adopting, amending, or rescinding any rule under this chapter, the board shall submit the proposed rule to the director of public safety for review. The director may review the proposed rule for not more than sixty days after the date it is submitted. If, within this sixty-day period, the director approves the proposed rule or does not notify the board that the rule is disapproved, the board may adopt, amend, or rescind the rule as proposed. If, within this sixty-day period, the director notifies the board that the proposed rule is disapproved, the board shall not adopt, amend, or rescind the rule as proposed unless at least twelve members of the board vote to adopt, amend, or rescind it.

This division does not apply to an emergency rule adopted in accordance with section 119.03 of the Revised Code.

(F) Notwithstanding any requirement for a certificate issued in accordance with rules adopted by the board under this section, the board, in accordance with Chapter 4796. of the Revised Code,
shall issue a certificate that is a license as defined in section 4796.01 of the Revised Code to an individual if either of the following applies:

(1) The individual holds a license or certificate in another state.

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic in a state that does not issue that license or certificate.

Sec. 4765.55. (A) The executive director of the state board of emergency medical, fire, and transportation services, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall assist in the establishment and maintenance by any state agency, or any county, township, city, village, school district, or educational service center of a fire service training program for the training of all persons in positions of any fire training certification level approved by the executive director, including full-time paid firefighters, part-time paid firefighters, volunteer firefighters, and fire safety inspectors in this state. The executive director, with the advice and counsel of the committee, shall adopt rules to regulate those firefighter and fire safety inspector training programs, and other training programs approved by the executive director. The rules may include, but need not be limited to, training curriculum, certification examinations, training schedules, minimum hours of instruction, attendance requirements, required equipment and facilities, basic physical requirements, and methods of training for all persons in positions of any fire training
certification level approved by the executive director, including full-time paid firefighters, part-time paid firefighters, volunteer firefighters, and fire safety inspectors. The rules adopted to regulate training programs for volunteer firefighters shall not require more than thirty-six hours of training.

The executive director, with the advice and counsel of the committee, shall provide for the classification and chartering of fire service training programs in accordance with rules adopted under division (B) of this section, and may take action against any chartered training program or applicant, in accordance with rules adopted under divisions (B)(4) and (5) of this section, for failure to meet standards set by the adopted rules.

(B) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall adopt, and may amend or rescind, rules under Chapter 119. of the Revised Code that establish all of the following:

(1) Requirements for, and procedures for chartering, the training programs regulated by this section;

(2) Requirements for, and requirements and procedures for obtaining and renewing, an instructor certificate to teach the training programs and continuing education classes regulated by this section;

(3) Requirements for, and requirements and procedures for obtaining and renewing, any of the fire training certificates regulated by this section;

(4) Grounds and procedures for suspending, revoking, restricting, or refusing to issue or renew any of the certificates or charters regulated by this section, which grounds shall be...
limited to one of the following:

(a) Failure to satisfy the education or training requirements of this section;

(b) Conviction of a felony offense;

(c) Conviction of a misdemeanor involving moral turpitude;

(d) Conviction of a misdemeanor committed in the course of practice;

(e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.

(5) Grounds and procedures for imposing and collecting fines, not to exceed one thousand dollars, in relation to actions taken under division (B)(4) of this section against persons holding certificates and charters regulated by this section, the fines to be deposited into the trauma and emergency medical services fund established under section 4513.263 of the Revised Code;

(6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities. The continuing education requirements shall not require more than thirty-six hours of continuing education every three-year certification cycle. Local entities may require additional continuing education, provided that completion of such additional continuing education is not required for renewal of certification.

(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements;

(8) Certification cycles for which the certificates and charters regulated by this section are valid;

(9) If determined necessary by the executive director, procedures and requirements for conducting background checks on
applicants for the issuance and renewal of certification as a fire
safety inspector in accordance with section 109.578 of the Revised
Code.

(C)(1) The executive director, with the advice and counsel of
the firefighter and fire safety inspector training committee of
the state board of emergency medical, fire, and transportation
services, shall issue or renew an instructor certificate to teach
the training programs and continuing education classes regulated
by this section to any applicant that the executive director
determines meets the qualifications established in rules adopted
under division (B) of this section, and may take disciplinary
action against an instructor certificate holder or applicant in
accordance with rules adopted under division (B) of this section.

(2) On and after the effective date of this amendment April
6, 2023, the executive director shall not require certification
issue to any new applicant a certificate to practice as an
assistant fire instructor and shall not adopt or enforce rules or
issue a certificate regarding the position of assistant fire
instructor. Any assistant fire instructor certificate that was
issued in accordance with rules adopted under division (B) of this
section prior to the effective date of this amendment April 6,
2023, remains valid until the expiration date of the certificate,
subject to any conditions or responsibilities of retaining the
validity of that certificate, until the holder of the certificate
allows it to expire or lapse. The certificate shall not may be
renewed by the holder of that certificate. The executive director
shall adopt, amend, or rescind rules in accordance with Chapter
119. of the Revised Code in order to effectuate division (C)(2) of
this section.

(3) The executive director, with the advice and counsel of
the committee, shall charter or renew the charter of any training
program that the executive director determines meets the
qualifications established in rules adopted under division (B) of this section, and may take disciplinary action against the holder of a charter in accordance with rules adopted under division (B) of this section.

(D) The executive director shall issue or renew a fire training certificate for a firefighter, a fire safety inspector, or another position of any fire training certification level approved by the executive director, to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section and may take disciplinary actions against a certificate holder or applicant in accordance with rules adopted under division (B) of this section.

(E) Certificates issued under this section shall be on a form prescribed by the executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services.

(F)(1) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall establish criteria for evaluating the standards maintained by the branches of the United States military for firefighter, fire safety inspector, and fire instructor training programs, and other training programs recognized by the executive director, to determine whether the standards are equivalent to those established under this section and shall establish requirements and procedures for issuing a certificate to each person who presents proof to the executive director of having satisfactorily completed a training program that meets those standards.

(2) The executive director, with the committee's advice and counsel, shall adopt rules establishing requirements and
procedures for issuing a fire training certificate in lieu of completing a chartered training program.

(G) Notwithstanding any requirement for a certificate issued under this section, the executive director shall issue a certificate in accordance with Chapter 4796. of the Revised Code to an individual if either of the following applies:

1. The individual holds a license or certificate in another state.

2. The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a firefighter or fire safety inspector in a state that does not issue that license or certificate.

(H) Nothing in this section invalidates any other section of the Revised Code relating to the fire training academy. Section 4765.11 of the Revised Code does not affect any powers and duties granted to the executive director under this section.

(I) Notwithstanding any provision of division (B)(4) of this section to the contrary, the executive director shall not adopt rules for refusing to issue any of the certificates or charters regulated by this section to an applicant because of a criminal conviction unless the rules establishing grounds and procedures for refusal are in accordance with section 9.79 of the Revised Code.

Sec. 4781.17. (A) Each person applying for a manufactured housing dealer's license or manufactured housing broker's license shall complete and deliver to the department of commerce, division of real estate, before the first day of April, a separate application for license for each county in which the business of selling or brokering manufactured or mobile homes is to be conducted. The application shall be in the form prescribed by the
division of real estate and accompanied by the fee established by the division of real estate. The applicant shall sign and swear to the application that shall include all of the following:

1. Name of applicant and location of principal place of business;

2. Name or style under which business is to be conducted and, if a corporation, the state of incorporation;

3. Name and address of each owner or partner and, if a corporation, the names of the officers and directors;

4. The county in which the business is to be conducted and the address of each place of business therein;

5. A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that is sufficient to establish to the satisfaction of the division of real estate the reputation in business of the applicant;

6. A statement showing whether the applicant has previously applied for a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, and the result of the application, and whether the applicant has ever been the holder of any such license that was revoked or suspended;

7. If the applicant is a corporation or partnership, a statement showing whether any partner, employee, officer, or director has been refused a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor
vehicle salesperson's license, or has been the holder of any such license that was revoked or suspended;

(8) Any other information required by the division of real estate.

(B) Each person applying for a manufactured housing salesperson's license shall complete and deliver to the division of real estate before the first day of July an application for license. The application shall be in the form prescribed by the division of real estate and shall be accompanied by the fee established by the division. The applicant shall sign and swear to the application that shall include all of the following:

(1) Name and post-office address of the applicant;
(2) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant intends to act as salesperson;
(3) A statement of the applicant's previous history, record, and association, that is sufficient to establish to the satisfaction of the division of real estate the applicant's reputation in business;
(4) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson;
(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended;
(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or
manufactured housing broker whose license was suspended or revoked;

(7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson;

(8) Any other information required by the division of real estate.

(C) Any application for a manufactured housing dealer or manufactured housing broker delivered to the division of real estate under this section also shall be accompanied by a photograph, as prescribed by the division, of each place of business operated, or to be operated, by the applicant.

(D) The division of real estate shall deposit all license fees into the state treasury to the credit of the manufactured homes regulatory real estate operating fund created under section 4735.211 of the Revised Code.

(E) Notwithstanding any provision of this chapter to the contrary, the division shall issue a manufactured housing dealer's license or manufactured housing broker's license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a manufactured housing dealer or manufactured housing broker in a state that does not issue that license.

Section 110.21. That the existing versions of sections 173.21, 917.09, 1321.64, 3301.071, 3319.088, 3319.22, 3319.26, 3319.27, 3319.303, 3704.14, 3737.83, 3781.10, 3781.102, 4735.07, 4735.09, 4755.411, 4755.45, 4755.451, 4755.482, 4763.05, 4765.11,
4765.55, and 4781.17 of the Revised Code that are scheduled to take effect December 29, 2023, are hereby repealed.

Section 110.22. Sections 110.20 and 110.21 of this act take effect December 29, 2023.

Section 110.30. That the version of section 4717.09 of the Revised Code that is scheduled to take effect December 31, 2024, be amended to read as follows:

Sec. 4717.09. (A) Every two years, licensed embalmers and funeral directors shall attend not less than twelve hours of educational programs as a condition for renewal of their licenses. The board of embalmers and funeral directors shall adopt rules governing the administration and enforcement of the continuing education requirements of this section. The board may contract with a professional organization or association or other third party to assist it in performing functions necessary to administer and enforce the continuing education requirements of this section. A professional organization or association or other third party with whom the board so contracts may charge a reasonable fee for performing these functions to licensees or to the persons who provide continuing education programs.

(B) A person holding both an embalmer's license and a funeral director's license need meet only the continuing education requirements established by the board for one or the other of those licenses in order to satisfy the requirement of division (A) of this section.

(C) A person holding a courtesy card permit issued under section 4717.10 of the Revised Code is not required to satisfy the continuing education requirements specified in division (A) of this section as a condition of renewal of the permit.
(D) A crematory operator shall maintain an active certification from a national crematory operator certification program and register the certificate with the board as a condition for renewal of the permit.

(E) The board shall not renew the license of a licensee who fails to meet the continuing education requirements of this section and who has not been granted an exemption under division (F) or (G) of this section.

(F) Any licensee who fails to meet the continuing education requirements of this section because of undue hardship or disability, or who is not actively engaged in the practice of funeral directing or embalming in this state, may apply to the board for an exemption.

(G) Any licensee who has been an embalmer or funeral director for not less than fifty years and who is not actively in charge and ultimately responsible for a funeral home or embalming facility in this state may apply to the board for an exemption from the continuing education requirements specified in division (A) of this section.

(H) The board shall not authorize an individual to act as a crematory operator, if the permit of an individual who fails to satisfy the certification requirement of division (D) of this section.

Section 110.31. That the existing version of section 4717.09 of the Revised Code that are scheduled to take effect December 31, 2024, are hereby repealed.

Section 110.32. Sections 110.30 and 110.31 of this act take effect December 31, 2024.

Section 125.10. That the versions of sections 4717.01,
4717.02, 4717.03, 4717.04, 4717.06, 4717.07, 4717.08, 4717.11, 4717.13, 4717.15, 4717.36, and 4717.41 of the Revised Code that are scheduled to take effect December 31, 2024, are hereby repealed.

**Section 130.10.** That sections 121.02, 121.03, 121.35, 121.37, 121.40, 3109.15, 3109.16, 3109.17, 3109.179, 5101.34, 5101.341, and 5101.342 be amended and sections 5180.01 and 5180.02 of the Revised Code be enacted to read as follows:

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

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

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

(C) The department of administrative services, which shall be administered by the director of administrative services;

(D) The department of transportation, which shall be administered by the director of transportation;

(E) The department of agriculture, which shall be administered by the director of agriculture;

(F) The department of natural resources, which shall be administered by the director of natural resources;

(G) The department of health, which shall be administered by the director of health;

(H) The department of job and family services, which shall be administered by the director of job and family services;

(I) Until July 1, 1997, the department of liquor control children and youth, which shall be administered by the director of
liquor control children and youth;

(J) The department of public safety, which shall be administered by the director of public safety;

(K) The department of mental health and addiction services, which shall be administered by the director of mental health and addiction services;

(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;

(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;

(N) The department of development, which shall be administered by the director of development;

(O) The department of youth services, which shall be administered by the director of youth services;

(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction;

(Q) The environmental protection agency, which shall be administered by the director of environmental protection;

(R) The department of aging, which shall be administered by the director of aging;

(S) The department of veterans services, which shall be administered by the director of veterans services;

(T) The department of medicaid, which shall be administered by the medicaid director.

The director of each department shall exercise the powers and perform the duties vested by law in such department.

Sec. 121.03. The following administrative department heads
shall be appointed by the governor, with the advice and consent of the senate, and shall hold their offices during the term of the appointing governor, and are subject to removal at the pleasure of the governor.

(A) The director of budget and management;
(B) The director of commerce;
(C) The director of transportation;
(D) The director of agriculture;
(E) The director of job and family services;
(F) Until July 1, 1997, the director of liquor control children and youth;
(G) The director of public safety;
(H) The superintendent of insurance;
(I) The director of development;
(J) The tax commissioner;
(K) The director of administrative services;
(L) The director of natural resources;
(M) The director of mental health and addiction services;
(N) The director of developmental disabilities;
(O) The director of health;
(P) The director of youth services;
(Q) The director of rehabilitation and correction;
(R) The director of environmental protection;
(S) The director of aging;
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;  
(V) The chancellor of higher education;  
(W) The medicaid director.

Sec. 121.35. (A) Subject to division (B) of this section, the following state agencies shall collaborate to revise and make more uniform the eligibility standards and eligibility determination procedures of programs the state agencies administer:

(1) The department of aging;  
(2) The department of development services agency;  
(3) The department of developmental disabilities;  
(4) The department of education;  
(5) The department of health;  
(6) The department of job and family services;  
(7) The department of medicaid;  
(8) The department of mental health and addiction services;  
(9) The opportunities for Ohioans with disabilities agency;  
(10) The department of children and youth.

(B) In revising eligibility standards and eligibility determination procedures, a state agency shall not make any program's eligibility standards or eligibility determination procedures inconsistent with state or federal law. To the extent authorized by state and federal law, the revisions may provide for the state agencies to share administrative operations.

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

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

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

(a) Advise and make recommendations to the governor and
general assembly regarding the provision of services to children;

(b) Advise and assess local governments on the coordination
of service delivery to children;

(c) Hold meetings at such times and places as may be
prescribed by the council's procedures and maintain records of the
meetings, except that records identifying individual children are
confidential and shall be disclosed only as provided by law;

(d) Develop programs and projects, including pilot projects,
to encourage coordinated efforts at the state and local level to
improve the state's social service delivery system;

(e) Enter into contracts with and administer grants to county
family and children first councils, as well as other county or
multicounty organizations to plan and coordinate service delivery
between state agencies and local service providers for families.
and children;

(f) Enter into contracts with and apply for grants from federal agencies or private organizations;

(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;

(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;

(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;

(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;

(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.

(3) The cabinet council shall provide for the following:

(a) Reviews of service and treatment plans for children for which such reviews are requested;

(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;
(c) Monitoring and supervision of a statewide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health for early intervention services under the "Individuals with Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended.

(4) The cabinet council shall develop and implement the following:

(a) An interagency process to select the indicators that will be used to measure progress toward increasing child well-being in the state and to update the indicators on an annual basis. The indicators shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood.

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

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

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

(B)(1) Each board of county commissioners shall establish a county family and children first council. The board may invite any local public or private agency or group that funds, advocates, or provides services to children and families to have a representative become a permanent or temporary member of its
county council. Each county council must include the following individuals:

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

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

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

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

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

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

(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which
shall notify each board of county commissioners of its
determination at least biennially;

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

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

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

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

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

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

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

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

The cabinet council shall establish a state appeals process
to resolve disputes among the members of a county council
concerning whether reasonable responsibilities as members are
being shared. The appeals process may be accessed only by a
majority vote of the council members who are required to serve on
The county's juvenile court judge senior in service or another judge of the juvenile court designated by the administrative judge or, where there is no administrative judge, by the judge senior in service shall serve as the judicial advisor to the county family and children first council. The judge may advise the county council on the court's utilization of resources, services, or programs provided by the entities represented by the members of the county council and how those resources, services, or programs assist the court in its administration of justice. Service of a judge as a judicial advisor pursuant to this section is a judicial function.

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

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

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

(c) Participation in the development of a countywide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health for early intervention services under the " Individuals with Disabilities Education Act of 2004";
(d) Maintenance of an accountability system to monitor the county council's progress in achieving results for families and children;

(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system.

(3) A county council shall develop and implement the following:

(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county;

(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood and take into account the indicators established by the cabinet council under division (A)(4)(a) of this section.

(c) An annual plan that identifies the county's interagency efforts to increase child well-being in the county.

On an annual basis, the county council shall submit a report on the status of efforts by the county to increase child well-being in the county to the county's board of county commissioners and the cabinet council. This report shall be made available to any other person on request.

(4)(a) Except as provided in division (B)(4)(b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to
those rules or agreements.

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

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

A county council's administrative agent shall serve as the council's appointing authority for any employees of the council. The council shall file an annual budget with its administrative
agent, with copies filed with the county auditor and with the board of county commissioners, unless the board is serving as the council's administrative agent. The council's administrative agent shall ensure that all expenditures are handled in accordance with policies, procedures, and activities prescribed by state departments in rules or interagency agreements that are applicable to the council's functions.

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

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

(i) Enter into agreements or administer contracts with public or private entities to fulfill specific council business. Such agreements and contracts are exempt from the competitive bidding requirements of section 307.86 of the Revised Code if they have been approved by the county council and they are for the purchase
of family and child welfare or child protection services or other social or job and family services for families and children. The approval of the county council is not required to exempt agreements or contracts entered into under section 5139.34, 5139.41, or 5139.43 of the Revised Code from the competitive bidding requirements of section 307.86 of the Revised Code.

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

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

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

(ii) The executive committee may, with the approval of the board, hire an executive director to assist the county council in administering its powers and duties. The executive director shall serve in the unclassified civil service at the pleasure of the
executive committee. The executive director may, with the approval of the executive committee, hire other employees as necessary to properly conduct the county council's business.

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

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

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

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

An agreement, plan, or decision for which a statement is
required to be submitted to the board shall be implemented only if it is approved by the board.

(C) Each county shall develop a county service coordination mechanism. The county service coordination mechanism shall serve as the guiding document for coordination of services in the county. For children who also receive services under the help me grow program, the service coordination mechanism shall be consistent with rules adopted by the department of health under section 3701.61 of the Revised Code. All family service coordination plans shall be developed in accordance with the county service coordination mechanism. The mechanism shall be developed and approved with the participation of the county entities representing child welfare; developmental disabilities; alcohol, drug addiction, and mental health services; health; juvenile judges; education; the county family and children first council; and the county early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004." The county shall establish an implementation schedule for the mechanism. The cabinet council may monitor the implementation and administration of each county's service coordination mechanism.

Each mechanism shall include all of the following:

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

(2) A procedure ensuring that a family and all appropriate staff from involved agencies, including a representative from the appropriate school district, are notified of and invited to participate in all family service coordination plan meetings;
(3) A procedure that permits a family to initiate a meeting to develop or review the family's service coordination plan and allows the family to invite a family advocate, mentor, or support person of the family's choice to participate in any such meeting;

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

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

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

(7) A procedure for assessing the needs and strengths of any child or family that has been referred to the council for service coordination, including a child whose parent or custodian is voluntarily seeking services, and for ensuring that parents and custodians are afforded the opportunity to participate;
(8) A procedure for development of a family service coordination plan described in division (D) of this section;

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

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

Nothing in division (C)(4) of this section shall be interpreted as overriding or affecting decisions of a juvenile court regarding an out-of-home placement, long-term placement, or emergency out-of-home placement.

(D) Each county shall develop a family service coordination plan that does all of the following:
(1) Designates service responsibilities among the various state and local agencies that provide services to children and their families, including children who are abused, neglected, dependent, unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services;

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

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

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

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

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

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

(a) Designation of the person or agency to conduct the assessment of the child and the child's family as described in division (C)(7) of this section and designation of the instrument or instruments to be used to conduct the assessment;
(b) An emphasis on the personal responsibilities of the child and the parental responsibilities of the parents, guardian, or custodian of the child;

(c) Involvement of local law enforcement agencies and officials.

(2) The method to divert a child from the juvenile court system that must be included in the service coordination process may include, but is not limited to, the following:

(a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system;

(b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system;

(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian;

(d) A program to provide a mentor to the child or the parents, guardian, or custodian;

(e) A program to provide parenting education to the parents, guardian, or custodian;

(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school;

(g) Other appropriate measures, including, but not limited
to, any alternative methods to divert a child from the juvenile court system that are identified by the Ohio family and children first cabinet council.

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

Sec. 121.40. (A) There is hereby created the Ohio commission on service and volunteerism consisting of nineteen voting members including the superintendent of public instruction or the superintendent's designee, the chancellor of higher education or the chancellor's designee, the director of youth services or the director's designee, the director of aging or the director's designee, and fifteen members who shall be appointed by the governor with the advice and consent of the senate and who shall serve terms of office of three years. The appointees shall include educators, including teachers and administrators; representatives of youth organizations; students and parents; representatives of organizations engaged in volunteer program development and management throughout the state, including youth and conservation programs; and representatives of business, government, nonprofit organizations, social service agencies, veterans organizations, religious organizations, or philanthropies that support or encourage volunteerism within the state. The director of the governor's office of faith-based and community initiatives shall serve as a nonvoting ex officio member of the commission. Members of the commission shall receive no compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.
(B) The commission shall appoint an executive director for the commission, who shall be in the unclassified civil service. The governor shall be informed of the appointment of an executive director before such an appointment is made. The executive director shall supervise the commission's activities and report to the commission on the progress of those activities. The executive director shall do all things necessary for the efficient and effective implementation of the duties of the commission.

The responsibilities assigned to the executive director do not relieve the members of the commission from final responsibility for the proper performance of the requirements of this section.

(C) The commission or its designee shall do all of the following:

(1) Employ, promote, supervise, and remove all employees as needed in connection with the performance of its duties under this section and may assign duties to those employees as necessary to achieve the most efficient performance of its functions, and to that end may establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission. Personnel employed by the commission who are subject to Chapter 4117. of the Revised Code shall retain all of their rights and benefits conferred pursuant to that chapter. Nothing in this chapter shall be construed as eliminating or interfering with Chapter 4117. of the Revised Code or the rights and benefits conferred under that chapter to public employees or to any bargaining unit.

(2) Maintain its office in Columbus, and may hold sessions at any place within the state;

(3) Acquire facilities, equipment, and supplies necessary to house the commission, its employees, and files and records under
its control, and to discharge any duty imposed upon it by law. The
expense of these acquisitions shall be audited and paid for in the
same manner as other state expenses. For that purpose, the
commission shall prepare and submit to the office of budget and
management a budget for each biennium according to sections
101.532 and 107.03 of the Revised Code. The budget submitted shall
cover the costs of the commission and its staff in the discharge
of any duty imposed upon the commission by law. The commission
shall not delegate any authority to obligate funds.

(4) Pay its own payroll and other operating expenses from
line items designated by the general assembly;

(5) Retain its fiduciary responsibility as appointing
authority. Any transaction instructions shall be certified by the
appointing authority or its designee.

(6) Establish the overall policy and management of the
commission in accordance with this chapter;

(7) Assist in coordinating and preparing the state
application for funds under sections 101 to 184 of the "National
U.S.C.A. 12411 to 12544, as amended, assist in administering and
overseeing the "National and Community Service Trust Act of 1993,"
P.L. 103-82, 107 Stat. 785, and the americorps program in this
state, and assist in developing objectives for a comprehensive
strategy to encourage and expand community service programs
throughout the state;

(8) Assist the state board of education, school districts,
the chancellor of higher education, and institutions of higher
education in coordinating community service education programs
through cooperative efforts between institutions and organizations
in the public and private sectors;

(9) Assist the departments of natural resources, youth
services, aging, and job and family services, and children and youth in coordinating community service programs through cooperative efforts between institutions and organizations in the public and private sectors;

(10) Suggest individuals and organizations that are available to assist school districts, institutions of higher education, and the departments of natural resources, youth services, aging, and job and family services, and children and youth in the establishment of community service programs and assist in investigating sources of funding for implementing these programs;

(11) Assist in evaluating the state's efforts in providing community service programs using standards and methods that are consistent with any statewide objectives for these programs and provide information to the state board of education, school districts, the chancellor of higher education, institutions of higher education, and the departments of natural resources, youth services, aging, and job and family services, and children and youth to guide them in making decisions about these programs;

(12) Assist the state board of education in complying with section 3301.70 of the Revised Code and the chancellor of higher education in complying with division (B)(2) of section 3333.043 of the Revised Code.

(D) The commission shall in writing enter into an agreement with another state agency to serve as the commission's fiscal agent. Before entering into such an agreement, the commission shall inform the governor of the terms of the agreement and of the state agency designated to serve as the commission's fiscal agent. The fiscal agent shall be responsible for all the commission's fiscal matters and financial transactions, as specified in the agreement. Services to be provided by the fiscal agent include, but are not limited to, the following:
(1) Preparing and processing payroll and other personnel documents that the commission executes as the appointing authority;

(2) Maintaining ledgers of accounts and reports of account balances, and monitoring budgets and allotment plans in consultation with the commission; and

(3) Performing other routine support services that the fiscal agent considers appropriate to achieve efficiency.

(E)(1) The commission, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters:

(a) Sole authority to draw funds for any and all federal programs in which the commission is authorized to participate;

(b) Sole authority to expend funds from their accounts for programs and any other necessary expenses the commission may incur and its subgrantees may incur; and

(c) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions.

(2) The commission shall follow all state procurement, fiscal, human resources, statutory, and administrative rule requirements.

(3) The fiscal agent shall determine fees to be charged to the commission, which shall be in proportion to the services performed for the commission.

(4) The commission shall pay fees owed to the fiscal agent from a general revenue fund of the commission or from any other fund from which the operating expenses of the commission are paid. Any amounts set aside for a fiscal year for the payment of these fees shall be used only for the services performed for the commission by the fiscal agent in that fiscal year.
The commission may accept and administer grants from any source, public or private, to carry out any of the commission's functions this section establishes.

Sec. 3109.15. There is hereby created within the department of job and family services children and youth the children's trust fund board consisting of fifteen members. The directors of mental health and addiction services, health, and job and family services children and youth shall be members of the board. Eight public members shall be appointed by the governor. These members shall be persons with demonstrated knowledge in programs for children, shall be representative of the demographic composition of this state, and, to the extent practicable, shall be representative of the following categories: the educational community; the legal community; the social work community; the medical community; the voluntary sector; and professional providers of child abuse and child neglect services. Two members of the board shall be members of the house of representatives appointed by the speaker of the house of representatives and shall be members of two different political parties. Two members of the board shall be members of the senate appointed by the president of the senate and shall be members of two different political parties. All members of the board appointed by the speaker of the house of representatives or the president of the senate shall serve until the expiration of the sessions of the general assembly during which they were appointed. They may be reappointed to an unlimited number of successive terms of two years at the pleasure of the speaker of the house of representatives or president of the senate. Public members shall serve terms of three years. Each member shall serve until the member's successor is appointed, or until a period of sixty days has elapsed, whichever occurs first. No public member may serve more than two consecutive full terms. All vacancies on the board shall be filled for the balance of the unexpired term in
the same manner as the original appointment.

Any member of the board may be removed by the member's appointing authority for misconduct, incompetency, or neglect of duty after first being given the opportunity to be heard in the member's own behalf. Pursuant to section 3.17 of the Revised Code, a member, except a member of the general assembly or a judge of any court in the state, who fails to attend at least three-fifths of the regular and special meetings held by the board during any two-year period forfeits the member's position on the board.

Each member of the board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of official duties.

At the beginning of the first year of each even-numbered general assembly, the chairperson of the board shall be appointed by the speaker of the house of representatives from among members of the board who are members of the house of representatives. At the beginning of the first year of each odd-numbered general assembly, the chairperson of the board shall be appointed by the president of the senate from among the members of the board who are senate members.

The board shall biennially select a vice-chair from among its nonlegislative members.

Sec. 3109.16. (A) The children's trust fund board, upon the recommendation of the director of job and family services children and youth, shall approve the employment of an executive director who will administer the programs of the board.

(B) The department of job and family services children and youth shall provide budgetary, procurement, accounting, and other related management functions for the board and may adopt rules in accordance with Chapter 119. of the Revised Code for these
purposes. An amount not to exceed three per cent of the total amount of fees deposited in the children's trust fund in each fiscal year may be used for costs directly related to these administrative functions of the department. Each fiscal year, the board shall approve a budget for administrative expenditures for the next fiscal year.

(C) The board may request that the department adopt rules the board considers necessary for the purpose of carrying out the board's responsibilities under this section, and the department may adopt those rules. The department may, after consultation with the board and the executive director, adopt any other rules to assist the board in carrying out its responsibilities under this section. In either case, the rules shall be adopted under Chapter 119. of the Revised Code.

(D) The board shall meet at least quarterly at the call of the chairperson to conduct its official business. All business transactions of the board shall be conducted in public meetings. Eight members of the board constitute a quorum. A majority of the quorum is required to make all decisions of the board.

(E) With respect to funding, all of the following apply:

(1) The board may apply for and accept federal and other funds for the purpose of funding child abuse and child neglect prevention programs.

(2) The board may solicit and accept gifts, money, and other donations from any public or private source, including individuals, philanthropic foundations or organizations, corporations, or corporation endowments.

(3) The board may develop private-public partnerships to support the mission of the children's trust fund.

(4) The acceptance and use of federal and other funds shall not entail any commitment or pledge of state funds, nor obligate
the general assembly to continue the programs or activities for which the federal and other funds are made available.

(5) All funds received in the manner described in this section shall be transmitted to the treasurer of state, who shall credit them to the children's trust fund created in section 3109.14 of the Revised Code.

Sec. 3109.17. (A) The children's trust fund board shall establish a strategic plan for child abuse and child neglect prevention. The plan shall be transmitted to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives and shall be made available to the general public.

(B) In developing and carrying out the strategic plan, the children's trust fund board shall, in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code, do all of the following:

(1) Ensure that an opportunity exists for assistance through child abuse and child neglect prevention programs to persons throughout the state of various social and economic backgrounds;

(2) Allocate funds to entities for the purpose of funding child abuse and child neglect prevention programs that have statewide significance and that have been approved by the children's trust fund board;

(3) Provide for the monitoring of expenditures from the children's trust fund and of programs that receive money from the children's trust fund;

(4) Establish reporting requirements for both of the following:

(a) Regional child abuse and child neglect prevention councils, including deadlines for the submission of the progress
and annual reports required under section 3107.172 of the Revised Code;

(b) Children's advocacy centers, including deadlines for the submission of reports required under section 3107.178 of the Revised Code.

(5) Collaborate with appropriate persons and government entities and facilitate the exchange of information among those persons and entities for the purpose of child abuse and child neglect prevention;

(6) Provide for the education of the public and professionals for the purpose of child abuse and child neglect prevention.

(C) The children's trust fund board shall prepare a report for each fiscal biennium that delineates the expenditure of money from the children's trust fund. On or before January 1, 2002, and on or before the first day of January of a year that follows the end of a fiscal biennium of this state, the board shall file a copy of the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives.

(D) The children's trust fund board shall develop a list of all state and federal sources of funding that might be available for establishing, operating, or establishing and operating a children's advocacy center under sections 2151.425 to 2151.428 of the Revised Code. The board periodically shall update the list as necessary. The board shall maintain, or provide for the maintenance of, the list at an appropriate location. That location may be the offices of the department of children and youth. The board shall provide the list upon request to any children's advocacy center or to any person or entity identified in section 2151.426 of the Revised Code as a person or entity that may participate in the establishment of a children's
advocacy center.

Sec. 3109.179. (A) The department of job and family services children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code regarding all of the following:

(1) Operation requirements for child abuse and child neglect regional prevention councils;

(2) The manner in which boards of county commissioners are to appoint council members;

(3) The form and manner by which councils are to submit regional prevention plans.

(B) The department may adopt rules in accordance with Chapter 119. of the Revised Code regarding the following:

(1) Duties of council members;

(2) Duties of regional prevention coordinators;

(3) Any other rules necessary to implement sections 3109.13 to 3109.178 of the Revised Code.

(C) The department shall consult with the children's trust fund board and the board's executive director regarding all rules adopted under this section.

Sec. 5101.34. (A) There is hereby created in the department of job and family services children and youth the Ohio commission on fatherhood. The commission shall consist of the following members:

(1)(a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party. Two of the members must be from legislative districts that include a county or part of a county that is among the one-third of counties in this state with the
highest number per capita of households headed by females.

(b) Two members of the senate appointed by the president of the senate, each from a different political party. One of the members must be from a legislative district that includes a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.

(2) The governor, or the governor's designee;

(3) One representative of the judicial branch of government appointed by the chief justice of the supreme court;

(4) The directors of health, job and family services children and youth, rehabilitation and correction, mental health and addiction services, and youth services and the superintendent of public instruction, or their designees;

(5) One representative of the Ohio family and children first cabinet council created under section 121.37 of the Revised Code appointed by the chairperson of the council;

(6) Five representatives of the general public appointed by the governor. These members shall have extensive experience in issues related to fatherhood.

(B) The appointing authorities of the Ohio commission on fatherhood shall make initial appointments to the commission within thirty days after September 29, 1999. Of the initial appointments to the commission made pursuant to divisions (A)(3), (5), and (6) of this section, three of the members shall serve a term of one year and four shall serve a term of two years. Members so appointed shall serve two-year terms. A member appointed pursuant to division (A)(1) of this section shall serve on the commission until the end of the general assembly from which the member was appointed or until the member ceases to serve in the chamber of
the general assembly in which the member serves at the time of appointment, whichever occurs first. The governor or the governor's designee shall serve on the commission until the governor ceases to be governor. The directors and superintendent or their designees shall serve on the commission until they cease, or the director or superintendent a designee represents ceases, to be director or superintendent. Each member shall serve on the commission from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed.

Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall serve on the commission for the remainder of that term. A member shall continue to serve on the commission subsequent to the expiration date of the member's term until the member's successor is appointed or until a period of sixty days has elapsed, whichever occurs first. Members shall serve without compensation but shall be reimbursed for necessary expenses.

**Sec. 5101.341.** (A) The Ohio commission on fatherhood shall elect a chairperson from among its members in every odd-numbered year.

(B) The governor shall appoint an individual to serve as the commission's executive director. The executive director shall serve at the pleasure of the governor and shall report to the director of job and family services children and youth or the director's designee.

The governor shall fix the executive director's salary on the basis of the executive director's experience and the executive director's responsibilities and duties. The executive director shall be in the unclassified civil service.
The department of job and family services children and youth shall provide staff and other support services as necessary for the commission to fulfill its duties.

(C) The commission may accept gifts, grants, donations, contributions, benefits, and other funds from any public agency or private source to carry out any or all of the commission's duties. The funds shall be deposited into the Ohio commission on fatherhood fund, which is hereby created in the state treasury. All gifts, grants, donations, contributions, benefits, and other funds received by the commission pursuant to this division shall be used solely to support the operations of the commission.

Sec. 5101.342. The Ohio commission on fatherhood shall do both of the following:

(A) Organize a state summit on fatherhood every four years;

(B) Prepare a report each year that does the following:

(1) Identifies resources available to fund fatherhood-related programs and explores the creation of initiatives to do the following:

(a) Build the parenting skills of fathers;

(b) Provide employment-related services for low-income, noncustodial fathers;

(c) Prevent premature fatherhood;

(d) Provide services to fathers who are inmates in or have just been released from imprisonment in a state correctional institution, as defined in section 2967.01 of the Revised Code, or in any other detention facility, as defined in section 2921.01 of the Revised Code, so that they are able to maintain or reestablish their relationships with their families;

(e) Reconcile fathers with their families;
(f) Increase public awareness of the critical role fathers play.

(2) Describes the commission's expectations for the outcomes of fatherhood-related programs and initiatives and the methods the commission uses for conducting annual measures of those outcomes.

(C) The portion of the report prepared pursuant to division (B)(2) of this section shall be prepared by the commission in collaboration with the director of children and youth.

(D) The commission shall submit each report prepared pursuant to division (B) of this section to the president and minority leader of the senate, speaker and minority leader of the house of representatives, governor, and chief justice of the supreme court. The first report is due not later than one year after the last of the initial appointments to the commission is made under section 5101.341 of the Revised Code.

Sec. 5180.01. (A) The department of children and youth shall serve as the state's primary children's services agency and shall facilitate and coordinate the delivery of children's services in this state, including, but not limited to, those related to adoption, child care, child welfare, early childhood education, early intervention, foster care, home visiting, infant and early childhood mental consultation, and preschool special education.

(B) For purposes of this chapter and in addition to the services described in division (A) of this section, children's services include, but are not limited to, one or more government programs focused on any of the following:

(1) Adoption, child welfare, and foster care services;

(2) Early identification and intervention regarding behavioral health, including, but not limited to, early
intervention services, early childhood mental health initiatives, multi-system youth services, and family support services administered through the Ohio family and children first cabinet council, Ohio commission on fatherhood, and children's trust fund board;

(3) Early learning and education, including, but not limited to, child care and preschool licensing, early learning assessments, head start, preschool special education, publicly funded child care, and the step up to quality program;

(4) Maternal and child physical health, including, but not limited to, infant vitality, home visiting, maternal and child health, maternal and infant support, and Medicaid-funded child health services.

Sec. 5180.02. (A) The director of children and youth is the chief executive of and appointing authority for the department of children and youth. In this role, the director shall administer the department and implement the delivery in this state of children's services, including by doing all of the following:

(1) Adopting as necessary rules in accordance with Chapter 119. of the Revised Code and section 111.15 of the Revised Code;

(2) Approving and entering into contracts, agreements, and other business arrangements on behalf of the department;

(3) Making as necessary appointments to the department and approving actions related to departmental employees and officers, including their hiring, promotion, termination, discipline, or investigation;

(4) Administering the department and directing the performance of its employees and officers;

(5) Applying for grants available under federal law or from other federal, state, or private sources and allocating.
disbursing, or accounting for any funds awarded;

(6) Any other action as necessary to carry out the purposes of this chapter.

(B) Whenever by law a duty is imposed on or an action is required of the department, the director or director's designee shall fulfill the duty or perform the action.

(C) The director may organize the department for its efficient operation, including by creating as necessary any divisions or offices within it. The director also may establish procedures for the governance of the department, the conduct of its employees and officers, the performance of its business, and the custody, use, and preservation of departmental books, documents, papers, property, and records.

(D) If the director issues any directive governing the delivery in this state of children's services, each state and local agency involved in the delivery of those services shall comply with the directive and collaborate with the department.

Section 130.11. That existing sections 121.02, 121.03, 121.35, 121.37, 121.40, 3109.15, 3109.16, 3109.17, 3109.179, 5101.34, 5101.341, and 5101.342 of the Revised Code are hereby repealed.

3107.033, 3107.034, 3107.035, 3107.051, 3107.081, 3107.083,
3107.09, 3107.091, 3107.10, 3107.101, 3107.12, 3107.13, 3107.141,
3107.17, 3107.39, 3109.172, 3109.174, 3109.401, 3301.079,
3301.0714, 3301.0715, 3301.0723, 3301.15, 3301.30, 3301.311,
3301.32, 3301.50, 3301.53, 3301.55, 3301.56, 3301.57, 3301.58,
3301.59, 3301.94, 3313.64, 3313.646, 3314.03, 3314.06, 3314.08,
3323.022, 3323.20, 3323.32, 3325.06, 3325.07, 3701.507, 3701.61,
3701.611, 3701.612, 3701.613, 3701.614, 3701.63, 3701.64, 3701.66,
3701.67, 3701.671, 3701.68, 3701.78, 3701.80, 3701.95, 3701.951,
3701.952, 3701.953, 3701.97, 3705.32, 3705.36, 3705.40, 3737.22,
3742.32, 3781.06, 3781.10, 3798.01, 4112.12, 5101.09, 5101.11,
5101.111, 5101.12, 5101.13, 5101.132, 5101.134, 5101.135, 5101.14,
5101.141, 5101.142, 5101.143, 5101.145, 5101.146, 5101.147,
5101.148, 5101.1410, 5101.1411, 5101.1412, 5101.1413, 5101.1414,
5101.1417, 5101.1418, 5101.15, 5101.183, 5101.19, 5101.191,
5101.193, 5101.194, 5101.21, 5101.214, 5101.216, 5101.22,
5101.221, 5101.23, 5101.24, 5101.243, 5101.244, 5101.25, 5101.26,
5101.27, 5101.29, 5101.32, 5101.35, 5101.37, 5101.46, 5101.47,
5101.76, 5101.77, 5101.78, 5101.80, 5101.801, 5101.802, 5101.803,
5101.804, 5101.83, 5101.851, 5101.853, 5101.855, 5101.856,
5101.881, 5101.885, 5101.8811, 5103.02, 5103.03, 5103.031,
5103.032, 5103.033, 5103.034, 5103.036, 5103.037, 5103.038,
5103.0310, 5103.0312, 5103.0313, 5103.0314, 5103.0315, 5103.0316,
5103.0317, 5103.0319, 5103.0320, 5103.0321, 5103.0322, 5103.0323,
5103.0325, 5103.0326, 5103.0328, 5103.0329, 5103.04, 5103.05,
5103.051, 5103.07, 5103.08, 5103.11, 5103.12, 5103.13, 5103.131,
5103.14, 5103.151, 5103.152, 5103.155, 5103.16, 5103.163, 5103.17,
5103.18, 5103.181, 5103.21, 5103.22, 5103.232, 5103.233, 5103.30,
5103.303, 5103.32, 5103.33, 5103.34, 5103.35, 5103.36, 5103.362,
5103.363, 5103.38, 5103.39, 5103.391, 5103.40, 5103.41, 5103.42,
5103.50, 5103.51, 5103.52, 5103.53, 5103.54, 5103.58, 5103.59,
5103.602, 5103.603, 5103.6010, 5103.6011, 5103.6015, 5103.6017,
5103.6018, 5103.611, 5103.612, 5103.615, 5103.617, 5104.01, 105997
5104.013, 5104.015, 5104.016, 5104.017, 5104.018, 5104.019, 105998
5104.0111, 5104.0112, 5104.02, 5104.021, 5104.022, 5104.03, 105999
5104.034, 5104.038, 5104.04, 5104.041, 5104.042, 5104.043, 106000
5104.05, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 5104.08, 106001
5104.081, 5104.10, 5104.12, 5104.13, 5104.14, 5104.21, 5104.211, 106002
5104.22, 5104.25, 5104.29, 5104.30, 5104.301, 5104.31, 5104.32, 106003
5104.33, 5104.34, 5104.36, 5104.38, 5104.382, 5104.39, 5104.42, 106004
5104.44, 5107.24, 5123.02, 5123.024, 5123.026, 5123.0421, 106005
5123.0422, 5123.0423, 5139.39, 5153.01, 5153.111, 5153.113, 106006
5153.121, 5153.122, 5153.123, 5153.124, 5153.14, 5153.16, 106007
5153.163, 5153.166, 5153.17, 5153.175, 5153.20, 5153.21, 5153.22, 106008
5153.27, 5153.29, 5153.30, 5153.32, 5153.35, 5153.36, 5153.38, 106009
5153.49, 5153.52, 5160.011, 5162.11, 5162.135, 5164.15, 5166.01, 106010
and 5167.16 be amended; sections 3301.90 (5104.50), 3701.61 (5180.21), 106011
3701.611 (5180.22), 3701.612 (5180.23), 3701.613 (5180.24), 106012
3701.614 (5180.25), 3701.63 (5180.14), 3701.64 (5180.15), 106013
3701.66 (5180.16), 3701.67 (5180.17), 3701.671 (5180.18), 106014
3701.68 (5180.10), 3701.95 (5180.20), 3701.951 (5180.11), 106015
3701.952 (5180.19), 3701.953 (5180.13), 3701.97 (5180.12), 106016
3701.9524 (5180.31), 5123.0421 (5180.32), 5123.0422 (5180.34), 106017
5123.0423 (5180.33) be amended for the purpose of adopting new section numbers as indicated in parentheses; and sections 5104.51, 5104.52, and 5180.30 of the Revised Code be enacted to read as follows:

Sec. 9.55. (A) As used in this section, "state agency" means the house of representatives, the senate, the governor, the secretary of state, the auditor of state, the treasurer of state, the attorney general, the department of job and family services, the department of commerce, the department of developmental disabilities, the department of education, the department of
health, the department of aging, the department of children and youth, the governor's office of advocacy for disabled persons, and the civil rights commission.

(B) Each state agency shall install in its offices at least one teletypewriter designed to receive printed messages from and transmit printed messages to deaf or hearing-impaired persons.

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

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

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

1. The following members appointed by the governor:
   1. One individual who is a medical researcher with experience researching rare diseases;
   2. One individual who represents an academic research institution in this state that receives funding for rare disease research;
   3. One individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who has experience researching, diagnosing, and treating rare diseases;
   4. One individual authorized under Chapter 4723. of the Revised Code to practice nursing as a registered nurse who has experience providing nursing care to patients with rare diseases;
   5. One individual authorized under Chapter 4778. of the Revised Code to provide services to individuals with disabilities who has experience working with individuals with rare diseases;

2. The following members appointed by the governor, the department of aging, the department of children and youth, the governor's office of advocacy for disabled persons, and the civil rights commission:

   a. One individual who is a medical researcher with experience researching rare diseases;
   b. One individual who represents an academic research institution in this state that receives funding for rare disease research;
   c. One individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who has experience researching, diagnosing, and treating rare diseases;
   d. One individual authorized under Chapter 4723. of the Revised Code to practice nursing as a registered nurse who has experience providing nursing care to patients with rare diseases;
   e. One individual authorized under Chapter 4778. of the Revised Code to provide services to individuals with disabilities who has experience working with individuals with rare diseases;
Revised Code to practice as a genetic counselor who is currently practicing at a children's hospital;

(f) Three members of the public who are living with a rare disease or represent an individual living with a rare disease;

(g) One representative of a national organization representing patients with a rare disease;

(h) One representative of a rare disease foundation operating in this state;

(i) Two representatives of the department of health, one of whom is a representative of the children with medical handicaps program;

(j) One representative of the department of medicaid;

(k) One representative of the department of insurance;

(l) One representative of the department of children and youth;

(m) One representative of the commission on minority health;

(m) One representative of the Ohio hospital association;

(n) One representative of Ohio health insurers;

(o) One representative of bioOhio;

(p) One representative of the association of Ohio health commissioners;

(q) One representative of the pharmaceutical research and manufacturers of America.

(2) The following members appointed by the president of the senate:

(a) Two members of the senate, one from the majority party and one from the minority party;

(b) Three members of the public, one of whom is recommended
by the minority leader of the senate.

(3) The following members appointed by the speaker of the house of representatives:

(a) Two members of the house of representatives, one from the majority party and one from the minority party;

(b) Three members of the public, one of whom is recommended by the minority leader of the house of representatives.

(4) The governor or the governor's designee.

(D)(1) Not later than April 23, 2021, initial appointments shall be made to the council. Thereafter, appointments shall be made every two years, not later than thirty days after the commencement of the first regular session of each general assembly.

(2) Each member shall serve on the council until appointments are made following the commencement of the next general assembly. Members may be reappointed; however, no member shall serve more than four consecutive terms on the council.

(E) Prior to the expiration of each term, the council shall prepare and submit a report to the general assembly detailing the following:

(1) The coordination of statewide efforts for studying the incidence of rare diseases in this state;

(2) The council's findings and recommendations regarding rare disease research and care in this state;

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

(F) The council shall annually select from among its members a chairperson or co-chairpersons.
(G) The council shall meet at the call of the chairperson, but not less than quarterly. A majority of the members of the council shall constitute a quorum. The chairperson shall provide members with at least five days written notice of all meetings.

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

Sec. 109.65. (A) As used in this section, "minor," "missing child," and "missing children" have the same meanings as in section 2901.30 of the Revised Code.

(B) There is hereby created within the office of the attorney general the missing children clearinghouse. The attorney general shall administer the clearinghouse. The clearinghouse is established as a central repository of information to coordinate and improve the availability of information regarding missing children, which information shall be collected and disseminated by the clearinghouse to assist in the location of missing children. The clearinghouse shall act as an information repository separate from and in addition to law enforcement agencies within this state.

(C) The missing children clearinghouse may perform any of the following functions:

(1) The establishment of services to aid in the location of missing children that include, but are not limited to, any of the following services:

(a) Assistance in the preparation and dissemination of flyers identifying and describing missing children and their abductors;

(b) The development of informational forms for the reporting
of missing children that may be used by parents, guardians, and law enforcement officials to facilitate the location of a missing child;

(c) The provision of assistance to public and private organizations, boards of education, nonpublic schools, preschools, child care facilities, and law enforcement agencies in planning and implementing voluntary programs to fingerprint children.

(2) The establishment and operation of a toll-free telephone line for supplemental reports of missing children and reports of sightings of missing children;

(3) Upon the request of any person or entity and upon payment of any applicable fee established by the attorney general under division (H) of this section, the provision to the person or entity who makes the request of a copy of any information possessed by the clearinghouse that was acquired or prepared pursuant to division (E)(3) of this section;

(4) The performance of liaison services between individuals and public and private agencies regarding procedures for handling and responding to missing children reports;

(5) The participation as a member in any networks of other missing children centers or clearinghouses;

(6) The creation and operation of an intrastate network of communication designed for the speedy collection and processing of information concerning missing children.

(D) If a board of education is notified by school personnel that a missing child is attending any school under the board's jurisdiction, or if the principal or chief administrative officer of a nonpublic school is notified by school personnel that a missing child is attending that school, the board or the principal or chief administrative officer immediately shall give notice of that fact to the missing children clearinghouse and to the law enforcement officials.
(E)(1) The attorney general, in cooperation with the department of children and family services youth, shall establish a "missing child educational program" within the missing children clearinghouse that shall perform the functions specified in divisions (E)(1) to (3) of this section. The program shall operate under the supervision and control of the attorney general in accordance with procedures that the attorney general shall develop to implement divisions (E)(1) to (3) of this section. The attorney general shall cooperate with the department of education in developing and disseminating information acquired or prepared pursuant to division (E)(3) of this section.

(2) Upon the request of any board of education in this state or any nonpublic school in this state that, pursuant to section 3313.96 of the Revised Code, is developing an information program concerning missing children issues and matters, the missing child educational program shall provide to the board or nonpublic school assistance in developing the information program. The assistance may include, but is not limited to, the provision of any or all of the following:

(a) If the requesting entity is a board of education of a school district, sample policies on missing and exploited children issues to assist the board in complying with section 3313.205 of the Revised Code;

(b) Suggested safety curricula regarding missing children
issues, including child safety and abduction prevention issues;

(c) Assistance in developing, with local law enforcement agencies, prosecuting attorneys, boards of education, school districts, and nonpublic schools, cooperative programs for fingerprinting children;

(d) Other assistance to further the goals of the program.

(3) The missing child educational program shall acquire or prepare informational materials relating to missing children issues and matters. These issues and matters include, but are not limited to, the following:

(a) The types of missing children;

(b) The reasons why and how minors become missing children, the potential adverse consequences of a minor becoming a missing child, and, in the case of minors who are considering running away from home or from the care, custody, and control of their parents, parent who is the residential parent and legal custodian, guardian, legal custodian, or another person responsible for them, alternatives that may be available to address their concerns and problems;

(c) Offenses under federal law that could relate to missing children and other provisions of federal law that focus on missing children;

(d) Offenses under the Revised Code that could relate to missing children, including, but not limited to, kidnapping, abduction, unlawful restraint, child stealing, interference with custody, endangering children, domestic violence, abuse of a child and contributing to the dependency, neglect, unruliness, or delinquency of a child, sexual offenses, drug offenses, prostitution offenses, and obscenity offenses, and other provisions of the Revised Code that could relate to missing children;
(e) Legislation being considered by the general assembly, legislatures of other states, the congress of the United States, and political subdivisions in this or any other state to address missing children issues;

(f) Sources of information on missing children issues;

(g) State, local, federal, and private systems for locating and identifying missing children;

(h) Law enforcement agency programs, responsibilities, and investigative techniques in missing children matters;

(i) Efforts on the community level in this and other states, concerning missing children issues and matters, by governmental entities and private organizations;

(j) The identification of private organizations that, among their primary objectives, address missing children issues and matters;

(k) How to avoid becoming a missing child and what to do if one becomes a missing child;

(l) Efforts that schools, parents, and members of a community can undertake to reduce the risk that a minor will become a missing child and to quickly locate or identify a minor if he becomes a missing child, including, but not limited to, fingerprinting programs.

(F) Each year the missing children clearinghouse shall issue a report describing its performance of the functions specified in division (E) of this section and shall provide a copy of the report to the speaker of the house of representatives, the president of the senate, the governor, the superintendent of the bureau of criminal identification and investigation, and the director of job children and family services youth.

(G) Any state agency or political subdivision of this state...
that operates a missing children program or a clearinghouse for information about missing children shall coordinate its activities with the missing children clearinghouse.

(H) The attorney general shall determine a reasonable fee to be charged for providing to any person or entity other than a state or local law enforcement agency of this or any other state, a law enforcement agency of the United States, a board of education of a school district in this state, a nonpublic school in this state, a governmental entity in this state, or a public library in this state, pursuant to division (A)(3) of this section, copies of any information acquired or prepared pursuant to division (E)(3) of this section. The attorney general shall collect the fee prior to sending or giving copies of any information to any person or entity for whom or which this division requires the fee to be charged and shall deposit the fee into the missing children fund created by division (I) of this section.

(I) There is hereby created in the state treasury the missing children fund that shall consist of all moneys awarded to the state by donation, gift, or bequest, all other moneys received for purposes of this section, and all fees collected pursuant to this section or section 109.64 of the Revised Code. The attorney general shall use the moneys in the missing children fund only for purposes of the office of the attorney general acquiring or preparing information pursuant to division (E)(3) of this section.

(J) The failure of the missing children clearinghouse to undertake any function or activity authorized in this section does not create a cause of action against the state.

Sec. 109.746. (A) The attorney general may prepare public awareness programs that are designed to educate potential victims of violations of section 2905.32 of the Revised Code and their
families of the risks of becoming a victim of a violation of that section. The attorney general may prepare these programs with assistance from the department of health, the department of mental health and addiction services, the department of job and family services, the department of children and youth, and the department of education.

(B) Any organization, person, or other governmental agency with an interest and expertise in trafficking in persons may submit information or materials to the attorney general regarding the preparation of the programs and materials permitted under this section. The attorney general, in developing the programs and materials permitted by this section, shall consider any information submitted pursuant to this division.

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

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

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

(a) Advise and make recommendations to the governor and
    general assembly regarding the provision of services to children;

(b) Advise and assess local governments on the coordination
    of service delivery to children;

(c) Hold meetings at such times and places as may be
    prescribed by the council's procedures and maintain records of the
    meetings, except that records identifying individual children are
    confidential and shall be disclosed only as provided by law;

(d) Develop programs and projects, including pilot projects,
    to encourage coordinated efforts at the state and local level to
    improve the state's social service delivery system;

(e) Enter into contracts with and administer grants to county
    family and children first councils, as well as other county or
    multicounty organizations to plan and coordinate service delivery
    between state agencies and local service providers for families
    and children;

(f) Enter into contracts with and apply for grants from
    federal agencies or private organizations;

(g) Enter into interagency agreements to encourage
    coordinated efforts at the state and local level to improve the
    state's social service delivery system. The agreements may include
    provisions regarding the receipt, transfer, and expenditure of
    funds;

(h) Identify public and private funding sources for services
    provided to alleged or adjudicated unruly children and children
    who are at risk of being alleged or adjudicated unruly children,
    including regulations governing access to and use of the services;

(i) Collect information provided by local communities
    regarding successful programs for prevention, intervention, and
treatment of unruly behavior, including evaluations of the programs;

(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;

(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.

(3) The cabinet council shall provide for the following:

(a) Reviews of service and treatment plans for children for which such reviews are requested;

(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;

(c) Monitoring and supervision of a statewide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health children and youth for early intervention services under the "Individuals with Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended.

(4) The cabinet council shall develop and implement the following:

(a) An interagency process to select the indicators that will be used to measure progress toward increasing child well-being in the state and to update the indicators on an annual basis. The indicators shall focus on expectant parents and newborns thriving;
infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood.

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

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

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

(B)(1) Each board of county commissioners shall establish a county family and children first council. The board may invite any local public or private agency or group that funds, advocates, or provides services to children and families to have a representative become a permanent or temporary member of its county council. Each county council must include the following individuals:

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

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

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

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

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

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

(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its determination at least biennially;

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

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

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

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

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

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

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

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

The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a county's board of county commissioners.

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

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

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

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

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

(d) Maintenance of an accountability system to monitor the county council's progress in achieving results for families and children;

(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system.

(3) A county council shall develop and implement the following:

(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county;

(b) An interagency process to identify local priorities to
increase child well-being. The local priorities shall focus on
expectant parents and newborns thriving; infants and toddlers
thriving; children being ready for school; children and youth
succeeding in school; youth choosing healthy behaviors; and youth
successfully transitioning into adulthood and take into account
the indicators established by the cabinet council under division
(A)(4)(a) of this section.

(c) An annual plan that identifies the county's interagency
efforts to increase child well-being in the county.

On an annual basis, the county council shall submit a report
on the status of efforts by the county to increase child
well-being in the county to the county's board of county
commissioners and the cabinet council. This report shall be made
available to any other person on request.

(4)(a) Except as provided in division (B)(4)(b) of this
section, a county council shall comply with the policies,
procedures, and activities prescribed by the rules or interagency
agreements of a state department participating on the cabinet
council whenever the county council performs a function subject to
those rules or agreements.

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

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

A county council's administrative agent shall serve as the council's appointing authority for any employees of the council. The council shall file an annual budget with its administrative agent, with copies filed with the county auditor and with the board of county commissioners, unless the board is serving as the council's administrative agent. The council's administrative agent shall ensure that all expenditures are handled in accordance with policies, procedures, and activities prescribed by state departments in rules or interagency agreements that are applicable to the council's functions.

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

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

(i) Enter into agreements or administer contracts with public or private entities to fulfill specific council business. Such agreements and contracts are exempt from the competitive bidding requirements of section 307.86 of the Revised Code if they have been approved by the county council and they are for the purchase of family and child welfare or child protection services or other social or job and family services for families and children. The approval of the county council is not required to exempt agreements or contracts entered into under section 5139.34, 5139.41, or 5139.43 of the Revised Code from the competitive bidding requirements of section 307.86 of the Revised Code.

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

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

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

(ii) The executive committee may, with the approval of the board, hire an executive director to assist the county council in administering its powers and duties. The executive director shall serve in the unclassified civil service at the pleasure of the executive committee. The executive director may, with the approval of the executive committee, hire other employees as necessary to properly conduct the county council's business.

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

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

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

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

An agreement, plan, or decision for which a statement is required to be submitted to the board shall be implemented only if it is approved by the board.

(C) Each county shall develop a county service coordination mechanism. The county service coordination mechanism shall serve as the guiding document for coordination of services in the county. For children who also receive services under the help me grow program, the service coordination mechanism shall be consistent with rules adopted by the department of health under section 3701.61 5180.21 of the Revised Code. All family service coordination plans shall be developed in accordance with the county service coordination mechanism. The mechanism shall be developed and approved with the participation of the county entities representing child welfare; developmental disabilities; alcohol, drug addiction, and mental health services; health;
juvenile judges; education; the county family and children first council; and the county early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004." The county shall establish an implementation schedule for the mechanism. The cabinet council may monitor the implementation and administration of each county's service coordination mechanism.

Each mechanism shall include all of the following:

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

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

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

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

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

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

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

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

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

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

Nothing in division (C)(4) of this section shall be interpreted as overriding or affecting decisions of a juvenile court regarding an out-of-home placement, long-term placement, or emergency out-of-home placement.

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

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

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

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

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

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

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

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

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

(b) An emphasis on the personal responsibilities of the child and the parental responsibilities of the parents, guardian, or custodian of the child;

(c) Involvement of local law enforcement agencies and officials.

(2) The method to divert a child from the juvenile court system that must be included in the service coordination process may include, but is not limited to, the following:

(a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system;
(b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system;

(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian;

(d) A program to provide a mentor to the child or the parents, guardian, or custodian;

(e) A program to provide parenting education to the parents, guardian, or custodian;

(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school;

(g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile court system that are identified by the Ohio family and children first cabinet council.

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

Sec. 131.33. (A) No state agency shall incur an obligation which exceeds the agency's current appropriation authority. Except as provided in division (D) of this section, unexpended balances of appropriations shall, at the close of the period for which the appropriations are made, revert to the funds from which the
appropriations were made, except that the director of budget and management shall transfer such unexpended balances from the first fiscal year to the second fiscal year of an agency's appropriations to the extent necessary for voided warrants to be reissued pursuant to division (C) of section 126.37 of the Revised Code.

Except as provided in this section, appropriations made to a specific fiscal year shall be expended only to pay liabilities incurred within that fiscal year.

(B) All payrolls shall be charged to the allotments of the fiscal quarters in which the applicable payroll vouchers are certified by the director of budget and management in accordance with section 126.07 of the Revised Code. As used in this division, "payrolls" means any payment made in accordance with section 125.21 of the Revised Code.

(C) Legal liabilities from prior fiscal years for which there is no reappropriation authority shall be discharged from the unencumbered balances of current appropriations.

(D)(1) Federal grant funds obligated by the department of job and family services or the department of children and youth for financial allocations to county family services agencies and local boards may, at the discretion of the director of job and family services or the director of children and youth, be available for expenditure for the duration of the federal grant period of obligation and liquidation, as follows:

(a) At the end of the state fiscal year, all unexpended county family services agency and local board financial allocations obligated from federal grant funds may continue to be valid for expenditure during subsequent state fiscal years.

(b) The financial allocations described in division (D)(1)(a) of this section shall be reconciled at the end of the federal
grant period of availability or as required by federal law, regardless of the state fiscal year of the appropriation.

(2) The director of job and family services and the director of children and youth may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to implement division (D) of this section.

(3) As used in division (D) of this section:

(a) "County family services agency" has the same meaning as in section 307.981 of the Revised Code.

(b) "Local board" has the same meaning as in section 6301.01 of the Revised Code.

Sec. 131.41. There is hereby created in the state treasury the family services stabilization fund. The fund shall consist of moneys deposited into it pursuant to acts of the general assembly. The director of budget and management, with advice from the director of job and family services or the director of children and youth, may transfer moneys in the family services stabilization fund to the general revenue fund for the department of job and family services or the department of children and youth. Moneys may be transferred due to identified shortfalls for family services activities, such as higher caseloads, federal funding changes, and unforeseen costs due to significant state policy changes. Before transfers are authorized, the director of budget and management shall exhaust the possibilities for transfers of moneys within the department of job and family services or the department of children and youth to meet the identified shortfall. Transfers shall not be used to fund policy changes not contemplated by acts of the general assembly. Any investment earnings of the family services stabilization fund shall be credited to that fund.
Sec. 135.79. As used in sections 135.79 to 135.796 of the Revised Code:

(A) "Eligible borrower" means an individual who is a resident of this state and to whom either of the following applies:

1. The individual completes a home study pursuant to section 3107.031 of the Revised Code and is approved.

2. The individual is pursuing an adoption through the public foster care system and meets the requirements set by the department of children and family services.

(B) "Eligible lending institution" means a financial institution that may make secured or unsecured personal loans, agrees to participate in the adoption linked deposit program, and is either of the following:

1. A public depository of state funds under section 135.03 of the Revised Code;

2. Notwithstanding sections 135.01 to 135.21 of the Revised Code, a federal credit union, a foreign credit union licensed pursuant to section 1733.39 of the Revised Code, or a credit union as defined in section 1733.01 of the Revised Code, located in this state.

(C) "Adoption linked deposit" means a certificate of deposit or other financial institution instrument placed by the treasurer of state with an eligible lending institution at a rate below current market rate, as determined and calculated by the treasurer of state, provided the institution agrees to lend the value of such deposit or instrument, according to the agreement provided in division (C) of section 135.793 of the Revised Code, to eligible borrowers at a rate that reflects an equal percentage rate reduction below the present borrowing rate applicable to each specific borrower at the time of the placement of state funds in...
the institution.

(D) "Other financial institution instrument" means a fully collateralized product that otherwise would pay market rates of interest approved by the treasurer of state.

(E) "Loan" means a contractual agreement under which an eligible lending institution agrees to lend money to an eligible borrower in the form of an upfront lump sum, a line of credit, or any other reasonable arrangement approved by the treasurer of state.

(F) "Qualifying adoption expense" means any expense incurred to legally adopt a child as described in division (C) of section 3107.055 of the Revised Code, including any costs incurred by the eligible borrower proximately relating to the completion and approval of the home study under section 3107.031 of the Revised Code, and any other expense as determined by the treasurer of state.

**Sec. 153.39.** If the plans, drawings, representations, bills of material, specifications of work, and estimates relate to the building of a children's home, they shall be submitted to the board of county commissioners and three citizens of the county, to be appointed by a resident judge of the court of common pleas, or a judge residing in the same subdivision of the judicial district. If approved by a majority of them, a copy thereof shall be deposited with the county auditor and kept by the auditor for the inspection of interested parties. Before such plans are adopted, they shall be submitted to the department of job children and family services youth for suggestions and criticism. The boards of counties composing a district for the purpose of establishing a district children's home, in letting contracts for the necessary buildings or the repair or alteration thereof, shall be governed by the law relating to letting contracts for erecting, repairing,
or altering other public buildings.

Sec. 307.98. As used in this section, "county grantee" has the same meaning as in section 5101.21 of the Revised Code.

Each board of county commissioners and each other county grantee of the county shall jointly enter into one or more written grant agreements with the director of job and family services or the director of children and youth in accordance with section 5101.21 of the Revised Code. The board of county commissioners shall enter into the agreement on behalf of the county family services agencies, other than a county family services agency that is a county grantee.

Sec. 307.981. (A)(1) As used in the Revised Code:

(a) "County family services agency" means all of the following:

(i) A child support enforcement agency;

(ii) A county department of job and family services;

(iii) A public children services agency.

(b) "Family services duty" means a duty state law requires or allows a county family services agency to assume, including financial and general administrative duties. "Family services duty" does not include a duty funded by the United States department of labor.

(2) As used in sections 307.981 to 307.989 of the Revised Code, "private entity" means an entity other than a government entity.

(B) To the extent permitted by federal law, including, when applicable, subpart F of 5 C.F.R. part 900, and subject to any limitations established by the Revised Code, including division (H) of this section, a board of county commissioners may designate
any private or government entity within this state to serve as any of the following:

1. A child support enforcement agency;
2. A county department of job and family services;
3. A public children services agency;
4. A county department of job and family services and one other of those county family services agencies;
5. All three of those county family services agencies.

(C) To the extent permitted by federal law, including, when applicable, subpart F of 5 C.F.R. part 900, and subject to any limitations of the Revised Code, including division (H) of this section, a board of county commissioners may change the designation it makes under division (B) of this section by designating another private or government entity.

(D) If a designation under division (B) or (C) of this section constitutes a change from the designation in a grant agreement between the director of job and family services, or the director of children and youth, and the board under sections 307.98 and 5101.21 of the Revised Code, the directors may require that the directors and board amend the grant agreement and that the board provide the directors written assurances that the newly designated private or government entity will meet or exceed all requirements of the family services duties the entity is to assume.

(E) Not less than sixty days before a board of county commissioners designates an entity under division (B) or (C) of this section, the board shall notify the director of job and family services and department of children and youth and publish notice in a newspaper of general circulation in the county of the board's intention to make the designation and reasons for the
designation.

(F) A board of county commissioners shall enter into a written contract with each entity it designates under division (B) or (C) of this section specifying the entity's responsibilities and standards the entity is required to meet.

(G) This section does not require a board of county commissioners to abolish the child support enforcement agency, county department of job and family services, or public children services agency serving the county on October 1, 1997, and designate a different private or government entity to serve as the county's child support enforcement agency, county department of job and family services, or public children services agency.

(H) If a county children services board appointed under section 5153.03 of the Revised Code serves as a public children services agency for a county, the board of county commissioners may not redesignate the public children services agency unless the board of county commissioners does all of the following:

(1) Notifies the county children services board of its intent to redesignate the public children services agency. In its notification, the board of county commissioners shall provide the county children services board a written explanation of the administrative, fiscal, or performance considerations causing the board of county commissioners to seek to redesignate the public children services agency.

(2) Provides the county children services board an opportunity to comment on the proposed redesignation before the redesignation occurs;

(3) If the county children services board, not more than sixty days after receiving the notice under division (H)(1) of this section, notifies the board of county commissioners that the county children services board has voted to oppose the
redesignation, votes unanimously to proceed with the redesignation.

Sec. 329.04. (A) The county department of job and family services shall have, exercise, and perform the following powers and duties:

(1) Perform any duties assigned by the state department of job and family services, department of children and youth, or department of medicaid regarding the provision of public family services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life:

(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code;

(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code;

(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.

(d) Duties assigned under section 5162.031 of the Revised Code.

(2) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law;

(3) Cooperate with state and federal authorities in any
matter relating to family services and to act as the agent of such authorities;

(4) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services, department of children and youth, and department of medicaid at the close of each fiscal year;

(5) Exercise any powers and duties relating to family services duties or workforce development activities imposed upon the county department of job and family services by law, by resolution of the board of county commissioners, or by order of the governor, when authorized by law, to meet emergencies during war or peace;

(6) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section 307.985, establish with the board procedures under section 307.986 for providing services to children whose families relocate frequently, and comply with the contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the county department;

(7) For the purpose of complying with a grant agreement the board of county commissioners enters into under sections 307.98 and 5101.21 of the Revised Code, exercise the powers and perform the duties the grant agreement assigns to the county department.

(B) The powers and duties of a county department of job and family services are, and shall be exercised and performed, under the control and direction of the board of county commissioners. The board may assign to the county department any power or duty of the board regarding family services duties and workforce development activities. If the new power or duty necessitates the state department of job and family services, department of
children and youth, or department of medicaid changing its federal
cost allocation plan, the county department may not implement the
power or duty unless the United States department of health and
human services approves the changes.

Sec. 2151.011. (A) As used in the Revised Code:

(1) "Juvenile court" means whichever of the following is
applicable that has jurisdiction under this chapter and Chapter
2152. of the Revised Code:

(a) The division of the court of common pleas specified in
section 2101.022 or 2301.03 of the Revised Code as having
jurisdiction under this chapter and Chapter 2152. of the Revised
Code or as being the juvenile division or the juvenile division
combined with one or more other divisions;

(b) The juvenile court of Cuyahoga county or Hamilton county
that is separately and independently created by section 2151.08 or
Chapter 2153. of the Revised Code and that has jurisdiction under
this chapter and Chapter 2152. of the Revised Code;

(c) If division (A)(1)(a) or (b) of this section does not
apply, the probate division of the court of common pleas.

(2) "Juvenile judge" means a judge of a court having
jurisdiction under this chapter.

(3) "Private child placing agency" means any association, as
defined in section 5103.02 of the Revised Code, that is certified
under section 5103.03 of the Revised Code to accept temporary,
permanent, or legal custody of children and place the children for
either foster care or adoption.

(4) "Private noncustodial agency" means any person,
organization, association, or society certified by the department
of children and family services youth that does not accept
temporary or permanent legal custody of children, that is
privately operated in this state, and that does one or more of the following:

(a) Receives and cares for children for two or more consecutive weeks;

(b) Participates in the placement of children in certified foster homes;

(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.

(B) As used in this chapter:

(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.

(2) "Adult" means an individual who is eighteen years of age or older.

(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.

(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.

(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.
(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.

(7) "Child day camp," "child care," "child day-care center," "part-time child day-care center," "type A family day-care home," "licensed type B family day-care home," "administrator of a child day-care center," "administrator of a type A family day-care home," and "in-home aide" have the same meanings as in section 5104.01 of the Revised Code.

(8) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of children and family services, department of developmental disabilities, or the early childhood programs of the department of education.

(9) "Commit" means to vest custody as ordered by the court.

(10) "Counseling" includes both of the following:

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional
illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

(11) "Custodian" means a person who has legal custody of a child or a public children services agency or private placing agency that has permanent, temporary, or legal custody of a child.

(12) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.

(13) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.

(14) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.

(15) "Differential response approach" means an approach that a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response.

(16) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(17) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

(18) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for thirty or more
consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year.

(19) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.

(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:

(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

(23) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.
(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

(25) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

(26) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(27) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.

(28) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, type B family day-care homes, child care provided by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, private, nonprofit therapeutic wilderness camps, public schools, chartered nonpublic schools, educational service centers, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children.

(29) "Out-of-home care child abuse" means any of the
following when committed by a person responsible for the care of a child in out-of-home care:

(a) Engaging in sexual activity with a child in the person's care;

(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;

(c) Use of restraint procedures on a child that cause injury or pain;

(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;

(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.

(30) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;

(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;

(c) Failure to develop a process for all of the following:

(i) Administration of prescription drugs or psychotropic drugs for the child;
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;

(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.

(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;

(e) Confinement of the child to a locked room without monitoring by staff;

(f) Failure to provide ongoing security for all prescription and nonprescription medication;

(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.

(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.

(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.

(33) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.

(34) "Person responsible for a child's care in out-of-home
"care" means any of the following:

(a) Any foster caregiver, in-home aide, or provider;
(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; licensed type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic;
(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;
(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

(35) "Physical impairment" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:
(a) A substantial impairment of vision, speech, or hearing;
(b) A congenital orthopedic impairment;
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.

(36) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.
(37) "Placement in foster care" means the arrangement by a
public children services agency or a private child placing agency
for the out-of-home care of a child of whom the agency has
temporary custody or permanent custody.

(38) "Planned permanent living arrangement" means an order of
a juvenile court pursuant to which both of the following apply:
(a) The court gives legal custody of a child to a public
children services agency or a private child placing agency without
the termination of parental rights.
(b) The order permits the agency to make an appropriate
placement of the child and to enter into a written agreement with
a foster care provider or with another person or agency with whom
the child is placed.

(39) "Practice of social work" and "practice of professional
counseling" have the same meanings as in section 4757.01 of the
Revised Code.

(40) "Private, nonprofit therapeutic wilderness camp" has the
same meaning as in section 5103.02 of the Revised Code.

(41) "Sanction, service, or condition" means a sanction,
service, or condition created by court order following an
adjudication that a child is an unruly child that is described in
division (A)(4) of section 2152.19 of the Revised Code.

(42) "Protective supervision" means an order of disposition
pursuant to which the court permits an abused, neglected,
dependent, or unruly child to remain in the custody of the child's
parents, guardian, or custodian and stay in the child's home,
subject to any conditions and limitations upon the child, the
child's parents, guardian, or custodian, or any other person that
the court prescribes, including supervision as directed by the
court for the protection of the child.

(43) "Psychiatrist" has the same meaning as in section
5122.01 of the Revised Code.

(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

(45) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(46) "Resource family" has the same meaning as in section 5103.02 of the Revised Code.

(47) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.

(48) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code and that provides care for a child.

(49) "Residential facility" means a home or facility that is licensed by the department of developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.

(50) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.

(51) "School day" means the school day established by the board of education of the applicable school district pursuant to section 3313.481 of the Revised Code.

(52) "School year" has the same meaning as in section 3313.62 of the Revised Code.
"Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.

"Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

"Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

"Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

"Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.

"Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.

(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.

Sec. 2151.152. The juvenile judge may enter into an agreement with the department of children and family services youth.
pursuant to section 5101.11 of the Revised Code for the purpose of reimbursing the court for foster care maintenance costs, associated administrative and training costs, and prevention services costs under the "Family First Prevention Services Act," Public Law 115-123, incurred on behalf of a child who is any of the following:

(A) Eligible for payments under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, and who is in the temporary or permanent custody of the court or subject to a disposition issued under division (A)(5) of section 2151.354 or division (A)(7)(a)(ii) or (A)(8) of section 2152.19 of the Revised Code;

(B) Determined to be at serious risk of removal from the home and for whom the court has undertaken a plan of reasonable efforts to prevent such removal;

(C) At imminent risk of removal from the home and is a sibling of a child in the temporary or permanent custody of the court.

The agreement shall govern the responsibilities and duties the court shall perform in providing services to the child.

Sec. 2151.281. (A) The court shall appoint a guardian ad litem, subject to rules adopted by the supreme court, to protect the interest of a child in any proceeding concerning an alleged or adjudicated delinquent child or unruly child when either of the following applies:

(1) The child has no parent, guardian, or legal custodian.

(2) The court finds that there is a conflict of interest between the child and the child's parent, guardian, or legal custodian.

(B)(1) Except as provided in division (K) of this section,
the court shall appoint a guardian ad litem, subject to rules adopted by the supreme court, to protect the interest of a child in any proceeding concerning an alleged abused or neglected child and in any proceeding held pursuant to section 2151.414 of the Revised Code. The guardian ad litem so appointed shall not be the attorney responsible for presenting the evidence alleging that the child is an abused or neglected child and shall not be an employee of any party in the proceeding.

(2) Except in any proceeding concerning a dependent child involving the permanent custody of an infant under the age of six months for the sole purpose of placement for adoption by a private child placing agency, the court shall appoint a guardian ad litem, subject to rules adopted by the supreme court, to protect the interest of a child in any proceeding concerning an alleged dependent child if any of the following applies:

(a) The parent of the child appears to be mentally incompetent or is under eighteen years of age.

(b) There is a conflict of interest between the child and the child's parents, guardian, or custodian.

(c) The court believes that the parent of the child is not capable of representing the best interest of the child.

(3) Except in any proceeding concerning a dependent child involving the permanent custody of an infant under the age of six months for the sole purpose of placement for adoption by a private child placing agency, the court may appoint a guardian ad litem, subject to rules adopted by the supreme court, to protect the interest of the child in any other proceeding concerning an alleged dependent child.

(4) The guardian ad litem appointed for an alleged or adjudicated abused or neglected child may bring a civil action against any person who is required by division (A)(1) or (4) of
section 2151.421 of the Revised Code to file a report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred if that person knows, or has reasonable cause to suspect or believe based on facts that would cause a reasonable person in a similar position to suspect or believe, as applicable, that the child for whom the guardian ad litem is appointed is the subject of child abuse or child neglect and does not file the required report and if the child suffers any injury or harm as a result of the child abuse or child neglect that is known or reasonably suspected or believed to have occurred or suffers additional injury or harm after the failure to file the report.

(C) In any proceeding concerning an alleged or adjudicated delinquent, unruly, abused, neglected, or dependent child in which the parent appears to be mentally incompetent or is under eighteen years of age, the court shall appoint a guardian ad litem to protect the interest of that parent.

(D) The court shall require the guardian ad litem to faithfully discharge the guardian ad litem's duties and, upon the guardian ad litem's failure to faithfully discharge the guardian ad litem's duties, shall discharge the guardian ad litem and appoint another guardian ad litem. The court may fix the compensation for the service of the guardian ad litem, which compensation shall be paid from the treasury of the county, subject to rules adopted by the supreme court.

(E) A parent who is eighteen years of age or older and not mentally incompetent shall be deemed sui juris for the purpose of any proceeding relative to a child of the parent who is alleged or adjudicated to be an abused, neglected, or dependent child.

(F) In any case in which a parent of a child alleged or adjudicated to be an abused, neglected, or dependent child is under eighteen years of age, the parents of that parent shall be
summoned to appear at any hearing respecting the child, who is
alleged or adjudicated to be an abused, neglected, or dependent
child.

(G) Except as provided in division (K) of this section, in
any case in which a guardian ad litem is to be appointed for an
alleged or adjudicated abused, neglected, or dependent child or in
any case involving an agreement for the voluntary surrender of
temporary or permanent custody of a child that is made in
accordance with section 5103.15 of the Revised Code, the court
shall appoint the guardian ad litem in each case as soon as
possible after the complaint is filed, the request for an
extension of the temporary custody agreement is filed with the
court, or the request for court approval of the permanent custody
agreement is filed. The guardian ad litem or the guardian ad
litem's replacement shall continue to serve until any of the
following occur:

(1) The complaint is dismissed or the request for an
extension of a temporary custody agreement or for court approval
of the permanent custody agreement is withdrawn or denied;

(2) All dispositional orders relative to the child have
terminated;

(3) The legal custody of the child is granted to a relative
of the child, or to another person;

(4) The child is placed in an adoptive home or, at the
court's discretion, a final decree of adoption is issued with
respect to the child;

(5) The child reaches the age of eighteen if the child does
not have a developmental disability or physical impairment or the
child reaches the age of twenty-one if the child has a
developmental disability or physical impairment;

(6) The guardian ad litem resigns or is removed by the court
and a replacement is appointed by the court.

If a guardian ad litem ceases to serve a child pursuant to division (G)(4) of this section and the petition for adoption with respect to the child is denied or withdrawn prior to the issuance of a final decree of adoption or prior to the date an interlocutory order of adoption becomes final, the juvenile court shall reappoint a guardian ad litem for that child. The public children services agency or private child placing agency with permanent custody of the child shall notify the juvenile court if the petition for adoption is denied or withdrawn.

(H) If the guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child is an attorney admitted to the practice of law in this state, the guardian ad litem also may serve as counsel to the ward. Until the supreme court adopts rules regarding service as a guardian ad litem that regulate conflicts between a person's role as guardian ad litem and as counsel, if a person is serving as guardian ad litem and counsel for a child and either that person or the court finds that a conflict may exist between the person's roles as guardian ad litem and as counsel, the court shall relieve the person of duties as guardian ad litem and appoint someone else as guardian ad litem for the child. If the court appoints a person who is not an attorney admitted to the practice of law in this state to be a guardian ad litem, the court also may appoint an attorney admitted to the practice of law in this state to serve as counsel for the guardian ad litem.

(I) The guardian ad litem for an alleged or adjudicated abused, neglected, or dependent child shall perform whatever functions are necessary to protect the best interest of the child, including, but not limited to, investigation, mediation, monitoring court proceedings, and monitoring the services provided the child by the public children services agency or private child placing agency that has temporary or permanent custody of the
child, and shall file any motions and other court papers that are in the best interest of the child in accordance with rules adopted by the supreme court.

The guardian ad litem shall be given notice of all hearings, administrative reviews, and other proceedings in the same manner as notice is given to parties to the action.

(J)(1) When the court appoints a guardian ad litem pursuant to this section, it shall appoint a qualified volunteer or court appointed special advocate whenever one is available and the appointment is appropriate.

(2) Upon request, the department of children and family services youth shall provide for the training of volunteer guardians ad litem.

(K) A guardian ad litem shall not be appointed for a child who is under six months of age in any proceeding in which a private child placing agency is seeking permanent custody of the child or seeking approval of a voluntary permanent custody surrender agreement for the sole purpose of the adoption of the child.

Sec. 2151.316. (A) The department of children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code to establish and enforce a foster youth bill of rights for individuals who are in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement or in the Title IV-E eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services and who are subject to out-of-home care or placed with a kinship caregiver as defined in section 5101.85 of the Revised Code.
(B) If the rights of an individual, as established under division (A) of this section, conflict with the rights of a resource family or resource caregiver, as established in section 5103.163 of the Revised Code, the rights of the individual shall preempt the rights of the resource family or resource caregiver.

(C) The rights established by rules under this section shall not create grounds for a civil action against the department, the recommending agency, or the custodial agency.

Sec. 2151.353. (A) If a child is adjudicated an abused, neglected, or dependent child, the court may make any of the following orders of disposition:

(1) Place the child in protective supervision;

(2) Commit the child to the temporary custody of any of the following:

(a) A public children services agency;

(b) A private child placing agency;

(c) Either parent;

(d) A relative residing within or outside the state;

(e) A probation officer for placement in a certified foster home;

(f) Any other person approved by the court.

(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a
statement of understanding for legal custody that contains at
least the following provisions:

(a) That it is the intent of the person to become the legal
custodian of the child and the person is able to assume legal
responsibility for the care and supervision of the child;

(b) That the person understands that legal custody of the
child in question is intended to be permanent in nature and that
the person will be responsible as the custodian for the child
until the child reaches the age of majority. Responsibility as
custodian for the child shall continue beyond the age of majority
if, at the time the child reaches the age of majority, the child
is pursuing a diploma granted by the board of education or other
governing authority, successful completion of the curriculum of
any high school, successful completion of an individualized
education program developed for the student by any high school, or
an age and schooling certificate. Responsibility beyond the age of
majority shall terminate when the child ceases to continuously
pursue such an education, completes such an education, or is
excused from such an education under standards adopted by the
state board of education, whichever occurs first.

(c) That the parents of the child have residual parental
rights, privileges, and responsibilities, including, but not
limited to, the privilege of reasonable visitation, consent to
adoption, the privilege to determine the child's religious
affiliation, and the responsibility for support;

(d) That the person understands that the person must be
present in court for the dispositional hearing in order to affirm
the person's intention to become legal custodian, to affirm that
the person understands the effect of the custodianship before the
court, and to answer any questions that the court or any parties
to the case may have.
(4) Commit the child to the permanent custody of a public children services agency or private child placing agency, if the court determines in accordance with division (E) of section 2151.414 of the Revised Code that the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with either parent and determines in accordance with division (D)(1) of section 2151.414 of the Revised Code that the permanent commitment is in the best interest of the child. If the court grants permanent custody under this division, the court, upon the request of any party, shall file a written opinion setting forth its findings of fact and conclusions of law in relation to the proceeding.

(5) Place the child in a planned permanent living arrangement with a public children services agency or private child placing agency, if a public children services agency or private child placing agency requests the court to place the child in a planned permanent living arrangement and if the court finds, by clear and convincing evidence, that a planned permanent living arrangement is in the best interest of the child, that the child is sixteen years of age or older, and that one of the following exists:

(a) The child, because of physical, mental, or psychological problems or needs, is unable to function in a family-like setting and must remain in residential or institutional care now and for the foreseeable future beyond the date of the dispositional hearing held pursuant to section 2151.35 of the Revised Code.

(b) The parents of the child have significant physical, mental, or psychological problems and are unable to care for the child because of those problems, adoption is not in the best interest of the child, as determined in accordance with division (D)(1) of section 2151.414 of the Revised Code, and the child retains a significant and positive relationship with a parent or relative.
(c) The child has been counseled on the permanent placement options available to the child, and is unwilling to accept or unable to adapt to a permanent placement.

(6) Order the removal from the child's home until further order of the court of the person who committed abuse as described in section 2151.031 of the Revised Code against the child, who caused or allowed the child to suffer neglect as described in section 2151.03 of the Revised Code, or who is the parent, guardian, or custodian of a child who is adjudicated a dependent child and order any person not to have contact with the child or the child's siblings.

(B)(1) When making a determination on whether to place a child in a planned permanent living arrangement pursuant to division (A)(5)(b) or (c) of this section, the court shall consider all relevant information that has been presented to the court, including information gathered from the child, the child's guardian ad litem, and the public children services agency or private child placing agency.

(2) A child who is placed in a planned permanent living arrangement pursuant to division (A)(5)(b) or (c) of this section shall be placed in an independent living setting or in a family setting in which the caregiver has been provided by the agency that has custody of the child with a notice that addresses the following:

(a) The caregiver understands that the planned permanent living arrangement is intended to be permanent in nature and that the caregiver will provide a stable placement for the child through the child's emancipation or until the court releases the child from the custody of the agency, whichever occurs first.

(b) The caregiver is expected to actively participate in the youth's independent living case plan, attend agency team meetings
and court hearings as appropriate, complete training, as developed and implemented under section 5103.035 of the Revised Code, related to providing the child independent living services, and assist in the child's transition into adulthood.

(3) The department of children and family services shall develop a model notice to be provided by an agency that has custody of a child to a caregiver under division (B)(2) of this section. The agency may modify the model notice to apply to the needs of the agency.

(C) No order for permanent custody or temporary custody of a child or the placement of a child in a planned permanent living arrangement shall be made pursuant to this section unless the complaint alleging the abuse, neglect, or dependency contains a prayer requesting permanent custody, temporary custody, or the placement of the child in a planned permanent living arrangement as desired, the summons served on the parents of the child contains as is appropriate a full explanation that the granting of an order for permanent custody permanently divests them of their parental rights, a full explanation that an adjudication that the child is an abused, neglected, or dependent child may result in an order of temporary custody that will cause the removal of the child from their legal custody until the court terminates the order of temporary custody or permanently divests the parents of their parental rights, or a full explanation that the granting of an order for a planned permanent living arrangement will result in the removal of the child from their legal custody if any of the conditions listed in divisions (A)(5)(a) to (c) of this section are found to exist, and the summons served on the parents contains a full explanation of their right to be represented by counsel and to have counsel appointed pursuant to Chapter 120. of the Revised Code if they are indigent.

If after making disposition as authorized by division (A)(2)
of this section, a motion is filed that requests permanent custody of the child, the court may grant permanent custody of the child to the movant in accordance with section 2151.414 of the Revised Code.

(D) If the court issues an order for protective supervision pursuant to division (A)(1) of this section, the court may place any reasonable restrictions upon the child, the child's parents, guardian, or custodian, or any other person, including, but not limited to, any of the following:

(1) Order a party, within forty-eight hours after the issuance of the order, to vacate the child's home indefinitely or for a specified period of time;

(2) Order a party, a parent of the child, or a physical custodian of the child to prevent any particular person from having contact with the child;

(3) Issue an order restraining or otherwise controlling the conduct of any person which conduct would not be in the best interest of the child.

(E) As part of its dispositional order, the court shall journalize a case plan for the child. The journalized case plan shall not be changed except as provided in section 2151.412 of the Revised Code.

(F)(1) The court shall retain jurisdiction over any child for whom the court issues an order of disposition pursuant to division (A) of this section or pursuant to section 2151.414 or 2151.415 of the Revised Code until the child attains the age of eighteen years if the child does not have a developmental disability or physical impairment, the child attains the age of twenty-one years if the child has a developmental disability or physical impairment, or the child is adopted and a final decree of adoption is issued, except that the court may retain jurisdiction over the child and
continue any order of disposition under division (A) of this section or under section 2151.414 or 2151.415 of the Revised Code for a specified period of time to enable the child to graduate from high school or vocational school. The court shall make an entry continuing its jurisdiction under this division in the journal.

(2) Any public children services agency, any private child placing agency, the department of job children and family services youth, or any party, other than any parent whose parental rights with respect to the child have been terminated pursuant to an order issued under division (A)(4) of this section, by filing a motion with the court, may at any time request the court to modify or terminate any order of disposition issued pursuant to division (A) of this section or section 2151.414 or 2151.415 of the Revised Code. The court shall hold a hearing upon the motion as if the hearing were the original dispositional hearing and shall give all parties to the action and the guardian ad litem notice of the hearing pursuant to the Juvenile Rules. If applicable, the court shall comply with section 2151.42 of the Revised Code.

(G) Any temporary custody order issued pursuant to division (A) of this section shall terminate one year after the earlier of the date on which the complaint in the case was filed or the child was first placed into shelter care, except that, upon the filing of a motion pursuant to section 2151.415 of the Revised Code, the temporary custody order shall continue and not terminate until the court issues a dispositional order under that section. In resolving the motion, the court shall not order an existing temporary custody order to continue beyond two years after the date on which the complaint was filed or the child was first placed into shelter care, whichever date is earlier, regardless of whether any extensions have been previously ordered pursuant to division (D) of section 2151.415 of the Revised Code.
(H)(1) No later than one year after the earlier of the date
the complaint in the case was filed or the child was first placed
in shelter care, a party may ask the court to extend an order for
protective supervision for six months or to terminate the order. A
party requesting extension or termination of the order shall file
a written request for the extension or termination with the court
and give notice of the proposed extension or termination in
writing before the end of the day after the day of filing it to
all parties and the child's guardian ad litem. If a public
children services agency or private child placing agency requests
termination of the order, the agency shall file a written status
report setting out the facts supporting termination of the order
at the time it files the request with the court. If no party
requests extension or termination of the order, the court shall
notify the parties that the court will extend the order for six
months or terminate it and that it may do so without a hearing
unless one of the parties requests a hearing. All parties and the
guardian ad litem shall have seven days from the date a notice is
sent pursuant to this division to object to and request a hearing
on the proposed extension or termination.

(a) If it receives a timely request for a hearing, the court
shall schedule a hearing to be held no later than thirty days
after the request is received by the court. The court shall give
notice of the date, time, and location of the hearing to all
parties and the guardian ad litem. At the hearing, the court shall
determine whether extension or termination of the order is in the
child's best interest. If termination is in the child's best
interest, the court shall terminate the order. If extension is in
the child's best interest, the court shall extend the order for
six months.

(b) If it does not receive a timely request for a hearing,
the court may extend the order for six months or terminate it
without a hearing and shall journalize the order of extension or
termination not later than fourteen days after receiving the
request for extension or termination or after the date the court
notifies the parties that it will extend or terminate the order. If
the court does not extend or terminate the order, it shall
schedule a hearing to be held no later than thirty days after the
expiration of the applicable fourteen-day time period and give
notice of the date, time, and location of the hearing to all
parties and the child's guardian ad litem. At the hearing, the
court shall determine whether extension or termination of the
order is in the child's best interest. If termination is in the
child's best interest, the court shall terminate the order. If
extension is in the child's best interest, the court shall issue
an order extending the order for protective supervision six
months.

(2) If the court grants an extension of the order for
protective supervision pursuant to division (H)(1) of this
section, a party may, prior to termination of the extension, file
with the court a request for an additional extension of six months
or for termination of the order. The court and the parties shall
comply with division (H)(1) of this section with respect to
extending or terminating the order.

(3) If a court grants an extension pursuant to division
(H)(2) of this section, the court shall terminate the order for
protective supervision at the end of the extension.

(I) The court shall not issue a dispositional order pursuant
to division (A) of this section that removes a child from the
child's home unless the court complies with section 2151.419 of
the Revised Code and includes in the dispositional order the
findings of fact required by that section.

(J) If a motion or application for an order described in
division (A)(6) of this section is made, the court shall not issue
the order unless, prior to the issuance of the order, it provides to the person all of the following:

(1) Notice and a copy of the motion or application;
(2) The grounds for the motion or application;
(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application;
(4) An opportunity to be represented by counsel at the hearing.

(K) The jurisdiction of the court shall terminate one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, the date of the latest further action subsequent to the award, if the court awards legal custody of a child to either of the following:

(1) A legal custodian who, at the time of the award of legal custody, resides in a county of this state other than the county in which the court is located;
(2) A legal custodian who resides in the county in which the court is located at the time of the award of legal custody, but moves to a different county of this state prior to one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, one year after the date of the latest further action subsequent to the award.

The court in the county in which the legal custodian resides then shall have jurisdiction in the matter.

Sec. 2151.3519. On receipt of a notice given pursuant to section 2151.3518 of the Revised Code that an emergency medical service organization, a law enforcement agency, or hospital has taken possession of a child and in accordance with rules of the department of job children and family services youth, a public children services agency shall do all of the following:
(A) Consider the child to be in need of public care and protective services;

(B) Accept and take emergency temporary custody of the child;

(C) Provide temporary emergency care for the child, without agreement or commitment;

(D) Make an investigation concerning the child;

(E) File a motion with the juvenile court of the county in which the agency is located requesting that the court grant temporary custody of the child to the agency or to a private child placing agency;

(F) Provide any care for the child that the public children services agency considers to be in the best interest of the child, including placing the child in shelter care;

(G) Provide any care and perform any duties that are required of public children services agencies under section 5153.16 of the Revised Code;

(H) Prepare and keep written records of the investigation of the child, of the care and treatment afforded the child, and any other records required by the department of job children and family services youth.

Sec. 2151.3534. (A) The director of job children and family services youth shall promulgate forms designed to gather pertinent medical information concerning a deserted child and the child's parents. The forms shall clearly and unambiguously state on each page that the information requested is to facilitate medical care for the child, that the forms may be fully or partially completed or left blank, that completing the forms or parts of the forms is completely voluntary, and that no adverse legal consequence will result from failure to complete any part of the forms.

(B) The director shall promulgate written materials to be
made available to the parents of a child delivered pursuant to section 2151.3516 of the Revised Code. The materials shall describe services available to assist parents and newborns and shall include information directly relevant to situations that might cause parents to desert a child and information on the procedures for a person to follow in order to reunite with a child the person delivered under section 2151.3516 of the Revised Code, including notice that the person will be required to submit to a DNA test, at that person's expense, to prove that the person is the parent of the child.

(C) If the department of job and family services determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed for its duties related to the putative father registry, the department may use surplus moneys in the fund for costs related to the development and publication of forms and materials promulgated pursuant to divisions (A) and (B) of this section.

Sec. 2151.3535. (A) The director of job children and family services youth shall distribute the medical information forms and written materials promulgated under section 2151.3534 of the Revised Code to entities permitted to receive a deserted child, to public children services agencies, and to other public or private agencies that, in the discretion of the director, are best able to disseminate the forms and materials to the persons who are most in need of the forms and materials.

The department of job children and family services youth shall develop an educational plan, in collaboration with the Ohio family and children first cabinet council, for informing at-risk populations who are most likely to voluntarily deliver a child under section 2151.3516 of the Revised Code concerning the provisions of sections 2151.3516 to 2151.3535 of the Revised Code.
(B) If the department of job and family services determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed to perform its duties related to the putative father registry, the department may use surplus moneys in the fund for costs related to the distribution of forms and materials pursuant to this section.

Sec. 2151.36. Except as provided in section 2151.361 of the Revised Code, when a child has been committed as provided by this chapter or Chapter 2152. of the Revised Code, the juvenile court shall issue an order pursuant to Chapters 3119., 3121., 3123., and 3125. of the Revised Code requiring that the parent, guardian, or person charged with the child's support pay for the care, support, maintenance, and education of the child. The juvenile court shall order that the parents, guardian, or person pay for the expenses involved in providing orthopedic, medical, or surgical treatment for, or for special care of, the child, enter a judgment for the amount due, and enforce the judgment by execution as in the court of common pleas.

Any expenses incurred for the care, support, maintenance, education, orthopedic, medical, or surgical treatment, and special care of a child who has a legal settlement in another county shall be at the expense of the county of legal settlement if the consent of the juvenile judge of the county of legal settlement is first obtained. When the consent is obtained, the board of county commissioners of the county in which the child has a legal settlement shall reimburse the committing court for the expenses out of its general fund. If the department of job children and family services considers it to be in the best interest of any delinquent, dependent, unruly, abused, or neglected child who has a legal settlement in a foreign state or country that the child be returned to the state or country of legal settlement, the juvenile court may commit the child to the department for the
Any expenses ordered by the court for the care, support, maintenance, education, orthopedic, medical, or surgical treatment, or special care of a dependent, neglected, abused, unruly, or delinquent child or of a juvenile traffic offender under this chapter or Chapter 2152. of the Revised Code, except the part of the expense that may be paid by the state or federal government or paid by the parents, guardians, or person charged with the child's support pursuant to this section, shall be paid from the county treasury upon specifically itemized vouchers, certified to by the judge. The court shall not be responsible for any expenses resulting from the commitment of children to any home, public children services agency, private child placing agency, or other institution, association, or agency, unless the court authorized the expenses at the time of commitment.

Sec. 2151.39. No person, association or agency, public or private, of another state, incorporated or otherwise, shall place a child in a family home or with an agency or institution within the boundaries of this state, either for temporary or permanent care or custody or for adoption, unless such person or association has furnished the department of children and family services youth with a medical and social history of the child, pertinent information about the family, agency, association, or institution in this state with whom the sending party desires to place the child, and any other information or financial guaranty required by the department to determine whether the proposed placement will meet the needs of the child. The department may require the party desiring the placement to agree to promptly receive and remove from the state a child brought into the state whose placement has not proven satisfactorily responsive to the needs of the child at any time until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the
department. All placements proposed to be made in this state by a party located in a state which is a party to the interstate compact for the placement of children shall be made according to the provisions of sections 5103.20 to 5103.22 of the Revised Code, or, if the interstate compact on the placement of children is in effect in this state, all placements proposed to be made in this state by a party located in a state that is a party to that compact shall be made according to the provisions of sections 5103.23 to 5103.237 of the Revised Code.

Sec. 2151.412. (A) Each public children services agency and private child placing agency shall prepare and maintain a case plan for any child to whom the agency is providing services and to whom any of the following applies:

(1) The agency filed a complaint pursuant to section 2151.27 of the Revised Code alleging that the child is an abused, neglected, or dependent child;

(2) The agency has temporary or permanent custody of the child;

(3) The child is living at home subject to an order for protective supervision;

(4) The child is in a planned permanent living arrangement.

Except as provided by division (A)(2) of section 5103.153 of the Revised Code, a private child placing agency providing services to a child who is the subject of a voluntary permanent custody surrender agreement entered into under division (B)(2) of section 5103.15 of the Revised Code is not required to prepare and maintain a case plan for that child.

(B) Each public children services agency shall prepare and maintain a case plan for any child for whom the agency is providing in-home services pursuant to an alternative response.
(C)(1) The director of children and family services youth shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the content and format of case plans required by division (A) of this section and establishing procedures for developing, implementing, and changing the case plans. The rules shall at a minimum comply with the requirements of Title IV-E of the "Social Security Act," 42 U.S.C. 670, et seq. (1980).

(2) The director of children and family services youth shall adopt rules pursuant to Chapter 119. of the Revised Code requiring public children services agencies and private child placing agencies to maintain case plans for children and their families who are receiving services in their homes from the agencies and for whom case plans are not required by division (A) of this section. The rules for public children services agencies shall include the requirements for case plans maintained for children and their families who are receiving services in their homes from public children services agencies pursuant to an alternative response. The agencies shall maintain case plans as required by those rules; however, the case plans shall not be subject to any other provision of this section except as specifically required by the rules.

(D) Each public children services agency and private child placing agency that is required by division (A) of this section to maintain a case plan shall file the case plan with the court prior to the child's adjudicatory hearing but no later than thirty days after the earlier of the date on which the complaint in the case was filed or the child was first placed into shelter care. If the agency does not have sufficient information prior to the adjudicatory hearing to complete any part of the case plan, the agency shall specify in the case plan the additional information necessary to complete each part of the case plan and the steps that will be taken to obtain that information. All parts of the
case plan shall be completed by the earlier of thirty days after
the adjudicatory hearing or the date of the dispositional hearing
for the child.

    (E) Any agency that is required by division (A) of this
section to prepare a case plan shall attempt to obtain an
agreement among all parties, including, but not limited to, the
parents, guardian, or custodian of the child and the guardian ad
litem of the child regarding the content of the case plan. If all
parties agree to the content of the case plan and the court
approves it, the court shall journalize it as part of its
dispositional order. If the agency cannot obtain an agreement upon
the contents of the case plan or the court does not approve it,
the parties shall present evidence on the contents of the case
plan at the dispositional hearing. The court, based upon the
evidence presented at the dispositional hearing and the best
interest of the child, shall determine the contents of the case
plan and journalize it as part of the dispositional order for the
child.

    (F)(1) All parties, including the parents, guardian, or
custodian of the child, are bound by the terms of the journalized
case plan. A party that fails to comply with the terms of the
journalized case plan may be held in contempt of court.

    (2) Any party may propose a change to a substantive part of
the case plan, including, but not limited to, the child's
placement and the visitation rights of any party. A party
proposing a change to the case plan shall file the proposed change
with the court and give notice of the proposed change in writing
before the end of the day after the day of filing it to all
parties and the child's guardian ad litem. All parties and the
guardian ad litem shall have seven days from the date the notice
is sent to object to and request a hearing on the proposed change.

    (a) If it receives a timely request for a hearing, the court


shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency may implement the proposed change after the hearing, if the court approves it. The agency shall not implement the proposed change unless it is approved by the court.

(b) If it does not receive a timely request for a hearing, the court may approve the proposed change without a hearing. If the court approves the proposed change without a hearing, it shall journalize the case plan with the change not later than fourteen days after the change is filed with the court. If the court does not approve the proposed change to the case plan, it shall schedule a hearing to be held pursuant to section 2151.417 of the Revised Code no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child. If, despite the requirements of division (F)(2) of this section, the court neither approves and journalizes the proposed change nor conducts a hearing, the agency may implement the proposed change not earlier than fifteen days after it is submitted to the court.

(3) If an agency has reasonable cause to believe that a child is suffering from illness or injury and is not receiving proper care and that an appropriate change in the child's case plan is necessary to prevent immediate or threatened physical or emotional harm, to believe that a child is in immediate danger from the child's surroundings and that an immediate change in the child's case plan is necessary to prevent immediate or threatened physical or emotional harm to the child, or to believe that a parent, guardian, custodian, or other member of the child's household has abused or neglected the child and that the child is in danger of
immediate or threatened physical or emotional harm from that
person unless the agency makes an appropriate change in the
child's case plan, it may implement the change without prior
agreement or a court hearing and, before the end of the next day
after the change is made, give all parties, the guardian ad litem
of the child, and the court notice of the change. Before the end
of the third day after implementing the change in the case plan,
the agency shall file a statement of the change with the court and
give notice of the filing accompanied by a copy of the statement
to all parties and the guardian ad litem. All parties and the
guardian ad litem shall have ten days from the date the notice is
sent to object to and request a hearing on the change.

(a) If it receives a timely request for a hearing, the court
shall schedule a hearing pursuant to section 2151.417 of the
Revised Code to be held no later than thirty days after the
request is received by the court. The court shall give notice of
the date, time, and location of the hearing to all parties and the
guardian ad litem. The agency shall continue to administer the
case plan with the change after the hearing, if the court approves
the change. If the court does not approve the change, the court
shall make appropriate changes to the case plan and shall
journalize the case plan.

(b) If it does not receive a timely request for a hearing,
the court may approve the change without a hearing. If the court
approves the change without a hearing, it shall journalize the
case plan with the change within fourteen days after receipt of
the change. If the court does not approve the change to the case
plan, it shall schedule a hearing under section 2151.417 of the
Revised Code to be held no later than thirty days after the
expiration of the fourteen-day time period and give notice of the
date, time, and location of the hearing to all parties and the
guardian ad litem of the child.
(G)(1) All case plans for children in temporary custody shall have the following general goals:

(a) Consistent with the best interest and special needs of the child, to achieve a safe out-of-home placement in the least restrictive, most family-like setting available and in close proximity to the home from which the child was removed or the home in which the child will be permanently placed;

(b) To eliminate with all due speed the need for the out-of-home placement so that the child can safely return home.

(2) The director of children and family services youth shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the general goals of case plans for children subject to dispositional orders for protective supervision, a planned permanent living arrangement, or permanent custody.

(H) In the agency's development of a case plan and the court's review of the case plan, the child's health and safety shall be the paramount concern. The agency and the court shall be guided by the following general priorities:

(1) A child who is residing with or can be placed with the child's parents within a reasonable time should remain in their legal custody even if an order of protective supervision is required for a reasonable period of time;

(2) If both parents of the child have abandoned the child, have relinquished custody of the child, have become incapable of supporting or caring for the child even with reasonable assistance, or have a detrimental effect on the health, safety, and best interest of the child, the child should be placed in the legal custody of a suitable member of the child's extended family;

(3) If a child described in division (H)(2) of this section has no suitable member of the child's extended family to accept legal custody, the child should be placed in the legal custody of
a suitable nonrelative who shall be made a party to the proceedings after being given legal custody of the child;

(4) If the child has no suitable member of the child's extended family to accept legal custody of the child and no suitable nonrelative is available to accept legal custody of the child and, if the child temporarily cannot or should not be placed with the child's parents, guardian, or custodian, the child should be placed in the temporary custody of a public children services agency or a private child placing agency;

(5) If the child cannot be placed with either of the child's parents within a reasonable period of time or should not be placed with either, if no suitable member of the child's extended family or suitable nonrelative is available to accept legal custody of the child, and if the agency has a reasonable expectation of placing the child for adoption, the child should be committed to the permanent custody of the public children services agency or private child placing agency;

(6) If the child is to be placed for adoption or foster care, the placement shall not be delayed or denied on the basis of the child's or adoptive or foster family's race, color, or national origin.

(I) The case plan for a child in temporary custody shall include at a minimum the following requirements if the child is or has been the victim of abuse or neglect or if the child witnessed the commission in the child's household of abuse or neglect against a sibling of the child, a parent of the child, or any other person in the child's household:

(1) A requirement that the child's parents, guardian, or custodian participate in mandatory counseling;

(2) A requirement that the child's parents, guardian, or custodian participate in any supportive services that are required
by or provided pursuant to the child's case plan.

(J) (1) Prior to January 1, 2023, a case plan for a child in temporary custody may include, as a supplement, a plan for locating a permanent family placement. The supplement shall not be considered part of the case plan for purposes of division (E) of this section.

(2) On and after January 1, 2023, a case plan for a child in temporary custody shall include a permanency plan for the child unless it is documented that such a plan would not be in the best interest of the child. The permanency plan shall describe the services the agency shall provide to achieve permanency for the child if reasonable efforts to return the child to the child's home, or eliminate the continued removal from that home, are unsuccessful. Those services shall be provided concurrently with reasonable efforts to return the child home or eliminate the child's continued removal from home.

(3) The director of children and family services youth, pursuant to Chapter 119. of the Revised Code, shall adopt rules necessary to carry out the purposes of division (J) of this section.

(K)(1) A public children services agency may request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to a parent, guardian, custodian, prospective custodian, or prospective placement whose actions result in a finding after the filing of a complaint as described in division (A)(1) of this section that a child is an abused, neglected, or dependent child. The public children services agency shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check.

(2) At any time on or after the date that is ninety days
after September 10, 2012, a prosecuting attorney, or an assistant
prosecuting attorney appointed under section 309.06 of the Revised
Code, may request that the superintendent of the bureau of
criminal identification and investigation conduct a criminal
records check with respect to each parent, guardian, custodian,
prospective custodian, or prospective placement whose actions
resulted in a finding after the filing of a complaint described in
division (A)(1) of this section that a child is an abused,
neglected, or dependent child. Each prosecuting attorney or
assistant prosecuting attorney who makes such a request shall
request that the superintendent obtain information from the
federal bureau of investigation as part of the criminal records
check for each parent, guardian, custodian, prospective custodian,
or prospective placement who is a subject of the request.

(3) A public children services agency, prosecuting attorney,
or assistant prosecuting attorney that requests a criminal records
check under division (K)(1) or (2) of this section shall do both
of the following:

(a) Provide to each parent, guardian, custodian, prospective
custodian, or prospective placement for whom a criminal records
check is requested a copy of the form prescribed pursuant to
division (C)(1) of section 109.572 of the Revised Code and a
standard fingerprint impression sheet prescribed pursuant to
division (C)(2) of that section and obtain the completed form and
impression sheet from the parent, guardian, custodian, prospective
custodian, or prospective placement;

(b) Forward the completed form and impression sheet to the
superintendent of the bureau of criminal identification and
investigation.

(4) A parent, guardian, custodian, prospective custodian, or
prospective placement who is given a form and fingerprint
impression sheet under division (K)(3)(a) of this section and who

...
fails to complete the form or provide fingerprint impressions may be held in contempt of court.

Sec. 2151.413. (A) A public children services agency or private child placing agency that, pursuant to an order of disposition under division (A)(2) of section 2151.353 of the Revised Code or under any version of section 2151.353 of the Revised Code that existed prior to January 1, 1989, is granted temporary custody of a child who is not abandoned or orphaned may file a motion in the court that made the disposition of the child requesting permanent custody of the child.

(B) A public children services agency or private child placing agency that, pursuant to an order of disposition under division (A)(2) of section 2151.353 of the Revised Code or under any version of section 2151.353 of the Revised Code that existed prior to January 1, 1989, is granted temporary custody of a child who is orphaned may file a motion in the court that made the disposition of the child requesting permanent custody of the child whenever it can show that no relative of the child is able to take legal custody of the child.

(C) A public children services agency or private child placing agency that, pursuant to an order of disposition under division (A)(5) of section 2151.353 of the Revised Code, places a child in a planned permanent living arrangement may file a motion in the court that made the disposition of the child requesting permanent custody of the child.

(D)(1) Except as provided in division (D)(3) of this section, if a child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, the agency with custody shall file a motion requesting permanent custody of the child. If the child has been in the temporary
custody of one or more public children services agencies or
private child placing agencies and the child was previously in the
temporary custody of an equivalent agency in another state, the
agency with custody of the child shall apply the time in temporary
custody in the other state to the time in temporary custody in
this state and, except as provided in division (D)(3) of this
section, if the time spent in temporary custody equals twelve or
more months of a consecutive twenty-two-month period, the agency
with custody may file a motion requesting permanent custody of the
child. The motion shall be filed in the court that issued the
current order of temporary custody. For the purposes of this
division, a child shall be considered to have entered the
temporary custody of an agency on the earlier of the date the
child is adjudicated pursuant to section 2151.28 of the Revised
Code or the date that is sixty days after the removal of the child
from home.

(2) Except as provided in division (D)(3) of this section, if a
court makes a determination pursuant to division (A)(2) of
section 2151.419 of the Revised Code, the public children services
agency or private child placing agency required to develop the
permanency plan for the child under division (K) of section
2151.417 of the Revised Code shall file a motion in the court that
made the determination requesting permanent custody of the child.

(3) An agency shall not file a motion for permanent custody
under division (D)(1) or (2) of this section if any of the
following apply:

(a) The agency documents in the case plan or permanency plan
a compelling reason that permanent custody is not in the best
interest of the child.

(b) If reasonable efforts to return the child to the child's
care home are required under section 2151.419 of the Revised Code, the
agency has not provided the services required by the case plan to
the parents of the child or the child to ensure the safe return of the child to the child's home.

(c) The agency has been granted permanent custody of the child.

(d) The child has been returned home pursuant to court order in accordance with division (A)(3) of section 2151.419 of the Revised Code.

(E) Any agency that files a motion for permanent custody under this section shall include in the case plan of the child who is the subject of the motion, a specific plan of the agency's actions to seek an adoptive family for the child and to prepare the child for adoption.

(F) The department of child and family services may adopt rules pursuant to Chapter 119. of the Revised Code that set forth the time frames for case reviews and for filing a motion requesting permanent custody under division (D)(1) of this section.

Sec. 2151.416. (A) Each agency that is required by section 2151.412 of the Revised Code to prepare a case plan for a child shall complete a semiannual administrative review of the case plan no later than six months after the earlier of the date on which the complaint in the case was filed or the child was first placed in shelter care. After the first administrative review, the agency shall complete semiannual administrative reviews no later than every six months. If the court issues an order pursuant to section 2151.414 or 2151.415 of the Revised Code, the agency shall complete an administrative review no later than six months after the court's order and continue to complete administrative reviews no later than every six months after the first review, except that the court hearing held pursuant to section 2151.417 of the Revised Code may take the place of any administrative review that would
otherwise be held at the time of the court hearing. When conducting a review, the child's health and safety shall be the paramount concern.

(B) Each administrative review required by division (A) of this section shall be conducted by a review panel of at least three persons, including, but not limited to, both of the following:

1. A caseworker with day-to-day responsibility for, or familiarity with, the management of the child's case plan;

2. A person who is not responsible for the management of the child's case plan or for the delivery of services to the child or the parents, guardian, or custodian of the child.

(C) Each semiannual administrative review shall include, but not be limited to, a joint meeting by the review panel with the parents, guardian, or custodian of the child, the guardian ad litem of the child, and the child's foster care provider and shall include an opportunity for those persons to submit any written materials to be included in the case record of the child. If a parent, guardian, custodian, guardian ad litem, or foster care provider of the child cannot be located after reasonable efforts to do so or declines to participate in the administrative review after being contacted, the agency does not have to include them in the joint meeting.

(D) The agency shall prepare a written summary of the semiannual administrative review that shall include, but not be limited to, all of the following:

1. A conclusion regarding the safety and appropriateness of the child's foster care placement;

2. The extent of the compliance with the case plan of all parties;
(3) The extent of progress that has been made toward alleviating the circumstances that required the agency to assume temporary custody of the child;

(4) An estimated date by which the child may be returned to and safely maintained in the child's home or placed for adoption or legal custody;

(5) An updated case plan that includes any changes that the agency is proposing in the case plan;

(6) The recommendation of the agency as to which agency or person should be given custodial rights over the child for the six-month period after the administrative review;

(7) The names of all persons who participated in the administrative review;

(8) A summary of the agency's intensive efforts to secure a placement with an appropriate and willing kinship caregiver as defined in section 5101.85 of the Revised Code, including any use of search technology to find biological family members of the child and all other efforts undertaken since the last review, unless a court has determined that intensive efforts are unnecessary pursuant to section 2151.4118 of the Revised Code.

(E) The agency shall file the summary with the court no later than seven days after the completion of the administrative review. If the agency proposes a change to the case plan as a result of the administrative review, the agency shall file the proposed change with the court at the time it files the summary. The agency shall give notice of the summary and proposed change in writing before the end of the next day after filing them to all parties and the child's guardian ad litem. All parties and the guardian ad litem shall have seven days after the date the notice is sent to object to and request a hearing on the proposed change.

(1) If the court receives a timely request for a hearing, the
court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held not later than thirty days after the court receives the request. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency may implement the proposed change after the hearing, if the court approves it. The agency shall not implement the proposed change unless it is approved by the court.

(2) If the court does not receive a timely request for a hearing, the court may approve the proposed change without a hearing. If the court approves the proposed change without a hearing, it shall journalize the case plan with the change not later than fourteen days after the change is filed with the court. If the court does not approve the proposed change to the case plan, it shall schedule a review hearing to be held pursuant to section 2151.417 of the Revised Code no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child. If, despite the requirements of this division and division (D) of section 2151.417 of the Revised Code, the court neither approves and journalizes the proposed change nor conducts a hearing, the agency may implement the proposed change not earlier than fifteen days after it is submitted to the court.

(F) The director of children and family services may adopt rules pursuant to Chapter 119. of the Revised Code for procedures and standard forms for conducting administrative reviews pursuant to this section.

(G) The juvenile court that receives the written summary of the administrative review, upon determining, either from the written summary, case plan, or otherwise, that the custody or care arrangement is not in the best interest of the child, may terminate the custody of an agency and place the child in the

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custody of another institution or association certified by the department of children and family services youth under section 5103.03 of the Revised Code.

**Sec. 2151.421.** (A)(1)(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as otherwise provided in this division or section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. If the person making the report is a peace officer, the officer shall make it to the public children services agency in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; health care professional; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; coroner; administrator or employee of a child day-care center;
administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; peace officer; humane society agent; dog warden, deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township in accordance with state law, an ordinance, or a resolution; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of an entity that provides homemaker services; employee of a qualified organization as defined in section 2151.90 of the Revised Code; a host family as defined in section 2151.90 of the Revised Code; foster caregiver; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(c) If two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professionals may designate one of the health care professionals to report the abuse or neglect. A single report made under this
division shall meet the reporting requirements of division (A)(1) of this section.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification
of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(4)(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division
(A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.

(c) The penitent in a cleric-penitent relationship described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a person under twenty-one years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply
in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;
(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information, including, but not limited to, results and reports of any medical examinations, tests, or procedures performed under division (D) of this section, that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

(D)(1) Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically necessary for the purpose of diagnosing or treating injuries that are suspected to have occurred as a result of child abuse or child neglect, perform or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on, the child.

(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public children services agency, upon request.

(3) If a health care professional provides health care services in a hospital, children's advocacy center, or emergency medical facility to a child about whom a report has been made...
under division (A) of this section, the health care professional may take any steps that are reasonably necessary for the release or discharge of the child to an appropriate environment. Before the child's release or discharge, the health care professional may obtain information, or consider information obtained, from other entities or individuals that have knowledge about the child. Nothing in division (D)(3) of this section shall be construed to alter the responsibilities of any person under sections 2151.27 and 2151.31 of the Revised Code.

(4) A health care professional may conduct medical examinations, tests, or procedures on the siblings of a child about whom a report has been made under division (A) of this section and on other children who reside in the same home as the child, if the professional determines that the examinations, tests, or procedures are medically necessary to diagnose or treat the siblings or other children in order to determine whether reports under division (A) of this section are warranted with respect to such siblings or other children. The results of the examinations, tests, or procedures on the siblings and other children may be included in a report made pursuant to division (A) of this section.

(5) Medical examinations, tests, or procedures conducted under divisions (D)(1) and (4) of this section and decisions regarding the release or discharge of a child under division (D)(3) of this section do not constitute a law enforcement investigation or activity.

(E)(1) When a peace officer receives a report made pursuant to division (A) or (B) of this section, upon receipt of the report, the peace officer who receives the report shall refer the report to the appropriate public children services agency, in accordance with requirements specified under division (B)(6) of section 2151.4221 of the Revised Code, unless an arrest is made at
the time of the report that results in the appropriate public
children services agency being contacted concerning the possible
abuse or neglect of a child or the possible threat of abuse or
neglect of a child.

(2) When a public children services agency receives a report
pursuant to this division or division (A) or (B) of this section,
on receipt of the report, the public children services agency
shall do all of the following:

(a) Comply with section 2151.422 of the Revised Code;

(b) If the county served by the agency is also served by a
children's advocacy center and the report alleges sexual abuse of
a child or another type of abuse of a child that is specified in
the memorandum of understanding that creates the center as being
within the center's jurisdiction, comply regarding the report with
the protocol and procedures for referrals and investigations, with
the coordinating activities, and with the authority or
responsibility for performing or providing functions, activities,
and services stipulated in the interagency agreement entered into
under section 2151.428 of the Revised Code relative to that
center;

(c) Unless an arrest is made at the time of the report that
results in the appropriate law enforcement agency being contacted
concerning the possible abuse or neglect of a child or the
possible threat of abuse or neglect of a child, and in accordance
with requirements specified under division (B)(6) of section
2151.4221 of the Revised Code, notify the appropriate law
enforcement agency of the report, if the public children services
agency received either of the following:

(i) A report of abuse of a child;

(ii) A report of neglect of a child that alleges a type of
neglect identified by the department of
services youth in rules adopted under division (L)(2) of this section.

(F) No peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(G)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under sections 2151.4220 to 2151.4234 of the Revised Code. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (I)(1).
of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of children and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(H)(1)(a) Except as provided in divisions (H)(1)(b) and (I)(3) of this section, any person, health care professional, hospital, institution, school, health department, or agency shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of any of the following:

(i) Participating in the making of reports pursuant to division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section;

(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;

(iii) Providing information used in a report made pursuant to
division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;

(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.

(b) Immunity under division (H)(1)(a)(ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession.

(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(I)(1) Except as provided in divisions (I)(4) and (N) of this section and sections 2151.423 and 2151.4210 of the Revised Code, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding.
brought against the person who made the report. Nothing in this
division shall preclude the use of reports of other incidents of
known or suspected abuse or neglect in a civil action or
proceeding brought pursuant to division (M) of this section
against a person who is alleged to have violated division (A)(1)
of this section, provided that any information in a report that
would identify the child who is the subject of the report or the
maker of the report, if the maker of the report is not the
defendant or an agent or employee of the defendant, has been
redacted. In a criminal proceeding, the report is admissible in
evidence in accordance with the Rules of Evidence and is subject
to discovery in accordance with the Rules of Criminal Procedure.

(2)(a) Except as provided in division (I)(2)(b) of this
section, no person shall permit or encourage the unauthorized
dissemination of the contents of any report made under this
section.

(b) A health care professional that obtains the same
information contained in a report made under this section from a
source other than the report may disseminate the information, if
its dissemination is otherwise permitted by law.

(3) A person who knowingly makes or causes another person to
make a false report under division (B) of this section that
alleges that any person has committed an act or omission that
resulted in a child being an abused child or a neglected child is
guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of
this section and the child who is the subject of the report dies
for any reason at any time after the report is made, but before
the child attains eighteen years of age, the public children
services agency or peace officer to which the report was made or
referred, on the request of the child fatality review board, the
suicide fatality review committee, or the director of health
pursuant to guidelines established under section 3701.70 of the Revised Code, shall submit a summary sheet of information providing a summary of the report to the review board or review committee of the county in which the deceased child resided at the time of death or to the director. On the request of the review board, review committee, or director, the agency or peace officer may, at its discretion, make the report available to the review board, review committee, or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further
neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code.

(K)(1) Except as provided in division (K)(4) or (5) of this section, a person who is required to make a report under division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2)(a) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

(b) When a peace officer or employee of a public children
services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

(c) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after receipt of the report. The notice shall provide the status of the agency's investigation into the report made, who the person may contact at the agency for further information, and a description of the person's rights under division (K)(1) of this section.

(d) Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency
conducting the investigation shall comply with the requirements of division (K) of this section.

(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in division (K)(1) of this section if the person requesting the information is associated with or acting on behalf of the health care professional who provided health care services to the child about whom the report was made.

(6) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after the agency closes the investigation into the case reported by the person. The notice shall notify the person that the agency has closed the investigation.

(L)(1) The director of the children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of children and family services youth may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(2) Not later than ninety days after the effective date of this amendment, the director of the children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code to identify the types of neglect of a child.
that a public children services agency shall be required to notify law enforcement of pursuant to division (E)(2)(c)(ii) of this section.

(M) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(N)(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in
or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(O) As used in this section:

(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.
(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

Sec. 2151.429. (A) The differential response approach, as defined in section 2151.011 of the Revised Code, pursued by a public children services agency shall include two response pathways, the traditional response pathway and the alternative response pathway. The director of children and family services shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the procedures and criteria for public children services agencies to assign and reassign response pathways.

(B) The agency shall use the traditional response for the following types of accepted reports:

(1) Physical abuse resulting in serious injury or that creates a serious and immediate risk to a child's health and safety.
(2) Sexual abuse.

(3) Child fatality.

(4) Reports requiring a specialized assessment as identified by rule adopted by the department.

(5) Reports requiring a third party investigative procedure as identified by rule adopted by the department.

(C) For all other child abuse and neglect reports, an alternative response shall be the preferred response, whenever appropriate and in accordance with rules adopted by the department.

Sec. 2151.4228. (A) The department of children and family services youth shall create a model memorandum of understanding to provide guidance to public children services agencies and other concerned officials in creating a memorandum of understanding in compliance with sections 2151.4220 to 2151.4226 of the Revised Code.

(B) The model memorandum of understanding shall be updated as the department determines is necessary.

Sec. 2151.4229. The department of children and family services youth shall biennially audit the memorandum of understanding prepared by each public children services agency to ensure compliance in accordance with sections 2151.4220 to 2151.4226 of the Revised Code.

Sec. 2151.4230. The department of children and family services youth shall determine that a public children services agency is compliant regarding the memorandum of understanding if the department finds all of the following:

(A) The memorandum meets the requirements under sections
2151.4220 to 2151.4226 of the Revised Code.

(B) The memorandum has been either reviewed and signed or reviewed, updated, and signed, as applicable, pursuant to division 2151.4222 of the Revised Code and the department is in agreement with the concerned officials' review and, if applicable, update.

(C) The memorandum has been approved by resolution by the board of county commissioners pursuant to section 2151.4225 of the Revised Code.

Sec. 2151.4231. (A) If the department of job children and family services youth determines that a public children services agency is not compliant under section 2151.4230 of the Revised Code, the agency shall develop and submit a compliance assurance plan to the department.

(B) The compliance assurance plan shall describe the steps the agency and other concerned officials will take in order to become compliant.

(C) The agency shall submit the compliance assurance plan not later than sixty days after the department determines the agency not compliant.

Sec. 2151.4232. A county's reviewed and signed, or reviewed, updated, and signed, memorandum of understanding, as applicable, shall go into effect and supersede any previous memorandum upon the department of job children and family services youth determination that the memorandum is compliant under section 2151.4230 of the Revised Code.

Sec. 2151.4233. The department of job children and family services youth shall maintain on the department's web site a current list of counties with memorandums of understanding that the department has determined to be compliant under section
Sec. 2151.4230 of the Revised Code and a list of counties with memorandums that the department has determined not to be compliant.

Sec. 2151.452. A juvenile court shall do both of the following regarding an emancipated young adult described under division (A)(1) of section 5101.1411 of the Revised Code:

(A) Not later than one hundred eighty days after the voluntary participation agreement becomes effective, make a determination as to whether the emancipated young adult's best interest is served by continuing the care and placement with the department of children and family services youth or its representative.

(B) Not later than twelve months after the effective date of the voluntary participation agreement, and at least once every twelve months thereafter, make a determination that the department or its representative has made reasonable efforts to finalize a permanency plan to prepare the emancipated young adult for independence.

Sec. 2151.454. For purposes of a determination under section 2151.452 of the Revised Code, the department of children and family services youth or its representative may file any documents and appear before the court in relation to such filings. Nothing in this section shall prohibit an emancipated young adult from obtaining legal representation pursuant to section 2151.455 of the Revised Code.

Sec. 2151.84. The department of children and family services youth shall establish model agreements that may be used by public children services agencies and private child placing agencies required to provide services under an agreement with a
young adult pursuant to section 2151.83 of the Revised Code. The
model agreements shall include provisions describing the specific
independent living services to be provided, the duration of the
services and the agreement, the duties and responsibilities of
each party under the agreement, and grievance procedures regarding
disputes that arise regarding the agreement or services provided
under it.

Sec. 2151.86. (A)(1) The appointing or hiring officer of any
entity that appoints or employs any person responsible for a
child's care in out-of-home care shall request the superintendent
of BCII to conduct a criminal records check with respect to any
person who is under final consideration for appointment or
employment as a person responsible for a child's care in
out-of-home care. The request shall be made at the time of initial
application for appointment or employment and every four years
thereafter. If the out-of-home care entity is a public school,
educational service center, or chartered nonpublic school, then
section 3319.39 of the Revised Code shall apply instead. If the
out-of-home care entity is a child day-care center, type A family
day-care home, type B family day-care home, certified in-home
aide, or child day camp, then section 5104.013 of the Revised Code
shall apply instead.

(2) At the times specified in this division, the
administrative director of an agency, or attorney, who arranges an
adoption for a prospective adoptive parent shall request the
superintendent of BCII to conduct a criminal records check with
respect to that prospective adoptive parent and a criminal records
check with respect to all persons eighteen years of age or older
who reside with the prospective adoptive parent. The
administrative director or attorney shall request a criminal
records check pursuant to this division at the time of the initial
home study, every four years after the initial home study at the
time of an update, and at the time that an adoptive home study is
completed as a new home study.

(3) Before a recommending agency submits a recommendation to
the department of children and family services on
whether the department should issue a certificate to a foster home
under section 5103.03 of the Revised Code, and every four years
thereafter prior to a recertification under that section, the
administrative director of the agency shall request that the
superintendent of BCII conduct a criminal records check with
respect to the prospective foster caregiver and a criminal records
check with respect to all other persons eighteen years of age or
older who reside with the foster caregiver.

(B)(1) When the appointing or hiring officer requests, at the
time of initial application for appointment or employment, a
criminal records check for a person subject to division (A)(1) of
this section, the officer shall request that the superintendent of
BCII obtain information from the federal bureau of investigation
as part of the criminal records check, including fingerprint-based
checks of national crime information databases as described in 42
U.S.C. 671, for the person subject to the criminal records check.
In all other cases in which the appointing or hiring officer
requests a criminal records check for a person pursuant to
division (A)(1) of this section, the officer may request that the
superintendent of BCII obtain information from the federal bureau
of investigation as part of the criminal records check, including
fingerprint-based checks of national crime information databases
as described in 42 U.S.C. 671, for the person subject to the
criminal records check.

When the administrative director of an agency, or attorney,
who arranges an adoption for a prospective parent requests, at the
time of the initial home study, a criminal records check for a
person pursuant to division (A)(2) of this section, the administrative director or attorney shall request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrative director of an agency, or attorney, who arranges an adoption for a prospective parent requests a criminal records check for a person pursuant to division (A)(2) of this section, the administrative director or attorney may request that the superintendent of BCII include information from the federal bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671.

When the administrative director of a recommending agency requests, before submitting a recommendation to the department of job children and family services youth on whether the department should issue a certificate to a foster home under section 5103.03 of the Revised Code, a criminal records check for a person pursuant to division (A)(3) of this section, the administrative director shall request that the superintendent of BCII obtain information from the federal bureau of investigation as part of a criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrative director of a recommending agency requests a criminal records check for a person pursuant to division (A)(3) of this section, the administrative director may request that the superintendent of BCII include information from the federal bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671.
Prior to a hearing on a final decree of adoption or interlocutory order of adoption by a probate court, the administrative director of an agency, or an attorney, who arranges an adoption for a prospective parent shall provide to the clerk of the probate court either of the following:

(a) Any information received pursuant to a request made under this division from the superintendent of BCII or the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check;

(b) Written notification that the person subject to a criminal records check pursuant to this division failed upon request to provide the information necessary to complete the form or failed to provide impressions of the person's fingerprints as required under division (B)(2) of this section.

(2) An appointing or hiring officer, administrative director, or attorney required by division (A) of this section to request a criminal records check shall provide to each person subject to a criminal records check a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from the person, and forward the completed form and impression sheet to the superintendent of BCII at the time the criminal records check is requested.

Any person subject to a criminal records check who receives pursuant to this division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and
provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If a person subject to a criminal records check, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the appointing or hiring officer shall not appoint or employ the person as a person responsible for a child's care in out-of-home care, a probate court may not issue a final decree of adoption or an interlocutory order of adoption making the person an adoptive parent, and the department of children and family services youth shall not issue a certificate authorizing the prospective foster caregiver to operate a foster home.

(C)(1) No appointing or hiring officer shall appoint or employ a person as a person responsible for a child's care in out-of-home care, the department of children and family services youth shall not issue a certificate under section 5103.03 of the Revised Code authorizing a prospective foster caregiver to operate a foster home, and no probate court shall issue a final decree of adoption or an interlocutory order of adoption making a person an adoptive parent if the person or, in the case of a prospective foster caregiver or prospective adoptive parent, any person eighteen years of age or older who resides with the prospective foster caregiver or prospective adoptive parent previously has been convicted of or pleaded guilty to any of the violations described in division (A)(4) of section 109.572 of the Revised Code, unless the person meets rehabilitation standards established in rules adopted under division (F) of this section.

(2) Prior to certification or recertification under section 5103.03 of the Revised Code, the prospective foster caregiver subject to a criminal records check under division (A)(3) of this section shall notify the recommending agency of the revocation of
any foster home license, certificate, or other similar authorization in another state occurring within the five years prior to the date of application to become a foster caregiver in this state. The failure of a prospective foster caregiver to notify the recommending agency of any revocation of that type in another state that occurred within that five-year period shall be grounds for denial of the person's foster home application or the revocation of the person's foster home certification, whichever is applicable. If a person has had a revocation in another state within the five years prior to the date of the application, the department of children and family services youth shall not issue a foster home certificate to the prospective foster caregiver.

(D) The appointing or hiring officer, administrative director, or attorney shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request pursuant to division (A) of this section. The officer, director, or attorney may charge the person subject to the criminal records check a fee for the costs the officer, director, or attorney incurs in obtaining the criminal records check. A fee charged under this division shall not exceed the amount of fees the officer, director, or attorney pays for the criminal records check. If a fee is charged under this division, the officer, director, or attorney shall notify the person who is the applicant at the time of the person's initial application for appointment or employment, an adoption to be arranged, or a certificate to operate a foster home of the amount of the fee and that, unless the fee is paid, the person who is the applicant will not be considered for appointment or employment or as an adoptive parent or foster caregiver.
(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) The appointing or hiring officer, administrative director, or attorney requesting the criminal records check or the officer's, director's, or attorney's representative;

(3) The department of job children and family services youth, a county department of job and family services, or a public children services agency;

(4) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment, a final decree of adoption or interlocutory order of adoption, or a foster home certificate.

(F) The director of job children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (A)(4) of section 109.572 of the Revised Code must meet for an appointing or hiring officer to appoint or employ the person as a person responsible for a child's care in out-of-home care, a probate court to issue a final decree of adoption or interlocutory order of adoption making the person an adoptive parent, or the department to issue a certificate authorizing the prospective foster caregiver to operate a foster home or not revoke a foster home certificate for a violation specified in section 5103.0328 of the Revised Code.
(G) An appointing or hiring officer, administrative director, or attorney required by division (A) of this section to request a criminal records check shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment, an adoption to be arranged, or a foster home certificate, that the person subject to the criminal records check is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code.

(H) As used in this section:

(1) "Children's hospital" means any of the following:

   (a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

   (b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

   (c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (H)(1)(a) of this section.

   (2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

   (3) "Person responsible for a child's care in out-of-home
"Care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective employee of the department of youth services or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

(4) "Person subject to a criminal records check" means the following:

(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care;

(b) A prospective or current adoptive parent;

(c) A prospective or current foster caregiver;

(d) A person eighteen years old or older who resides with a prospective or current foster caregiver or a prospective or current adoptive parent.

(5) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of children and family services has delegated a duty to inspect and approve foster homes.

(6) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.

Sec. 2151.90. (A) As used in sections 2151.90 to 2151.9011 of the Revised Code:

(1) "Host family" means any individual who provides care in the individual's private residence for a child or single-family group, at the request of the child's custodial parent, guardian, or legal custodian, under a host family agreement. The individual also may provide care for the individual's own child or children. The term "host family" excludes a foster home.
"Qualified organization" means a private association, organization, corporation, nonprofit, or other entity that is not a Title IV-E reimbursable setting and that has established a program that does all of the following:

(a) Provides resources and services to assist, support, and educate parents, host families, children, or any person hosting a child under a host family agreement on a temporary basis;

(b) Requires a criminal records check on the intended host family and all adults residing in the host family's household;

(c) Requires a background check in the central registry of abuse and neglect of this state from the department of children and family services for the intended host family and all adults residing in the host family's household;

(d) Ensures that the host family is trained on the rights, duties, responsibilities, and limitations as outlined in the host family agreement;

(e) Conduct in-home supervision of a child who is the subject of the host family agreement while the agreement is in force as follows:

(i) For hostings of fewer than thirty days, within two business days of placement and then at least once a week thereafter;

(ii) For hostings of thirty days but less than ninety days, within two business days of placement and then twice a month;

(iii) For hostings of ninety days or more, within two business days of placement and then an option for less frequent supervision, as determined in accordance with the best interests of the child.

(f) Plans for the return of the child who is the subject of the host family agreement to the child's parents, guardian, or
legal custodian.

"Qualified organization" excludes any entity that accepts public money intended for foster care or kinship care funding or the placement of children by a public children services agency, private noncustodial agency, or private child placing agency.

(3) "Temporary basis" means a period of time not to exceed one year, except as provided in section 2151.901 of the Revised Code.

(B) A child may be hosted by a host family only when all of the following conditions are satisfied:

(1) The hosting is done on a temporary basis.

(2) The hosting is done under a host family agreement entered into with a qualified organization's assistance.

(3) Either one or both of the child's parents, or the child's guardian or legal custodian, are incarcerated, incapacitated, receiving medical, psychiatric, or psychological treatment, on active military service, or subject to other circumstances under which the hosting is appropriate.

(4) The host family provides care only to that child or only to a single-family group, in addition to the host family's own child or children if applicable.

Sec. 2151.904. (A) Before a qualified organization provides for hosting of a child with a host family and every four years thereafter, a prospective host family and all other persons eighteen years of age or older who reside in the host family's home shall request, and shall provide to the qualified organization the results of, the following for the host family and all other persons eighteen years of age or older who reside in the home:

(1) A criminal records check, as defined under division (G)
of section 109.572 of the Revised Code, and information from the federal bureau of investigation, as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671;

(2) A background check in the central registry of abuse and neglect of this state from the department of job children and family services youth.

(B) A person subject to division (A) of this section may request the criminal records check and information required under division (A)(1) of this section from either of the following:

(1) The superintendent of the bureau of criminal identification and investigation;

(2) Any entity authorized, on behalf of the person, to request the superintendent to conduct the criminal records check and provide the information.

(C) If a person subject to division (A) of this section fails to provide the results of the criminal records and background checks and the information required under that division to the qualified organization, the organization shall not authorize hosting with the host family.

Sec. 2151.9010. A host family shall not be subject to certification or supervision by the director of job children and family services youth under section 5103.03 of the Revised Code.

Sec. 2152.192. If a court or child welfare agency places a delinquent child in an institution or association, as defined in section 5103.02 of the Revised Code, that is certified by the department of job children and family services youth pursuant to section 5103.03 of the Revised Code and if that child has been adjudicated delinquent for committing an act that is a sexually oriented offense in either a prior delinquency adjudication or in
the most recent delinquency adjudication, the court or child welfare agency shall notify the operator of the institution or association and the sheriff of the county in which the institution or association is located that the child has been adjudicated delinquent for committing an act that is a sexually oriented offense.

Sec. 2705.02. A person guilty of any of the following acts may be punished as for a contempt:

(A) Disobedience of, or resistance to, a lawful writ, process, order, rule, judgment, or command of a court or officer;

(B) Misbehavior of an officer of the court in the performance of official duties, or in official transactions;

(C) A failure to obey a subpoena duly served, or a refusal to be sworn or to answer as a witness, when lawfully required;

(D) The rescue, or attempted rescue, of a person or of property in the custody of an officer by virtue of an order or process of court held by the officer;

(E) A failure upon the part of a person recognized to appear as a witness in a court to appear in compliance with the terms of the person's recognizance;

(F) A failure to comply with an order issued pursuant to section 3109.19 or 3111.81 of the Revised Code;

(G) A failure to obey a subpoena issued by the department of job and family services, the department of children and youth, or a child support enforcement agency pursuant to section 5101.37 of the Revised Code;

(H) A willful failure to submit to genetic testing, or a willful failure to submit a child to genetic testing, as required by an order for genetic testing issued under section 3111.41 of
the Revised Code.

Sec. 2950.08. (A) Subject to division (B) of this section, the statements, information, photographs, fingerprints, and material required by sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and provided by a person who registers, who provides notice of a change of residence, school, institution of higher education, or place of employment address and registers the new residence, school, institution of higher education, or place of employment address, or who provides verification of a current residence, school, institution of higher education, or place of employment address pursuant to those sections and that are in the possession of the bureau of criminal identification and investigation and the information in the possession of the bureau that was received by the bureau pursuant to section 2950.14 of the Revised Code shall not be open to inspection by the public or by any person other than the following persons:

(1) A regularly employed peace officer or other law enforcement officer;

(2) An authorized employee of the bureau of criminal identification and investigation for the purpose of providing information to a board, administrator, or person pursuant to division (F) or (G) of section 109.57 of the Revised Code;

(3) The registrar of motor vehicles, or an employee of the registrar of motor vehicles, for the purpose of verifying and updating any of the information so provided, upon the request of the bureau of criminal identification and investigation;

(4) The director of children and family services youth, or an employee of the director, for the purpose of complying with division (D) of section 5104.013 of the Revised Code.
(B) Division (A) of this section does not apply to any information that is contained in the internet sex offender and child-victim offender database established by the attorney general under division (A)(11) of section 2950.13 of the Revised Code regarding offenders and that is disseminated as described in that division.

Sec. 2950.11. (A) Regardless of when the sexually oriented offense or child-victim oriented offense was committed, if a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is in any category specified in division (F)(1)(a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code, within the period of time specified in division (C) of this section, shall provide a written notice containing the information set forth in division (B) of this section to all of the persons described in divisions (A)(1) to (10) of this section. If the sheriff has sent a notice to the persons described in those divisions as a result of receiving a notice of intent to reside and if the offender or delinquent child registers a residence address that is the same residence address described in the notice of intent to reside, the sheriff is not required to send an additional notice when the offender or delinquent child registers. The sheriff shall provide the notice...
to all of the following persons:

(1)(a) Any occupant of each residential unit that is located within one thousand feet of the offender's or delinquent child's residential premises, that is located within the county served by the sheriff, and that is not located in a multi-unit building. Division (D)(3) of this section applies regarding notices required under this division.

(b) If the offender or delinquent child resides in a multi-unit building, any occupant of each residential unit that is located in that multi-unit building and that shares a common hallway with the offender or delinquent child. For purposes of this division, an occupant's unit shares a common hallway with the offender or delinquent child if the entrance door into the occupant's unit is located on the same floor and opens into the same hallway as the entrance door to the unit the offender or delinquent child occupies. Division (D)(3) of this section applies regarding notices required under this division.

(c) The building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within one thousand feet of the offender's or delinquent child's residential premises, including a multi-unit building in which the offender or delinquent child resides, and that is located within the county served by the sheriff. In addition to notifying the building manager or the person authorized to exercise management and control in the multi-unit building under this division, the sheriff shall post a copy of the notice prominently in each common entryway in the building and any other location in the building the sheriff determines appropriate. The manager or person exercising management and control of the building shall permit the sheriff to post copies of the notice under this division as the sheriff determines appropriate. In lieu
of posting copies of the notice as described in this division, a sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact; if the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to the building. Division (D)(3) of this section applies regarding notices required under this division.

(d) All additional persons who are within any category of neighbors of the offender or delinquent child that the attorney general by rule adopted under section 2950.13 of the Revised Code requires to be provided the notice and who reside within the county served by the sheriff;

(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;

(3)(a) The superintendent of each board of education of a school district that has schools within the specified geographical notification area and that is located within the county served by the sheriff;

(b) The principal of the school within the specified geographical notification area and within the county served by the sheriff that the delinquent child attends;

(c) If the delinquent child attends a school outside of the specified geographical notification area or outside of the school district where the delinquent child resides, the superintendent of the board of education of a school district that governs the school that the delinquent child attends and the principal of the school that the delinquent child attends.

(4)(a) The appointing or hiring officer of each chartered nonpublic school located within the specified geographical
notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A) (3) of this section;

(b) Regardless of the location of the school, the appointing or hiring officer of a chartered nonpublic school that the delinquent child attends.

(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff;

(6) The administrator of each child day-care center or type A family day-care home that is located within the specified geographical notification area and within the county served by the sheriff, and each holder of a license to operate a type B family day-care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in this division, "child day-care center," "type A family day-care home," and "type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.

(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff, and the chief law enforcement officer of the state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code, if any, that serves that institution;

(8) The sheriff of each county that includes any portion of
the specified geographical notification area;

(9) If the offender or delinquent child resides within the county served by the sheriff, the chief of police, marshal, or other chief law enforcement officer of the municipal corporation in which the offender or delinquent child resides or, if the offender or delinquent child resides in an unincorporated area, the constable or chief of the police department or police district police force of the township in which the offender or delinquent child resides;

(10) Volunteer organizations in which contact with minors or other vulnerable individuals might occur or any organization, company, or individual who requests notification as provided in division (J) of this section.

(B) The notice required under division (A) of this section shall include all of the following information regarding the subject offender or delinquent child:

(1) The offender's or delinquent child's name;

(2) The address or addresses of the offender's or public registry-qualified juvenile offender registrant's residence, school, institution of higher education, or place of employment, as applicable, or the residence address or addresses of a delinquent child who is not a public registry-qualified juvenile offender registrant;

(3) The sexually oriented offense or child-victim oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child;

(4) A statement that identifies the category specified in division (F)(1)(a), (b), or (c) of this section that includes the offender or delinquent child and that subjects the offender or delinquent child to this section;
(5) The offender's or delinquent child's photograph.

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided notice under division (A)(8) of this section shall provide the notices described in divisions (A)(1) to (7) and (A)(9) and (10) of this section to each person or entity identified within those divisions that is located within the specified geographical notification area and within the county served by the sheriff in question.

(D)(1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A)(1) of this section and the notices to law enforcement personnel that are described in divisions (A)(8) and (9) of this section as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) and (A)(10) of this section.
as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (10) of this section. If a sheriff provides a notice pursuant to this division to the sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided the notice under division (A)(8) of this section may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (7) and (A)(9) and (10) of this section.

(3) A sheriff may provide notice under division (A)(1)(a) or (b) of this section, and may provide notice under division (A)(1)(c) of this section to a building manager or person authorized to exercise management and control of a building, by mail, by personal contact, or by leaving the notice at or under the entry door to a residential unit. For purposes of divisions (A)(1)(a) and (b) of this section, and the portion of division (A)(1)(c) of this section relating to the provision of notice to occupants of a multi-unit building by mail or personal contact, the provision of one written notice per unit is deemed as providing notice to all occupants of that unit.
(E) All information that a sheriff possesses regarding an offender or delinquent child who is in a category specified in division (F)(1)(a), (b), or (c) of this section that is described in division (B) of this section and that must be provided in a notice required under division (A) or (C) of this section or that may be provided in a notice authorized under division (D)(2) of this section is a public record that is open to inspection under section 149.43 of the Revised Code.

The sheriff shall not cause to be publicly disseminated by means of the internet any of the information described in this division that is provided by a delinquent child unless that child is in a category specified in division (F)(1)(a), (b), or (c) of this section.

(F)(1) Except as provided in division (F)(2) of this section, the duties to provide the notices described in divisions (A) and (C) of this section apply regarding any offender or delinquent child who is in any of the following categories:

(a) The offender is a tier III sex offender/child-victim offender, or the delinquent child is a public registry-qualified juvenile offender registrant, and a juvenile court has not removed pursuant to section 2950.15 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(b) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was subjected to this section prior to January 1, 2008, as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in section 2950.01 of the Revised Code as it existed prior to January 1, 2008, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty...
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(c) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was classified a juvenile offender registrant on or after January 1, 2008, the court has imposed a requirement under section 2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the delinquent child to this section, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(2) The notification provisions of this section do not apply to a person described in division (F)(1)(a), (b), or (c) of this section if a court finds at a hearing after considering the factors described in this division that the person would not be subject to the notification provisions of this section that were in the version of this section that existed immediately prior to January 1, 2008. In making the determination of whether a person would have been subject to the notification provisions under prior law as described in this division, the court shall consider the following factors:

(a) The offender's or delinquent child's age;

(b) The offender's or delinquent child's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexual offenses;

(c) The age of the victim of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made;

(d) Whether the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made
involved multiple victims;

(e) Whether the offender or delinquent child used drugs or alcohol to impair the victim of the sexually oriented offense or to prevent the victim from resisting;

(f) If the offender or delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be, a criminal offense, whether the offender or delinquent child completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders;

(g) Any mental illness or mental disability of the offender or delinquent child;

(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;

(i) Whether the offender or delinquent child, during the commission of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made, displayed cruelty or made one or more threats of cruelty;

(j) Whether the offender or delinquent child would have been a habitual sex offender or a habitual child victim offender under the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.
(G)(1) The department of children and family services youth shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division (A)(3), (4), or (5) of this section that contains the name of each board of education, school, or program of that type, the county in which it is located, its address and telephone number, the name of the superintendent of the board or of an administrative officer or employee of the school or program, and, in relation to a board of education, the county or counties in which each of its schools is located and the address of each such school.

(3) The Ohio board department of regents higher education shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer.

(4) A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to provide notices regarding an offender or delinquent child, or a designee of a sheriff of that type, may request the department of children and family services youth, department of education, or Ohio board department of regents higher education, by telephone, in person, or by mail, to provide the sheriff or
designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom the notices described in divisions (A)(2) to (7) of this section are to be provided. Upon receipt of a request, the department or board shall provide the requesting sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom those notices are to be provided.

(H)(1) Upon the motion of the offender or the prosecuting attorney of the county in which the offender was convicted of or pleaded guilty to the sexually oriented offense or child-victim oriented offense for which the offender is subject to community notification under this section, or upon the motion of the sentencing judge or that judge's successor in office, the judge may schedule a hearing to determine whether the interests of justice would be served by suspending the community notification requirement under this section in relation to the offender. The judge may dismiss the motion without a hearing but may not issue an order suspending the community notification requirement without a hearing. At the hearing, all parties are entitled to be heard, and the judge shall consider all of the factors set forth in division (K) of this section. If, at the conclusion of the hearing, the judge finds that the offender has proven by clear and convincing evidence that the offender is unlikely to commit in the future a sexually oriented offense or a child-victim oriented offense and if the judge finds that suspending the community notification requirement is in the interests of justice, the judge may suspend the application of this section in relation to the offender. The order shall contain both of these findings.

The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.
An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and does not suspend the victim notification requirement under section 2950.10 of the Revised Code.

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a sexually violent predator;

(b) A person who is convicted of or pleads guilty to a sexually oriented offense that is a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or
after January 2, 2007, and either who is sentenced under section 2971.03 of the Revised Code or upon whom a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code;

(c) A person who is convicted of or pleads guilty to a sexually oriented offense that is attempted rape committed on or after January 2, 2007, and who also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code;

(d) A person who is convicted of or pleads guilty to an offense described in division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and who is sentenced for that offense pursuant to that division;

(e) An offender who is in a category specified in division (F)(1)(a), (b), or (c) of this section and who, subsequent to being subjected to community notification, has pleaded guilty to or been convicted of a sexually oriented offense or child-victim oriented offense.

(I) If a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is not in any category specified in division (F)(1)(a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code, within the period of time
specified in division (D) of this section, shall provide a written notice containing the information set forth in division (B) of this section to the executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff.

(J) Each sheriff shall allow a volunteer organization or other organization, company, or individual who wishes to receive the notice described in division (A)(10) of this section regarding a specific offender or delinquent child or notice regarding all offenders and delinquent children who are located in the specified geographical notification area to notify the sheriff by electronic mail or through the sheriff's web site of this election. The sheriff shall promptly inform the bureau of criminal identification and investigation of these requests in accordance with the forwarding procedures adopted by the attorney general pursuant to section 2950.13 of the Revised Code.

(K) In making a determination under division (H)(1) of this section as to whether to suspend the community notification requirement under this section for an offender, the judge shall consider all relevant factors, including, but not limited to, all of the following:

(1) The offender's age;
(2) The offender's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexually oriented offenses or child-victim oriented offenses;
(3) The age of the victim of the sexually oriented offense or child-victim oriented offense the offender committed;
(4) Whether the sexually oriented offense or child-victim oriented offense the offender committed involved multiple victims;
(5) Whether the offender used drugs or alcohol to impair the
victim of the sexually oriented offense or child-victim oriented offense the offender committed or to prevent the victim from resisting;

(6) If the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be a criminal offense, whether the offender completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sexually oriented offense or a child-victim oriented offense, whether the offender or delinquent child participated in available programs for sex offenders or child-victim offenders;

(7) Any mental illness or mental disability of the offender;

(8) The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense the offender committed or the nature of the offender's interaction in a sexual context with the victim of the child-victim oriented offense the offender committed, whichever is applicable, and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;

(9) Whether the offender, during the commission of the sexually oriented offense or child-victim oriented offense the offender committed, displayed cruelty or made one or more threats of cruelty;

(10) Any additional behavioral characteristics that contribute to the offender's conduct.

(L) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general, by rule adopted under section 2950.13 of the Revised Code, requires the notice described in division (B) of this section to be given to the persons identified in divisions
Sec. 2950.13. (A) The attorney general shall do all of the following:

(1) No later than July 1, 1997, establish and maintain a state registry of sex offenders and child-victim offenders that is housed at the bureau of criminal identification and investigation and that contains all of the registration, change of residence, school, institution of higher education, or place of employment address, and verification information the bureau receives pursuant to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code regarding each person who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense and each person who is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, all of the information the bureau receives pursuant to section 2950.14 of the Revised Code, and any notice of an order terminating or modifying an offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code the bureau receives pursuant to section 2152.84, 2152.85, or 2950.15 of the Revised Code. For a person who was convicted of or pleaded guilty to the sexually oriented offense or child-victim related offense, the registry also shall indicate whether the person was convicted of or pleaded guilty to the offense in a criminal prosecution or in a serious youthful offender case. The registry shall not be open to inspection by the public or by any person other than a person identified in division (A) of section 2950.08 of the Revised Code. In addition to the information and material previously identified in this division, the registry shall include all of the following regarding each person who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim related offense.
person who is listed in the registry:

(a) A citation for, and the name of, all sexually oriented offenses or child-victim oriented offenses of which the person was convicted, to which the person pleaded guilty, or for which the person was adjudicated a delinquent child and that resulted in a registration duty, and the date on which those offenses were committed;

(b) The text of the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section as those offenses existed at the time the person was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing those offenses, or a link to a database that sets forth the text of those offenses;

(c) A statement as to whether the person is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender for the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section;

(d) The community supervision status of the person, including, but not limited to, whether the person is serving a community control sanction and the nature of any such sanction, whether the person is under supervised release and the nature of the release, or regarding a juvenile, whether the juvenile is under any type of release authorized under Chapter 2152. or 5139. of the Revised Code and the nature of any such release;

(e) The offense and delinquency history of the person, as determined from information gathered or provided under sections 109.57 and 2950.14 of the Revised Code;

(f) The bureau of criminal identification and investigation tracking number assigned to the person if one has been so
assigned, the federal bureau of investigation number assigned to
the person if one has been assigned and the bureau of criminal
identification and investigation is aware of the number, and any
other state identification number assigned to the person of which
the bureau is aware;

(g) Fingerprints and palmprints of the person;

(h) A DNA specimen, as defined in section 109.573 of the
Revised Code, from the person;

(i) Whether the person has any outstanding arrest warrants;

(j) Whether the person is in compliance with the person's
duties under this chapter.

(2) In consultation with local law enforcement
representatives and no later than July 1, 1997, adopt rules that
contain guidelines necessary for the implementation of this
chapter;

(3) In consultation with local law enforcement
representatives, adopt rules for the implementation and
administration of the provisions contained in section 2950.11 of
the Revised Code that pertain to the notification of neighbors of
an offender or a delinquent child who has committed a sexually
oriented offense or a child-victim oriented offense and is in a
category specified in division (F)(1) of that section and rules
that prescribe a manner in which victims of a sexually oriented
offense or a child-victim oriented offense committed by an
offender or a delinquent child who is in a category specified in
division (B)(1) of section 2950.10 of the Revised Code may make a
request that specifies that the victim would like to be provided
the notices described in divisions (A)(1) and (2) of section
2950.10 of the Revised Code;

(4) In consultation with local law enforcement
representatives and through the bureau of criminal identification
and investigation, prescribe the forms to be used by judges and officials pursuant to section 2950.03 or 2950.032 of the Revised Code to advise offenders and delinquent children of their duties of filing a notice of intent to reside, registration, notification of a change of residence, school, institution of higher education, or place of employment address and registration of the new school, institution of higher education, or place of employment address, as applicable, and address verification under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe the forms to be used by sheriffs relative to those duties of filing a notice of intent to reside, registration, change of residence, school, institution of higher education, or place of employment address notification, and address verification;

(5) Make copies of the forms prescribed under division (A)(4) of this section available to judges, officials, and sheriffs;

(6) Through the bureau of criminal identification and investigation, provide the notifications, the information and materials, and the documents that the bureau is required to provide to appropriate law enforcement officials and to the federal bureau of investigation pursuant to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code;

(7) Through the bureau of criminal identification and investigation, maintain the verification forms returned under the address verification mechanism set forth in section 2950.06 of the Revised Code;

(8) In consultation with representatives of the officials, judges, and sheriffs, adopt procedures for officials, judges, and sheriffs to use to forward information, photographs, and fingerprints to the bureau of criminal identification and investigation pursuant to the requirements of sections 2950.03, 2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised Code;
(9) In consultation with the director of education, the director of children and family services youth, and the director of rehabilitation and correction, adopt rules that contain guidelines to be followed by boards of education of a school district, chartered nonpublic schools or other schools not operated by a board of education, preschool programs, child day-care centers, type A family day-care homes, licensed type B family day-care homes, and institutions of higher education regarding the proper use and administration of information received pursuant to section 2950.11 of the Revised Code relative to an offender or delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section;

(10) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that designate a geographic area or areas within which the notice described in division (B) of section 2950.11 of the Revised Code must be given to the persons identified in divisions (A)(2) to (8) and (A)(10) of that section;

(11) Through the bureau of criminal identification and investigation, not later than January 1, 2004, establish and operate on the internet a sex offender and child-victim offender database that contains information for every offender who has committed a sexually oriented offense or a child-victim oriented offense and registers in any county in this state pursuant to section 2950.04 or 2950.041 of the Revised Code and for every delinquent child who has committed a sexually oriented offense, is a public registry-qualified juvenile offender registrant, and registers in any county in this state pursuant to either such section. The bureau shall not include on the database the identity of any offender's or public registry-qualified juvenile offender registrant's victim, any offender's or public registry-qualified
juvenile offender registrant's social security number, the name of any school or institution of higher education attended by any offender or public registry-qualified juvenile offender registrant, the name of the place of employment of any offender or public registry-qualified juvenile offender registrant, any tracking or identification number described in division (A)(1)(f) of this section, or any information described in division (C)(7) of section 2950.04 or 2950.041 of the Revised Code. The bureau shall provide on the database, for each offender and each public registry-qualified juvenile offender registrant, at least the information specified in divisions (A)(11)(a) to (h) of this section. Otherwise, the bureau shall determine the information to be provided on the database for each offender and public registry-qualified juvenile offender registrant and shall obtain that information from the information contained in the state registry of sex offenders and child-victim offenders described in division (A)(1) of this section, which information, while in the possession of the sheriff who provided it, is a public record open for inspection as described in section 2950.081 of the Revised Code. The database is a public record open for inspection under section 149.43 of the Revised Code, and it shall be searchable by offender or public registry-qualified juvenile offender registrant name, by county, by zip code, and by school district. The database shall provide a link to the web site of each sheriff who has established and operates on the internet a sex offender and child-victim offender database that contains information for offenders and public registry-qualified juvenile offender registrants who register in that county pursuant to section 2950.04 or 2950.041 of the Revised Code, with the link being a direct link to the sex offender and child-victim offender database for the sheriff. The bureau shall provide on the database, for each offender and public registry-qualified juvenile offender registrant, at least the following information:
(a) The information described in divisions (A)(1)(a), (b), (c), and (d) of this section relative to the offender or public registry-qualified juvenile offender registrant;

(b) The address of the offender's or public registry-qualified juvenile offender registrant's school, institution of higher education, or place of employment provided in a registration form;

(c) The information described in division (C)(6) of section 2950.04 or 2950.041 of the Revised Code;

(d) A chart describing which sexually oriented offenses and child-victim oriented offenses are included in the definitions of tier I sex offender/child-victim offender, tier II sex offender/child-victim offender, and tier III sex offender/child-victim offender;

(e) Fingerprints and palmprints of the offender or public registry-qualified juvenile offender registrant and a DNA specimen from the offender or public registry-qualified juvenile offender registrant;

(f) The information set forth in division (B) of section 2950.11 of the Revised Code;

(g) Any outstanding arrest warrants for the offender or public registry-qualified juvenile offender registrant;

(h) The offender's or public registry-qualified juvenile offender registrant's compliance status with duties under this chapter.

(12) Develop software to be used by sheriffs in establishing on the internet a sex offender and child-victim offender database for the public dissemination of some or all of the information and materials described in division (A) of section 2950.081 of the Revised Code that are public records under that division, that are
not prohibited from inclusion by division (B) of that section, and that pertain to offenders and public registry-qualified juvenile offender registrants who register in the sheriff's county pursuant to section 2950.04 or 2950.041 of the Revised Code and for the public dissemination of information the sheriff receives pursuant to section 2950.14 of the Revised Code and, upon the request of any sheriff, provide technical guidance to the requesting sheriff in establishing on the internet such a database;

(13) Through the bureau of criminal identification and investigation, not later than January 1, 2004, establish and operate on the internet a database that enables local law enforcement representatives to remotely search by electronic means the state registry of sex offenders and child-victim offenders described in division (A)(1) of this section and any information and materials the bureau receives pursuant to sections 2950.04, 2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The database shall enable local law enforcement representatives to obtain detailed information regarding each offender and delinquent child who is included in the registry, including, but not limited to the offender's or delinquent child's name, aliases, residence address, name and address of any place of employment, school, institution of higher education, if applicable, license plate number of each vehicle identified in division (C)(5) of section 2950.04 or 2950.041 of the Revised Code to the extent applicable, victim preference if available, date of most recent release from confinement if applicable, fingerprints, and palmprints, all of the information and material described in divisions (A)(1)(a) to (h) of this section regarding the offender or delinquent child, and other identification parameters the bureau considers appropriate. The database is not a public record open for inspection under section 149.43 of the Revised Code and shall be available only to law enforcement representatives as described in this division. Information obtained by local law enforcement
representatives through use of this database is not open to inspection by the public or by any person other than a person identified in division (A) of section 2950.08 of the Revised Code.

(14) Through the bureau of criminal identification and investigation, maintain a list of requests for notice about a specified offender or delinquent child or specified geographical notification area made pursuant to division (J) of section 2950.11 of the Revised Code and, when an offender or delinquent child changes residence to another county, forward any requests for information about that specific offender or delinquent child to the appropriate sheriff;

(15) Through the bureau of criminal identification and investigation, establish and operate a system for the immediate notification by electronic means of the appropriate officials in other states specified in this division each time an offender or delinquent child registers a residence, school, institution of higher education, or place of employment address under section 2950.04 or 2950.041 of the Revised Code or provides a notice of a change of address or registers a new address under division (A) or (B) of section 2950.05 of the Revised Code. The immediate notification by electronic means shall be provided to the appropriate officials in each state in which the offender or delinquent child is required to register a residence, school, institution of higher education, or place of employment address. The notification shall contain the offender's or delinquent child's name and all of the information the bureau receives from the sheriff with whom the offender or delinquent child registered the address or provided the notice of change of address or registered the new address.

(B) The attorney general in consultation with local law enforcement representatives, may adopt rules that establish one or more categories of neighbors of an offender or delinquent child
who, in addition to the occupants of residential premises and other persons specified in division (A)(1) of section 2950.11 of the Revised Code, must be given the notice described in division (B) of that section.

(C) No person, other than a local law enforcement representative, shall knowingly do any of the following:

(1) Gain or attempt to gain access to the database established and operated by the attorney general, through the bureau of criminal identification and investigation, pursuant to division (A)(13) of this section.

(2) Permit any person to inspect any information obtained through use of the database described in division (C)(1) of this section, other than as permitted under that division.

(D) As used in this section, "local law enforcement representatives" means representatives of the sheriffs of this state, representatives of the municipal chiefs of police and marshals of this state, and representatives of the township constables and chiefs of police of the township police departments or police district police forces of this state.

Sec. 3101.041. In determining whether to file the consent under section 3101.04 of the Revised Code, the juvenile court shall do all of the following:

(A) Consult with any of the following for each party to the intended marriage who is seventeen years of age:

(1) A parent;

(2) A surviving parent;

(3) A parent who is designated the residential parent and legal custodian by a court of competent jurisdiction;

(4) A guardian;
(5) Either of the following who has been awarded permanent custody by a court exercising juvenile jurisdiction:

(a) An adult person;

(b) The department of children and family services youth or any child welfare organization certified by the department.

(B) Appoint an attorney as guardian ad litem for each party to the intended marriage who is seventeen years of age;

(C) Determine all of the following:

(1) Each party to the intended marriage who is seventeen years of age has entered the armed services of the United States, has become employed and self-subsisting, or has otherwise become independent from the care and control of the party's parent, guardian, or custodian.

(2) For each party to the intended marriage who is seventeen years of age, the decision of that party to marry is free from force or coercion.

(3) The intended marriage and the emancipation under section 3101.042 of the Revised Code is in the best interests of each party to the intended marriage who is seventeen years of age.

Sec. 3107.012. (A) A foster caregiver may use the application prescribed under division (B) of this section to obtain the services of an agency to arrange an adoption for the foster caregiver if the foster caregiver seeks to adopt the foster caregiver's foster child who has resided in the foster caregiver's home for at least six months prior to the date the foster caregiver submits the application to the agency.

(B) The department of children and family services youth shall prescribe an application for a foster caregiver to use under division (A) of this section. The application shall not require that the foster caregiver provide any information the foster caregiver deems inappropriate.
caregiver already provided the department, or undergo an
inspection the foster caregiver already underwent, to obtain a
foster home certificate under section 5103.03 of the Revised Code.

(C) An agency that receives an application prescribed under
division (B) of this section from a foster caregiver authorized to
use the application shall not require, as a condition of the
agency accepting or approving the application, that the foster
caregiver undergo a criminal records check under section 2151.86
of the Revised Code as a prospective adoptive parent. The agency
shall inform the foster caregiver, in accordance with division (G)
of section 2151.86 of the Revised Code, that the foster caregiver
must undergo the criminal records check before a court may issue a
final decree of adoption or interlocutory order of adoption under
section 3107.14 of the Revised Code.

Sec. 3107.013. An agency arranging an adoption pursuant to an
application submitted to the agency under section 3107.012 of the
Revised Code for a foster caregiver seeking to adopt the foster
caregiver's foster child shall provide the foster caregiver
information about adoption, including information about state
adoption law, adoption assistance available pursuant to section
5153.163 of the Revised Code and Title IV-E of the "Social
the types of behavior that the prospective adoptive parents may
anticipate from children who have experienced abuse and neglect,
suggested interventions and the assistance available if the child
exhibits those types of behavior after adoption, and other
adoption issues the department of job children and family services
youth identifies. The agency shall provide the information to the
foster caregiver in accordance with rules the department of job
children and family services youth shall adopt in accordance with
Chapter 119. of the Revised Code.
Sec. 3107.014. (A) Except as provided in division (B) of this section, only an individual who meets all of the following requirements may perform the duties of an assessor under sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 5103.152 of the Revised Code:

(1) The individual must be in the employ of, appointed by, or under contract with a court, public children services agency, private child placing agency, or private noncustodial agency;

(2) The individual must be one of the following:

(a) A licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code;

(b) A psychologist licensed under Chapter 4732. of the Revised Code;

(c) A student working to earn a four-year, post-secondary degree, or higher, in a social or behavior science, or both, who conducts assessor's duties under the supervision of a licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code or a psychologist licensed under Chapter 4732. of the Revised Code. Beginning July 1, 2009, a student is eligible under this division only if the supervising licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, marriage and family therapist, or psychologist has completed training in accordance with rules adopted under section 3107.015 of the Revised Code.

(d) A civil service employee engaging in social work without
a license under Chapter 4757. of the Revised Code, as permitted by division (A)(5) of section 4757.41 of the Revised Code;

(e) A former employee of a public children services agency who, while so employed, conducted the duties of an assessor or the duties of a PCSA caseworker or PCSA caseworker supervisor as defined in section 5153.01 of the Revised Code;

(f) An employee of a court or public children services agency who is employed to conduct the duties of an assessor;

(g) A PCSA caseworker or PCSA caseworker supervisor as defined in section 5153.01 of the Revised Code;

(h) An individual who holds at least a bachelor's degree in any of the following human services fields and has at least one year of experience working with families and children:

(i) Social work;

(ii) Sociology;

(iii) Psychology;

(iv) Guidance and counseling;

(v) Education;

(vi) Religious education;

(vii) Business administration;

(viii) Criminal justice;

(ix) Public administration;

(x) Child care administration;

(xi) Nursing;

(xii) Family studies;

(xiii) Any other human services field related to working with children and families.
(3) The individual must complete training in accordance with rules adopted under section 3107.015 of the Revised Code.

(B) An individual in the employ of, appointed by, or under contract with a court prior to September 18, 1996, to conduct adoption investigations of prospective adoptive parents may perform the duties of an assessor under sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 5103.152 of the Revised Code if the individual complies with division (A)(3) of this section regardless of whether the individual meets the requirement of division (A)(2) of this section.

(C) A court, public children services agency, private child placing agency, or private noncustodial agency may employ, appoint, or contract with an assessor in the county in which a petition for adoption is filed and in any other county or location outside this state where information needed to complete or supplement the assessor's duties may be obtained. More than one assessor may be utilized for an adoption.

(D) Not later than January 1, 2008, the department of job and family services shall develop and maintain an assessor registry. The registry shall list all individuals who are employed, appointed by, or under contract with a court, public children services agency, private child placing agency, or private noncustodial agency and meet the requirements of an assessor as described in this section. A public children services agency, private child placing agency, private noncustodial agency, court, or any other person may contact the department to determine if an individual is listed in the assessor registry. An individual listed in the assessor registry shall immediately inform the department when that individual is no longer employed, appointed by, or under contract with a court, public children services agency, private child placing agency, or private noncustodial agency.
agency to perform the duties of an assessor as described in this section. The director of **job children and family services youth** shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation, contents, and maintenance of the registry, and any sanctions related to the provision of information, or the failure to provide information, that is needed for the proper operation of the assessor registry.

**Sec. 3107.015.** The director of **job children and family services youth** shall adopt rules in accordance with Chapter 119. of the Revised Code governing the training an individual must complete for the purpose of division (A)(3) of section 3107.014 of the Revised Code. The training shall include courses on adoption placement practice, federal and state adoption assistance programs, and post adoption support services.

**Sec. 3107.016.** The department of **job children and family services youth** shall develop a schedule of training that meets the requirements established in rules adopted pursuant to section 3107.015 of the Revised Code. The schedule shall include enough training to provide all agencies equal access to the training. The department shall distribute the schedule to all agencies.

**Sec. 3107.017.** The department of **job children and family services youth** shall develop a standardized form for the disclosure of information about a prospective adoptive child to prospective adoptive parents. The information disclosed shall include all background information available on the child. The department shall distribute the form to all agencies.

**Sec. 3107.018.** (A) A prospective adoptive parent may apply to the department of **job children and family services youth** for a loan from the state adoption assistance loan fund created under
section 5101.143 of the Revised Code. Subject to available funds, the department may approve a state adoption assistance loan application, in whole or in part, or deny the application. In reviewing a loan application submitted to the department, the department shall consider the financial need of the prospective adoptive parent in determining whether to approve a loan application, in whole or in part, or deny the application. If the department approves a loan application, in whole or in part, and the child being adopted resides in Ohio, the department shall loan a prospective adoptive parent not more than three thousand dollars from the state adoption assistance loan fund. If the department approves a loan application, in whole or in part, and the child being adopted does not reside in Ohio, the department shall loan a prospective adoptive parent not more than two thousand dollars from the state adoption assistance loan fund.

(B) A prospective adoptive parent who receives a loan under division (A) of this section shall use that loan for only a disbursement listed under division (C) of section 3107.055 of the Revised Code or an expense related to adopting from the public child welfare system.

(C) This section applies to adoptions arranged by an attorney or by any public or private organization certified, licensed, or otherwise specially empowered by law or rule to place minors for adoption.

Sec. 3107.031. Except as otherwise provided in this section, an assessor shall conduct a home study for the purpose of ascertaining whether a person seeking to adopt a minor is suitable to adopt. A written report of the home study shall be filed with the court at least ten days before the petition for adoption is heard.

A person seeking to adopt a minor who knowingly makes a false
statement that is included in the written report of a home study conducted pursuant to this section is guilty of the offense of falsification under section 2921.13 of the Revised Code, and such a home study shall not be filed with the court. If such a home study is filed with the court, the court may strike the home study from the court's records.

The report shall contain the opinion of the assessor as to whether the person who is the subject of the report is suitable to adopt a minor, any multiple children assessment required under section 3107.032 of the Revised Code, and other information and documents specified in rules adopted by the director of children and family services under section 3107.033 of the Revised Code. The assessor shall not consider the person's age when determining whether the person is suitable to adopt if the person is old enough to adopt as provided by section 3107.03 of the Revised Code.

An assessor may request departments or agencies within or outside this state to assist in the home study as may be appropriate and to make a written report to be included with and attached to the report to the court. The assessor shall make similar home studies and reports on behalf of other assessors designated by the courts of this state or another place.

Upon order of the court, the costs of the home study and other proceedings shall be paid by the person seeking to adopt, and, if the home study is conducted by a public agency or public employee, the part of the cost representing any services and expenses shall be taxed as costs and paid into the state treasury or county treasury, as the court may direct.

On request, the assessor shall provide the person seeking to adopt a copy of the report of the home study. The assessor shall delete from that copy any provisions concerning the opinion of other persons, excluding the assessor, of the person's suitability.
to adopt a minor.

This section does not apply to a foster caregiver seeking to adopt the foster caregiver's foster child if the foster child has resided in the foster caregiver's home for at least six months prior to the date the foster caregiver submits an application prescribed under division (B) of section 3107.012 of the Revised Code to the agency arranging the adoption.

Sec. 3107.032. (A) Except as provided in division (C) of this section, each time a person seeking to adopt a minor or foster child will have at least five children residing in the prospective adoptive home after the minor or foster child to be adopted is placed in the home, an assessor, on behalf of an agency or attorney arranging an adoption pursuant to sections 3107.011 or 3107.012 of the Revised Code, shall complete a multiple children assessment during the home study. The multiple children assessment shall evaluate the ability of the person seeking to adopt in meeting the needs of the minor or foster child to be adopted and continuing to meet the needs of the children residing in the home. The assessor shall include the multiple children assessment in the written report of the home study filed pursuant to section 3107.031 of the Revised Code.

(B) The director of children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for an assessor to complete a multiple children assessment.

(C) This section does not apply to an adoption by a stepparent whose spouse is a biological or adoptive parent of the minor to be adopted.

Sec. 3107.033. Not later than June 1, 2009, the The director of children and family services youth shall adopt rules in
accordance with Chapter 119. of the Revised Code specifying both
of the following:

(A) The manner in which a home study is to be conducted and
the information and documents to be included in a home study
report, which shall include, pursuant to section 3107.034 of the
Revised Code, a summary report of a search of the uniform
statewide automated child welfare information system established
in section 5101.13 of the Revised Code and a report of a check of
a central registry of another state if a request for a check of a
central registry of another state is required under division (A)
of section 3107.034 of the Revised Code. The director shall ensure
that rules adopted under this section align the home study
content, time period, and process with any foster care home study
content, time period, and process required by rules adopted under
section 5103.03 of the Revised Code.

(B) A procedure under which a person whose application for
adoption has been denied as a result of a search of the uniform
statewide automated child welfare information system established
in section 5101.13 of the Revised Code as part of the home study
may appeal the denial to the agency that employed the assessor who
filed the report.

Sec. 3107.034. (A) Whenever a prospective adoptive parent or
a person eighteen years of age or older who resides with a
prospective adoptive parent has resided in another state within
the five-year period immediately prior to the date on which a
criminal records check is requested for the person under division
(A) of section 2151.86 of the Revised Code, the administrative
director of an agency, or attorney, who arranges the adoption for
the prospective adoptive parent shall request a check of the
central registry of abuse and neglect of this state from the
department of children and family services youth regarding the
prospective adoptive parent or the person eighteen years of age or older who resides with the prospective adoptive parent to enable the agency or attorney to check any child abuse and neglect registry maintained by that other state. The administrative director or attorney shall make the request and shall review the results of the check before a final decree of adoption or an interlocutory order of adoption making the person an adoptive parent may be made. Information received pursuant to the request shall be considered for purposes of this chapter as if it were a summary report required under section 3107.033 of the Revised Code. The department of children and family services youth shall comply with any request to check the central registry that is similar to the request described in this division and that is received from any other state.

(B) The summary report of a search of the uniform statewide automated child welfare information system established in section 5101.13 of the Revised Code that is required under section 3107.033 of the Revised Code shall contain, if applicable, a chronological list of abuse and neglect determinations or allegations of which the person seeking to adopt is subject and in regards to which a public children services agency has done one of the following:

1. Determined that abuse or neglect occurred;
2. Initiated an investigation, and the investigation is ongoing;
3. Initiated an investigation and the agency was unable to determine whether abuse or neglect occurred.

(C) The summary report required under section 3107.033 of the Revised Code shall not contain any of the following:

1. An abuse and neglect determination of which the person seeking to adopt is subject and in regards to which a public...
children services agency determined that abuse or neglect did not occur;

(2) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(3) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.

(D)(1) An application for adoption may be denied based on a summary report containing the information described under division (B)(1) of this section, when considered within the totality of the circumstances. An application that is denied may be appealed using the procedure adopted pursuant to division (B) of section 3107.033 of the Revised Code.

(2) An application for adoption shall not be denied solely based on a summary report containing the information described under division (B)(2) or (3) of this section.

Sec. 3107.035. (A) At the time of the initial home study, and every two years thereafter, if the home study is updated, and until it becomes part of a final decree of adoption or an interlocutory order of adoption, the agency or attorney that arranges an adoption for the prospective adoptive parent shall conduct a search of the United States department of justice national sex offender public web site regarding the prospective adoptive parent and all persons eighteen years of age or older who reside with the prospective adoptive parent.

(B) A petition for adoption may be denied based solely on the results of the search of the national sex offender public web site.

(C) The director of job children and family services youth
shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

Sec. 3107.051. (A) Except as provided in division (B) of this section, a person seeking to adopt a minor, or the agency or attorney arranging the adoption, shall submit a petition for the minor's adoption no later than ninety days after the date the minor is placed in the person's home. Failure to file a petition within the time provided by this division does not affect a court's jurisdiction to hear the petition and is not grounds for denying the petition.

(B) This section does not apply if any of the following apply:

(1) The person seeking to adopt the minor is the minor's stepparent;

(2) The minor was not originally placed in the person's home with the purpose of the person adopting the minor;

(3) The minor is a "child with special needs," as defined by the director of children and family services in accordance with section 5153.163 of the Revised Code.

Sec. 3107.081. (A) Except as provided in divisions (B), (E), and (F) of this section, a parent of a minor, who will be, if adopted, an adopted person as defined in section 3107.45 of the Revised Code, shall do all of the following as a condition of a court accepting the parent's consent to the minor's adoption:

(1) Appear personally before the court;

(2) Sign the component of the form prescribed under division (A)(1)(a) of section 3107.083 of the Revised Code;

(3) Check either the "yes" or "no" space provided on the
component of the form prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code and sign that component;

(4) If the parent is the mother, complete and sign the component of the form prescribed under division (A)(1)(c) of section 3107.083 of the Revised Code.

At the time the parent signs the components of the form prescribed under divisions (A)(1)(a), (b), and (c) of section 3107.083 of the Revised Code, the parent may sign, if the parent chooses to do so, the components of the form prescribed under divisions (A)(1)(d), (e), and (f) of that section. After the parent signs the components required to be signed and any discretionary components the parent chooses to sign, the parent, or the attorney arranging the adoption, shall file the form and parent's consent with the court. The court or attorney shall give the parent a copy of the form and consent. The court and attorney shall keep a copy of the form and consent in the court and attorney's records of the adoption.

The court shall question the parent to determine that the parent understands the adoption process, the ramifications of consenting to the adoption, each component of the form prescribed under division (A)(1) of section 3107.083 of the Revised Code, and that the minor and adoptive parent may receive identifying information about the parent in accordance with section 3107.47 of the Revised Code unless the parent checks the "no" space provided on the component of the form prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code or has a denial of release form filed with the department of health under section 3107.46 of the Revised Code. The court also shall question the parent to determine that the parent's consent to the adoption and any decisions the parent makes in filling out the form prescribed under division (A)(1) of section 3107.083 of the Revised Code are made voluntarily.
(B) The parents of a minor, who is less than six months of age and will be, if adopted, an adopted person as defined in section 3107.45 of the Revised Code, may consent to the minor's adoption without personally appearing before a court if both parents do all of the following:

1. Execute a notarized statement of consent to the minor's adoption before the attorney arranging the adoption;

2. Sign the component of the form prescribed under division (A)(1)(a) of section 3107.083 of the Revised Code;

3. Check either the "yes" or "no" space provided on the component of the form prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code and sign that component.

At the time the parents sign the components of the form prescribed under divisions (A)(1)(a) and (b) of section 3107.083 of the Revised Code, the mother shall complete and sign the component of the form prescribed under division (A)(1)(c) of that section and the attorney arranging the adoption shall provide the parents the opportunity to sign, if they choose to do so, the components of the form prescribed under divisions (A)(1)(d), (e), and (f) of that section. At the time the petition to adopt the minor is submitted to the court, the attorney shall file the parents' consents and forms with the court. The attorney shall give the parents a copy of the consents and forms. At the time the attorney files the consents and forms with the court, the attorney also shall file with the court all other documents the director of children and family services youth requires by rules adopted under division (D) of section 3107.083 of the Revised Code to be filed with the court. The court and attorney shall keep a copy of the consents, forms, and documents in the court and attorney's records of the adoption.

(C) Except as provided in divisions (D), (E), and (F) of this page.
section, a parent of a minor, who will be, if adopted, an adopted person as defined in section 3107.38 of the Revised Code, shall do all of the following as a condition of a court accepting the parent's consent to the minor's adoption:

1. Appear personally before the court;

2. Sign the component of the form prescribed under division (B)(1)(a) of section 3107.083 of the Revised Code;

3. If the parent is the mother, complete and sign the component of the form prescribed under division (B)(1)(b) of section 3107.083 of the Revised Code.

At the time the parent signs the components prescribed under divisions (B)(1)(a) and (b) of section 3107.083 of the Revised Code, the parent may sign, if the parent chooses to do so, the components of the form prescribed under divisions (B)(1)(c), (d), and (e) of that section. After the parent signs the components required to be signed and any discretionary components the parent chooses to sign, the parent, or the attorney arranging the adoption, shall file the form and parent's consent with the court. The court or attorney shall give the parent a copy of the form and consent. The court and attorney shall keep a copy of the form and consent in the court and attorney's records of the adoption.

The court shall question the parent to determine that the parent understands the adoption process, the ramifications of consenting to the adoption, and each component of the form prescribed under division (B)(1) of section 3107.083 of the Revised Code. The court also shall question the parent to determine that the parent's consent to the adoption and any decisions the parent makes in filling out the form are made voluntarily.

(D) The parent of a minor who is less than six months of age and will be, if adopted, an adopted person as defined in section
3107.38 of the Revised Code may consent to the minor's adoption without personally appearing before a court if the parent does all of the following:

(1) Executes a notarized statement of consent to the minor's adoption before the attorney arranging the adoption;

(2) Signs the component of the form prescribed under division (B)(1)(a) of section 3107.083 of the Revised Code;

(3) If the parent is the mother, completes and signs the component of the form prescribed under division (B)(1)(b) of section 3107.083 of the Revised Code.

At the time the parent signs the components of the form prescribed under divisions (B)(1)(a) and (b) of section 3107.083 of the Revised Code, the attorney arranging the adoption shall provide the parent the opportunity to sign, if the parent chooses to do so, the components of the form prescribed under divisions (B)(1)(c), (d), and (e) of that section. At the time the petition to adopt the minor is submitted to the court, the attorney shall file the parent's consent and form with the court. The attorney shall give the parent a copy of the consent and form. At the time the attorney files the consent and form with the court, the attorney also shall file with the court all other documents the director of children and family services requires by rules adopted under division (D) of section 3107.083 of the Revised Code to be filed with the court. The court and attorney shall keep a copy of the consent, form, and documents in the court and attorney's records of the adoption.

(E) If a minor is to be adopted by a stepparent, the parent who is not married to the stepparent may consent to the minor's adoption without appearing personally before a court if the parent executes consent in the presence of a person authorized to take acknowledgments. The attorney arranging the adoption shall file
the consent with the court and give the parent a copy of the consent. The court and attorney shall keep a copy of the consent in the court and attorney's records of the adoption.

(F) If a parent of a minor to be adopted resides in another state, the parent may consent to the minor's adoption without appearing personally before a court if the parent executes consent in the presence of a person authorized to take acknowledgments. The attorney arranging the adoption shall file the consent with the court and give the parent a copy of the consent. The court and attorney shall keep a copy of the consent in the court and attorney's records of the adoption.

Sec. 3107.083. The director of children and family services youth shall do all of the following:

(A)(1) For a parent of a child who, if adopted, will be an adopted person as defined in section 3107.45 of the Revised Code, prescribe a form that has the following six components:

(a) A component the parent signs under section 3107.071, 3107.081, or 5103.151 of the Revised Code to indicate the requirements of section 3107.082 or 5103.152 of the Revised Code have been met. The component shall be as follows:

"Statement Concerning Ohio Law and Adoption Materials

By signing this component of this form, I acknowledge that it has been explained to me, and I understand, that, if I check the space on the next component of this form that indicates that I authorize the release, the adoption file maintained by the Ohio Department of Health, which contains identifying information about me at the time of my child's birth, will be released, on request, to the adoptive parent when the adoptee is at least age eighteen but younger than age twenty-one and to the adoptee when he or she is age twenty-one or older. It has also been explained to me, and I understand, that I may prohibit the release of identifying
information about me contained in the adoption file by checking
the space on the next component of this form that indicates that I
do not authorize the release of the identifying information. It
has additionally been explained to me, and I understand, that I
may change my mind regarding the decision I make on the next
component of this form at any time and as many times as I desire
by signing, dating, and having filed with the Ohio Department of
Health a denial of release form or authorization of release form
prescribed and provided by the Department of Health and providing
the Department two items of identification.

By signing this component of this form, I also acknowledge
that I have been provided a copy of written materials about
adoption prepared by the Ohio Department of Job Children and
Family Services Youth, the adoption process and ramifications of
consenting to adoption or entering into a voluntary permanent
custody surrender agreement have been discussed with me, and I
have been provided the opportunity to review the materials and ask
questions about the materials and discussion.

Signature of biological parent: ....................
Signature of witness: ....................
Date: ....................

(b) A component the parent signs under section 3107.071,
3107.081, or 5103.151 of the Revised Code regarding the parent's
decision whether to allow identifying information about the parent
contained in an adoption file maintained by the department of
health to be released to the parent's child and adoptive parent
pursuant to section 3107.47 of the Revised Code. The component
shall be as follows:

"Statement Regarding Release of Identifying Information

The purpose of this component of this form is to allow a
biological parent to decide whether to allow the Ohio Department
of Health to provide an adoptee and adoptive parent identifying
information about the adoptee's biological parent contained in an adoption file maintained by the Department. Please check one of the following spaces:

...... YES, I authorize the Ohio Department of Health to release identifying information about me, on request, to the adoptive parent when the adoptee is at least age eighteen but younger than age twenty-one and to the adoptee when he or she is age twenty-one or older.

...... NO, I do not authorize the release of identifying information about me to the adoptive parent or adoptee.

Signature of biological parent: ................................  111105
Signature of witness: ...........................................  111106
Date: ......................................................... "  111107

(c) A component the parent, if the mother of the child, completes and signs under section 3107.071, 3107.081, or 5103.151 of the Revised Code to indicate, to the extent of the mother's knowledge, all of the following:

(i) Whether the mother, during her pregnancy, was a recipient of the medicaid program or other public health insurance program and, if so, the dates her eligibility began and ended;

(ii) Whether the mother, during her pregnancy, was covered by private health insurance and, if so, the dates the coverage began and ended, the name of the insurance provider, the type of coverage, and the identification number of the coverage;

(iii) The name and location of the hospital, freestanding birthing center, or other place where the mother gave birth and, if different, received medical care immediately after giving birth;

(iv) The expenses of the obstetrical and neonatal care;
(v) Whether the mother has been informed that the adoptive parent or the agency or attorney arranging the adoption are to pay expenses involved in the adoption, including expenses the mother has paid and expects to receive or has received reimbursement, and, if so, what expenses are to be or have been paid and an estimate of the expenses;

(vi) Any other information related to expenses the department determines appropriate to be included in this component.

(d) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent materials, other than photographs of the parent, that the parent requests be given to the child or adoptive parent pursuant to section 3107.68 of the Revised Code.

(e) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent photographs of the parent pursuant to section 3107.68 of the Revised Code.

(f) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent the first name of the parent pursuant to section 3107.68 of the Revised Code.

(2) State at the bottom of the form that the parent is to receive a copy of the form the parent signed.

(3) Provide copies of the form prescribed under this division to probate and juvenile courts, public children services agencies, private child placing agencies, private noncustodial agencies, attorneys, and persons authorized to take acknowledgments.

(B)(1) For a parent of a child who, if adopted, will become an adopted person as defined in section 3107.38 of the Revised Code, prescribe a form that has the following five components:
(a) A component the parent signs under section 3107.071, 3107.081, or 5103.151 of the Revised Code to attest that the requirement of division (A) of section 3107.082 or division (A) of section 5103.152 of the Revised Code has been met;

(b) A component the parent, if the mother of the child, completes and signs under section 3107.071, 3107.081, or 5103.151 of the Revised Code to indicate, to the extent of the mother's knowledge, all of the following:

(i) Whether the mother, during her pregnancy, was a recipient of the medicaid program or other public health insurance program and, if so, the dates her eligibility began and ended;

(ii) Whether the mother, during her pregnancy, was covered by private health insurance and, if so, the dates the coverage began and ended, the name of the insurance provider, the type of coverage, and the identification number of the coverage;

(iii) The name and location of the hospital, freestanding birthing center, or other place where the mother gave birth and, if different, received medical care immediately after giving birth;

(iv) The expenses of the obstetrical and neonatal care;

(v) Whether the mother has been informed that the adoptive parent or the agency or attorney arranging the adoption are to pay expenses involved in the adoption, including expenses the mother has paid and expects to receive or has received reimbursement for, and, if so, what expenses are to be or have been paid and an estimate of the expenses;

(vi) Any other information related to expenses the department determines appropriate to be included in the component.

(c) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or
adoptive parent materials, other than photographs of the parent, that the parent requests be given to the child or adoptive parent pursuant to section 3107.68 of the Revised Code.

(d) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent photographs of the parent pursuant to section 3107.68 of the Revised Code.

(e) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent the first name of the parent pursuant to section 3107.68 of the Revised Code.

(2) State at the bottom of the form that the parent is to receive a copy of the form the parent signed.

(3) Provide copies of the form prescribed under this division to probate and juvenile courts, public children services agencies, private child placing agencies, private noncustodial agencies, attorneys, and persons authorized to take acknowledgments.

(C) Prepare the written materials about adoption that are required to be given to parents under division (A) of section 3107.082 and division (A) of section 5103.152 of the Revised Code. The materials shall provide information about the adoption process, including ramifications of a parent consenting to a child's adoption or entering into a voluntary permanent custody surrender agreement. The materials also shall include referral information for professional counseling and adoption support organizations. The director shall provide the materials to assessors.

(D) Adopt rules in accordance with Chapter 119. of the Revised Code specifying the documents that must be filed with a probate court under divisions (B) and (D) of section 3107.081 of the Revised Code and a juvenile court under divisions (C) and (E)
of section 5103.151 of the Revised Code.

Sec. 3107.09. (A) The department of job children and family services youth shall prescribe and supply forms for the taking of social and medical histories of the biological parents of a minor available for adoption.

(B) An assessor shall record the social and medical histories of the biological parents of a minor available for adoption, unless the minor is to be adopted by the minor's stepparent or grandparent. The assessor shall use the forms prescribed pursuant to division (A) of this section. The assessor shall not include on the forms identifying information about the biological parents or other ancestors of the minor.

(C) A social history shall describe and identify the age; ethnic, racial, religious, marital, and physical characteristics; and educational, cultural, talent and hobby, and work experience background of the biological parents of the minor. A medical history shall identify major diseases, malformations, allergies, ear or eye defects, major conditions, and major health problems of the biological parents that are or may be congenital or familial. These histories may include other social and medical information relative to the biological parents and shall include social and medical information relative to the minor's other ancestors.

The social and medical histories may be obtained through interviews with the biological parents or other persons and from any available records if a biological parent or any legal guardian of a biological parent consents to the release of information contained in a record. An assessor who considers it necessary may request that a biological parent undergo a medical examination. In obtaining social and medical histories of a biological parent, an assessor shall inform the biological parent, or a person other than a biological parent who provides information pursuant to this
section, of the purpose and use of the histories and of the biological parent's or other person's right to correct or expand the histories at any time.

(D) A biological parent, or another person who provided information in the preparation of the social and medical histories of the biological parents of a minor, may cause the histories to be corrected or expanded to include different or additional types of information. The biological parent or other person may cause the histories to be corrected or expanded at any time prior or subsequent to the adoption of the minor, including any time after the minor becomes an adult. A biological parent may cause the histories to be corrected or expanded even if the biological parent did not provide any information to the assessor at the time the histories were prepared.

To cause the histories to be corrected or expanded, a biological parent or other person who provided information shall provide the information to be included or specify the information to be corrected to whichever of the following is appropriate under the circumstances:

(1) Subject to divisions (D)(2) and (3) of this section, to the assessor who prepared the histories if the biological parent or other person knows the assessor;

(2) Subject to division (D)(3) of this section, to the court involved in the adoption or, if that court is not known, to the department of health, if the biological parent or person does not know the assessor or finds that the assessor has ceased to perform assessments;

(3) To the department of health, if the histories were originally completed by the biological parent pursuant to section 3107.393 of the Revised Code or, regardless of whether the histories were originally completed pursuant to this section or...
section 3107.091 or 3107.393 of the Revised Code, the biological parent seeks to correct or expand the histories at the same time the biological parent completes a contact preference form pursuant to section 3107.39 of the Revised Code or a biological parent's name redaction request form pursuant to section 3107.391 of the Revised Code.

An assessor who receives information from a biological parent or other person pursuant to division (D)(1) of this section shall determine whether the information is of a type that divisions (B) and (C) of this section permit to be included in the histories. If the assessor determines the information is of a permissible type, the assessor shall cause the histories to be corrected or expanded to reflect the information. If, at the time the information is received, the histories have been filed with the court as required by division (E) of this section, the court shall cooperate with the assessor in correcting or expanding the histories.

If the department of health or a court receives information from a biological parent or other person pursuant to division (D)(2) of this section or the department receives information from a biological parent pursuant to division (D)(3) of this section, it shall determine whether the information is of a type that divisions (B) and (C) of this section permit to be included in the histories. If a court determines the information is of a permissible type, the court shall cause the histories to be corrected or expanded to reflect the information. If the department of health so determines, the court involved shall cooperate with the department in the correcting or expanding of the histories.

An assessor or the department of health shall notify a biological parent or other person in writing if the assessor or department determines that information the biological parent or other person provided or specified for inclusion in a history is
not of a type that may be included in a history. On receipt of the notice, the biological parent or other person may petition the court involved in the adoption to make a finding as to whether the information is of a type that may be included in a history. On receipt of the petition, the court shall issue its finding without holding a hearing. If the court finds that the information is of a type that may be included in a history, it shall cause the history to be corrected or expanded to reflect the information.

(E) An assessor shall file the social and medical histories of the biological parents prepared pursuant to divisions (B) and (C) of this section with the court with which a petition to adopt the biological parents' child is filed. The court promptly shall provide a copy of the social and medical histories filed with it to the petitioner. In a case involving the adoption of a minor by any person other than the minor's stepparent or grandparent, a court may refuse to issue an interlocutory order or final decree of adoption if the histories of the biological parents have not been so filed, unless the assessor certifies to the court that information needed to prepare the histories is unavailable for reasons beyond the assessor's control.

**Sec. 3107.091.** (A) As used in this section, "biological parent" means a biological parent whose offspring, as a minor, was adopted and with respect to whom a medical and social history was not prepared prior or subsequent to the adoption.

(B) A biological parent may request the department of **job children and family services youth** to provide the biological parent with a copy of the social and medical history forms prescribed by the department pursuant to section 3107.09 of the Revised Code. The department, upon receipt of such a request, shall provide the forms to the biological parent, if the biological parent indicates that the forms are being requested so
that the adoption records of the biological parent's offspring will include a social and medical history of the biological parent.

In completing the forms, the biological parent may include information described in division (C) of section 3107.09 of the Revised Code, but shall not include identifying information. When the biological parent has completed the forms to the extent the biological parent wishes to provide information, the biological parent shall return them to the department. The department shall review the completed forms, and shall determine whether the information included by the biological parent is of a type permissible under divisions (B) and (C) of section 3107.09 of the Revised Code and, to the best of its ability, whether the information is accurate. If it determines that the forms contain accurate, permissible information, the department, after excluding from the forms any information the department deems impermissible, shall file them with the court that entered the interlocutory order or final decree of adoption in the adoption case. If the department needs assistance in determining that court, the department of health, upon request, shall assist it.

The department of children and family services youth shall notify the biological parent in writing if it excludes from the biological parent's social and medical history forms information deemed impermissible. On receipt of the notice, the biological parent may petition the court with which the forms were filed to make a finding as to whether the information is permissible. On receipt of the petition, the court shall issue its finding without holding a hearing. If the court finds the information is permissible, it shall cause the information to be included on the forms.

Upon receiving social and medical history forms pursuant to this section, a court shall cause them to be filed in the records.
pertaining to the adoption case.

Social and medical history forms completed by a biological
parent pursuant to this section may be corrected or expanded by
the biological parent in accordance with division (D) of section
3107.09 of the Revised Code.

Access to the histories shall be granted in accordance with
division (D) of section 3107.17 of the Revised Code.

(C) This section does not preclude a biological parent from
completing a social and medical history in accordance with section
3107.393 of the Revised Code instead of this section.

Sec. 3107.10. (A)(1) A public children services agency
arranging an adoption in a county other than the county where that
public children services agency is located, private child placing
agency, or private noncustodial agency, or an attorney arranging
an adoption, shall notify the public children services agency in
the county in which the prospective adoptive parent resides within
ten days after initiation of a home study required under section
3107.031 of the Revised Code.

(2) After a public children services agency has received
notification pursuant to division (A)(1) of this section, both the
public children services agency arranging an adoption in a county
other than the county where that public children services agency
is located, private child placing agency, private noncustodial
agency, or attorney arranging an adoption, and the public children
services agency shall share relevant information regarding the
prospective adoptive parent as soon as possible after initiation
of the home study.

(B) A public children services agency arranging an adoption
in a county other than the county where that public children
services agency is located, private child placing agency, or
private noncustodial agency, or an attorney arranging an adoption, shall notify the public children services agency in the county in which the prospective adoptive parent resides of an impending adoptive placement not later than ten days prior to that placement. Notification shall include a description of the special needs and the age of the prospective adoptive child and the name of the prospective adoptive parent and number of children that will be residing in the prospective adoptive home when the prospective adoptive child is placed in the prospective adoptive home.

(C) An agency or attorney sharing relevant information pursuant to this section is immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by any act or omission in connection with sharing relevant information unless the acts or omissions are with malicious purpose, in bad faith, or in a wanton or reckless manner.

(D) The director of job children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section, including, but not limited to, a definition of "relevant information" for the purposes of division (A) of this section.

(E) This section does not apply to an adoption by a stepparent whose spouse is a biological or adoptive parent of the minor to be adopted.

Sec. 3107.101. (A) Not later than seven days after a minor to be adopted is placed in a prospective adoptive home pursuant to section 5103.16 of the Revised Code, the assessor providing placement or post placement services in the prospective adoptive home shall begin monthly prospective adoptive home visits in that home, until the court issues a final decree of adoption. During
the prospective adoptive home visits, the assessor shall evaluate
the progression of the placement in the prospective adoptive home. The assessor shall include the evaluation in the prefinalization
assessment required under section 3107.12 of the Revised Code.

(B) During the prospective home visit required under division
(A) of this section, the assessor shall make face-to-face contact
with the prospective adoptive parent and the minor to be adopted. The assessor shall make contact, as prescribed by rule under
division (C) of this section, with all other children or adults
residing in the prospective adoptive home.

(C) The director of children and family services youth
shall adopt rules in accordance with Chapter 119. of the Revised
Code necessary for the implementation and execution of this
section.

(D) This section does not apply to an adoption by a
stepparent whose spouse is a biological or adoptive parent of the
minor to be adopted.

Sec. 3107.12. (A) Except as provided in division (B) of this
section, an assessor shall conduct a prefinalization assessment of
a minor and petitioner before a court issues a final decree of
adoption or finalizes an interlocutory order of adoption for the
minor. On completion of the assessment, the assessor shall prepare
a written report of the assessment and provide a copy of the
report to the court before which the adoption petition is pending.

The report of a prefinalization assessment shall include all
of the following:

(1) The adjustment of the minor and the petitioner to the
adoptive placement;

(2) The present and anticipated needs of the minor and the
petitioner, as determined by a review of the minor's medical and
social history, for adoption-related services, including assistance under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, as amended, or section 5153.163 of the Revised Code and counseling, case management services, crisis services, diagnostic services, and therapeutic counseling.

(3) The physical, mental, and developmental condition of the minor;

(4) If known, the minor's biological family background, including identifying information about the biological or other legal parents;

(5) The reasons for the minor's placement with the petitioner, the petitioner's attitude toward the proposed adoption, and the circumstances under which the minor was placed in the home of the petitioner;

(6) The attitude of the minor toward the proposed adoption, if the minor's age makes this feasible;


(8) If known, the minor's psychological background, including prior abuse of the child and behavioral problems of the child;

(9) If applicable, the documents or forms required under sections 3107.032, 3107.10, and 3107.101 of the Revised Code.

The assessor shall file the prefinalization report with the court not later than twenty days prior to the date scheduled for the final hearing on the adoption unless the court determines there is good cause for filing the report at a later date.

The assessor shall provide a copy of the written report of the assessment to the petitioner with the identifying information
about the biological or other legal parents redacted.

(B) This section does not apply if the petitioner is the minor's stepparent, unless a court, after determining a prefinalization assessment is in the best interest of the minor, orders that an assessor conduct a prefinalization assessment.

(C) The director of children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code defining "counseling," "case management services," "crisis services," "diagnostic services," and "therapeutic counseling" for the purpose of this section.

**Sec. 3107.13.** (A) A final decree of adoption shall not be issued and an interlocutory order of adoption does not become final, until the person to be adopted has lived in the adoptive home for at least six months after placement by an agency, or for at least six months after the department of children and family services youth or the court has been informed of the placement of the person with the petitioner, and the department or court has had an opportunity to observe or investigate the adoptive home, or in the case of adoption by a stepparent, until at least six months after the filing of the petition, or until the child has lived in the home for at least six months.

(B) In the case of a foster caregiver adopting a foster child or person adopting a child to whom the person is related, the court shall apply the amount of time the child lived in the foster caregiver's or relative's home prior to the date the foster caregiver or relative files the petition to adopt the child toward the six-month waiting period established by division (A) of this section.

**Sec. 3107.141.** After an assessor files a home study report under section 3107.031, a social and medical history under section
3107.09, or a prefinalization assessment report under section 3107.12 of the Revised Code, or the department of children and family services or department of health files a social and medical history under section 3107.091 or 3107.393 of the Revised Code, a court may do either or both of the following if the court determines the report or history does not comply with the requirements governing the report or history or, in the case of a home study or prefinalization assessment report, does not enable the court to determine whether an adoption is in the best interest of the minor to be adopted:

(A) Order the assessor or department to redo or supplement the report or history in a manner the court directs;

(B) Appoint a different assessor to redo or supplement the report or history in a manner the court directs.

Sec. 3107.17. (A) All hearings held under sections 3107.01 to 3107.19 of the Revised Code shall be held in closed court without the admittance of any person other than essential officers of the court, the parties, the witnesses of the parties, counsel, persons who have not previously consented to an adoption but who are required to consent, and representatives of the agencies present to perform their official duties.

(B)(1) Except as provided in divisions (B)(2) and (D) of this section, sections 3107.38 and 3107.381, and sections 3107.60 to 3107.68 of the Revised Code, no person or governmental entity shall knowingly reveal any information contained in a paper, book, or record pertaining to an adoption that is part of the permanent record of a court or maintained by the department of children and family services, an agency, or attorney without the consent of a court.

(2) An agency or attorney may examine the agency's or attorney's own papers, books, and records pertaining to an
adoption without a court's consent for official administrative purposes. The department of youth may examine its own papers, books, and records pertaining to an adoption, or such papers, books, and records of an agency, without a court's consent for official administrative, certification, and eligibility determination purposes.

(C) The petition, the interlocutory order, the final decree of adoption, and other adoption proceedings shall be recorded in a book kept for such purposes and shall be separately indexed. The book shall be a part of the records of the court, and all consents, affidavits, and other papers shall be properly filed.

(D) All forms that pertain to the social or medical histories of the biological parents of an adopted person and that were completed pursuant to section 3107.09, 3107.091, or 3107.393 of the Revised Code shall be filed only in the permanent record kept by the court. During the minority of the adopted person, only the adoptive parents of the person may inspect the forms. When an adopted person reaches majority, only the adopted person may inspect the forms. Under the circumstances described in this division, an adopted person or the adoptive parents are entitled to inspect the forms upon requesting the clerk of the court to produce them.

(E)(1) The department of youth shall prescribe a form that permits any person who is authorized by division (D) of this section to inspect forms that pertain to the social or medical histories of the biological parents and that were completed pursuant to section 3107.09, 3107.091, or 3107.393 of the Revised Code to request notice if any correction or expansion of either such history, made pursuant to division (D) of section 3107.09 of the Revised Code, is made a part of the permanent record kept by the court. The form shall be designed to facilitate the provision of the information and
statements described in division (E)(3) of this section. The department shall provide copies of the form to each court. A court shall provide a copy of the request form to each adoptive parent when a final decree of adoption is entered and shall explain to each adoptive parent at that time that an adoptive parent who completes and files the form will be notified of any correction or expansion of either the social or medical history of the biological parents of the adopted person made during the minority of the adopted person that is made a part of the permanent record kept by the court, and that, during the adopted person's minority, the adopted person may inspect the forms that pertain to those histories. Upon request, the court also shall provide a copy of the request form to any adoptive parent during the minority of the adopted person and to an adopted person who has reached the age of majority.

(2) Any person who is authorized to inspect forms pursuant to division (D) of this section who wishes to be notified of corrections or expansions pursuant to division (D) of section 3107.09 of the Revised Code that are made a part of the permanent record kept by the court shall file with the court, on a copy of the form prescribed by the department of children and family services youth pursuant to division (E)(1) of this section, a request for such notification that contains the information and statements required by division (E)(3) of this section. A request may be filed at any time if the person who files the request is authorized at that time to inspect forms that pertain to the social or medical histories.

(3) A request for notification as described in division (E)(2) of this section shall contain all of the following information:

(a) The adopted person's name and mailing address at that time;
(b) The name of each adoptive parent, and if the adoptive person is a minor at the time of the filing of the request, the mailing address of each adoptive parent at that time;

(c) The adopted person's date of birth;

(d) The date of entry of the final decree of adoption;

(e) A statement requesting the court to notify the person who files the request, at the address provided in the request, if any correction or expansion of either the social or medical history of the biological parents is made a part of the permanent record kept by the court;

(f) A statement that the person who files the request is authorized, at the time of the filing, to inspect the forms that pertain to the social and medical histories of the biological parents;

(g) The signature of the person who files the request.

(4) Upon the filing of a request for notification in accordance with division (E)(2) of this section, the clerk of the court in which it is filed immediately shall insert the request in the permanent record of the case. A person who has filed the request and who wishes to update it with respect to a new mailing address may inform the court in writing of the new address. Upon its receipt, the court promptly shall insert the new address into the permanent record by attaching it to the request. Thereafter, any notification described in this division shall be sent to the new address.

(5) Whenever a social or medical history of a biological parent is corrected or expanded and the correction or expansion is made a part of the permanent record kept by the court, the court shall ascertain whether a request for notification has been filed in accordance with division (E)(2) of this section. If such a request has been filed, the court shall determine whether, at that
time, the person who filed the request is authorized, under division (D) of this section, to inspect the forms that pertain to the social or medical history of the biological parents. If the court determines that the person who filed the request is so authorized, it immediately shall notify the person that the social or medical history has been corrected or expanded, that it has been made a part of the permanent record kept by the court, and that the forms that pertain to the records may be inspected in accordance with division (D) of this section.

**Sec. 3107.39.** (A) The department of **job children and family services youth** shall prescribe a contact preference form for biological parents. The form shall include all of the following:

1. A component in which a biological parent is to indicate one of the following regarding a person who receives, under section 3107.38 of the Revised Code, a copy of the contents of the adoption file of the parent's offspring:
   1. That the biological parent welcomes the person to contact the parent directly;
   2. That the biological parent prefers that the person contact the parent through an intermediary who the parent specifies on the form;
   3. That the biological parent prefers that the person not contact the parent directly or through an intermediary.

2. Provisions necessary for the department of health to be able to identify the adoption file of the adopted person to whom the form pertains;

3. The following notices:
   1. If a social and medical history for the biological parent was not previously prepared or such a history was prepared but should be corrected or expanded, that the biological parent is
encouraged to do the following as appropriate:

(i) Complete a social and medical history form in accordance with section 3107.091 or 3107.393 of the Revised Code;

(ii) Correct or expand the biological parent's social and medical history in accordance with division (D) of section 3107.09 of the Revised Code.

(b) That a biological parent's preference regarding contact as indicated on a completed contact preference form is advisory only and therefore unenforceable;

(c) That the biological parent may change the parent's indicated preference regarding contact by filing a new contact preference form with the department of health.

(4) A space in which the biological parent indicates whether one or more of the following apply:

(a) The biological parent knows that a social and medical history was prepared for the biological parent pursuant to section 3107.09 of the Revised Code;

(b) The biological parent completed a social and medical history form in accordance with section 3107.091 or 3107.393 of the Revised Code;

(c) The biological parent corrected or expanded the biological parent's social and medical history in accordance with division (D) of section 3107.09 of the Revised Code.

(5) A notice of both of the following:

(a) That an adopted person may do either or both of the following:

(i) Inspect, pursuant to division (D) of section 3107.17 of the Revised Code, a social and medical history form of a biological parent of the adopted person maintained by the court that entered the interlocutory order or final decree of adoption.
regarding the adopted person;

(ii) Submit to that court, pursuant to division (E) of section 3107.17 of the Revised Code, a request for notification of a correction or expansion of a social and medical history of a biological parent of the adopted person.

(b) That an adopted person who does not know which court entered the interlocutory order or final decree of adoption regarding the adopted person may seek assistance from the department of health in accordance with section 3107.171 of the Revised Code.

(B) The department of job children and family services youth shall make the contact preference form prescribed under this section available to the department of health.

(C) The department of health shall make a contact preference form available to a biological parent on request. The department of health may accept a completed contact preference form from a biological parent only if the parent provides it two items of identification of the parent. If the department of health determines that it may accept a completed contact preference form, it shall accept the form. As soon as the department identifies the adoption file of the adopted person to whom the form pertains, it shall place the form in that file. If there is a previously completed contact preference form from the biological parent in the adopted person's adoption file, the department of health shall replace the parent's older form with the parent's new form.

(D) Subject to division (C) of this section, a biological parent may file a completed contact preference form with the department of health to change the parent's indicated preference regarding contact as many times as the parent wishes.

Sec. 3109.172. (A) As used in this section, "county
prevention specialist" includes the following:

(1) Members of agencies responsible for the administration of children's services in the counties within a child abuse and child neglect prevention region established in section 3109.171 of the Revised Code;

(2) Providers of alcohol or drug addiction services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region;

(3) Providers of mental health services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region;

(4) Members of county boards of developmental disabilities that serve counties within a region;

(5) Members of the educational community appointed by the superintendent of the school district with the largest enrollment in the counties within a region;

(6) Juvenile justice officials serving counties within a region;

(7) Pediatricians, health department nurses, and other members of the medical community in the counties within a region;

(8) Counselors and social workers serving counties within a region;

(9) Head start agencies serving counties within a region;

(10) Child care providers serving counties within a region;

(11) Other persons with demonstrated knowledge in programs for children serving counties within a region.

(B) Each child abuse and child neglect prevention region shall have a child abuse and child neglect regional prevention council as appointed under divisions (C), (D), and (E) of this
Each council shall operate in accordance with rules adopted by the department of children and family services pursuant to Chapter 119. of the Revised Code.

(C)(1) Each board of county commissioners within a region may appoint up to two county prevention specialists to the council representing the county, in accordance with rules adopted by the department of children and family services under Chapter 119. of the Revised Code.

(2) The children's trust fund board may appoint additional county prevention specialists to each region's council at the board's discretion.

(3) A representative of the council's regional prevention coordinator shall serve as a nonvoting member of the council.

(D) Each council member appointed under division (C)(1) of this section shall be appointed for a two-year term. Each council member appointed under division (C)(2) or (3) of this section shall be appointed for a three-year term. A member may be reappointed, but for two consecutive terms only.

(E) A member may be removed from the council by the member's appointing authority for misconduct, incompetence, or neglect of duty.

(F) Each appointed member of a council shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of official duties.

(G) The representative of the regional prevention coordinator shall serve as chairperson of the council.

(H) Each council shall meet at least quarterly.

(I) Council members shall do all of the following:

(1) Attend meetings of the council on which they serve;

(2) Assist the regional prevention coordinator in conducting
a needs assessment to ascertain the child abuse and child neglect prevention programming and services that are needed in their region;

(3) Collaborate on assembling the council's regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code;

(4) Assist the council's regional prevention coordinator with all of the following:

(a) Implementing the regional prevention plan, including monitoring fulfillment of child abuse and child neglect prevention deliverables and achievement of prevention outcomes;

(b) Coordinating county data collection;

(c) Ensuring timely and accurate reporting to the children's trust fund board.

(5) Any additional duties specified in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code.

(J) No council member shall participate in matters of the council pertaining to their own interests, including applications for funding by a council member or any entity, public or private, of which a council member serves as either a board member or employee.

(K) Each council shall file with the children's trust fund board, not later than the due dates specified by the board, a progress report and an annual report regarding the council's child abuse and child neglect prevention programs and activities undertaken in accordance with the council's regional prevention plan. The reports shall contain all information required by the board.

Sec. 3109.174. Each child abuse and child neglect regional
prevention council shall submit to the children's trust fund board a regional prevention plan for funding child abuse and child neglect prevention programs and activities based on criteria set forth by the children's trust fund.

The plan shall be submitted on the form and in the manner specified in rules adopted by the department of job children and family services youth pursuant to Chapter 119. of the Revised Code.

Sec. 3109.401. (A) The general assembly finds the following:

(1) That the parent and child relationship is of fundamental importance to the welfare of a child, and that the relationship between a child and each parent should be fostered unless inconsistent with the child's best interests;

(2) That parents have the responsibility to make decisions and perform other parenting functions necessary for the care and growth of their children;

(3) That the courts, when allocating parenting functions and responsibilities with respect to the child in a divorce, dissolution of marriage, legal separation, annulment, or any other proceeding addressing the allocation of parental rights and responsibilities, must determine the child's best interests;

(4) That the courts and parents must take into consideration the following general principles when allocating parental rights and responsibilities and developing appropriate terms for parenting plans:

(a) Children are served by a parenting arrangement that best provides for a child's safety, emotional growth, health, stability, and physical care.

(b) Exposure of the child to harmful parental conflict should be minimized as much as possible.
(c) Whenever appropriate, parents should be encouraged to meet their responsibilities to their children through agreements rather than by relying on judicial intervention.

(d) When a parenting plan provides for mutual decision-making responsibility by the parents but they are unable to make decisions mutually, they should make a good faith effort to utilize the mediation process as required by the parenting plan.

(e) In apportioning between the parents the daily physical living arrangements of the child and the child's location during legal and school holidays, vacations, and days of special importance, a court should not impose any type of standard schedule unless a standard schedule meets the needs of the child better than any proposed alternative parenting plan.

(B) It is, therefore, the purpose of this chapter, when it is in the child's best interest, to foster the relationship between the child and each parent when a court allocates parental rights and responsibilities with respect to the child in a divorce, dissolution, legal separation, annulment, or any other proceeding addressing the allocation of parental rights and responsibilities.

(C) There is hereby created the task force on family law and children consisting of twenty-four members. The Ohio state bar association shall appoint three members who shall be attorneys with extensive experience in the practice of family law. The Ohio association of domestic relations judges shall appoint three members who shall be domestic relations judges. The Ohio association of juvenile and family court judges shall appoint three members who shall be juvenile or family court judges. The chief justice of the supreme court shall appoint eight members, three of whom shall be persons who practice in the field of family law mediation, two of whom shall be persons who practice in the field of child psychology, one of whom shall be a person who represents parent and child advocacy organizations, one of whom
shall be a person who provides parenting education services, and one of whom shall be a magistrate employed by a domestic relations or juvenile court. The speaker of the house of representatives shall appoint two members who shall be members of the house of representatives and who shall be from different political parties. The president of the senate shall appoint two members who shall be members of the senate and who shall be from different political parties. The governor shall appoint two members who shall represent child caring agencies. One member shall be the director of job and family services or the director's designee. The chief justice shall designate one member of the task force to chair the task force.

The appointing authorities and persons shall make appointments to the task force on family law and children within thirty days after September 1, 1998. Sections 101.82 to 101.87 of the Revised Code do not apply to the task force.

(D) The task force on family law and children shall do all of the following:

(1) Appoint and fix the compensation of any technical, professional, and clerical employees and perform any services that are necessary to carry out the powers and duties of the task force on family law and children. All employees of the task force shall serve at the pleasure of the task force.

(2) By July 1, 2001, submit to the speaker and minority leader of the house of representatives and to the president and the minority leader of the senate a report of its findings and recommendations on how to create a more civilized and constructive process for the parenting of children whose parents do not reside together. The recommendations shall propose a system to do all of the following:

(a) Put children first;
(b) Provide families with choices before they make a decision to obtain or finalize a divorce, dissolution, legal separation, or annulment;

c) Redirect human services to intervention and prevention, rather than supporting the casualties of the current process;

d) Avoid needless conflict between the participants;

e) Encourage problem solving among the participants;

(f) Force the participants to act responsibly;

g) Shield both the participants and their children from lasting emotional damage.

(3) Gather information on and study the current state of family law in this state;

(4) Collaborate and consult with entities engaged in family and children's issues including, but not limited to, the Ohio association of child caring agencies, the Ohio family court feasibility study, and the Ohio courts futures commission;

(5) Utilize findings and outcomes from pilot projects conducted by the Ohio family court feasibility study to explore alternatives in creating a more civilized and constructive process for the parenting of children whose parents do not reside together with an emphasis on the areas of mediation and obtaining visitation compliance.

(E) Courts of common pleas shall cooperate with the task force on family law and children in the performance of the task force's duties described in division (D) of this section.

Sec. 3301.079. (A)(1) The state board of education periodically shall adopt statewide academic standards with emphasis on coherence, focus, and essential knowledge and that are more challenging and demanding when compared to international
standards for each of grades kindergarten through twelve in English language arts, mathematics, science, and social studies.

(a) The state board shall ensure that the standards do all of the following:

(i) Include the essential academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty-first century;

(ii) Include the development of skill sets that promote information, media, and technological literacy;

(iii) Include interdisciplinary, project-based, real-world learning opportunities;

(iv) Instill life-long learning by providing essential knowledge and skills based in the liberal arts tradition, as well as science, technology, engineering, mathematics, and career-technical education;

(v) Be clearly written, transparent, and understandable by parents, educators, and the general public.

(b) Not later than July 1, 2012, the state board shall incorporate into the social studies standards for grades four to twelve academic content regarding the original texts of the Declaration of Independence, the Northwest Ordinance, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, and the Ohio Constitution, and their original context. The state board shall revise the model curricula and achievement assessments adopted under divisions (B) and (C) of this section as necessary to reflect the additional American history and American government content. The state board shall make available a list of suggested grade-appropriate
supplemental readings that place the documents prescribed by this division in their historical context, which teachers may use as a resource to assist students in reading the documents within that context.

(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A)(1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium.

(2) After completing the standards required by division (A)(1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A)(1)(a) of this section.

(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically.

The department of education shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience.

(4) Not later than September 30, 2022, the state board shall update the standards and model curriculum for instruction in computer science in grades kindergarten through twelve, which
shall include standards for introductory and advanced computer 112011 science courses in grades nine through twelve. When developing the 112012 standards and curriculum, the state board shall consider 112013 recommendations from computer science education stakeholder 112014 groups, including teachers and representatives from higher 112015 education, industry, computer science organizations in Ohio, and 112016 national computer science organizations.

Any district or school may utilize the computer science 112018 standards or model curriculum or any part thereof adopted pursuant 112019 to division (A)(4) of this section. However, no district or school 112020 shall be required to utilize all or any part of the standards or 112021 curriculum.

(5) When academic standards have been completed for any 112023 subject area required by this section, the state board shall 112024 inform all school districts, all community schools established 112025 under Chapter 3314. of the Revised Code, all STEM schools 112026 established under Chapter 3326. of the Revised Code, and all 112027 nonpublic schools required to administer the assessments 112028 prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 112029 of the content of those standards. Additionally, upon completion 112030 of any academic standards under this section, the department shall 112031 post those standards on the department's web site.

(B)(1) The state board shall adopt a model curriculum for 112033 instruction in each subject area for which updated academic 112034 standards are required by division (A)(1) of this section and for 112035 each of grades kindergarten through twelve that is sufficient to 112036 meet the needs of students in every community. The model 112037 curriculum shall be aligned with the standards, to ensure that the 112038 academic content and skills specified for each grade level are 112039 taught to students, and shall demonstrate vertical articulation 112040 and emphasize coherence, focus, and rigor. When any model 112041 curriculum has been completed, the state board shall inform all 112042
school districts, community schools, and STEM schools of the content of that model curriculum.

(2) Not later than June 30, 2013, the state board, in consultation with any office housed in the governor's office that deals with workforce development, shall adopt model curricula for grades kindergarten through twelve that embed career connection learning strategies into regular classroom instruction.

(3) All school districts, community schools, and STEM schools may utilize the state standards and the model curriculum established by the state board, together with other relevant resources, examples, or models to ensure that students have the opportunity to attain the academic standards. Upon request, the department shall provide technical assistance to any district, community school, or STEM school in implementing the model curriculum.

Nothing in this section requires any school district to utilize all or any part of a model curriculum developed under this section.

(C) The state board shall develop achievement assessments aligned with the academic standards and model curriculum for each of the subject areas and grade levels required by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised Code.

When any achievement assessment has been completed, the state board shall inform all school districts, community schools, STEM schools, and nonpublic schools required to administer the assessment of its completion, and the department shall make the achievement assessment available to the districts and schools.

(D)(1) The state board shall adopt a diagnostic assessment aligned with the academic standards and model curriculum for each of grades kindergarten through one and two in reading, writing, and mathematics and for grade three in reading and writing. The
diagnostic assessment shall be designed to measure student
comprehension of academic content and mastery of related skills
for the relevant subject area and grade level. Any diagnostic
assessment shall not include components to identify gifted
students. Blank copies of diagnostic assessments shall be public
records.

(2) When each diagnostic assessment has been completed, the
state board shall inform all school districts of its completion
and the department shall make the diagnostic assessment available
to the districts at no cost to the district.

(3) School districts shall administer the diagnostic
assessment pursuant to section 3301.0715 of the Revised Code
beginning the first school year following the development of the
assessment.

However, beginning with the 2017-2018 school year, both of
the following shall apply:

(a) In the case of the diagnostic assessments for grades one
or two in writing or mathematics or for grade three in writing, a
school district shall not be required to administer any such
assessment, but may do so at the discretion of the district board;

(b) In the case of any diagnostic assessment that is not for
the grade levels and subject areas specified in division (D)(3)(a)
of this section, each school district shall administer the
assessment in the manner prescribed by section 3301.0715 of the
Revised Code.

(E) The state board shall not adopt a diagnostic or
achievement assessment for any grade level or subject area other
than those specified in this section.

(F) Whenever the state board or the department consults with
persons for the purpose of drafting or reviewing any standards,
diagnostic assessments, achievement assessments, or model
curriculum required under this section, the state board or the
department shall first consult with parents of students in
kindergarten through twelfth grade and with active Ohio classroom
teachers, other school personnel, and administrators with
expertise in the appropriate subject area. Whenever practicable,
the state board and department shall consult with teachers
recognized as outstanding in their fields.

If the department contracts with more than one outside entity
for the development of the achievement assessments required by
this section, the department shall ensure the interchangeability
of those assessments.

(G) Whenever the state board adopts standards or model
curricula under this section, the department also shall provide
information on the use of blended, online, or digital learning in
the delivery of the standards or curricula to students in
accordance with division (A)(5) of this section.

(H) The fairness sensitivity review committee, established by
rule of the state board of education, shall not allow any question
on any achievement or diagnostic assessment developed under this
section or any proficiency test prescribed by former section
3301.0710 of the Revised Code, as it existed prior to September
11, 2001, to include, be written to promote, or inquire as to
individual moral or social values or beliefs. The decision of the
committee shall be final. This section does not create a private
cause of action.

(I) Not later than sixty days prior to the adoption by the
state board of updated academic standards under division (A)(1) of
this section or updated model curricula under division (B)(1) of
this section, the superintendent of public instruction shall
present the academic standards or model curricula, as applicable,
in person at a public hearing of the respective committees of the
house of representatives and senate that consider education
legislation.

(J) As used in this section:

(1) "Blended learning" means the delivery of instruction in a combination of time primarily in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning and includes noncomputer-based learning opportunities.

(2) "Online learning" means students work primarily from their residences on assignments delivered via an internet- or other computer-based instructional method.

(3) "Coherence" means a reflection of the structure of the discipline being taught.

(4) "Digital learning" means learning facilitated by technology that gives students some element of control over time, place, path, or pace of learning.

(5) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter.

(6) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines.

Sec. 3301.0714. (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include:

(1) Standards identifying and defining the types of data in
the system in accordance with divisions (B) and (C) of this section;

(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;

(3) Procedures for annually compiling the data in accordance with division (G) of this section;

(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;

(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:

(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:

(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of
instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.

(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C)(4)(a) of this section.

(c) Average student grades in each subject in grades nine through twelve;

(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;

(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;

(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;

(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.

(h) Expulsion rates;

(i) Suspension rates;

(j) Dropout rates;

(k) Rates of retention in grade;
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;

(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;

(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.

(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B)(4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.

Division (B)(1)(o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general assembly.

(p) The number of students earning each state diploma seal
included in the system prescribed under division (A) of section 3313.6114 of the Revised Code;

(q) The number of students demonstrating competency for graduation using each option described in divisions (B)(1)(a) to (d) of section 3313.618 of the Revised Code;

(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B)(1)(b) of section 3313.618 of the Revised Code;

(s) The number of students enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be
maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.

(d) The number of lead teachers employed by each school district and each school building.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of English learners in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs.

(4) Any data required to be collected pursuant to federal law.

(C) The education management information system shall include cost accounting data for each district as a whole and for each
school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:

(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in enrolled ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section
that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;

(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category.

(4) Support or extracurricular services costs for each category of service directly provided to students and required by guidelines adopted pursuant to division (B)(1)(b) of this section. The guidelines shall require the cost units under division (C)(4) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each support or extracurricular services category required by guidelines adopted under division (B)(1)(b) of this section that is provided directly to students by a licensed employee, such as services provided by a guidance counselor or any services provided by a licensed employee under a supplemental contract;

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each
services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring or the development of state assessments. The guidelines may require school districts to provide the social security numbers of individual staff members and the county of residence for a student. Nothing in this section prohibits the state board of education or department of education from providing a student's county of residence to the department of taxation to facilitate the distribution of tax revenue.
(2)(a) The guidelines shall provide for each school district or community school to assign a data verification code that is unique on a statewide basis over time to each student whose initial Ohio enrollment is in that district or school and to report all required individual student data for that student utilizing such code. The guidelines shall also provide for assigning data verification codes to all students enrolled in districts or community schools on the effective date of the guidelines established under this section. The assignment of data verification codes for other entities, as described in division (D)(2)(d) of this section, the use of those codes, and the reporting and use of associated individual student data shall be coordinated by the department in accordance with state and federal law.

School districts shall report individual student data to the department through the information technology centers utilizing the code. The entities described in division (D)(2)(d) of this section shall report individual student data to the department in the manner prescribed by the department.

(b)(i) Except as provided in sections 3301.941, 3310.11, 3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised Code, and in division (D)(2)(b)(ii) of this section, at no time shall the state board or the department have access to information that would enable any data verification code to be matched to personally identifiable student data.

(ii) For the purpose of making per-pupil payments to community schools under section 3317.022 of the Revised Code, the department shall have access to information that would enable any data verification code to be matched to personally identifiable student data.

(c) Each school district and community school shall ensure that the data verification code is included in the student's
records reported to any subsequent school district, community school, or state institution of higher education, as defined in section 3345.011 of the Revised Code, in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

(d) The director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, children and youth, and developmental disabilities, shall request and receive, pursuant to sections 3301.0723 and 5123.0423, 5180.33 of the Revised Code, a data verification code for a child who is receiving those services.

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile formats required under division (G) of this section or the annual statewide report required under division (H) of this section.

(F) Beginning with the school year that begins July 1, 1991, the board of education of each school district shall annually collect and report to the state board, in accordance with the guidelines established by the board, the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.357 or 3319.321 of the Revised Code.

(G) The state board shall, in accordance with the procedures it adopts, annually compile the data reported by each school
district pursuant to division (D) of this section. The state board shall design formats for profiling each school district as a whole and each school building within each district and shall compile the data in accordance with these formats. These profile formats shall:

(1) Include all of the data gathered under this section in a manner that facilitates comparison among school districts and among school buildings within each school district;

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The state board shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.

(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education.

(3) Copies of the reports received from the state board under divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the
school district, at least twice during the two weeks prior to the week in which the reports will first be available, a notice containing the address where the reports are available and the date on which the reports will be available.

(I) Any data that is collected or maintained pursuant to this section and that identifies an individual pupil is not a public record for the purposes of section 149.43 of the Revised Code.

(J) As used in this section:

(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section.

(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.

(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.

(L)(1) In accordance with division (L)(2) of this section and the rules adopted under division (L)(10) of this section, the department of education may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise
does not make a good faith effort to report data as required by this section.

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for
current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;

(ix) Any other action designed to correct the district's data reporting problems.

(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.

(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if
the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section.

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L)(2)(d)(i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the district shall reimburse the department for the full cost of the audit. The department may withhold state funds due to the district for this purpose.

(6) Prior to issuing a revised report card for a school district under division (L)(2)(d)(viii) of this section, the department may hold a hearing to provide the district with an opportunity to demonstrate that it made a good faith effort to report data as required by this section. The hearing shall be conducted by a referee appointed by the department. Based on the information provided in the hearing, the referee shall recommend whether the department should issue a revised report card for the district. If the referee affirms the department's contention that the district did not make a good faith effort to report data as required by this section, the district shall bear the full cost of conducting the hearing and of issuing any revised report card.

(7) If the department determines that any inaccurate data reported under this section caused a school district to receive excess state funds in any fiscal year, the district shall
reimburse the department an amount equal to the excess funds, in accordance with a payment schedule determined by the department. The department may withhold state funds due to the district for this purpose.

(8) Any school district that has funds withheld under division (L)(2) of this section may appeal the withholding in accordance with Chapter 119. of the Revised Code.

(9) In all cases of a disagreement between the department and a school district regarding the appropriateness of an action taken under division (L)(2) of this section, the burden of proof shall be on the district to demonstrate that it made a good faith effort to report data as required by this section.

(10) The state board of education shall adopt rules under Chapter 119. of the Revised Code to implement division (L) of this section.

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

(P) The department shall disaggregate the data collected under division (B)(1)(n) of this section according to the race and
socioeconomic status of the students assessed.

(Q) If the department cannot compile any of the information required by division (I) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

Sec. 3301.0715. (A) Except as required under division (B)(1) of section 3313.608 or as specified in division (D)(3) of section 3301.079 of the Revised Code, the board of education of each city, local, and exempted village school district shall administer each applicable diagnostic assessment developed and provided to the district in accordance with section 3301.079 of the Revised Code to the following:

(1) Any student who transfers into the district or to a different school within the district if each applicable diagnostic assessment was not administered by the district or school the student previously attended in the current school year, within thirty days after the date of transfer. If the district or school into which the student transfers cannot determine whether the student has taken any applicable diagnostic assessment in the current school year, the district or school may administer the diagnostic assessment to the student. However, if a student transfers into the district prior to the administration of the diagnostic assessments to all students under division (B) of this section, the district may administer the diagnostic assessments to that student on the date or dates determined under that division.

(2) Each kindergarten student, not earlier than the first day of July of the school year and not later than the twentieth day of instruction of that school year.

For the purpose of division (A)(2) of this section, the district shall administer the kindergarten readiness assessment
provided by the department of education children and youth. In no case shall the results of the readiness assessment be used to prohibit a student from enrolling in kindergarten.

(3) Each student enrolled in first, second, or third grade.

Division (A) of this section does not apply to students with significant cognitive disabilities, as defined by the department of education.

(B) Each district board shall administer each diagnostic assessment when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment at least once annually to all students in the appropriate grade level. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year.

(C) A district may use different diagnostic assessments from those adopted under division (D) of section 3301.079 of the Revised Code in order to satisfy the requirements of division (A)(3) of this section if the district meets either of the following conditions for the immediately preceding school year:

(1) The district received a grade of "A" or "B" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code or for the value-added progress dimension under division (C)(1)(e) of that section.

(2) The district received a performance rating of four stars or higher for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code or for progress under division (D)(3)(c) of that section.

(D) Each district board shall utilize and score any diagnostic assessment administered under division (A) of this
section in accordance with rules established by the department of education or the department of children and youth. After the administration of any diagnostic assessment, each district shall provide a student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student, and shall include all such documents and information in any plan developed for the student under division (C) of section 3313.608 of the Revised Code. Each district shall submit to the department, in the manner the prescribed by each department prescribes, the results of the diagnostic assessments administered under this section, regardless of the type of assessment used under section 3313.608 of the Revised Code as follows:

(1) The results of the kindergarten readiness assessment to the department of children and youth;

(2) The results of all diagnostic assessments to the department of education. The department of education and the department of children and youth may issue reports with respect to the data collected. The Either department may report school and district level kindergarten diagnostic assessment data and use diagnostic assessment data to calculate the measures prescribed by divisions (B)(1)(g), (C)(1)(g), and (D)(1)(h) of section 3302.03 of the Revised Code and the data reported under division (D)(2)(e) of that section.

(E) Each district board shall provide intervention services to students whose diagnostic assessments show that they are failing to make satisfactory progress toward attaining the academic standards for their grade level.

(F) Beginning in the 2018-2019 school year, any chartered nonpublic school may elect to administer the kindergarten
readiness assessment to all kindergarten students enrolled in the school. If the school so elects, the chief administrator of the school shall notify the superintendent of public instruction director of children and youth not later than the thirty-first day of March prior to any school year in which the school will administer the assessment. The department of children and youth shall furnish the assessment to the school at no cost to the school. In administering the assessment, the school shall do all of the following:

(1) Enter into a written agreement with the department of children and youth specifying that the school will share each participating student's assessment data with the department of education and the department of children and youth and, that for the purpose of reporting the data to the department of education and department of children and youth, each participating student will be assigned a data verification code as described in division (D)(2) of section 3301.0714 of the Revised Code;

(2) Require the assessment to be administered by a teacher certified under section 3301.071 of the Revised Code who either has completed training on administering the kindergarten readiness assessment provided by the department of children and youth or has been trained by another person who has completed such training;

(3) Administer the assessment in the same manner as school districts are required to do under this section and the rules established under division (D) of this section.

(G) Beginning in the 2019-2020 school year, a school district in which less than eighty per cent of its students score at the proficient level or higher on the third-grade English language arts assessment prescribed under section 3301.0710 of the Revised Code shall establish a reading improvement plan supported by reading specialists. Prior to implementation, the plan shall be
approved by the school district board of education.

**Sec. 3301.0723.** (A) The independent contractor engaged by the department of education to create and maintain for school districts and community schools the student data verification codes required by division (D)(2) of section 3301.0714 of the Revised Code, upon request of the director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, youth, job and family services, mental health and addiction services, and developmental disabilities, shall assign a data verification code to a child who is receiving such services and shall provide that code to the director. The contractor also shall provide that code to the department of education.

(B) The director of a state agency that receives a child's data verification code under division (A) of this section shall use that code to submit information for that child to the department of education in accordance with section 3301.0714 of the Revised Code.

(C) A public school that receives from the independent contractor the data verification code for a child assigned under division (A) of this section shall not request or assign to that child another data verification code under division (D)(2) of section 3301.0714 of the Revised Code. That school and any other public school in which the child subsequently enrolls shall use the data verification code assigned under division (A) of this section to report data relative to that student required under section 3301.0714 of the Revised Code.

**Sec. 3301.15.** The state board of education or its authorized representatives may inspect all institutions under the control of
the department of children and family services youth, the department of mental health and addiction services, the department of developmental disabilities, and the department of rehabilitation and correction which employ teachers, and may make a report on the teaching, discipline, and school equipment in these institutions to the director of children and family services youth, the director of mental health and addiction services, the director of developmental disabilities, the director of rehabilitation and correction, and the governor.

Sec. 3301.30. The department of education and the department of children and youth shall:


(B) Establish an official relationship with the Texas education agency and the Florida department of education to cooperate and exchange information with those states concerning education for children of migrant agricultural laborers, and coordinate its activities and services for such children with those states and any other states that provide education for such children;

(C) Take all necessary steps to compensate for the lack of continuity in instructional curriculum experienced by children of migrant agricultural laborers as a result of their parents' occupation by assuring that:

(1) Coordinated interstate and intrastate programs are provided at all levels, including coordinated programs leading to credit accrual;
(2) Parents are given information about the availability of interstate and intrastate programs.

(D) Take a more active role in encouraging boards of education to offer, in accordance with section 3313.641 of the Revised Code, alternative evening and tutorial programs for children of migrant agricultural laborers and their families during late spring, summer, and early fall.

Sec. 3301.311. (A) As used in this section, "preschool program" has the same meaning as in section 3301.52 of the Revised Code.

(B) Subject to divisions (C) and (D) of this section, beginning in fiscal year 2006, no preschool program, and no early childhood education program or early learning program as defined by the department of education shall receive any funds from the state unless fifty per cent of the staff members employed by that program as teachers are working toward an associate degree of a type approved by the department.

(C)(1) Subject to division (C)(2) of this section, beginning in fiscal year 2010, no preschool program, and no early childhood education program or early learning program as defined by the department, existing prior to fiscal year 2007, shall receive any funds from the state unless every staff member employed by that program as a teacher has attained an associate degree of a type approved by the department.

(2) Beginning in fiscal year 2011, no preschool program, and no early childhood education program or early learning program as defined by the department, existing prior to fiscal year 2007, shall receive any funds from the state unless fifty per cent of the staff members employed by the program as teachers have attained a bachelor's degree of a type approved by the department.
Subject to division (D)(2) of this section, beginning in fiscal year 2012, no preschool program, and no early childhood education program or early learning program as defined by the department, established during or after fiscal year 2007, shall receive any funds from the state unless every staff member employed by that program as a teacher has attained an associate degree of a type approved by the department.

(2) Beginning in fiscal year 2013, no preschool program, and no early childhood education program or early learning program as defined by the department in section 3301.52 of the Revised Code, established during or after fiscal year 2007, shall receive any funds from the state unless fifty per cent of the staff members employed by the program as teachers have attained a bachelor's degree of a type approved by the department in section 3319.22 of the Revised Code.

Sec. 3301.32. (A)(1) The chief administrator of any head start agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the head start agency for employment as a person responsible for the care, custody, or control of a child. If the applicant does not present proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant. If the applicant presents proof that the applicant has been a resident of this state for that five-year period, the chief administrator may
request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) Any person required by division (A)(1) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the chief administrator requests a criminal records check pursuant to division (A)(1) of this section.

(3) Any applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheets with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the head start agency shall not employ that applicant for any position for which a criminal records check is required by division (A)(1) of this section.

(B)(1) Except as provided in rules adopted by the director of children and family services youth in accordance with division (E) of this section, no head start agency shall employ a person as a person responsible for the care, custody, or control of a child
if the person previously has been convicted of or pleaded guilty to any of the following:

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

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B)(1)(a) of this section.

(2) A head start agency may employ an applicant conditionally until the criminal records check required by this section is completed and the agency receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B)(1) of this section, the applicant does not qualify for employment, the agency shall release the applicant from employment.

(C)(1) Each head start agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code.
for each criminal records check conducted in accordance with that section upon the request pursuant to division (A)(1) of this section of the chief administrator of the head start agency.

(2) A head start agency may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the agency pays under division (C)(1) of this section. If a fee is charged under this division, the agency shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the head start agency will not consider the applicant for employment.

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's representative, the head start agency requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant.

(E) The director of children and family services youth shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which a head start agency may hire a person who has been convicted of an offense listed in division (B)(1) of this section but who meets standards in regard to rehabilitation set by the director.

(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the
time of the person's initial application for employment, that the
person is required to provide a set of impressions of the person's
fingerprints and that a criminal records check is required to be
conducted and satisfactorily completed in accordance with section
109.572 of the Revised Code if the person comes under final
consideration for appointment or employment as a precondition to
employment for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final
consideration for appointment or employment in a position with a
head start agency as a person responsible for the care, custody,
or control of a child.

(2) "Head start agency" means an entity in this state that
has been approved to be an agency for purposes of the "Head Start

(3) "Criminal records check" has the same meaning as in
section 109.572 of the Revised Code.

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

Sec. 3301.50. Except as otherwise provided under division (B)
of section 3301.54 of the Revised Code, the issuing of any
educator license designated for teaching in a preschool setting
pursuant to section 3319.22 of the Revised Code shall not be
construed as requiring any person who does not hold such a license
to obtain one in order to be employed as a teacher in a
pre-kindergarten program. However, a person hired after July 1,
1988, to direct a preschool program regulated by the state board
department of education children and youth under sections 3301.52
to 3301.57 of the Revised Code, other than a program operated by a
nontax-supported eligible nonpublic school, shall hold a valid
educator license designated as appropriate for teaching or being an administrator in a preschool setting issued pursuant to section 3319.22 of the Revised Code plus the four courses required by division (A)(1) of section 3301.54 of the Revised Code, unless division (A)(4) of that section applies to the person.

Sec. 3301.53. (A) The state board of education, in consultation with the director of job and the department of children and family services, youth shall consult with each other to formulate and prescribe jointly by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county boards of developmental disabilities, community schools, or eligible nonpublic schools. The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives, and meets the requirements of section 3301.55 of the Revised Code;

(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;

(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided inservice education without discrimination on the basis of age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience;

(4) A requirement that boards of education intending to establish a preschool program demonstrate a need for a preschool
program prior to establishing the program;

(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board to prevent the spread of communicable disease;

(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code.

(B) The state board of education in consultation with the director of job and family services and the department shall ensure that the rules adopted by the state board under sections 3301.52 to 3301.58 of the Revised Code are consistent with and meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child day-care centers that serve preschool children. The state board and the director of job and family services and the department shall review all such rules at least once every five years.

(C) The state board of education, in consultation with the director of job and family services, and the department shall adopt rules for school child programs that are consistent with and meet or exceed the requirements of the rules adopted for child day-care centers that serve school-age children under Chapter 5104. of the Revised Code.

Sec. 3301.55. (A) A school district, county board of developmental disabilities, community school, or eligible nonpublic school operating a preschool program shall house the program in buildings that meet the following requirements:

(1) The building is operated by the district, county board of developmental disabilities, community school, or eligible nonpublic school and has been approved by the division of industrial compliance in the department of commerce or a certified
municipal, township, or county building department for the purpose of operating a program for preschool children. Any such structure shall be constructed, equipped, repaired, altered, and maintained in accordance with applicable provisions of Chapters 3781. and 3791. and with rules adopted by the board of building standards under Chapter 3781. of the Revised Code for the safety and sanitation of structures erected for this purpose.

(2) The building is in compliance with fire and safety laws and regulations as evidenced by reports of annual school fire and safety inspections as conducted by appropriate local authorities.

(3) The school is in compliance with rules established by the state board of education regarding school food services.

(4) The facility includes not less than thirty-five square feet of indoor space for each child in the program. Safe play space, including both indoor and outdoor play space, totaling not less than sixty square feet for each child using the space at any one time, shall be regularly available and scheduled for use.

(5) First aid facilities and space for temporary placement or isolation of injured or ill children are provided.

(B) Each school district, county board of developmental disabilities, community school, or eligible nonpublic school that operates, or proposes to operate, a preschool program shall submit a building plan including all information specified by the state board of education to the board department of children and youth not later than the first day of September of the school year in which the program is to be initiated. The board department of children and youth, shall determine whether the buildings meet the requirements of this section and section 3301.53 of the Revised Code, and notify the superintendent of its determination. If the board determines, on the basis of the building plan or any other information, that the buildings do not meet those requirements, it
shall cause the buildings to be inspected by the department of education children and youth. The department shall make a report to the superintendent specifying any aspects of the building that are not in compliance with the requirements of this section and section 3301.53 of the Revised Code and the time period that will be allowed the district, county board of developmental disabilities, or school to meet the requirements.

Sec. 3301.56. (A) The director, head teacher, elementary principal, or site administrator who is on site and responsible for supervision of each preschool program shall be responsible for the following:

(1) Ensuring that the health and safety of the children are safeguarded by an organized program of school health services designed to identify child health problems and to coordinate school and community health resources for children, as evidenced by but not limited to:

(a) Requiring immunization and compliance with emergency medical authorization requirements in accordance with rules adopted by the state board of education under section 3301.53 of the Revised Code;

(b) Providing procedures for emergency situations, including fire drills, rapid dismissals, tornado drills, and school safety drills in accordance with section 3737.73 of the Revised Code, and keeping records of such drills or dismissals;

(c) Posting emergency procedures in preschool rooms and making them available to school personnel, children, and parents;

(d) Posting emergency numbers by each telephone;

(e) Supervising grounds, play areas, and other facilities when scheduled for use by children;

(f) Providing first-aid facilities and materials.
(2) Maintaining cumulative records for each child;

(3) Supervising each child's admission, placement, and withdrawal according to established procedures;

(4) Preparing at least once annually for each group of children in the program a roster of names and telephone numbers of parents, guardians, and custodians of children in the group and, on request, furnishing the roster for each group to the parents, guardians, and custodians of children in that group. The director may prepare a similar roster of all children in the program and, on request, make it available to the parents, guardians, and custodians, of children in the program. The director shall not include in either roster the name or telephone number of any parent, guardian, or custodian who requests that the parent's, guardian's, or custodian's name or number not be included, and shall not furnish any roster to any person other than a parent, guardian, or custodian of a child in the program.

(5) Ensuring that clerical and custodial services are provided for the program;

(6) Supervising the instructional program and the daily operation of the program;

(7) Supervising and evaluating preschool staff members according to a planned sequence of observations and evaluation conferences, and supervising nonteaching employees.

(B)(1) In each program the maximum number of children per preschool staff member and the maximum group size by age category of children shall be as follows:

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Maximum Group Size</th>
<th>Staff Member/Child Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birth to less than 12 months</td>
<td>12</td>
<td>1:5, or 2:12 if two preschool</td>
</tr>
<tr>
<td>Age Group</td>
<td>Staff Members</td>
<td>Ratio</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>---------------</td>
<td>-------</td>
</tr>
<tr>
<td>12 months to less than 18 months</td>
<td>12</td>
<td>1:6</td>
</tr>
<tr>
<td>18 months to less than 30 months</td>
<td>14</td>
<td>1:7</td>
</tr>
<tr>
<td>30 months to less than 3 years</td>
<td>16</td>
<td>1:8</td>
</tr>
<tr>
<td>3-year-olds</td>
<td>24</td>
<td>1:12</td>
</tr>
<tr>
<td>4- and 5-year-olds not in school</td>
<td>28</td>
<td>1:14</td>
</tr>
</tbody>
</table>

(2) When age groups are combined, the maximum number of children per preschool staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives child care in a group in which all the other children are in the next older age group, the maximum number of children per child-care staff member and maximum group size requirements of the older age group established under division (B)(1) of this section shall apply.

(3) In a room where children are napping, if all the children are at least eighteen months of age, the maximum number of children per preschool staff member shall, for a period not to exceed one and one-half hours in any twenty-four hour day, be twice the maximum number of children per preschool staff member established under division (B)(1) of this section if all the following criteria are met:

(a) At least one preschool staff member is present in the room;

(b) Sufficient preschool staff members are present on the preschool program premises to comply with division (B)(1) of this section;

(c) Naptime preparations have been completed and the children are resting or napping.

(4) Any accredited program that uses the Montessori method endorsed by the American Montessori society or the association
Montessori internationale as its primary method of instruction and is licensed as a preschool program under section 3301.58 of the Revised Code may combine preschool children of ages three to five years old with children enrolled in kindergarten. Notwithstanding anything to the contrary in division (B)(2) of this section, when such age groups are combined, the maximum number of children per preschool staff member shall be twelve and the maximum group size shall be twenty-four children.

(C) In each building in which a preschool program is operated there shall be on the premises, and readily available at all times, at least one employee who has completed a course in first aid and in the prevention, recognition, and management of communicable diseases which is approved by the state department of health, and an employee who has completed a course in child abuse recognition and prevention.

(D) Any parent, guardian, or custodian of a child enrolled in a preschool program shall be permitted unlimited access to the school during its hours of operation to contact the parent's, guardian's, or custodian's child, evaluate the care provided by the program, or evaluate the premises, or for other purposes approved by the director. Upon entering the premises, the parent, guardian, or custodian shall report to the school office.

Sec. 3301.57. (A) For the purpose of improving programs, facilities, and implementation of the standards promulgated by the state board department of education children and youth under section 3301.53 of the Revised Code, the state department of education and the department of children and youth shall provide consultation and technical assistance to school districts, county boards of developmental disabilities, community schools, and eligible nonpublic schools operating preschool programs or school child programs, and inservice training to preschool staff members,
school child program staff members, and nonteaching employees.

(B) The department of education, the department of children and youth, and the school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school shall jointly monitor each preschool program and each school child program.

If the program receives any grant or other funding from the state or federal government, the department of education and the department of children and youth annually shall monitor all reports on attendance, financial support, and expenditures according to provisions for use of the funds.

(C) The department of education and the department of children and youth, at least once during every twelve-month period of operation of a preschool program or a licensed school child program, shall inspect the program and provide a written inspection report to the superintendent of the school district, county board of developmental disabilities, community school, or eligible nonpublic school. The department departments may inspect any program more than once, as considered necessary by the department departments, during any twelve-month period of operation. All inspections may be unannounced. No person shall interfere with any inspection conducted pursuant to this division or to the rules adopted pursuant to sections 3301.52 to 3301.59 of the Revised Code.

Upon receipt of any complaint that a preschool program or a licensed school child program is out of compliance with the requirements in sections 3301.52 to 3301.59 of the Revised Code or the rules adopted under those sections, the department of children and youth shall investigate and may inspect the program. If the complaint is related to a teacher, the department shall coordinate with the department of education to investigate and take action on
a teacher's license.

(D) If a preschool program or a licensed school child program is determined to be out of compliance with the requirements of sections 3301.52 to 3301.59 of the Revised Code or the rules adopted under those sections, the department of education and youth shall notify the appropriate superintendent, county board of developmental disabilities, community school, or eligible nonpublic school in writing regarding the nature of the violation, what must be done to correct the violation, and by what date the correction must be made. If the correction is not made by the date established by the department, it may commence action under Chapter 119. of the Revised Code to close the program or to revoke the license of the program. If a program does not comply with an order to cease operation issued in accordance with Chapter 119. of the Revised Code, the department shall notify the attorney general, the prosecuting attorney of the county in which the program is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the program is located that the program is operating in violation of sections 3301.52 to 3301.59 of the Revised Code or the rules adopted under those sections and in violation of an order to cease operation issued in accordance with Chapter 119. of the Revised Code. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer shall file a complaint in the court of common pleas of the county in which the program is located requesting the court to issue an order enjoining the program from operating. The court shall grant the requested injunctive relief upon a showing that the program named in the complaint is operating in violation of sections 3301.52 to 3301.59 of the Revised Code or the rules adopted under those sections and in violation of an order to cease operation issued in accordance with Chapter 119. of the Revised Code.
(E) The department of education and department of children and youth shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The departments shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

Sec. 3301.58. (A) The department of education children and youth is responsible for the licensing of preschool programs and school child programs and for the enforcement of sections 3301.52 to 3301.59 of the Revised Code and of any rules adopted under those sections. No school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school shall operate, establish, manage, conduct, or maintain a preschool program without a license issued under this section. A school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school may obtain a license under this section for a school child program. The school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school shall post the license for each preschool program and licensed school child program it operates, establishes, manages, conducts, or maintains in a conspicuous place in the preschool program or licensed school child program that is accessible to parents, custodians, or guardians and employees and staff members of the program at all times when the program is in operation.

(B) Any school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school that desires to operate, establish, manage,
conduct, or maintain a preschool program shall apply to the department of education children and youth for a license on a form that the department shall prescribe by rule. Any school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school that desires to obtain a license for a school child program shall apply to the department for a license on a form that the department shall prescribe by rule. The department shall provide at no charge to each applicant for a license under this section a copy of the requirements under sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections. The department may establish application fees by rule adopted under Chapter 119. of the Revised Code, and all applicants for a license shall pay any fee established by the department at the time of making an application for a license. All fees collected pursuant to this section shall be paid into the state treasury to the credit of the general revenue fund.

(C) Upon the filing of an application for a license, the department of education children and youth shall investigate and inspect the preschool program or school child program to determine the license capacity for each age category of children of the program and to determine whether the program complies with sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections. When, after investigation and inspection, the department of education is satisfied that sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are complied with by the applicant, the department of education shall issue the program a provisional license as soon as practicable in the form and manner prescribed by the rules of the department. The provisional license shall be valid for one year from the date of issuance unless revoked.

(D) The department of education children and youth shall
investigate and inspect a preschool program or school child program that has been issued a provisional license at least once during operation under the provisional license. If, after the investigation and inspection, the department of education determines that the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are met by the provisional licensee, the department of education shall issue the program a license. The license shall remain valid unless revoked or the program ceases operations.

(E) The department of education children and youth annually shall investigate and inspect each preschool program or school child program licensed under division (D) of this section to determine if the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are met by the program, and shall notify the program of the results.

(F) The license or provisional license shall state the name of the school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school that operates the preschool program or school child program and the license capacity of the program.

(G) The department of education children and youth may revoke the license of any preschool program or school child program that is not in compliance with the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted jointly with the state board of education under those sections.

(H) If the department of education children and youth revokes a license, the department shall not issue a license to the program within two years from the date of the revocation. All actions of the department with respect to licensing preschool programs and school child programs shall be in accordance with Chapter 119. of the Revised Code.
Sec. 3301.59. (A) No school child program may receive any state or federal funds specifically allocated for school child programs unless the school child program is licensed by the department of education children and youth pursuant to sections 3301.52 to 3301.59 or Chapter 5104. of the Revised Code or by the department of job and family services pursuant to Chapter 5104. of the Revised Code.

(B) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child program on July 22, 1991, and if the eligible nonpublic school previously obtained a license for the program from the department of job and family services pursuant to Chapter 5104. of the Revised Code, the eligible nonpublic school shall do one of the following:

(1) On or before the expiration date of the license, apply pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a renewal of the license;

(2) On or before the expiration date of the license, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of education for a license for the program;

(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;

(4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child care pursuant to Chapter 5104. of the Revised Code.

(C) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child program on July 22, 1991, and if the eligible nonpublic school previously has not obtained a license for the program from the
department of job and family services pursuant to Chapter 5104. of the Revised Code, the eligible nonpublic school shall do one of the following:

(1) On July 22, 1991, apply pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a license for the program;

(2) On July 22, 1991, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of education for a license for the program;

(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;

(4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child care pursuant to Chapter 5104. of the Revised Code.

(D)(1) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school child program elects pursuant to division (B)(1) of this section to renew a license for the program that was issued by the department of job and family services or elects pursuant to division (C)(1) of this section to apply to the department of job and family services for a license for the program, that preschool program or school child program is subject to Chapter 5104. of the Revised Code and to licensure under that chapter until the eligible nonpublic school ceases to operate, manage, conduct, or maintain the program.

(2) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school child program elects pursuant to division (B)(2) or (C)(2) of this section to apply to the department of education for a license for the program, that preschool program or school child program is...
subject to sections 3301.52 to 3301.59 of the Revised Code and to
licensure under those sections until the eligible nonpublic school
ceases to operate, manage, conduct, or maintain the program.

(E) Not later than July 22, 1992, the departments of job and
family services and education shall each prepare a list of the
preschool programs and school child programs that are licensed by
the respective departments.

Sec. 3301.132.  (A)(1) As used in this section, "policy" means
a written clarification or explanation of a statute or rule that
is initiated by the department of education. "Policy" does not
include any educational guideline, suggestion, or case study
regarding how to comply with a statute or rule or any document or
guideline regarding the internal organization or operation of the
department, including matters regarding administration, personnel,
or accounting.

(2) A policy does not have the force of law.

(B) Policies established by the department shall be subject
to all of the following requirements:

(1) A policy shall comply with the statutes and rules that
are in existence at the time the policy is established.

(2) A policy shall not establish any new requirement.

(3) The first page of each policy shall have printed on it
the following statement in uppercase letters: "THIS POLICY DOES
NOT HAVE THE FORCE OF LAW."

(4) A policy shall state clearly the statutory provision or
administrative rule on which it is based.

(C) Not later than ninety days after the effective date of
this section, and every five years thereafter, the department
shall review each policy that it established prior to the
effective date of this section or that it establishes after that
date and shall prepare written documentation certifying that the policy has been reviewed. The documentation is a public record under section 149.43 of the Revised Code. A policy that has not been so reviewed is void.

(D) A person may file a written complaint at any time with the superintendent of public instruction alleging that a policy established by the department of education does not comply with the requirements established under division (B)(1) or (2) of this section. Not later than ninety days after receiving the complaint, the state superintendent shall review the policy and issue a determination as to whether the policy complies with those requirements. A determination issued by the state superintendent under this division is not a final action that is appealable under this chapter.

(E) The department shall post all proposed policies in a prominent location on the department's web site. The department shall establish a public comment period of not less than sixty days for each proposed policy. If the department receives more than three public comments during that period, it shall hold at least one public hearing on the proposal.

(F) Notwithstanding section 149.43 of the Revised Code, not later than ninety days after the effective date of this section, the department shall compile a copy of all its policies. The copy of policies shall be kept current and made available for public inspection and copying.

Sec. 3301.94. Upon approval of the state board of education, the superintendent of public instruction and the chancellor of the Ohio board of regents higher education may enter into a memorandum of understanding under which the department of education, on behalf of the chancellor, will receive and maintain copies of data records containing student information reported to the chancellor.
for the purpose of combining those records with the data reported to the education management information system established under section 3301.0714 of the Revised Code to establish an education data repository that may be used to conduct longitudinal research and evaluation. The memorandum of understanding shall specify the following:

(A) That, prior to establishing the repository, the superintendent and chancellor shall develop a strategic plan for the repository that outlines the goals to be achieved from its implementation and use. A copy of the strategic plan shall be provided to the governor, the president of the senate, and the speaker of the house of representatives.

(B) That the chancellor shall submit all student data to be included in the repository to the independent contractor engaged by the department to create and maintain the student data verification codes required by division (D)(2) of section 3301.0714 of the Revised Code. For each student included in the data submitted by the chancellor, the independent contractor shall determine whether a data verification code has been assigned to that student. In the case of a student to whom a data verification code has been assigned, the independent contractor shall add the code to the student's data record and remove from the data record any information that would enable the data verification code to be matched to personally identifiable student data. In the case of a student to whom a data verification code has not been assigned, the independent contractor shall assign a data verification code to the student, add the data verification code to the student's data record, and remove from the data record any information that would enable the data verification code to be matched to personally identifiable student data. After making the modifications described in this division, the independent contractor shall transmit the data to the department.
(C) That the superintendent and the chancellor jointly shall develop procedures for the maintenance of the data in the repository and shall designate the types of research that may be conducted using that data. Permitted uses of the data shall include, but are not limited to, the following:

1. Assisting the department of education, superintendent, or state board, and the department of children and youth in performing audit and evaluation functions concerning preschool, elementary, and secondary education as required or authorized by any provision of law, including division (C) of section 3301.07 and sections 3301.12, 3301.16, 3301.53, 3301.57, 3301.58, and 3302.03 of the Revised Code;

2. Assisting the chancellor in performing audit and evaluation functions concerning higher education as required or authorized by any provision of law, including sections 3333.04, 3333.041, 3333.047, 3333.122, 3333.123, 3333.16, 3333.161, 3333.374, 3333.72, and 3333.82 of the Revised Code.

(D) That the superintendent and the chancellor, from time to time, jointly may enter into written agreements with entities for the use of data in the repository to conduct research and analysis designed to evaluate the effectiveness of programs or services, to measure progress against specific strategic planning goals, or for any other purpose permitted by law that the superintendent and chancellor consider necessary for the performance of their duties under the Revised Code. The agreements may permit the disclosure of personally identifiable student information to the entity named in the agreement, provided that disclosure complies with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and regulations promulgated under that act prescribing requirements for such agreements. The superintendent shall notify the state board of each agreement entered into under this division.
(E) That the data in the repository submitted by the department of education shall remain under the direct control of the department and that the data in the repository submitted by the chancellor shall remain under the direct control of the chancellor;

(F) That the data in the repository shall be managed in a manner that complies with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended;

(G) That all costs related to the initial establishment and ongoing maintenance of the repository shall be paid from funds received from state incentive grants awarded under division (A), Title XIV, section 14006 of the American Recovery and Reinvestment Act of 2009, other federal grant programs, or existing appropriations of the department or chancellor that are designated for a purpose consistent with this section;

(H) That the department of education annually shall report to the state board and the chancellor, and the department of children and youth all requests for access to or use of the data in the repository and all costs related to the initial establishment and ongoing maintenance of the repository.

Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code:

(1) (a) Except as provided in division (A)(1)(b) of this section, "parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a
government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(b) When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, "parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a
home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of job children and family services youth in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.

(6) A child is placed for adoption if either of the following occurs:

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.

(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.

(8) "Child," unless otherwise indicated, includes preschool children with disabilities.

(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the
congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides.

(2) Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.

(b) The child resides in a home.

(c) The child requires special education.

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B)(1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a child with a
disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code. 

(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C)(1) to (3) of this section, unless division (C)(4) of this section applies to the child:

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;
(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement;

(e) If the department of education has determined, pursuant to division (A)(2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(4) Division (C)(4) of this section applies to any child who is admitted to a school district under division (B)(2) of this section, resides in a home that is not a foster home, a home
maintained by the department of youth services, a detention  
facility established under section 2152.41 of the Revised Code, or  
a juvenile facility established under section 2151.65 of the  
Revised Code, and receives educational services at the home or  
facility in which the child resides pursuant to a contract between  
the home or facility and the school district providing those  
services.

If a child to whom division (C)(4) of this section applies is  
a special education student, a district may choose whether to  
receive a tuition payment for that child under division (C)(4) of  
this section or to receive a payment for that child under section  
3323.14 of the Revised Code. If a district chooses to receive a  
payment for that child under section 3323.14 of the Revised Code,  
it shall not receive a tuition payment for that child under  
division (C)(4) of this section.

If a child to whom division (C)(4) of this section applies is  
not a special education student, a district shall receive a  
tuition payment for that child under division (C)(4) of this  
section.

In the case of a child to which division (C)(4) of this  
section applies, the total educational cost to be paid for the  
child shall be determined by a formula approved by the department  
of education, which formula shall be designed to calculate a per  
diem cost for the educational services provided to the child for  
each day the child is served and shall reflect the total actual  
cost incurred in providing those services. The department shall  
certify the total educational cost to be paid for the child to  
both the school district providing the educational services and,  
if different, the school district that is responsible to pay  
tuition for the child. The department shall deduct the certified  
amount from the state basic aid funds payable under Chapter 3317.  
of the Revised Code to the district responsible to pay tuition and
shall pay that amount to the district providing the educational services to the child.

(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may recover in a civil action the tuition and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or city general fund.

(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.

(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:

(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the
district in which they reside.

(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the child's physician certifying that the child's medical condition may require emergency medical attention. The statement shall be supported by such other evidence as the board may require.

(4) Any child residing with a person other than the child's parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:

(a) That the parent is serving outside of the state in the armed services of the United States;

(b) That the parent intends to reside in the district upon returning to this state;

(c) The name and address of the person with whom the child is living while the parent is outside the state.

(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board.
(6) A child under the age of twenty-two years who resides
with a parent who is having a new house built in a school district
outside the district where the parent is residing is entitled to
attend school for a period of time in the district where the new
house is being built. In order to be entitled to such attendance,
the parent shall provide the district superintendent with the
following:

(a) A sworn statement explaining the situation, revealing the
location of the house being built, and stating the parent's
intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house
is being built for the parent and that the house is at the
location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a
parent who has a contract to purchase a house in a school district
outside the district where the parent is residing and who is
waiting upon the date of closing of the mortgage loan for the
purchase of such house is entitled to attend school for a period
of time in the district where the house is being purchased. In
order to be entitled to such attendance, the parent shall provide
the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the
location of the house being purchased, and stating the parent's
intent to reside there;

(b) A statement from a real estate broker or bank officer
confirming that the parent has a contract to purchase the house,
that the parent is waiting upon the date of closing of the
mortgage loan, and that the house is at the location indicated in
the parent's statement.

The district superintendent shall establish a period of time
not to exceed ninety days during which the child entitled to
attend school under division (F)(6) or (7) of this section may attend without tuition obligation. A student attending a school under division (F)(6) or (7) of this section shall be eligible to participate in interscholastic athletics under the auspices of that school, provided the board of education of the school district where the student's parent resides, by a formal action, releases the student to participate in interscholastic athletics at the school where the student is attending, and provided the student receives any authorization required by a public agency or private organization of which the school district is a member exercising authority over interscholastic sports.

(8) A child whose parent is a full-time employee of a city, local, or exempted village school district, or of an educational service center, may be admitted to the schools of the district where the child's parent is employed, or in the case of a child whose parent is employed by an educational service center, in the district that serves the location where the parent's job is primarily located, provided the district board of education establishes such an admission policy by resolution adopted by a majority of its members. Any such policy shall take effect on the first day of the school year and the effective date of any amendment or repeal may not be prior to the first day of the subsequent school year. The policy shall be uniformly applied to all such children and shall provide for the admission of any such child upon request of the parent. No child may be admitted under this policy after the first day of classes of any school year.

(9) A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school free in the district in which the child is with the child's parent, and no other school district shall be required to pay tuition for the child's attendance in that school district.
The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Revised Code or any other records required for enrollment. Any days of attendance and any credits earned by a child while enrolled in a school district under this division shall be transferred to and accepted by any school district in which the child subsequently enrolls. The state board of education shall adopt rules to ensure compliance with this division.

(10) Any child under the age of twenty-two years whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend school under division (F)(10) of this section for an additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for
such attendance, describing the nature of this good cause, and consent ing to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F)(11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies
that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

(13) All school districts shall comply with the "McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for the education of homeless children. Each city, local, and exempted village school district shall comply with the requirements of that act governing the provision of a free, appropriate public education, including public preschool, to each homeless child.

When a child loses permanent housing and becomes a homeless person, as defined in 42 U.S.C.A. 11481(5), or when a child who is such a homeless person changes temporary living arrangements, the child's parent or guardian shall have the option of enrolling the child in either of the following:

(a) The child's school of origin, as defined in 42 U.S.C.A. 11432(g)(3)(C);

(b) The school that is operated by the school district in which the shelter where the child currently resides is located and
that serves the geographic area in which the shelter is located.

(14) A child under the age of twenty-two years who resides with a person other than the child's parent is entitled to attend school in the school district in which that person resides if both of the following apply:

(a) That person has been appointed, through a military power of attorney executed under section 574(a) of the "National Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 U.S.C. 1044b, or through a comparable document necessary to complete a family care plan, as the parent's agent for the care, custody, and control of the child while the parent is on active duty as a member of the national guard or a reserve unit of the armed forces of the United States or because the parent is a member of the armed forces of the United States and is on a duty assignment away from the parent's residence.

(b) The military power of attorney or comparable document includes at least the authority to enroll the child in school.

The entitlement to attend school in the district in which the parent's agent under the military power of attorney or comparable document resides applies until the end of the school year in which the military power of attorney or comparable document expires.

(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:

(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04,
3327.04, and 3327.06 of the Revised Code, a child may attend
school or participate in a special education program in a school
district other than in the district where the child is entitled to
attend school under division (B) of this section.

(I)(1) Notwithstanding anything to the contrary in this
section or section 3313.65 of the Revised Code, a child under
twenty-two years of age may attend school in the school district
in which the child, at the end of the first full week of October
of the school year, was entitled to attend school as otherwise
provided under this section or section 3313.65 of the Revised
Code, if at that time the child was enrolled in the schools of the
district but since that time the child or the child's parent has
relocated to a new address located outside of that school district
and within the same county as the child's or parent's address
immediately prior to the relocation. The child may continue to
attend school in the district, and at the school to which the
child was assigned at the end of the first full week of October of
the current school year, for the balance of the school year.
Division (I)(1) of this section applies only if both of the
following conditions are satisfied:

(a) The board of education of the school district in which
the child was entitled to attend school at the end of the first
full week in October and of the district to which the child or
child's parent has relocated each has adopted a policy to enroll
children described in division (I)(1) of this section.

(b) The child's parent provides written notification of the
relocation outside of the school district to the superintendent of
each of the two school districts.

(2) At the beginning of the school year following the school
year in which the child or the child's parent relocated outside of
the school district as described in division (I)(1) of this
section, the child is not entitled to attend school in the school
district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (E) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance.
attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (C) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (C) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve
unit of the armed forces of the United States and is called to
active duty, or a child whose parent is a member of the armed
forces of the United States and is ordered to a temporary duty
assignment outside of the district, may continue to attend school
in the district in which the child's parent lived before being
called to active duty or ordered to a temporary duty assignment
outside of the district, as long as the child's parent continues
to be a resident of that district, and regardless of where the
child lives as a result of the parent's active duty status or
temporary duty assignment. However, the district is not
responsible for providing transportation for the child if the
child lives outside of the district as a result of the parent's
active duty status or temporary duty assignment.

Sec. 3313.646. (A) The board of education of a school
district, except a cooperative education district established
pursuant to section 3311.521 of the Revised Code, may establish
and operate a program to provide services to preschool-age
children, provided the board has demonstrated a need for the
program. A board may use school funds in support of preschool
programs. The board shall maintain, operate, and admit children to
any such program pursuant to rules adopted by such board and the
rules of the state board of education adopted under sections
3301.52 to 3301.57 of the Revised Code.

A board of education may establish fees or tuition, which may
be graduated in proportion to family income, for participation in
a preschool program. In cases where payment of fees or tuition
would create a hardship for the child's parent or guardian, the
board may waive any such fees or tuition.

(B) No board of education that is not receiving funds under
March 17, 1989, shall compete for funds under the "Head Start Act"
with any grantee receiving funds under that act.

(C) A board of education may contract with any of the following preschool providers to provide services to preschool-age children, other than those services for which the district is eligible to receive funding under section 3317.0213 of the Revised Code:

(1) Any organization receiving funds under the "Head Start Act";

(2) Any nonsectarian eligible nonpublic school as defined in division (H) of section 3301.52 of the Revised Code;

(3) Any child care provider licensed under Chapter 5104. of the Revised Code.

Boards may contract to provide services to preschool-age children only with such organizations whose staff meet the requirements of rules adopted under section 3301.53 of the Revised Code or those of the child development associate credential established by the national association for the education of young children.

(D) A contract entered into under division (C) of this section may provide for the board of education to lease school facilities to the preschool provider or to furnish transportation, utilities, or staff for the preschool program.

(E) The treasurer of any board of education operating a preschool program pursuant to this section shall keep an account of all funds used to operate the program in the same manner as the treasurer would any other funds of the district pursuant to this chapter.

**Sec. 3314.03.** A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on
its web site a copy of every approved, executed contract filed with the superintendent under this section.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6) (a) Dismissal procedures;

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive
hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:

(a) A detailed description of each facility used for instructional purposes;

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred
twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.


(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code,
except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J)(1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the
The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board department of children and youth under section 3301.53 of the Revised Code.

The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:

(i) An internet- or computer-based community school;

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code.

The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code.

Arrangements for providing health and other benefits to
employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.07 of the Revised Code;
3314.061 of the Revised Code and, at the sole discretion of the
authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside
the district in which the school is located;

(b) Permit the enrollment of students who reside in districts
adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other
district in the state.

(20) A provision recognizing the authority of the department
of education to take over the sponsorship of the school in
accordance with the provisions of division (C) of section 3314.015
of the Revised Code;

(21) A provision recognizing the sponsor's authority to
assume the operation of a school under the conditions specified in
division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to
inspect the facilities of the school and to order the facilities
closed if those officials find that the facilities are not in
compliance with health and safety laws and regulations;

(b) The authority of the department of education as the
community school oversight body to suspend the operation of the
school under section 3314.072 of the Revised Code if the
department has evidence of conditions or violations of law at the
school that pose an imminent danger to the health and safety of
the school's students and employees and the sponsor refuses to
take such action.

(23) A description of the learning opportunities that will be
offered to students including both classroom-based and
non-classroom-based learning opportunities that is in compliance
with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code;

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code.

(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent under section 3326.032 of the Revised Code;

(27) That the school's attendance and participation policies will be available for public inspection;

(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;

(29) If a school operates using the blended learning model,
as defined in section 3301.079 of the Revised Code, all of the
following information:

(a) An indication of what blended learning model or models
will be used;

(b) A description of how student instructional needs will be
determined and documented;

(c) The method to be used for determining competency,
granting credit, and promoting students to a higher grade level;

(d) The school's attendance requirements, including how the
school will document participation in learning opportunities;

(e) A statement describing how student progress will be
monitored;

(f) A statement describing how private student data will be
protected;

(g) A description of the professional development activities
that will be offered to teachers.

(30) A provision requiring that all moneys the school's
operator loans to the school, including facilities loans or cash
flow assistance, must be accounted for, documented, and bear
interest at a fair market rate;

(31) A provision requiring that, if the governing authority
contracts with an attorney, accountant, or entity specializing in
audits, the attorney, accountant, or entity shall be independent
from the operator with which the school has contracted.

(32) A provision requiring the governing authority to adopt
an enrollment and attendance policy that requires a student's
parent to notify the community school in which the student is
enrolled when there is a change in the location of the parent's or
student's primary residence.

(33) A provision requiring the governing authority to adopt a
student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;
(2) The management and administration of the school;
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;
(4) The instructional program and educational philosophy of the school;
(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

1. Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

2. Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

3. Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

4. Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

5. Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

6. Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier
than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.06. The governing authority of each community school established under this chapter shall adopt admission procedures that specify the following:

(A) That, except as otherwise provided in this section, admission to the school shall be open to any individual age five to twenty-two entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

Additionally, except as otherwise provided in this section, admission to the school may be open on a tuition basis to any individual age five to twenty-two who is not a resident of this state. The school shall not receive state funds under section 3317.022 of the Revised Code for any student who is not a resident of this state.

An individual younger than five years of age may be admitted to the school in accordance with division (A)(2) of section...
3321.01 of the Revised Code. The school shall receive funds for an individual admitted under that division in the manner provided under section 3317.022 of the Revised Code.

If the school operates a program that uses the Montessori method endorsed by the American Montessori society, the Montessori accreditation council for teacher education, or the association Montessori internationale as its primary method of instruction, admission to the school may be open to individuals younger than five years of age but the school shall not receive funds under section 3317.022 of the Revised Code for those individuals. Notwithstanding anything to the contrary in this chapter, individuals younger than five years of age who are enrolled in a Montessori program shall be offered at least four hundred fifty-five hours of learning opportunities per school year.

If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, admission to the school may be open to individuals who are younger than five years of age, but the school shall not receive funds under this chapter for those individuals.

(B)(1) That admission to the school may be limited to students who have attained a specific grade level or are within a specific age group; to students that meet a definition of "at-risk," as defined in the contract; to residents of a specific geographic area within the district, as defined in the contract; or to separate groups of autistic students and nondisabled students, as authorized in section 3314.061 of the Revised Code and as defined in the contract.

(2) For purposes of division (B)(1) of this section, "at-risk" students may include those students identified as gifted students under section 3324.03 of the Revised Code.

(C) Whether enrollment is limited to students who reside in
the district in which the school is located or is open to residents of other districts, as provided in the policy adopted pursuant to the contract.

(D)(1) That there will be no discrimination in the admission of students to the school on the basis of race, creed, color, disability, or sex except that:

(a) The governing authority may do either of the following for the purpose described in division (G) of this section:

(i) Establish a single-gender school for either sex;

(ii) Establish single-gender schools for each sex under the same contract, provided substantially equal facilities and learning opportunities are offered for both boys and girls. Such facilities and opportunities may be offered for each sex at separate locations.

(b) The governing authority may establish a school that simultaneously serves a group of students identified as autistic and a group of students who are not disabled, as authorized in section 3314.061 of the Revised Code. However, unless the total capacity established for the school has been filled, no student with any disability shall be denied admission on the basis of that disability.

(2) That upon admission of any student with a disability, the community school will comply with all federal and state laws regarding the education of students with disabilities.

(E) That the school may not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability, except that a school may limit its enrollment to students as described in division (B) of this section.

(F) That the community school will admit the number of
students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities.

(G) That the purpose of single-gender schools that are established shall be to take advantage of the academic benefits some students realize from single-gender instruction and facilities and to offer students and parents residing in the district the option of a single-gender education.

(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division (F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year. Preference also may be given to students who are the children of full-time staff members employed by the school, provided the total number of students receiving this preference is less than five per cent of the school's total enrollment.

Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order.

Sec. 3314.08. (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or
3313.65 of the Revised Code.

(B) The state board of education shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following:

1. The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

2. The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;

3. The number of students reported under division (B)(2) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;

4. The full-time equivalent number of students reported under divisions (B)(1) and (2) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code that are provided by the community school;

5. The number of students reported under divisions (B)(1) and (2) of this section who are not reported under division (B)(4) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;

6. The number of students reported under divisions (B)(1) and (2) of this section who are category one to three English learners described in each of divisions (A) to (C) of section
3317.016 of the Revised Code;

(7) The number of students reported under divisions (B)(1) and (2) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(7) of this section based on anything other than family income.

(8) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(9) The number of students enrolled in a preschool program operated by the school that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP.

A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include in its report under divisions (B)(1) to (9) of this section any student for whom tuition is charged under division (F) of this section.

(C)(1)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the
type and in the manner prescribed, the department shall pay to the
community school an amount equal to the school's costs for the
student in excess of the threshold catastrophic costs.

(b) The community school shall report under division (C)(1)(a) of this section, and the department shall pay for, only
the costs of educational expenses and the related services
provided to the student in accordance with the student's
individualized education program. Any legal fees, court costs, or
other costs associated with any cause of action relating to the
student may not be included in the amount.

(2) In any fiscal year, a community school receiving funds
under division (A)(7) of section 3317.022 of the Revised Code
shall spend those funds only for the purposes that the department
designates as approved for career-technical education expenses.
Career-technical education expenses approved by the department
shall include only expenses connected to the delivery of
career-technical programming to career-technical students. The
department shall require the school to report data annually so
that the department may monitor the school's compliance with the
requirements regarding the manner in which funding received under
division (A)(7) of section 3317.022 of the Revised Code may be spent.

(3) Notwithstanding anything to the contrary in section
3313.90 of the Revised Code, except as provided in division (C)(5)
of this section, all funds received under division (A)(7) of
section 3317.022 of the Revised Code shall be spent in the
following manner:

(a) At least seventy-five per cent of the funds shall be
spent on curriculum development, purchase, and implementation;
instructional resources and supplies; industry-based program
certification; student assessment, credentialing, and placement;
curriculum specific equipment purchases and leases;
career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(4) A community school shall spend the funds it receives under division (A)(4) of section 3317.022 of the Revised Code in accordance with section 3317.25 of the Revised Code.

(5) The department may waive the requirement in division (C)(3) of this section for any community school that exclusively provides one or more career-technical workforce development programs in arts and communications that are not equipment-intensive, as determined by the department.

(6) For fiscal years 2022 and 2023, a community school shall spend the funds it receives under division (A)(5) of section 3317.022 of the Revised Code only for services for English learners.

(D) A board of education sponsoring a community school may utilize local funds to make enhancement grants to the school or may agree, either as part of the contract or separately, to provide any specific services to the community school at no cost to the school.

(E) A community school may not levy taxes or issue bonds secured by tax revenues.

(F) No community school shall charge tuition for the enrollment of any student who is a resident of this state. A community school may charge tuition for the enrollment of any student who is not a resident of this state.
(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to section 3317.022 of the Revised Code. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.

(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities.

(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.

(H) The department of education shall adjust the amounts paid under section 3317.022 of the Revised Code to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under section 3317.022 of the Revised Code including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools as provided under section 3317.022 of the Revised Code. For purposes of this division:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has
commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (H)(3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction time in non-classroom-based learning opportunities shall be certified by an employee of the community school. A student's enrollment shall be considered to cease on the date on which any of the following occur:

(a) The community school receives documentation from a parent terminating enrollment of the student.

(b) The community school is provided documentation of a student's enrollment in another public or private school.

(c) The community school ceases to offer learning opportunities to the student pursuant to the terms of the contract with the sponsor or the operation of any provision of this chapter.

Except as otherwise specified in this paragraph, beginning in the 2011-2012 school year, any student who completed the prior school year in an internet- or computer-based community school shall be considered to be enrolled in the same school in the subsequent school year until the student's enrollment has ceased as specified in division (H)(2) of this section. The department shall continue paying amounts for the student under section 3317.022 of the Revised Code without interruption at the start of the subsequent school year. However, if the student without a
legitimate excuse fails to participate in the first seventy-two consecutive hours of learning opportunities offered to the student in that subsequent school year, the student shall be considered not to have re-enrolled in the school for that school year and the department shall recalculate the payments to the school for that school year to account for the fact that the student is not enrolled.

(3) The department shall determine each community school student's percentage of full-time equivalency based on the percentage of learning opportunities offered by the community school to that student, reported either as number of hours or number of days, is of the total learning opportunities offered by the community school to a student who attends for the school's entire school year. However, no internet- or computer-based community school shall be credited for any time a student spends participating in learning opportunities beyond ten hours within any period of twenty-four consecutive hours. Whether it reports hours or days of learning opportunities, each community school shall offer not less than nine hundred twenty hours of learning opportunities during the school year.

(4) With respect to the calculation of full-time equivalency under division (H)(3) of this section, the department shall waive the number of hours or days of learning opportunities not offered to a student because the community school was closed during the school year due to disease epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, so long as the school was actually open for instruction with students in attendance during that school year for not less than the minimum number of hours required by this chapter. The department
shall treat the school as if it were open for instruction with     114899
students in attendance during the hours or days waived under this     114900
division.

(I) The department of education shall reduce the amounts paid     114901
under section 3317.022 of the Revised Code to reflect payments     114902
made to colleges under section 3365.07 of the Revised Code.

(J)(1) No student shall be considered enrolled in any     114903
internet- or computer-based community school or, if applicable to     114904
the student, in any community school that is required to provide     114905
the student with a computer pursuant to division (C) of section     114906
3314.22 of the Revised Code, unless both of the following     114907
conditions are satisfied:

(a) The student possesses or has been provided with all     114908
required hardware and software materials and all such materials     114909
are operational so that the student is capable of fully     114910
participating in the learning opportunities specified in the     114911
contract between the school and the school's sponsor as required     114912
by division (A)(23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section     114913
3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted by the superintendent     114914
of public instruction, in consultation with the auditor of state,     114915
the department shall reduce the amounts otherwise payable under     114916
section 3317.022 of the Revised Code to any community school that     114917
includes in its program the provision of computer hardware and     114918
software materials to any student, if such hardware and software     114919
materials have not been delivered, installed, and activated for     114920
each such student in a timely manner or other educational     114921
materials or services have not been provided according to the     114922
contract between the individual community school and its sponsor.

The superintendent of public instruction and the auditor of     114923
state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools.

(K)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:

(a) The department and the community school mutually agree to the extension.

(b) Delays in data submission caused by either a community school or its sponsor.

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.
(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not pay to a community school under section 3317.022 of the Revised Code any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the
armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not pay to a community school under section 3317.022 of the Revised Code any amount for that veteran.

Sec. 3323.022. The rules of the state board of education adopted in consultation with the department of children and youth for staffing ratios for programs with preschool children with disabilities shall require the following:

(A) A full-time staff member shall be provided when there are eight full-day or sixteen half-day preschool children eligible for special education enrolled in a center-based preschool special education program.

(B) Staff ratios of one teacher for every eight children shall be maintained at all times for a program with a center-based teacher, and a second adult shall be present when there are nine or more children, including nondisabled children enrolled in a class session.

(C) Unless otherwise specified in the individualized education program, a minimum of ten hours of services per week shall be provided for each child served by a center-based teacher.

Sec. 3323.20. On July 1, 2006, and annually on each the first day of July thereafter, the department of education, in consultation with the department of children and youth, shall electronically report to the general assembly the number of preschool children with disabilities who received services for which the department of education made a payment to any provider during the previous fiscal year, disaggregated according to each...
area of developmental deficiency identified by the department of education for the evaluation of such children.

Sec. 3323.32. (A) The department of education shall contract with an entity to administer programs and coordinate services for infants, preschool and school-age children, and adults with autism and low incidence disabilities. The entity shall be selected by the superintendent of public instruction in consultation with the director of children and youth and the advisory board established under section 3323.33 of the Revised Code.

The contract with the entity selected shall include, but not be limited to, the following provisions:

(1) A description of the programs to be administered and services to be provided or coordinated by the entity, which shall include at least the duties prescribed by sections 3323.34 and 3323.35 of the Revised Code;

(2) A description of the expected outcomes from the programs administered and services provided or coordinated by the entity;

(3) A stipulation that the entity's performance is subject to evaluation by the department and renewal of the entity's contract is subject to the department's satisfaction with the entity's performance;

(4) A description of the measures and milestones the department will use to determine whether the performance of the entity is satisfactory;

(5) Any other provision the department determines is necessary to ensure the quality of services to individuals with autism and low incidence disabilities.

(B) In selecting the entity under division (A) of this section, the superintendent, the director of children and youth, and the advisory board shall give primary consideration to the
Ohio Center for Autism and Low Incidence, established under section 3323.31 of the Revised Code, as long as the principal goals and mission of the Center, as determined by the superintendent, the director, and the advisory board, are consistent with the requirements of divisions (A)(1) to (5) of this section.

**Sec. 3325.06.** (A) The state board of education, in consultation with the department of children and youth, shall institute and establish a program of education by the department of education to train parents of deaf or hard of hearing children of preschool age. The object and purpose of the educational program shall be to aid and assist the parents of deaf or hard of hearing children of preschool age in affording to the children the means of optimum communicational facilities.

(B) The state board of education, in consultation with the department of children and youth, shall institute and establish a program of education to train and assist parents of children of preschool age whose disabilities are visual impairments. The object and purpose of the educational program shall be to enable the parents of children of preschool age whose disabilities are visual impairments to provide their children with learning experiences that develop early literacy, communication, mobility, and daily living skills so the children can function independently in their living environments.

**Sec. 3325.07.** The state board of education, in consultation with the department of children and youth, in carrying out this section and division (A) of section 3325.06 of the Revised Code shall, insofar as practicable, plan, present, and carry into effect an educational program by means of any of the following methods of instruction:
(A) Classes for parents of deaf or hard of hearing children of preschool age;

(B) A nursery school where parent and child would enter the nursery school as a unit;

(C) Correspondence course;

(D) Personal consultations and interviews;

(E) Day-care or child development courses;

(F) Summer enrichment courses;

(G) By such other means or methods as the superintendent of the state school for the deaf deems advisable that would permit a deaf or hard of hearing child of preschool age to construct a pattern of communication at an early age.

The superintendent may allow children who are not deaf or hard of hearing to participate in the methods of instruction described in divisions (A) to (G) of this section as a means to assist deaf or hard of hearing children to construct a pattern of communication. The superintendent shall establish policies and procedures regarding the participation of children who are not deaf or hard of hearing.

The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section.

Sec. 3701.507. (A) To assist in implementing sections 3701.503 to 3701.509 of the Revised Code, the medically handicapped children's medical advisory council created in section
3701.025 of the Revised Code shall appoint a permanent infant
hearing screening subcommittee. The subcommittee shall consist of
the following members:

(1) One otolaryngologist;

(2) One neonatologist;

(3) One pediatrician;

(4) One neurologist;

(5) One hospital administrator;

(6) Two or more audiologists who are experienced in infant
hearing screening and evaluation;

(7) One speech-language pathologist licensed under section
4753.07 of the Revised Code;

(8) Two persons who are each a parent of a hearing-impaired
child;

(9) One geneticist;

(10) One epidemiologist;

(11) One adult who is deaf or hearing impaired;

(12) One representative from an organization for persons who
are deaf or hearing impaired;

(13) One family advocate;

(14) One nurse from a well-baby neonatal nursery;

(15) One nurse from a special care neonatal nursery;

(16) One teacher of persons who are deaf who works with
infants and toddlers;

(17) One representative of the health insurance industry;

(18) One representative of the children with medical
handicaps program;
(19) One representative of the department of education; 115138
(20) One representative of the department of medicaid; 115139
(21) One representative of the department of children and youth; 115140
(22) Any other person the advisory council appoints. 115142
(B) The infant hearing subcommittee shall:
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code; 115144
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code; 115146
(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following:
   (a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment; 115153
   (b) Identification of locations where hearing evaluations may be conducted; 115158
   (c) Recommendations for methods and techniques of hearing screening and hearing evaluation; 115160
   (d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care; 115162
   (e) Maintenance of a register of newborns and infants who do not pass the hearing screening; 115164
   (f) Preparation of the information required by section 115166
Section 3701.78. (A) There is hereby created the commission on minority health, consisting of twenty-two members. The governor shall appoint to the commission nine members from among health researchers, health planners, and health professionals. The governor also shall appoint two members who are representatives of the lupus awareness and education program. The speaker of the house of representatives shall appoint to the commission two members of the house of representatives, not more than one of whom is a member of the same political party, and the president of the senate shall appoint to the commission two members of the senate, not more than one of whom is a member of the same political party. The following shall be members of the commission: the directors of health, mental health and addiction services, developmental disabilities, children and youth, and job and family services, or their designees; the medicaid director, or the director's designee; and the superintendent of public instruction, or the superintendent's designee.

The commission shall elect a chairperson from among its members.

Of the members appointed by the governor, five shall be appointed to initial terms of one year, and four shall be appointed to initial terms of two years. Thereafter, all members appointed by the governor shall be appointed to terms of two years. All members of the commission appointed by the speaker of the house of representatives or the president of the senate shall be nonvoting members of the commission and be appointed within thirty days after the commencement of the first regular session of each general assembly, and shall serve until the expiration of the session of the general assembly during which they were appointed.

Members of the commission shall serve without compensation,
but shall be reimbursed for the actual and necessary expenses they incur in the performance of their official duties.

(B) The commission shall promote health and the prevention of disease among members of minority groups. Each year the commission shall distribute grants from available funds to community-based health groups to be used to promote health and the prevention of disease among members of minority groups. As used in this division, "minority group" means any of the following economically disadvantaged groups: Blacks, American Indians, Hispanics, and Orientals. The commission shall adopt and maintain rules pursuant to Chapter 119. of the Revised Code to provide for the distribution of these grants. No group shall qualify to receive a grant from the commission unless it receives at least twenty percent of its funds from sources other than grants distributed under this section.

(C) The commission may appoint such employees as it considers necessary to carry out its duties under this section. The department of health shall provide office space for the commission.

(D) The commission shall meet at the call of its chairperson to conduct its official business. A majority of the voting members of the commission constitute a quorum. The votes of at least eight voting members of the commission are necessary for the commission to take any official action or to approve the distribution of grants under this section.

Sec. 3701.80. The department of health shall cooperate with the director of children and family services youth when the director promulgates rules pursuant to Chapter 5104. of the Revised Code governing the health and sanitary practices of meal preparation and service for type A family day-care homes, as defined in section 5104.01 of the Revised Code, recommend
procedures for inspecting type A family day-care homes to determine whether they are in compliance with those rules, and provide training and technical assistance to the director on the procedures for determining compliance with those rules.

**Sec. 3705.32.** (A) Except as provided in this section, records received and information assembled by the birth defects information system pursuant to section 3705.30 of the Revised Code are confidential medical records.

(B)(1) The director of health may use information assembled by the system to notify parents, guardians, and custodians of children with congenital anomalies or abnormal conditions of medical care and other services available for the child and family.

(2) The director may disclose information assembled by the system with the written consent of the parent or legal guardian of the child who is the subject of the information.

(C)(1) Access to information assembled by the system shall be limited to the following persons and government entities:

(a) The director of health;

(b) Authorized employees of the department of health;

(c) The director of children and youth;

(d) Qualified persons or government entities that are engaged in demographic, epidemiological, or similar studies related to health and health care provision.

(2) The director shall give a person or government entity described in division (C)(1)(c) of this section access to the system only if the person or a representative of the person or government entity signs an agreement to maintain the system's confidentiality.
(3) The director shall maintain a record of all persons and government entities given access to the information in the system. The record shall include all of the following information:

(a) The name of the person who authorized access to the system;

(b) The name, title, and organizational affiliation of the person or government entity given access to the system;

(c) The dates the person or government entity was given access to the system;

(d) The specific purpose for which the person or government entity intends to use the information.

(4) The record maintained pursuant to division (C)(3) of this section is a public record, as defined in section 149.43 of the Revised Code.

(5) A person who violates an agreement described in division (C)(2) of this section may be denied further access to confidential information maintained by the director.

(D) The director may disclose information assembled by the system in summary, statistical, or other form that does not identify particular individuals or individual sources of information.

**Sec. 3705.36.** Three years after the date a birth defects information system is implemented pursuant to section 3705.30 of the Revised Code, and annually thereafter, the department of health shall prepare a report regarding the birth defects information system. The department shall file the report with the governor, the president and minority leader of the senate, the speaker and minority leader of the house of representatives, the departments of developmental disabilities, education, children and youth, and job and family services, the commission on minority
health, and the news media.

Sec. 3705.40. (A) As used in this section:

(1) "Board of health" means a board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(2) "Geocoding" means a geographic information system (GIS) operation for converting street addresses into spatial data that can be displayed as features on a map, usually by referencing address information from a street segment data layer.

(B) The state registrar shall ensure that the department of children and youth and each board of health has access to preliminary birth and death data maintained by the department of health, as well as access to any electronic system of vital records the state registrar or department of health maintains, including the Ohio public health information warehouse. To the extent possible, the preliminary data shall be provided in a format that permits geocoding. If the state registrar requires the department of children and youth or a board to enter into a data use agreement before accessing such data or systems, the state registrar shall provide the department and each board with an application for this purpose and, if requested, assist with the application's completion.

(C) The state registrar shall provide the users of the preliminary data and electronic systems described in division (B) of this section with a data analysis tool kit that assists the users with using the data in a manner that promotes consistency and accuracy among users. The tool kit shall include a data dictionary and sample data analyses.

Sec. 3737.22. (A) The fire marshal shall do all of the
(1) Adopt the state fire code under sections 3737.82 to 3737.86 of the Revised Code;

(2) Enforce the state fire code;

(3) Appoint assistant fire marshals who are authorized to enforce the state fire code;

(4) Conduct investigations into the cause, origin, and circumstances of fires and explosions, and assist in the prosecution of persons believed to be guilty of arson or a similar crime;

(5) Compile statistics concerning loss due to fire and explosion as the fire marshal considers necessary, and consider the compatibility of the fire marshal's system of compilation with the systems of other state and federal agencies and fire marshals of other states;

(6) Engage in research on the cause and prevention of losses due to fire and explosion;

(7) Engage in public education and informational activities which will inform the public of fire safety information;

(8) Operate a fire training academy and forensic laboratory;

(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;

(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;

(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building;
(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;

(13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in accordance with section 3737.331 of the Revised Code, a seminar program, attendance at which is optional, that is designed to provide current information, data, training, and techniques relative to the prosecution of arson cases;

(14) Administer and enforce Chapter 3743. of the Revised Code;

(15) Develop a uniform standard for the reporting of information required to be filed under division (E)(4) of section 2921.22 of the Revised Code, and accept the reports of the information when they are filed.

(B) The fire marshal shall appoint a chief deputy fire marshal, and shall employ professional and clerical assistants as the fire marshal considers necessary. The chief deputy shall be a competent former or current member of a fire agency and possess five years of recent, progressively more responsible experience in fire inspection, fire code enforcement, and fire code management. The chief deputy, with the approval of the director of commerce, shall temporarily assume the duties of the fire marshal when the fire marshal is absent or temporarily unable to carry out the duties of the office. When there is a vacancy in the office of fire marshal, the chief deputy, with the approval of the director of commerce, shall temporarily assume the duties of the fire marshal until a new fire marshal is appointed under section 3737.21 of the Revised Code.

All employees, other than the fire marshal; the chief deputy fire marshal; the superintendent of the Ohio fire academy; the grants administrator; the fiscal officer; the executive secretary
to the fire marshal; legal counsel; the pyrotechnics administrator, the chief of the forensic laboratory; the person appointed by the fire marshal to serve as administrator over functions concerning testing, license examinations, and the issuance of permits and certificates; and the chiefs of the bureaus of fire prevention, of fire and explosion investigation, of code enforcement, and of underground storage tanks shall be in the classified civil service. The fire marshal shall authorize the chief deputy and other employees under the fire marshal's supervision to exercise powers granted to the fire marshal by law as may be necessary to carry out the duties of the fire marshal's office.

(C) The fire marshal shall create, in and as a part of the office of fire marshal, a fire and explosion investigation bureau consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient administration of the bureau. The chief shall be experienced in the investigation of the cause, origin, and circumstances of fires, and in administration, including the supervision of subordinates. The chief, among other duties delegated to the chief by the fire marshal, shall be responsible, under the direction of the fire marshal, for the investigation of the cause, origin, and circumstances of fires and explosions in the state, and for assistance in the prosecution of persons believed to be guilty of arson or a similar crime.

(D)(1) The fire marshal shall create, as part of the office of fire marshal, a bureau of code enforcement consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient administration of the bureau. The chief shall be qualified, by education or experience, in fire inspection, fire code development, fire code enforcement, or any other similar field determined by the fire marshal.
marshal, and in administration, including the supervision of subordinates. The chief is responsible, under the direction of the fire marshal, for fire inspection, fire code development, fire code enforcement, and any other duties delegated to the chief by the fire marshal.

(2) The fire marshal, the chief deputy fire marshal, the chief of the bureau of code enforcement, or any assistant fire marshal under the direction of the fire marshal, the chief deputy fire marshal, or the chief of the bureau of code enforcement may cause to be conducted the inspection of all buildings, structures, and other places, the condition of which may be dangerous from a fire safety standpoint to life or property, or to property adjacent to the buildings, structures, or other places.

(E) The fire marshal shall create, as a part of the office of fire marshal, a bureau of fire prevention consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient administration of the bureau. The chief shall be qualified, by education or experience, to promote programs for rural and urban fire prevention and protection. The chief, among other duties delegated to the chief by the fire marshal, is responsible, under the direction of the fire marshal, for the promotion of rural and urban fire prevention and protection through public information and education programs.

(F) The fire marshal shall cooperate with the director of children and family services when the director adopts rules under section 5104.052 of the Revised Code regarding fire prevention and fire safety in licensed type B family day-care homes, as defined in section 5104.01 of the Revised Code, recommend procedures for inspecting type B homes to determine whether they are in compliance with those rules, and provide training and technical assistance to the director of children and family services.
youth and county directors of job and family services on the procedures for determining compliance with those rules.

(G) The fire marshal, upon request of a provider of child care in a type B home that is not licensed by the director of children and family services youth, as a precondition of approval by the state board of education under section 3313.813 of the Revised Code for receipt of United States department of agriculture child and adult care food program funds established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall inspect the type B home to determine compliance with rules adopted under section 5104.052 of the Revised Code regarding fire prevention and fire safety in licensed type B homes. In municipal corporations and in townships where there is a certified fire safety inspector, the inspections shall be made by that inspector under the supervision of the fire marshal, according to rules adopted under section 5104.052 of the Revised Code. In townships outside municipal corporations where there is no certified fire safety inspector, inspections shall be made by the fire marshal.

Sec. 3742.32. (A) The director of health shall appoint an advisory council to assist in the ongoing development and implementation of the child lead poisoning prevention program created under section 3742.31 of the Revised Code. The advisory council shall consist of the following members:

(1) A representative of the department of medicaid;

(2) A representative of the bureau of child care in the department of job and family services;

(3) A representative of the department of environmental protection;

(4) A representative of the department of education;
(5) A representative of the department of development services agency;

(6) A representative of the department of children and youth;

(7) A representative of the Ohio apartment owner's association;

(7) (8) A representative of the Ohio healthy homes network;

(8) (9) A representative of the Ohio environmental health association;

(9) (10) An Ohio representative of the American coatings association;

(10) (11) A representative from Ohio realtors;

(11) (12) A representative of the Ohio housing finance agency;

(12) (13) A physician knowledgeable in the field of lead poisoning prevention;

(13) (14) A representative of the public.

(B) The advisory council shall do both of the following:

(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;

(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.

(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.

Sec. 3781.06. (A) (1) Any building that may be used as a place of resort, assembly, education, entertainment, lodging, dwelling, trade, manufacture, repair, storage, traffic, or occupancy by the
public, any residential building, and all other buildings or parts and appurtenances of those buildings erected within this state, shall be so constructed, erected, equipped, and maintained that they shall be safe and sanitary for their intended use and occupancy.

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the Revised Code shall be construed to limit the power of the division of industrial compliance of the department of commerce to adopt rules of uniform application governing manufactured home parks pursuant to section 4781.26 of the Revised Code.

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the Revised Code do not apply to any of the following:

(1) Buildings or structures that are incident to the use for agricultural purposes of the land on which the buildings or structures are located, provided those buildings or structures are not used in the business of retail trade. For purposes of this division, a building or structure is not considered used in the business of retail trade if fifty per cent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller.

(2) Existing single-family, two-family, and three-family detached dwelling houses for which applications have been submitted to the director of children and family services youth pursuant to section 5104.03 of the Revised Code for the purposes of operating type A family day-care homes as defined in section 5104.01 of the Revised Code;

(3) A mobile computing unit. As used in this division, "mobile computing unit" means an assembly that meets all of the
following criteria:

(a) Its purpose is to house and operate computers as defined in section 2913.01 of the Revised Code.

(b) Its exterior is integral to the protection or cooling, or both, of the computers housed within it.

(c) It is not attached to a permanent foundation.

(d) It is not accessible to the public.

(e) It is not designed for regular occupancy, but rather limited access for service and maintenance.

(f) It can be moved or transported as a single integrated unit.

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code:

(1) "Agricultural purposes" include agriculture, farming, dairying, pasturage, apiculture, algaculture meaning the farming of algae, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal and poultry husbandry.

(2) "Building" means any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances.

(3) "Industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not
include a manufactured home as defined by division (C)(4) of this section or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(4) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

(5) "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the division of industrial compliance of the department of commerce pursuant to Chapter 4781. of the Revised Code, to which a manufactured or mobile home may be affixed.

(6) "Permanently sited manufactured home" means a manufactured home that meets all of the following criteria:

(a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;

(b) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet;

(c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;

(d) The structure was manufactured after January 1, 1995;
(e) The structure is not located in a manufactured home park as defined by section 4781.01 of the Revised Code.

(7) "Safe," with respect to a building, means it is free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it, or of the public and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the methods or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise.

(8) "Sanitary," with respect to a building, means it is free from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein, for the purpose of lighting, heating, ventilating, or plumbing.

(9) "Residential building" means a one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house. "Residential building" includes a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house. "Residential building" does not include an industrialized unit as defined by division (C)(3) of this section, a manufactured home as defined by division (C)(4) of this section, or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(10) "Nonresidential building" means any building that is not a residential building or a manufactured or mobile home.

(11) "Accessory structure" means a structure that is attached to a residential building and serves the principal use of the residential building. "Accessory structure" includes, but is not limited to, a garage, porch, or screened-in patio.
Sec. 3781.10. (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of the Revised Code is enforceable. The rules governing residential buildings are uniform requirements for residential buildings in any area with a building department certified to enforce the state residential building code. In no case shall any local code or regulation differ from the state residential building code unless that code or regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to section 3781.01 of the Revised Code.

(3) The rules adopted pursuant to this section are complete, lawful alternatives to any requirements specified for buildings or industrialized units in any section of the Revised Code. Except as otherwise provided in division (I) of this section, the board shall, on its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, formulate, propose, adopt, modify, amend, or repeal the rules to the extent necessary or desirable to effectuate the purposes of sections 3781.06 to
3781.18 of the Revised Code.

(B) The board shall report to the general assembly proposals for amendments to existing statutes relating to the purposes declared in section 3781.06 of the Revised Code that public health and safety and the development of the arts require and shall recommend any additional legislation to assist in carrying out fully, in statutory form, the purposes declared in that section. The board shall prepare and submit to the general assembly a summary report of the number, nature, and disposition of the petitions filed under sections 3781.13 and 3781.14 of the Revised Code.

(C) On its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, and after thorough testing and evaluation, the board shall determine by rule that any particular fixture, device, material, process of manufacture, manufactured unit or component, method of manufacture, system, or method of construction complies with performance standards adopted pursuant to section 3781.11 of the Revised Code. The board shall make its determination with regard to adaptability for safe and sanitary erection, use, or construction, to that described in any section of the Revised Code, wherever the use of a fixture, device, material, method of manufacture, system, or method of construction described in that section of the Revised Code is permitted by law. The board shall amend or annul any rule or issue an authorization for the use of a new material or manufactured unit on any like application. No department, officer, board, or commission of the state other than the board of building standards or the board of building appeals shall permit the use of any fixture, device, material, method of manufacture, newly designed product, system, or method of construction at variance with what is described in any rule the board of building standards adopts or issues or that is authorized by any section of the Revised Code.
Nothing in this section shall be construed as requiring approval, by rule, of plans for an industrialized unit that conforms with the rules the board of building standards adopts pursuant to section 3781.11 of the Revised Code.

(D) The board shall recommend rules, codes, and standards to help carry out the purposes of section 3781.06 of the Revised Code and to help secure uniformity of state administrative rulings and local legislation and administrative action to the bureau of workers' compensation, the director of commerce, any other department, officer, board, or commission of the state, and to legislative authorities and building departments of counties, townships, and municipal corporations, and shall recommend that they audit those recommended rules, codes, and standards by any appropriate action that they are allowed pursuant to law or the constitution.

(E)(1) The board shall certify municipal, township, and county building departments, the personnel of those building departments, persons described in division (E)(7) of this section, and employees of individuals, firms, the state, or corporations described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. Any department, personnel, or person may enforce only the type of building code for which certified.

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department
does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the council of American building officials, national model code organizations, and agencies or entities the board recognizes are acceptable for purposes of this division. The rules shall specify requirements that are consistent with the provisions of section 5903.12 of the Revised Code relating to active duty military service and are compatible, to the extent possible, with requirements the council of American building officials and national model code organizations establish.

(4) The board shall establish and collect a certification and renewal fee for building department personnel, and persons and employees of persons, firms, or corporations as described in this section, who are certified pursuant to this division.

(5) Any individual certified pursuant to this division shall complete the number of hours of continuing building code education that the board requires or, for failure to do so, forfeit certification.

(6) This division does not require or authorize the board to certify personnel of municipal, township, and county building departments, and persons and employees of persons, firms, or
corporations as described in this section, whose responsibilities do not include the exercise of enforcement authority, the approval of plans and specifications, or making inspections under the state residential and nonresidential building codes.

(7) Enforcement authority for approval of plans and specifications and enforcement authority for inspections may be exercised, and plans and specifications may be approved and inspections may be made on behalf of a municipal corporation, township, or county, by any of the following who the board of building standards certifies:

(a) Officers or employees of the municipal corporation, township, or county;

(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a
park district created pursuant to Chapter 1545 of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as applicable.

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;

(e) The proposed budget for the operation of the building department.

(11) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or
person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work.

(b) The minimum services to be provided by a certified building department.

(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in section 3781.101 of the Revised Code for other proceedings of the board of building standards.

(13) Upon certification, and until that authority is revoked, any county or township building department shall enforce the residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised Code or boards of township trustees under Chapter 505. of the Revised Code.

(14) The board shall certify a person to exercise enforcement authority, to accept and approve plans and specifications, or to make inspections in this state in accordance with Chapter 4796. of the Revised Code if either of the following applies:

(a) The person holds a license or certificate in another
(b) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter in the same profession, occupation, or occupational activity as the profession, occupation, or occupational activity for which the certificate is required in this state in a state that does not issue that license or certificate.

(F) In addition to hearings sections 3781.06 to 3781.18 and 3791.04 of the Revised Code require, the board of building standards shall make investigations and tests, and require from other state departments, officers, boards, and commissions information the board considers necessary or desirable to assist it in the discharge of any duty or the exercise of any power mentioned in this section or in sections 3781.06 to 3781.18, 3791.04, and 4104.43 of the Revised Code.

(G) The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product of a manufacturing process. The fee shall bear some reasonable relationship to the cost of the review or testing of the materials, assembly, or products and for the notification of approval or disapproval as provided in section 3781.12 of the Revised Code.

(H) The residential construction advisory committee shall provide the board with a proposal for a state residential building code that the committee recommends pursuant to division (D)(1) of section 4740.14 of the Revised Code. Upon receiving a recommendation from the committee that is acceptable to the board, the board shall adopt rules establishing that code as the state residential building code.

(I)(1) The committee may provide the board with proposed
rules to update or amend the state residential building code that
the committee recommends pursuant to division (E) of section
4740.14 of the Revised Code.

(2) If the board receives a proposed rule to update or amend
the state residential building code as provided in division (I)(1)
of this section, the board either may accept or reject the
proposed rule for incorporation into the residential building
code. If the board does not act to either accept or reject the
proposed rule within ninety days after receiving the proposed rule
from the committee as described in division (I)(1) of this
section, the proposed rule shall become part of the residential
building code.

(J) The board shall cooperate with the director of job
children and family services youth when the director promulgates
rules pursuant to section 5104.05 of the Revised Code regarding
safety and sanitation in type A family day-care homes.

(K) The board shall adopt rules to implement the requirements
of section 3781.108 of the Revised Code.

Sec. 3798.01. As used in this chapter:

(A) "Administrative safeguards," "physical safeguards," and
"technical safeguards" have the same meanings as in 45 C.F.R.
164.304.

(B) "Covered entity," "disclosure," "health care provider,"
"health information," "individually identifiable health
information," "protected health information," and "use" have the
same meanings as in 45 C.F.R. 160.103.

(C) "Designated record set" has the same meaning as in 45
C.F.R. 164.501.

(D) "Direct exchange" means the activity of electronic
transmission of health information through a direct connection
between the electronic record systems of health care providers without the use of a health information exchange.

(E) "Health care component" and "hybrid entity" have the same meanings as in 45 C.F.R. 164.103.

(F) "Health information exchange" means any person or governmental entity that provides in this state a technical infrastructure to connect computer systems or other electronic devices used by covered entities to facilitate the secure transmission of health information. "Health information exchange" excludes health care providers engaged in direct exchange, including direct exchange through the use of a health information service provider.

(G) "HIPAA privacy rule" means the standards for privacy of individually identifiable health information in 45 C.F.R. part 160 and in 45 C.F.R. part 164, subparts A and E.

(H) "Interoperability" means the capacity of two or more information systems to exchange information in an accurate, effective, secure, and consistent manner.

(I) "Minor" means an unemancipated person under eighteen years of age or a mentally or physically disabled person under twenty-one years of age who meets criteria specified in rules adopted by the medicaid director under section 3798.13 of the Revised Code.

(J) "More stringent" has the same meaning as in 45 C.F.R. 160.202.

(K) "Personal representative" means a person who has authority under applicable law to make decisions related to health care on behalf of an adult or emancipated minor, or the parent, legal guardian, or other person acting in loco parentis who is authorized under law to make health care decisions on behalf of an unemancipated minor. "Personal representative" does not include ...
the parent or legal guardian of, or another person acting in loco parentis to, a minor who consents to the minor's own receipt of health care or a minor who makes medical decisions on the minor's own behalf pursuant to law, court approval, or because the minor's parent, legal guardian, or other person acting in loco parentis has assented to an agreement of confidentiality between the provider and the minor.

(L) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.

(M) "State agency" means any one or more of the following:

(1) The department of administrative services;
(2) The department of aging;
(3) The department of mental health and addiction services;
(4) The department of developmental disabilities;
(5) The department of education;
(6) The department of health;
(7) The department of insurance;
(8) The department of job and family services;
(9) The department of medicaid;
(10) The department of rehabilitation and correction;
(11) The department of youth services;
(12) The department of children and youth;
(13) The bureau of workers' compensation;
(14) The opportunities for Ohioans with disabilities agency;
(15) The office of the attorney general;
A health care licensing board created under Title XLVII of the Revised Code that possesses individually identifiable health information.

Sec. 4112.12. (A) There is hereby created the commission on African-Americans, which shall consist of not more than fourteen members as follows: the directors or their designees of the departments of health, development, mental health and addiction services, children and youth, and job and family services; the superintendent of public instruction; the chancellor of higher education or the chancellor's designee; two members of the house of representatives appointed by the speaker of the house of representatives each of whom shall be members of different political parties; and two members of the senate appointed by the president of the senate each of whom shall be members of different political parties. The members who are members of the general assembly shall be nonvoting members. The Ohio state university Bell national resource center, in consultation with the governor, shall appoint two members from the private corporate sector or the nonprofit sector, and one member with experience in the philanthropic community.

(B) Terms of office shall be for three years, except that members of the general assembly appointed to the commission shall be members only so long as they are members of the general assembly. Each term ends on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the
expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

The commission annually shall elect a chairperson from among its members.

(C) Members of the commission and members of subcommittees appointed under division (B) of section 4112.13 of the Revised Code shall not be compensated, but shall be reimbursed for their necessary and actual expenses incurred in the performance of their official duties.

(D) The Ohio state university Bell national resource center, in consultation with the governor, shall appoint an executive director of the commission on African-Americans, who shall be in the unclassified civil service. The executive director shall supervise the commission's activities and report to the commission and to the Ohio state university Bell national resource center on the progress of those activities. The executive director shall do all things necessary for the efficient and effective implementation of the duties of the commission.

The responsibilities assigned to the executive director do not relieve the members of the commission from final responsibility for the proper performance of the requirements of this division.

(E) The commission on African-Americans shall do all of the following:

(1) Employ, promote, supervise, and remove all employees, as needed, in connection with the performance of its duties under this section;

(2) Maintain its office at the Ohio state university Bell national resource center;
(3) Acquire facilities, equipment, and supplies necessary to house the commission, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses.

(4) Establish the overall policy and management of the commission in accordance with this chapter;

(5) Follow all state procurement requirements;

(6) Implement the policies and plans of the Ohio state university Bell national resource center as those policies and plans are formulated and adopted by the center;

(7) Report to the Ohio state university Bell national resource center on the progress of the commission on African-Americans in implementing the policies and plans of the center.

(F) The commission on African-Americans may:

(1) Hold sessions at any place within the state, except that the commission shall meet at least quarterly;

(2) Establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission as necessary to achieve the most efficient performance of its functions.

(G) The Ohio state university Bell national resource center shall establish the overall policy and management of the commission on African-Americans and shall direct, manage, and oversee the commission. The center shall develop overall policies and plans, and the commission shall implement those policies and plans. The commission, through its executive director, shall keep the center informed as to the activities of the commission in such manner and at such times as the center shall determine.
The Ohio state university Bell national resource center may prescribe duties and responsibilities of the commission in addition to those prescribed in section 4112.13 of the Revised Code.

(H) The Ohio state university Bell national resource center annually shall contract for a report on the status of African Americans in this state. Issues to be evaluated in the report shall include the criminal justice system, education, employment, health care, and housing, and such other issues as the center may specify. The report shall include policy recommendations relating to the issues covered in the report.

Sec. 5101.09. (A) When the director of job and family services or the director of children and youth is authorized by the Revised Code to adopt a rule, the director shall adopt the rule in accordance with the following:

(1) Chapter 119. of the Revised Code if any of the following apply:

(a) The rule concerns the administration or enforcement of Chapter 4141. of the Revised Code;

(b) The rule concerns a program administered by the department of job and family services or the director of children and youth, unless the statute authorizing the rule requires that it be adopted in accordance with section 111.15 of the Revised Code;

(c) The statute authorizing the rule requires that the rule be adopted in accordance with Chapter 119. of the Revised Code.

(2) Section 111.15 of the Revised Code, excluding division (D) of that section, if either of the following apply:

(a) The rule concerns the day-to-day staff procedures and operations of the department or financial and operational matters.
between the department and another government entity or a private
entity receiving a grant from the department, unless the statute
authorizing the rule requires that it be adopted in accordance
with Chapter 119. of the Revised Code;

(b) The statute authorizing the rule requires that the rule
be adopted in accordance with section 111.15 of the Revised Code
and, by the terms of division (D) of that section, division (D) of
that section does not apply to the rule.

(3) Section 111.15 of the Revised Code, including division
(D) of that section, if the statute authorizing the rule requires
that the rule be adopted in accordance with that section and the
rule is not exempt from the application of division (D) of that
section.

(B) Except as otherwise required by the Revised Code, the
adoption of a rule in accordance with Chapter 119. of the Revised
Code does not make the department of job and family services, the
department of children and youth, a county family services agency,
or a local board subject to the notice, hearing, or other
requirements of sections 119.06 to 119.13 of the Revised Code. As
used in this division, "local board" has the same meaning as in
section 6301.01 of the Revised Code.

Sec. 5101.11. (A) As used in this section:

(1) "Entity" includes an agency, board, commission, or
department of the state or a political subdivision of the state; a
private, nonprofit entity; a school district; a private school; or
a public or private institution of higher education.

(2) "Federal financial participation" means the federal
government's share of expenditures made by an entity in
implementing a program administered by the department of job and
family services.
(B) At the request of any public entity having authority to implement a program administered by the department of job and family services or the department of children and youth, or any private entity under contract with a public entity to implement a program administered by the applicable department, the applicable department may seek to obtain federal financial participation for costs incurred by the entity. Federal financial participation may be sought from programs operated pursuant to Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq.; Title IV-E of the "Social Security Act," 42 U.S.C. 670 et seq.; the Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq.; and any other statute or regulation under which federal financial participation may be available, except that federal financial participation may be sought only for expenditures made with funds for which federal financial participation is available under federal law.

(C) All funds collected by the department of job and family services or the department of children and youth pursuant to division (B) of this section shall be distributed to the entities that incurred the costs, except for any amounts retained by the applicable department pursuant to division (D)(3) of this section.

(D) In distributing federal financial participation pursuant to this section, the department of job and family services or the department of children and youth may either enter into an agreement with the entity that is to receive the funds or distribute the funds in accordance with rules adopted under division (F) of this section. If the department decides to enter into an agreement to distribute the funds is entered into, the agreement may include terms that do any of the following:

(1) Provide for the whole or partial reimbursement of any cost incurred by the entity in implementing the program;

(2) In the event that federal financial participation is disallowed or otherwise unavailable for any expenditure, require
the applicable department or the entity, whichever party caused
the disallowance or unavailability of federal financial
disallowance or unavailability of federal financial
participation, to assume responsibility for the expenditures;

(3) Permit the applicable department to retain not more than
five per cent of the amount of the federal financial participation
to be distributed to the entity;

(4) Require the public entity to certify the availability of
sufficient unencumbered funds to match the federal financial
participation it receives under this section;

(5) Establish the length of the agreement, which may be for a
fixed or a continuing period of time;

(6) Establish any other requirements determined by the
applicable department to be necessary for the efficient
administration of the agreement.

(E) An entity that receives federal financial participation
pursuant to this section for a program aiding children and their
families shall establish a process for collaborative planning with
the department of job and family services or the department of
children and youth for the use of the funds to improve and expand
the program.

(F) The director of job and family services and the director
of children and youth each shall adopt rules as necessary to
implement this section, including rules for the distribution of
federal financial participation pursuant to this section. The
rules shall be adopted in accordance with Chapter 119. of the
Revised Code. The Each director may adopt or amend any statewide
plan required by the federal government for a program administered
by the that department, as necessary to implement this section.

(G) Federal financial participation received pursuant to this
section shall not be included in any calculation made under
section 5101.16 or 5101.161 of the Revised Code.
Sec. 5101.111. The foundation grant fund is hereby created in the state treasury. Money the department of job and family services or the department of children and youth receives from private foundations in support of pilot projects that promote exemplary programs for enhancing the health, safety, and well-being of children and families shall be credited to the fund. The applicable department may expend the money on such projects, may use the money, to the extent allowable, to match federal funds in support of such projects, and shall comply with requirements the foundations have stipulated in their agreements with the applicable department as to the purposes for which the money may be expended.

Sec. 5101.12. The department of job and family services or department of children and youth may enter into contracts to maximize federal revenue without the expenditure of state money. In selecting private entities with which to contract, the applicable department shall engage in a request for proposals process. The applicable department, subject to the approval of the controlling board, may also directly enter into contracts with public entities providing revenue maximization services.

Sec. 5101.13. (A) The department of job and family services children and youth shall establish and maintain a uniform statewide automated child welfare information system in accordance with the requirements of 42 U.S.C.A. 674(a)(3)(C) and related federal regulations and guidelines. The information system shall contain records regarding any of the following:

(1) Investigations of children and families, and children's care in out-of-home care, in accordance with sections 2151.421 and 5153.16 of the Revised Code;

(2) Care and treatment provided to children and families;
(3) Any other information related to children and families that state or federal law, regulation, or rule requires the department or a public children services agency to maintain.

(B) The department shall plan implementation of the information system on a county-by-county basis and shall finalize statewide implementation by all public children services agencies as described in section 5153.02 of the Revised Code not later than January 1, 2008.

(C) The department shall promptly notify all public children services agencies of the initiation and completion of statewide implementation of the statewide information system established under division (A) of this section.

(D) "Out-of-home care" has the same meaning as in section 2151.011 of the Revised Code.

Sec. 5101.132. (A) Information contained in the information system established and maintained under section 5101.13 of the Revised Code may be accessed or entered only as follows:

(1) The department of job and family services, the department of children and youth, a public children services agency, a title IV-E agency, a prosecuting attorney, a private child placing agency, and a private noncustodial agency may access or enter the information when either of the following is the case:

(a) The access or entry is directly connected with assessment, investigation, or services regarding a child or family;

(b) The access or entry is permitted by state or federal law, rule, or regulation.

(2) A person may access or enter the information in a manner, to the extent, and for the purposes authorized by rules adopted by the department.
(B) As used in this section, "title IV-E agency" means a public children services agency or a public entity with which the department of job and family services or department of children and youth has a title IV-E subgrant agreement in effect.

Sec. 5101.134. (A) Notwithstanding any provision of the Revised Code that requires confidentiality of information that is contained in the uniform statewide automated child welfare information system established in section 5101.13 of the Revised Code, the department of job and family services children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code regarding a private child placing agency's or private noncustodial agency's access, data entry, and use of information in the uniform statewide automated child welfare information system.

(B)(1) The department of job and family services children and youth may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to carry out the purposes of sections 5101.13 to 5101.133 of the Revised Code.

(2) The department may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of division (A)(2) of section 5101.132 of the Revised Code.

(C) Public children services agencies shall implement and use the information system established pursuant to section 5101.13 of the Revised Code in accordance with rules adopted by the department.

Sec. 5101.135. (A) A public children services employee who is entering a report of an investigation of child abuse in the statewide automated child welfare information system, as required by section 5101.13 of the Revised Code, shall make a notation on
each case of child abuse that indicates whether the child abuse arose from an act that caused the child to suffer from, or resulted in the child suffering from, shaken baby syndrome.

(B) Beginning March 1, 2009, and each on the first day of March thereafter of each year, the department of job and family services children and youth shall report to the director of health the number of reports of child abuse that arose from an act that caused the child to suffer from, or resulted in the child suffering from, shaken baby syndrome and that arose during the calendar year immediately preceding the calendar year in which the report is made, as determined by an examination of the statewide automated child welfare information system established and maintained under section 5101.13 of the Revised Code.

(C) As used in this section, "shaken baby syndrome" has the same meaning as in section 3701.63 5180.14 of the Revised Code.

Sec. 5101.14. (A) As used in this section and section 5101.144 of the Revised Code, "children services" means services provided to children pursuant to Chapter 5153. of the Revised Code.

(B) Within available funds, the department of job children and family services youth shall distribute funds to the counties within thirty days after the beginning of each calendar quarter for a part of the counties' costs for children services.

Funds provided to the county under this section shall be deposited into the children services fund created pursuant to section 5101.144 of the Revised Code.

(C) In each fiscal year, the amount of funds available for distribution under this section shall be allocated to counties as follows:

(1) If the amount is less than the amount initially
appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the percentage of the funding it received in the immediately preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(2) If the amount is equal to the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the amount it received in the preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(3) If the amount is greater than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive the amount determined under division (C)(2) of this section as a base allocation, plus a percentage of the amount that exceeds the amount initially appropriated for the immediately preceding fiscal year. The amount exceeding the amount initially appropriated in the immediately preceding fiscal year shall be allocated to the counties as follows:

(a) Twelve per cent divided equally among all counties;

(b) Forty-eight per cent in the ratio that the number of residents of the county under the age of eighteen bears to the total number of such persons residing in this state;

(c) Forty per cent in the ratio that the number of residents of the county with incomes under the federal poverty guideline bears to the total number of such persons in this state.

As used in division (C)(3)(c) of this section, "federal poverty guideline" means the poverty guideline as defined by the United States office of management and budget and revised by the United States secretary of health and human services in accordance with section 673 of the "Community Services Block Grant Act," 95
(D) Within ninety days after the end of each state fiscal biennium, each county shall return any unspent funds to the department.

(E) The director of children and family services youth may adopt the following rules in accordance with section 111.15 of the Revised Code:

(1) Rules that are necessary for the allocation of funds under this section;

(2) Rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section.

Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1417 of the Revised Code:

(1) "Adopted young adult" means a person:

(a) Who was in the temporary or permanent custody of a public children services agency;

(b) Who was adopted at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E adoption assistance agreement became effective;

(c) Who has attained the age of eighteen; and

(d) Who has not yet attained the age of twenty-one.

(2) "Child" means any of the following:

(a) A person who meets the requirements of division (B)(3) of section 5153.01 of the Revised Code;

(b) An adopted young adult;

(c) An emancipated young adult.

(3) "Emancipated young adult" means a person:
(a) Who was in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services;

(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and

(c) Who has not yet attained the age of twenty-one.

(4) "Kinship guardianship young adult" means an individual that meets the following criteria:

(a) Was in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement prior to the commitment described in division (A)(4)(b) of this section;

(b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective;

(c) Has attained the age of eighteen;

(d) Has not yet attained the age of twenty-one.

(5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older:

(a) The following individuals related by blood or adoption to the child:

(i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";

(ii) Siblings;

(iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or
"great-grand";

(iv) First cousins and first cousins once removed.

(b) Stepparents and stepsiblings of the child;

c) Spouses and former spouses of individuals named in divisions (A)(5)(a) and (b) of this section;

d) A legal guardian of the child;

e) A legal custodian of the child;

(f) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties.

(6) "Representative" means a person with whom the department of job children and family services youth has entered into a contract, pursuant to division (B)(2)(b) of this section.


(B)(1) Except as provided in divisions (B)(2), (3), and (4) of this section, the department of job children and family services youth shall act as the single state agency to administer federal payments for foster care, kinship guardianship assistance, and adoption assistance made pursuant to Title IV-E. The director of job children and family services youth shall adopt rules to implement this authority. Rules governing financial and administrative requirements applicable to public children services agencies and government entities that provide Title IV-E reimbursable placement services to children shall be adopted in accordance with section 111.15 of the Revised Code, as if they were internal management rules. Rules governing requirements applicable to private child placing agencies and private noncustodial agencies and rules establishing eligibility, program participation, and other requirements concerning Title IV-E shall
be adopted in accordance with Chapter 119. of the Revised Code. A public children services agency to which the department distributes Title IV-E funds shall administer the funds in accordance with those rules.

(2) If the state plan is amended under divisions (A) and (B) of section 5101.1411 of the Revised Code, both of the following shall apply:

(a) Implementation of the amendments to the plan shall begin fifteen months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, if both of the following apply:

(i) The plan as amended is approved by the secretary of health and human services;

(ii) The general assembly has appropriated sufficient funds to operate the program required under the plan as amended.

(b) The department shall have, exercise, and perform all new duties required under the plan as amended. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E.

(3) If the state plan is amended under division (C) of section 5101.1411 of the Revised Code, both of the following apply:

(a) Implementation of the amendments to the plan shall begin fifteen months after the effective date of this section September 30, 2021, if both of the following apply:

(i) The plan as amended is approved by the secretary of health and human services.

(ii) The general assembly has appropriated sufficient funds to operate the program required under the plan as amended.

(b) The department shall perform all new duties required
under the amended plan. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E.

(4) If the state plan is amended under section 5101.1416 of the Revised Code, and is approved by the secretary of health and human services, implementation of the amendments to the plan shall begin fifteen months after the effective date of this section, September 30, 2021.

(C)(1) Except with regard to the new duties imposed on the department or its contractor under divisions (B)(2)(b) and (B)(3)(b) of this section that are not imposed on the county, the county, on behalf of each child eligible for foster care maintenance payments under Title IV-E, shall make payments to cover the cost of providing all of the following:

(a) The child's food, clothing, shelter, daily supervision, and school supplies;
(b) The child's personal incidentals;
(c) Reasonable travel to the child's home for visitation.

(2) In addition to payments made under division (C)(1) of this section, the county may, on behalf of each child eligible for foster care maintenance payments under Title IV-E, make payments to cover the cost of providing the following:

(a) Liability insurance with respect to the child;
(b) If the county is participating in the demonstration project established under division (A) of section 5101.142 of the Revised Code, services provided under the project.

(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more certified foster homes operated by a common
administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in divisions (C)(1) and (2) of this section.

(D) To the extent that either foster care maintenance payments under division (C) of this section, Title IV-E kinship guardianship assistance, or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the department.

(E) The department shall distribute to public children services agencies that incur and report expenditures of the type described in division (D) of this section federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance, kinship guardianship assistance, and adoption assistance programs. The department may withhold not more than three per cent of the federal financial participation received. The funds withheld may be used only to fund the following:

(1) The Ohio child welfare training program established under section 5103.30 of the Revised Code;

(2) The university partnership program for college and university students majoring in social work who have committed to work for a public children services agency upon graduation;

(3) Efforts supporting organizational excellence, including voluntary activities to be accredited by a nationally recognized accreditation organization.

The funds withheld shall be in addition to any administration and training cost for which the department is reimbursed through its own cost allocation plan.
(F) All federal financial participation funds received by a county pursuant to this section shall be deposited into the county's children services fund created pursuant to section 5101.144 of the Revised Code.

(G) The department shall periodically publish and distribute the maximum amounts that the department will reimburse public children services agencies for making payments on behalf of children eligible for foster care maintenance payments.

(H) The department, by and through its director, is hereby authorized to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of this state with agencies of any other states, for the provision of social services to children in relation to whom all of the following apply:

(1) They have special needs.

(2) This state or another state that is a party to the interstate compact is providing kinship guardianship assistance or adoption assistance on their behalf.

(3) They move into this state from another state or move out of this state to another state.

Sec. 5101.142. (A) The department of children and family services youth may apply to the United States secretary of health and human services for a waiver of requirements established under Title IV-E, or regulations adopted thereunder, to conduct a demonstration project expanding eligibility for and services provided under Title IV-E. The department may enter into agreements with the secretary necessary to implement the demonstration project, including agreements establishing the terms and conditions of the waiver authorizing the project. If a demonstration project is to be established, the department shall
do all of the following:

(1) Have the director of youth adopt rules in accordance with Chapter 119. of the Revised Code governing the project. The rules shall be consistent with the agreements the department enters into with the secretary.

(2) Enter into agreements with public children services agencies that the department selects for participation in the project. The department shall not select an agency that objects to participation or refuses to be bound by the terms and conditions of the project.

(3) Contract with persons or governmental agencies providing services under the project;

(4) Amend the state plan required by section 471 of the "Social Security Act," 42 U.S.C.A. 671, as amended, as needed to implement the project;

(5) Conduct ongoing evaluations of the project;

(6) Perform other administrative and operational activities required by the agreement with the secretary.

(B) The department may apply to the United States secretary of health and human services for a waiver of the requirements established under Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C.A. 620 or regulations adopted thereunder and established under any other federal law or regulations that affect the children services functions prescribed by Chapter 5153 of the Revised Code, to conduct demonstration projects or otherwise improve the effectiveness and efficiency of the children services function.

Sec. 5101.143. (A) The state adoption assistance loan fund is hereby created in the state treasury. The fund shall consist of all money appropriated or transferred to it and all loan
repayments or other money, including interest and penalties, derived from state adoption assistance loans. The department of children and family services youth shall administer the fund. Money in the fund shall be used to make state adoption assistance loans to prospective adoptive parents applying for a loan under section 3107.018 of the Revised Code. All investment earnings of the fund shall be credited to the fund.

(B) The director of children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section, including rules for creating a loan application form, procedures and standards for reviewing and granting or denying loan applications, conditions on the use of the loan, loan repayment terms, procedures for collection of loan arrearages, and any monetary penalties for loan arrearages or improper use of loan funds.

Sec. 5101.145. (A) In adopting rules under section 5101.141 of the Revised Code regarding financial requirements applicable to public children services agencies, private child placing agencies, private noncustodial agencies, and government entities that provide Title IV-E reimbursable placement services to children, the department of children and family services youth shall establish both of the following:

(1) A single form for the agencies or entities to report costs reimbursable under Title IV-E and costs reimbursable under medicaid;

(2) Procedures to monitor cost reports submitted by the agencies or entities.

(B) The procedures established under division (A)(2) of this section shall be implemented not later than October 1, 2003. The procedures shall be used to do both of the following:
(1) Determine which of the costs are reimbursable under Title IV-E;  

(2) Ensure that costs reimbursable under medicaid are excluded from determinations made under division (B)(1) of this section.  

**Sec. 5101.146.** The department of job children and family services youth shall establish the following penalties, which shall be enforced at the discretion of the department, for the failure of a public children services agency, private child placing agency, private noncustodial agency, or government entity that provides Title IV-E reimbursable placement services to children to comply with procedures the department establishes to ensure fiscal accountability:  

(A) For initial failure, the department and the agency or entity involved shall jointly develop and implement a corrective action plan according to a specific schedule. If requested by the agency or entity involved, the department shall provide technical assistance to the agency or entity to ensure the fiscal accountability procedures and goals of the plan are met.  

(B) For subsequent failures or failure to achieve the goals of the plan described in division (A) of this section, one of the following:  

(1) For public children services agencies, the department may take any action permitted under division (C)(2), (4), (5), or (6) of section 5101.24 of the Revised Code.  

(2) For private child placing agencies or private noncustodial agencies, cancellation of any Title IV-E allowability rates for the agency involved pursuant to section 5101.141 of the Revised Code or revocation pursuant to Chapter 119. of the Revised Code of that agency's certificate issued under section 5103.03 of
the Revised Code;

(3) For government entities, other than public children services agencies, that provide Title IV-E reimbursable placement services to children, cancellation of any Title IV-E allowability rates for the entity involved pursuant to section 5101.141 of the Revised Code.

Sec. 5101.147. If a public children services agency fails to comply with the fiscal accountability procedures established by the department of *children and family services youth*, the department shall notify the board of county commissioners of the county served by the agency. If a private child placing agency or private noncustodial agency fails to comply with the fiscal accountability procedures, the department shall notify the executive director of each public children services agency that has entered into a contract for services with the private child placing agency or private noncustodial agency.

Sec. 5101.148. If the department of *children and family services youth* sanctions a public children services agency, private child placing agency, or private noncustodial agency, it shall take every possible precaution to ensure that any foster children that have been placed by the agency under sanction are not unnecessarily removed from the certified foster homes in which they reside.

Sec. 5101.1410. In addition to the remedies available under sections 5101.146 and 5101.24 of the Revised Code, the department of *children and family services youth* may certify a claim to the attorney general under section 131.02 of the Revised Code for the attorney general to take action under that section against a public children services agency, private child placing agency, private noncustodial agency, or government entity that provides
Title IV-E reimbursable placement services to children if all of the following are the case:

(A) The agency or entity files a cost report with the department pursuant to rules adopted under division (B) of section 5101.141 of the Revised Code.

(B) The department receives and distributes federal Title IV-E reimbursement funds based on the cost report.

(C) The agency's or entity's misstatement, misclassification, overstatement, understatement, or other inclusion or omission of any cost included in the cost report causes the United States department of health and human services to disallow all or part of the federal Title IV-E reimbursement funds the department received and distributed.

(D) The agency's or entity's misstatement, misclassification, overstatement, understatement, or other inclusion or omission of any cost included in the cost report is not the direct result of a written directive concerning the agency or entity's cost report that the department issued to the agency or entity.

Sec. 5101.1411. (A)(1) The director of job and family services shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for foster care under Title IV-E directly to, or on behalf of, any emancipated young adult who meets the following requirements:

(a) The emancipated young adult signs a voluntary participation agreement.

(b) The emancipated young adult satisfies division (D) of this section.
Any emancipated young adult who meets the requirements of division (A)(1) of this section may apply for foster care payments and make the appropriate application at any time.

(B)(1) The director of job and family services shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for adoption assistance under Title IV-E available to any parent who meets all of the following requirements:

(a) The parent adopted a person who is an adopted young adult and the parent entered into an adoption assistance agreement under 42 U.S.C. 673 while the adopted person was age sixteen or seventeen.

(b) The parent maintains parental responsibility for the adopted young adult.

(c) The adopted young adult satisfies division (D) of this section.

(2) Any parent who meets the requirements of division (B)(1) of this section that are applicable to a parent may request an extension of adoption assistance payments at any time before the adopted young adult reaches age twenty-one.

(3) An adopted young adult who is eligible to receive adoption assistance payments is not considered an emancipated young adult and is therefore not eligible to receive payment under division (A) of this section.

(C)(1) The director of job and family services shall, not later than nine months after the effective date of this amendment, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for adoption assistance under Title IV-E available to any parent who meets all of the following requirements:

(a) The parent adopted a person who is an adopted young adult and the parent entered into an adoption assistance agreement under 42 U.S.C. 673 while the adopted person was age sixteen or seventeen.

(b) The parent maintains parental responsibility for the adopted young adult.

(c) The adopted young adult satisfies division (D) of this section.
human services to implement 42 U.S.C. 673(d) to provide kinship guardianship assistance under Title IV-E available to any relative who meets all of the following requirements:

(a) Both of the following apply:

(i) A juvenile court issued an order granting legal custody of a person who is a kinship guardianship young adult to the relative, or a probate court issued an order granting guardianship of a person who is a kinship guardianship young adult to the relative, and the order is not a temporary court order.

(ii) The relative entered into a kinship guardianship assistance agreement under 42 U.S.C. 673(d) while the kinship guardianship young adult was age sixteen or seventeen.

(b) The relative maintains parental responsibility for the kinship guardianship young adult.

(c) The kinship guardianship young adult satisfies division (D) of this section.

(2) Any person who meets the requirements of division (C)(1) of this section may request an extension of kinship guardianship assistance at any time before the kinship guardianship young adult reaches age twenty-one.

(3) A kinship guardianship young adult who is eligible to receive kinship guardianship assistance is not considered an emancipated young adult and is therefore not eligible to receive assistance under division (A) of this section.

(D) In addition to other requirements, an adopted, kinship guardianship, or emancipated young adult must meet at least one of the following criteria:

(1) Is completing secondary education or a program leading to an equivalent credential;

(2) Is enrolled in an institution that provides
post-secondary or vocational education;

(3) Is participating in a program or activity designed to promote, or remove barriers to, employment;

(4) Is employed for at least eighty hours per month;

(5) Is incapable of doing any of the activities described in divisions (D)(1) to (4) of this section due to a physical or mental condition, which incapacity is supported by regularly updated information in the person's case record or plan.

(E) Any emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any relative described in division (C)(1) of this section who is receiving kinship guardianship assistance, or any parent receiving adoption assistance payments, may refuse the payments at any time.

(F)(1) An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any relative described in division (C)(1) of this section who is receiving kinship guardianship assistance and the kinship guardianship young adult, or a parent receiving adoption assistance payments and the adopted young adult shall be eligible for services set forth in the federal, "Fostering Connections to Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 Stat. 3949.

(2) An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, pursuant to this section, may be eligible to reside in a supervised independent living setting, including apartment living, room and board arrangements, college or university dormitories, host homes, and shared roommate settings.
(G) Any determination by the department of job and family services or the department of children and youth that denies or terminates foster care assistance, kinship guardianship assistance, kinship support program payments, or adoption assistance payments shall be subject to a state hearing pursuant to section 5101.35 of the Revised Code.

Sec. 5101.1412. (A) Without the approval of a court, an emancipated young adult who receives payments, or on whose behalf payments are received, under division (A) of section 5101.1411 of the Revised Code, may enter into a voluntary participation agreement with the department of job children and family services youth, or its representative, for the emancipated young adult's care and placement. The agreement shall stay in effect until one of the following occurs:

(1) The emancipated young adult enrolled in the program notifies the department, or its representative, that they want to terminate the agreement.

(2) The emancipated young adult becomes ineligible for the program.

(B) In order to maintain Title IV-E eligibility for the emancipated young adult, both of the following apply:

(1) Not later than one hundred eighty days after the effective date of the voluntary participation agreement, the department or its representative must petition the court for, and obtain, a judicial determination that the emancipated young adult's best interest is served by continuing the care and placement with the department or its representative.

(2) Not later than twelve months after the effective date of the voluntary participation agreement, and at least once every twelve months thereafter, the department or its representative
must petition the court for, and obtain, a judicial determination that the department or its representative has made reasonable efforts to finalize a permanency plan to prepare the emancipated young adult for independence.

**Sec. 5101.1413.** Notwithstanding section 5101.141 of the Revised Code and any rules adopted thereunder, the department of job children and family services youth shall pay the full nonfederal share of payments made pursuant to section 5101.1411 of the Revised Code. No public children services agency shall be responsible for the cost of any payments made pursuant to section 5101.1411 of the Revised Code.

**Sec. 5101.1414.** (A) Not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, the The department of job children and family services youth shall adopt rules necessary to carry out the purposes of sections 5101.1411 to 5101.1413 of the Revised Code, including rules that do all of the following:

(1) Allow an emancipated young adult described in division (A)(1) of section 5101.1411 of the Revised Code who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or an adopted young adult whose adoptive parents are receiving adoption assistance payments, to maintain eligibility while transitioning into, or out of, qualified employment or educational activities;

(2) Require that a thirty-day notice of termination be given by the department to an emancipated young adult described in division (A)(1) of section 5101.1411 of the Revised Code who is receiving foster care payments, or on whose behalf such foster care payments are received, or to a parent receiving adoption assistance payments for an adopted young adult described in...
division (B)(1) of section 5101.1411 of the Revised Code, who is determined to be ineligible for payments; 

(3) Establish the scope of practice and training necessary for case managers and supervisors who care for emancipated young adults described in division (A)(1) of section 5101.1411 of the Revised Code who are receiving foster care payments, or on whose behalf such foster care payments are received, under section 5101.1411 of the Revised Code. 

(B) The department of job children and family services youth shall create an advisory council to evaluate and make recommendations for statewide implementation of sections 5101.1411 and 5101.1412 of the Revised Code not later than one month after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly. 

Sec. 5101.1417. Not later than nine months after the effective date of this section, the The department of job children and family services youth shall adopt rules necessary to carry out the purposes of sections 5101.141, 5101.1411, and 5101.1416 of the Revised Code, and 42 U.S.C. 673(d) of the "Social Security Act," including rules that do all of the following: 

(A) Allow a kinship guardianship young adult described in division (C) of section 5101.1411 of the Revised Code on whose behalf kinship guardianship assistance is received, to maintain eligibility while transitioning into, or out of, qualified employment or educational activities; 

(B) Require that a thirty-day notice of termination be given by the department to a person receiving kinship guardianship assistance for a kinship guardianship young adult described in division (C) of section 5101.1411 of the Revised Code, who is determined to be ineligible for assistance.
Sec. 5101.1418. (A)(1) If, after a child's adoption is finalized, the department of children and family services considers the child to be in need of public care or protective services, the department may, to the extent state funds are available for this purpose, enter into an agreement with the child's adoptive parent under which the department may make post adoption special services subsidy payments on behalf of the child as needed when both of the following apply:

(a) The child has a physical or developmental disability or mental or emotional condition that either:

(i) Existed before the adoption petition was filed; or

(ii) Developed after the adoption petition was filed and can be directly attributed to factors in the child's preadoption background, medical history, or biological family's background or medical history.

(b) The department determines the expenses necessitated by the child's disability or condition are beyond the adoptive parent's economic resources.

(2) Services for which the department may make post adoption special services subsidy payments on behalf of a child under this section shall include medical, surgical, psychiatric, psychological, and counseling services, including residential treatment.

(3) The department shall establish clinical standards to evaluate a child's physical or developmental disability or mental or emotional condition and assess the child's need for services.

(4) The total dollar value of post adoption special services subsidy payments made on a child's behalf shall not exceed ten thousand dollars in any fiscal year, unless the department determines that extraordinary circumstances exist that necessitate
further funding of services for the child. Under such extraordinary circumstances, the value of the payments made on the child's behalf shall not exceed fifteen thousand dollars in any fiscal year.

(5) The adoptive parent or parents of a child who receives post adoption special services subsidy payments shall pay at least five per cent of the total cost of all services provided to the child; except that the department may waive this requirement if the gross annual income of the child's adoptive family is not more than two hundred per cent of the federal poverty guideline.

(6) The department may use other sources of revenue to make post adoption special services subsidy payments, in addition to any state funds appropriated for that purpose.

(7) The department may contract with another person to carry out any of the duties described in this section.

(B) No payment shall be made on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a mentally or physically disabled person twenty-one years of age or older.

(C) The director of children and family services, not later than July 1, 2022, shall adopt rules in accordance with Chapter 119. of the Revised Code necessary to implement this section. The rules shall establish all of the following:

(1) The application process for all forms of assistance provided under this section;

(2) Standards for determining the children who qualify to receive assistance provided under this section;

(3) The method of determining the amount, duration, and scope of services provided to a child;
(4) The method of transitioning the post adoption special services subsidy program from public children services agencies to the department;

(5) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section.

(D) The department shall implement this section not later than July 1, 2022.

Sec. 5101.15. Within available funds the department of job children and family services youth may reimburse counties in accordance with this section for a portion of the salaries paid to child welfare workers employed under section 5153.12 of the Revised Code. No county with a population of eighty thousand or less, according to the latest census accepted by the department as official, shall be entitled to reimbursement on the salaries of more than two child welfare workers, and no county with a population of more than eighty thousand, according to such census, shall be entitled to reimbursement on the salaries of more than two child welfare workers plus one additional child welfare worker for each one hundred thousand of population in excess of eighty thousand.

The maximum reimbursement to which a county may be entitled on any child welfare worker shall be as follows:

(A) Twenty-seven hundred dollars a year for a child welfare worker who is a graduate of an accredited high school, college, or university;

(B) Thirty-three hundred dollars a year for a child welfare worker who has one year or more of graduate training in social work or a field which the department finds to be related to social work;

(C) Thirty-nine hundred dollars a year for a child welfare
worker who has completed two years of social work training.

The salary of the executive director, designated in accordance with section 5153.10 of the Revised Code, shall be subject to reimbursement under this section, provided that the executive director qualifies under division (A), (B), or (C) of this section. No funds shall be allocated under this section until the director of job children and family services youth has approved a plan of child welfare services for the county submitted by the public children services agency.

Sec. 5101.183. (A) The director of job and family services and the director of children and youth, in accordance with section 111.15 of the Revised Code, may adopt rules under which county family services agencies shall take action to recover the cost of the following benefits and services available under programs administered by the department of job and family services or the department of children and youth:

(1) Benefits or services provided to any of the following:

(a) Persons who were not eligible for the benefits or services but who secured the benefits or services through fraud or misrepresentation;

(b) Persons who were eligible for the benefits or services but who intentionally diverted the benefits or services to other persons who were not eligible for the benefits or services.

(2) Any benefits or services provided by a county family services agency for which recovery is required or permitted by federal law for the federal programs administered by the agency.

(B) A county family services agency may bring a civil action against a recipient of benefits or services to recover any costs described in division (A) of this section.

(C) A county family services agency shall retain any money it
recovers under division (A) of this section and shall use the money to meet a family services duty, except that, if federal law requires the department of job and family services or the department of children and youth to return any portion of the money so recovered to the federal government, the county family services agency shall pay that portion to the department of job and family services or the department of children and youth.

Sec. 5101.19. As used in sections 5101.19 to 5101.194 of the Revised Code:

(A) "Adopted child" means a person who is less than eighteen years of age when the person becomes subject to a final order of adoption, an interlocutory order of adoption, or when the adoption is recognized by this state under section 3107.18 of the Revised Code.

(B) "Adoption" includes an adoption arranged by an attorney, a public children services agency, private child placing agency, or a private noncustodial agency, an interstate adoption, or an international or foreign adoption.

(C) "Adoptive parent" means the person or persons who obtain parental rights and responsibilities over an adopted child pursuant to a final order of adoption, an interlocutory order of adoption, or an adoption recognized by this state under section 3107.18 of the Revised Code.

(D) "Casework services" means services performed or arranged by a public children services agency, private child placing agency, private noncustodial agency, or public entity with whom the department of job and family services youth has a Title IV-E subgrant agreement in effect, to manage the progress, provide supervision and protection of the child and the child's parent, guardian, or custodian.
(E) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(F) "Qualified professional" means an individual that is, but not limited to, any one of the following:

1. Audiologist;
2. Orthopedist;
3. Physician;
4. Certified nurse practitioner;
5. Physician assistant;
6. Psychiatrist;
7. Psychologist;
8. School psychologist;
9. Licensed marriage and family therapist;
10. Speech and language pathologist;
11. Licensed independent social worker;
12. Licensed professional clinical counselor;
13. Licensed social worker who is under the direct supervision of a licensed independent social worker;
14. Licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.

(G) "Special needs" means any of the following:

1. A developmental disability as defined in section 5123.01 of the Revised Code;
2. A physical or mental impairment that substantially limits one or more of the major life activities;
3. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body
systems;

(4) Any mental or psychological disorder;

(5) A medical condition causing distress, pain, dysfunction, or social problems as diagnosed by a qualified professional that results in ongoing medical treatment.

Sec. 5101.191. (A) The director of job children and family services youth shall establish and administer the Ohio adoption grant program in accordance with sections 5101.19 to 5101.194 of the Revised Code.

(B) The director shall provide one, but not both, of the following one-time payments for an adopted child to the child's adoptive parent if the requirements of division (A) of section 5101.192 of the Revised Code, but not division (B) of that section, are satisfied regarding the child:

(1) Ten thousand dollars;

(2) Fifteen thousand dollars, if the parent was a foster caregiver who cared for the child prior to adoption.

(C) The director shall provide a one-time payment for an adopted child of twenty thousand dollars to the child's adoptive parent if the requirements of divisions (A) and (B) of section 5101.192 of the Revised Code are satisfied regarding the child.

Sec. 5101.193. (A) The director of job children and family services youth shall adopt rules to administer and implement the Ohio adoption grant program. The director, in consultation with the tax commissioner, shall also adopt rules authorizing the department to withhold and remit to the Internal Revenue Service federal income tax from grant payments under division (B) of section 5101.191 of the Revised Code, provided such withholding is authorized under federal law or approved by the Internal Revenue
Service.

(B) No application fee shall be charged for the grant program.

(C) Notwithstanding any law to the contrary, the director may require, as necessary to administer the Ohio adoption grant program, either or both of the following:

(1) The submission of any court or legal document necessary to prove a final order of adoption, an interlocutory order of adoption, or recognition of the adoption under section 3107.18 of the Revised Code;

(2) Any department, agency, or division of the state, including the department of health, to provide any document related to the adoption.

(D) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under section 5101.193 of the Revised Code is not subject to sections 121.95 to 121.953 of the Revised Code.

Sec. 5101.194. Any document provided to the department of job children and family services youth under division (C) of section 5101.193 of the Revised Code remains a public record under section 149.43 of the Revised Code if it was a public record under that section before being provided to the department.

Sec. 5101.21. (A) As used in sections 5101.21 to 5101.212 of the Revised Code:

(1) "County grantee" means all of the following:

(a) A board of county commissioners;

(b) A county children services board appointed under section 5153.03 of the Revised Code;
(c) A county elected official that is a child support enforcement agency.

(2) "County subgrant" means a grant that a county grantee awards to another entity.

(3) "County subgrant agreement" means an agreement between a county grantee and another entity under which the county grantee awards the other entity one or more county subgrants.

(4) "Fiscal biennial period" means a two-year period beginning on the first day of July of an odd-numbered year and ending on the last day of June of the next odd-numbered year.

(5) "Grant" means an award for one or more family services duties of federal financial assistance that a federal agency provides in the form of money, or property in lieu of money, to the department of job and family services or the department of children and youth and that the either department awards to a county grantee. "Grant" may include state funds the department awards to a county grantee to match the federal financial assistance. "Grant" does not mean either of the following:

(a) Technical assistance that provides services instead of money;

(b) Other assistance provided in the form of revenue sharing, loans, loan guarantees, interest subsidies, or insurance.

(6) "Grant agreement" means an agreement between the department of job and family services or the department of children and youth and a county grantee under which the either department awards the county grantee one or more grants.

(B) Effective July 1, 2008, the director of job and family services and the director of children and youth may award grants to counties only through grant agreements entered into under this section.
(C) The director shall enter into one or more written grant agreements with the county grantees of each county. If a county has multiple county grantees, the director shall jointly enter into the grant agreement with all of the county grantees. The initial grant agreement shall be entered into not later than January 31, 2008, and shall be in effect for fiscal year 2009. Except as provided in rules adopted under this section, subsequent grant agreements shall be entered into before the first day of each successive fiscal biennial period and shall be in effect for that fiscal biennial period or, in the case of a grant agreement entered into after the first day of a fiscal biennial period and except as provided by section 5101.211 of the Revised Code, for the remainder of the fiscal biennial period. A grant agreement shall do all of the following:

1. Comply with all of the conditions, requirements, and restrictions applicable to the family services duties for which the grants included in the agreement are awarded, including the conditions, requirements, and restrictions established by the department, federal or state law, state plans for receipt of federal financial participation, agreements between the department and a federal agency, and executive orders issued by the governor;

2. Establish terms and conditions governing the accountability for and use of the grants included in the grant agreement;

3. Specify both of the following:

   a. The family services duties for which the grants included in the agreement are awarded;

   b. The private and government entities designated under section 307.981 of the Revised Code to serve as the county family services agencies performing the family services duties;
(4) Provide for the department of job and family services and the department of children and youth to award the grants included in the agreement in accordance with a methodology for determining the amount of the award established by rules adopted under this section;

(5) Specify the form of the grants which may be a cash draw, reimbursement, property, advance, working capital advance, or other forms specified in rules adopted under this section;

(6) Provide that the grants are subject to the availability of federal funds and appropriations made by the general assembly;

(7) Specify annual financial, administrative, or other incentive awards, if any, to be provided in accordance with section 5101.23 of the Revised Code;

(8) Include the assurance of each county grantee that the county grantee will do all of the following:

(a) Ensure that the grants included in the agreement are used, and the family services duties for which the grants are awarded are performed, in accordance with conditions, requirements, and restrictions applicable to the duties established by the department, a federal or state law, state plans for receipt of federal financial participation, agreements between the department and a federal agency, and executive orders issued by the governor;

(b) Utilize a financial management system and other accountability mechanisms for the grants awarded under the agreement that meet requirements the department establishes;

(c) Do all of the following with regard to a county subgrant:

(i) Award the subgrant through a written county subgrant agreement that requires the entity awarded the county subgrant to

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comply with all conditions, requirements, and restrictions applicable to the county grantee regarding the grant that the county grantee subgrants to the entity, including the conditions, requirements, and restrictions of this section;

(ii) Monitor the entity that is awarded the subgrant to ensure that the entity uses the subgrant in accordance with conditions, requirements, and restrictions applicable to the family services duties for which the subgrant is awarded;

(iii) Take action to recover subgrants that are not used in accordance with the conditions, requirements, or restrictions applicable to the family services duties for which the subgrant is awarded.

(d) Promptly reimburse the department the amount that represents the amount the county grantee is responsible for, pursuant to action the department takes under division (C) of section 5101.24 of the Revised Code, of funds the department pays to any entity because of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty;

(e) Take prompt corrective action, including paying amounts resulting from an adverse finding, sanction, or penalty, if the auditor of state, federal agency, or other entity authorized by federal or state law to determine compliance with the conditions, requirements, and restrictions applicable to a family services duty for which a grant included in the agreement is awarded determines compliance has not been achieved;

(f) Ensure that any matching funds, regardless of the source, that the county grantee manages are clearly identified and used in accordance with federal and state laws and the agreement.

(9) Provide for the department taking action
pursuant to division (C) of section 5101.24 of the Revised Code if 117224
authorized by division (B)(1), (2), (3), or (4) of that section; 117225

(10) Provide for timely audits required by federal and state 117226
law and require prompt release of audit findings and prompt action 117227
to correct problems identified in an audit; 117228

(11) Provide for administrative review procedures in 117229
accordance with section 5101.24 of the Revised Code; 117230

(12) Establish the method of amending or terminating the 117231
agreement and an expedited process for correcting terms or 117232
conditions of the agreement that the director directors and each 117233
county grantee agree are erroneous. 117234

(D) A grant agreement does not have to be amended for a 117235
county grantee to be required to comply with a new or amended 117236
condition, requirement, or restriction for a family services duty 117237
established by federal or state law, state plan for receipt of 117238
federal financial participation, agreement between the department 117239
departments and a federal agency, or executive order issued by the 117240
governor. 117241

(E) The department departments shall make payments authorized 117242
by a grant agreement on vouchers they prepare and may 117243
include any funds appropriated or allocated to them for 117244
carrying out family services duties for which a grant included in 117245
the agreement is awarded, including funds for personal services 117246
and maintenance. 117247

(F)(1) The director directors shall adopt rules in accordance 117248
with section 111.15 of the Revised Code governing grant 117249
agreements. The director directors shall adopt the rules as if 117250
they were internal management rules. Before adopting the rules, 117251
the director directors shall give the public an opportunity to 117252
review and comment on the proposed rules. The rules shall 117253
establish methodologies to be used to determine the amount of the 117254
grants included in the agreements. The rules also shall establish terms and conditions under which an agreement may be entered into after the first day of a fiscal biennial period. The rules may do any or all of the following:

(a) Govern the award of grants included in grant agreements, including the establishment of, and restrictions on, the form of the grants and the distribution of the grants;

(b) Specify allowable uses of the grants included in the agreements;

(c) Establish reporting, cash management, audit, and other requirements the director determines are necessary to provide accountability for the use of the grants included in the agreements and determine compliance with conditions, requirements, and restrictions established by the department, a federal or state law, state plans for receipt of federal financial participation, agreements between the department and a federal agency, and executive orders issued by the governor.

(2) A requirement of a grant agreement established by a rule adopted under this division is applicable to a grant agreement without having to be restated in the grant agreement. A requirement established by a grant agreement is applicable to the grant agreement without having to be restated in a rule.

Sec. 5101.214. The director of job and family services and the director of children and youth may enter into a written agreement with one or more state agencies, as defined in section 117.01 of the Revised Code, and state universities and colleges to assist in the coordination, provision, or enhancement of the family services duties of a county family services agency or the workforce development activities of a local board, as defined in section 6301.01 of the Revised Code. The director also
may enter into written agreements or contracts with, or issue grants to, private and government entities under which funds are provided for the enhancement or innovation of family services duties or workforce development activities on the state or local level.

The director directors may adopt internal management rules in accordance with section 111.15 of the Revised Code to implement this section.

**Sec. 5101.216.** The director of job and family services and the director of children and youth, as applicable, may enter into one or more written operational agreements with boards of county commissioners to do one or more of the following regarding family services duties:

(A) Provide for the director directors to amend or rescind a rule the director directors previously adopted;

(B) Provide for the director directors to modify procedures or establish alternative procedures to accommodate special circumstances in a county;

(C) Provide for the director directors and board to jointly identify operational problems of mutual concern and develop a joint plan to address the problems;

(D) Establish a framework for the director directors and board to modify the use of existing resources in a manner that is beneficial to the department of job and family services, the department of children and youth, and the county that the board serves and improves family services duties for the recipients of the services.

**Sec. 5101.22.** The department of job and family services and the department of children and youth, as applicable, may establish performance and other administrative standards for the
administration and outcomes of family services duties and
determine at intervals the department decides departments decide
the degree to which a county family services agency complies with
a performance or other administrative standard. The department
departments may use statistical sampling, performance audits, case
reviews, or other methods it determines they determine necessary
and appropriate to determine compliance with performance and
administrative standards.

Sec. 5101.221. (A) Except as provided by division (C) of this
section, if the department of job and family services or the
department of children and youth determines that a county family
services agency has failed to comply with a performance or other
administrative standard established under section 5101.22 of the
Revised Code or by federal law for the administration or outcome
of a family services duty, the department shall require the agency
to develop, submit to the department for approval, and comply with
a corrective action plan.

(B) If a county family services agency fails to develop,
submit to the department, or comply with a corrective action plan
under division (A) of this section, or the department disapproves
the agency's corrective action plan, the department may require
the agency to develop, submit to the department for approval, and
comply with a corrective action plan that requires the agency to
commit existing resources to the plan.

(C) The department may not require a county family services
agency to take action under this section for failure to comply
with a performance or other administrative standard established
for an incentive awarded by the department. Instead, the
department may require a county family services agency that fails
to comply with that kind of performance or other administrative
standard to take action in accordance with rules adopted by the
department governing the standard.

(D) At the request of a county family services agency, the department shall assist the agency with the development of a corrective action plan under this section and provide the agency technical assistance in the implementation of the plan.

Sec. 5101.23. Subject to the availability of funds, the department of job and family services and the department of children and youth may provide annual financial, administrative, or other incentive awards to county family services agencies and local areas as defined in section 6301.01 of the Revised Code. A county family services agency or local area may spend an incentive awarded under this section only for the purpose for which the funds are appropriated. The departments may adopt internal management rules in accordance with section 111.15 of the Revised Code to establish the amounts of awards, methodology for distributing the awards, types of awards, and standards for administration.

There is hereby created in the state treasury the social services incentive fund. The director of job and family services and the director of children and youth may request that the director of budget and management transfer funds in the Title IV-A reserve fund created under section 5101.82 of the Revised Code and other funds appropriated for family services duties or workforce investment activities into the fund. If the director of budget and management determines that the funds identified by the director of job and family services or the director of children and youth are available and appropriate for transfer, the director of budget and management shall make the transfer. Money in the fund shall be used to provide incentive awards under this section.

Sec. 5101.24. (A) As used in this section, "responsible
county grantee" means whichever county grantee, as defined in section 5101.21 of the Revised Code, the director of job and family services determines and the director of children and youth determine is appropriate to take action against under division (C) of this section.

(B) Regardless of whether a family services duty is performed by a county family services agency, private or government entity pursuant to a contract entered into under section 307.982 of the Revised Code or division (C)(2) of section 5153.16 of the Revised Code, or private or government provider of a family service duty, the department of job and family services or the department of children and youth may take action under division (C) of this section against the responsible county grantee if the department determines any of the following are the case:

(1) A requirement of a grant agreement entered into under section 5101.21 of the Revised Code that includes a grant for the family services duty, including a requirement for grant agreements established by rules adopted under that section, is not complied with;

(2) A county family services agency fails to develop, submit to the department, or comply with a corrective action plan under division (B) of section 5101.221 of the Revised Code, or the department disapproves the agency's corrective action plan developed under division (B) of section 5101.221 of the Revised Code;

(3) A requirement for the family services duty established by the department or any of the following is not complied with: a federal or state law, state plan for receipt of federal financial participation, grant agreement between the department and a federal agency, or executive order issued by the governor;

(4) The responsible county grantee is solely or partially
responsible, as determined by the director of job and family services or the director of children and youth, for an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty regarding the family services duty.

(C) The department may take one or more of the following actions against the responsible county grantee when authorized by division (B)(1), (2), (3), or (4) of this section:

(1) Require the responsible county grantee to comply with a corrective action plan pursuant to a time schedule specified by the department. The corrective action plan shall be established or approved by the department and shall not require a county grantee to commit resources to the plan.

(2) Require the responsible county grantee to comply with a corrective action plan pursuant to a time schedule specified by the department. The corrective action plan shall be established or approved by the department and require a county grantee to commit existing resources identified by the agency.

(3) Require the responsible county grantee to do one of the following:

(a) Share with the department a final disallowance of federal financial participation or other sanction or penalty;

(b) Reimburse the department the final amount the department pays to the federal government or another entity that represents the amount the responsible county grantee is responsible for of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or other entity;

(c) Pay the federal government or another entity the final amount that represents the amount the responsible county grantee
is responsible for an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or other entity;

(d) Pay the department the final amount that represents the amount the responsible county grantee is responsible for of an adverse audit finding or adverse quality control finding.

(4) Impose an administrative sanction issued by the department against the responsible county grantee. A sanction may be increased if the department has previously taken action against the responsible entity under this division.

(5) Perform, or contract with a government or private entity for the entity to perform, the family services duty until the department is satisfied that the responsible county grantee ensures that the duty will be performed satisfactorily. If the department performs or contracts with an entity to perform a family services duty under division (C)(5) of this section, the department may do either or both of the following:

   (a) Spend funds in the county treasury appropriated by the board of county commissioners for the duty;

   (b) Withhold funds allocated or reimbursements due to the responsible county grantee for the duty and spend the funds for the duty.

(6) Request that the attorney general bring mandamus proceedings to compel the responsible county grantee to take or cease the action that causes division (B)(1), (2), (3), or (4) of this section to apply. The attorney general shall bring mandamus proceedings in the Franklin county court of appeals at the department's request.

(7) If the department takes action under this division because of division (B)(3) of this section, temporarily withhold
funds allocated or reimbursement due to the responsible county grantee until the department determines that the responsible county grantee is in compliance with the requirement. The department shall release the funds when the department determines that compliance has been achieved.

(D) If the department proposes to take action against the responsible county grantee under division (C) of this section, the department shall notify the responsible county grantee, director of the appropriate county family services agency, and county auditor. The notice shall be in writing and specify the action the department proposes to take. The department shall send the notice by regular United States mail.

Except as provided by division (E) of this section, the responsible county grantee may request an administrative review of a proposed action in accordance with administrative review procedures the department shall establish. The administrative review procedures shall comply with all of the following:

(1) A request for an administrative review shall state specifically all of the following:

(a) The proposed action specified in the notice from the department for which the review is requested;

(b) The reason why the responsible county grantee believes the proposed action is inappropriate;

(c) All facts and legal arguments that the responsible county grantee wants the department to consider;

(d) The name of the person who will serve as the responsible county grantee's representative in the review.

(2) If the department's notice specifies more than one proposed action and the responsible county grantee does not specify all of the proposed actions in its request pursuant to
division (D)(1)(a) of this section, the proposed actions not
specified in the request shall not be subject to administrative
review and the parts of the notice regarding those proposed
actions shall be final and binding on the responsible county
grantee.

(3) In the case of a proposed action under division (C)(1) of
this section, the responsible county grantee shall have fifteen
calendar days after the department mails the notice to the
responsible county grantee to send a written request to the
department for an administrative review. If it receives such a
request within the required time, the department shall postpone
taking action under division (C)(1) of this section for fifteen
calendar days following the day it receives the request or
extended period of time provided for in division (D)(5) of this
section to allow a representative of the department and a
representative of the responsible county grantee an informal
opportunity to resolve any dispute during that fifteen-day or
extended period.

(4) In the case of a proposed action under division (C)(2),
(3), (4), (5), or (7) of this section, the responsible county
grantee shall have thirty calendar days after the department mails
the notice to the responsible county grantee to send a written
request to the department for an administrative review. If it receives such a request within the required time, the department
shall postpone taking action under division (C)(2), (3), (4), (5),
or (7) of this section for thirty calendar days following the day
it receives the request or extended period of time provided for in
division (D)(5) of this section to allow a representative of the
department and a representative of the responsible county grantee
an informal opportunity to resolve any dispute during that
thirty-day or extended period.

(5) If the informal opportunity provided in division (D)(3)
or (4) of this section does not result in a written resolution to the dispute within the fifteen- or thirty-day period, the director of job and family services or the director of children and youth and representative of the responsible county grantee may enter into a written agreement extending the time period for attempting an informal resolution of the dispute under division (D)(3) or (4) of this section.

(6) In the case of a proposed action under division (C)(3) of this section, the responsible county grantee may not include in its request disputes over a finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or entity other than the department.

(7) If the responsible county grantee fails to request an administrative review within the required time, the responsible county grantee loses the right to request an administrative review of the proposed actions specified in the notice and the notice becomes final and binding on the responsible county grantee.

(8) If the informal opportunity provided in division (D)(3) or (4) of this section does not result in a written resolution to the dispute within the time provided by division (D)(3), (4), or (5) of this section, the director shall appoint an administrative review panel to conduct the administrative review. The review panel shall consist of department employees and one director or other representative of the type of county family services agency that is responsible for the kind of family services duty that is the subject of the dispute and serves a different county than the county served by the responsible county grantee. No individual involved in the department's proposal to take action against the responsible county grantee may serve on the review panel. The review panel shall review the responsible county grantee's request. The review panel may require that the department or
responsible county grantee submit additional information and schedule and conduct an informal hearing to obtain testimony or additional evidence. A review of a proposal to take action under division (C)(3) of this section shall be limited solely to the issue of the amount the responsible county grantee shall share with the department, reimburse the department, or pay to the federal government, department, or other entity under division (C)(3) of this section. The review panel is not required to make a stenographic record of its hearing or other proceedings.

(9) After finishing an administrative review, an administrative review panel appointed under division (D)(8) of this section shall submit a written report to the director setting forth its findings of fact, conclusions of law, and recommendations for action. The director may approve, modify, or disapprove the recommendations. If the director modifies or disapproves the recommendations, the director shall state the reasons for the modification or disapproval and the actions to be taken against the responsible county grantee.

(10) The director's approval, modification, or disapproval under division (D)(9) of this section shall be final and binding on the responsible county grantee and shall not be subject to further departmental review.

(E) The responsible county grantee is not entitled to an administrative review under division (D) of this section for any of the following:

(1) An action taken under division (C)(6) of this section;

(2) An action taken under section 5101.242 of the Revised Code;

(3) An action taken under division (C)(3) of this section if the federal government, auditor of state, or entity other than the department has identified the responsible county grantee as being
solely or partially responsible for an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty;

(4) An adjustment to an allocation, cash draw, advance, or reimbursement to a responsible county grantee that the department determines necessary for budgetary reasons;

(5) Withholding of a cash draw or reimbursement due to noncompliance with a reporting requirement established in rules adopted under section 5101.243 of the Revised Code;

(6) An action taken under division (C)(5) of this section if the department determines that an emergency exists.

(F) This section does not apply to other actions the department takes against the responsible county grantee pursuant to authority granted by another state law unless the other state law requires the department to take the action in accordance with this section.

(G) The director of job and family services and children and youth may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.

Sec. 5101.243. The director of job and family services and the director of children and youth may adopt rules in accordance with section 111.15 of the Revised Code establishing reporting requirements for family services duties and workforce development activities. If the director adopts the rules, the directors shall adopt the rules as if they were internal management rules and, before adopting the rules, give the public an opportunity to review and comment on the proposed rules.

Sec. 5101.244. (A) If the department of job and family services or the department of children and youth determines that a grant awarded to a county grantee in a grant agreement entered
into under section 5101.21 of the Revised Code, an allocation, advance, or reimbursement the department makes to a county family services agency, or a cash draw a county family services agency makes exceeds the allowable amount for the grant, allocation, advance, reimbursement, or cash draw, the department may take one or more of the following actions to recover the excess amount:

(1) The department may adjust, offset, withhold, or reduce an allocation, cash draw, advance, reimbursement, or other financial assistance to the county grantee or county family services agency as necessary to recover the excess amount.

(2) The department may enter into an agreement with the county grantee or county family services agency for repayment of the excess amount by the grantee or agency. The department may require that the repayment include interest on the excess amount, calculated from the day that the excess occurred at a rate not exceeding the rate per annum prescribed by section 5703.47 of the Revised Code.

(3) The department may certify a claim to the attorney general under section 131.02 of the Revised Code for the attorney general to take action under that section against the county grantee or county family services agency to recover the excess amount.

(B) In taking an action authorized under this section, the department is not required to take the action in accordance with section 5101.24 of the Revised Code.

(C) The director of job and family services and the director of children and youth may adopt rules under section 111.15 of the Revised Code as necessary to implement this section. The directors shall adopt the rules as if they were internal management rules.
Sec. 5101.25. The department of human job and family services, and the department of children and youth in consultation with county representatives, shall develop annual training goals and model training curriculum for employees of county family services agencies and identify a variety of state funded training opportunities to meet the proposed goals.

Sec. 5101.26. As used in this section and in sections 5101.27 to 5101.30 of the Revised Code:

(A) "County agency" means a county department of job and family services or a public children services agency.

(B) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence.

(C) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, the department of children and youth, a county agency, or an entity performing duties on behalf of the department or a county agency.

(D) "Law enforcement agency" means the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors. "Law enforcement agency" includes...
the peace officers and other law enforcement officers employed by the agency.

(E) "Public assistance" means financial assistance or social services that are provided under a program administered by the department of job and family services or a county agency pursuant to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code or an executive order issued under section 107.17 of the Revised Code. "Public assistance" does not mean medical assistance provided under a medical assistance program, as defined in section 5160.01 of the Revised Code.

(F) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance.

(G) "Publicly funded child care" has the same meaning as in section 5104.01 of the Revised Code.

(H) "Tuberculosis control unit" means the county tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis control unit designated pursuant to an agreement entered into by two or more boards of community commissioners under that section.

Sec. 5101.27. (A) Except as permitted by this section, section 5101.273, 5101.28, or 5101.29 of the Revised Code, or rules adopted under section 5101.30 of the Revised Code, or when required by federal law, no person or government entity shall knowingly solicit, disclose, receive, use, permit the use of, or participate in the use of any information regarding a public assistance recipient for any purpose not directly connected with the administration of a public assistance program.

(B) To the extent permitted by federal law, the department of job and family services, the department of children and youth, and county agencies shall do all of the following:
(1) Release information regarding a public assistance recipient for purposes directly connected to the administration of the program to a government entity responsible for administering that public assistance program;

(2) Provide information regarding a public assistance recipient to a law enforcement agency for the purpose of any investigation, prosecution, or criminal or civil proceeding relating to the administration of that public assistance program;

(3) Provide, for purposes directly connected to the administration of a program that assists needy individuals with the costs of public utility services, information regarding a recipient of financial assistance provided under a program administered by the department or a county agency pursuant to Chapter 5107. or 5108. of the Revised Code to an entity administering the public utility services program.

(C)(1) To the extent permitted by federal law and subject to division (C)(2) of this section, the department of job children and family services youth shall release, for purposes directly connected to a public health investigation related to section 3301.531 or 5104.037 of the Revised Code, information regarding a public assistance recipient who receives publicly funded child care, so long as all of the following conditions are met:

(a) The department of health or the tuberculosis control unit has initiated a public health investigation related to section 3301.531 or 5104.037 of the Revised Code and has assessed the investigation as an emergency.

(b) The department of health or the tuberculosis control unit has notified the department of job children and family services youth about the investigation and has requested that the department of job children and family services youth release the information for purposes of the investigation.
(c) The department of children and family services youth is unable to timely obtain voluntary, written authorization that complies with section 5101.272 of the Revised Code.

(2) If the conditions specified in division (C)(1) of this section are met, the department of children and family services youth shall release to the department of health or the tuberculosis control unit the minimum information necessary to fulfill the needs of the department of health or tuberculosis control unit related to the public health investigation.

(3) If the department of children and family services youth releases information pursuant to division (C) of this section, it shall immediately notify the public assistance recipient.

(D) To the extent permitted by federal law and section 1347.08 of the Revised Code, the departments and county agencies shall provide access to information regarding a public assistance recipient to all of the following:

(1) The recipient;

(2) The authorized representative;

(3) The legal guardian of the recipient;

(4) The attorney of the recipient, if the attorney has written authorization that complies with section 5101.272 of the Revised Code from the recipient.

(E) To the extent permitted by federal law and subject to division (F) of this section, the departments and county agencies may do both of the following:

(1) Release information about a public assistance recipient if the recipient gives voluntary, written authorization that complies with section 5101.272 of the Revised Code;

(2) Release information regarding a public assistance
recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need or for the purpose of protecting children to a government entity responsible for administering a children's protective services program.

(F) Except when the release is required by division (B), (C), or (D) of this section or is authorized by division (E)(2) of this section, the department or county agency shall release the information only in accordance with the authorization. The department or county agency shall provide, at no cost, a copy of each written authorization to the individual who signed it.

(G) The department of job and family services and the department of children and youth may adopt rules defining "authorized representative" for purposes of division (D)(2) of this section.

Sec. 5101.29. When contained in a record held by the department of job and family services, the department of children and youth, or a county agency, the following are not public records for purposes of section 149.43 of the Revised Code:

(A) Names and other identifying information regarding children enrolled in or attending a child day-care center or home subject to licensure or registration under Chapter 5104. of the Revised Code;

(B) Names and other identifying information regarding children placed with an institution or association certified under section 5103.03 of the Revised Code;

(C) Names and other identifying information regarding a person who makes an oral or written complaint regarding an institution, association, child day-care center, or home subject to licensure or registration to the department or other state or federal agency.
county entity responsible for enforcing Chapter 5103. or 5104. of
the Revised Code;

    (D)(1) Except as otherwise provided in division (D)(2) of
this section, names, documentation, and other identifying
information regarding a foster caregiver or a prospective foster
caregiver, including the foster caregiver application for
certification under section 5103.03 of the Revised Code and the
home study conducted pursuant to section 5103.0324 of the Revised
Code.

    (2) Notwithstanding division (D)(1) of this section, the
following are public records for the purposes of section 149.43 of
the Revised Code, when contained in a record held by the
department of job and family services, the department of children
and youth, a county agency, or other governmental entity:

    (a) All of the following information regarding a currently
certified foster caregiver who has had a foster care certificate
revoked pursuant to Chapter 5103. of the Revised Code or, after
receiving a current or current renewed certificate has been
convicted of, pleaded guilty to, or indicted or otherwise charged
with any offense described in division (C)(1) of section 2151.86
of the Revised Code:

        (i) The foster caregiver's name, date of birth, and county of
residence;

        (ii) The date of the foster caregiver's certification;

        (iii) The date of each placement of a foster child into the
foster caregiver's home;

        (iv) If applicable, the date of the removal of a foster child
from the foster caregiver's home and the reason for the foster
child's removal unless release of such information would be
detrimental to the foster child or other children residing in the
foster caregiver's home;
(v) If applicable, the date of the foster care certificate revocation and all documents related to the revocation unless otherwise not a public record pursuant to section 149.43 of the Revised Code.

(b) Nonidentifying foster care statistics including, but not limited to, the number of foster caregivers and foster care certificate revocations.

Sec. 5101.32. (A) The department of job and family services and the department of children and youth shall work with the superintendent of the bureau of criminal identification and investigation to develop procedures and formats necessary to produce the notices described in division (D) of section 109.5721 of the Revised Code in a format that is acceptable for use by the applicable department. The Each department may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, necessary for such collaboration.

(B) The department of job and family services and department of children and youth may adopt rules in accordance with Chapter 119. of the Revised Code necessary for utilizing the information received pursuant to section 109.5721 of the Revised Code, with a final effective date that is not later than December 31, 2008.

Sec. 5101.35. (A) As used in this section:

(1)(a) "Agency" means the following entities that administer a family services program:

(i) The department of job and family services;

(ii) The department of children and youth;

(iii) A county department of job and family services;

(iv) A public children services agency;

(v) A private or government entity administering, in
whole or in part, a family services program for or on behalf of
the department of job and family services, the department of
children and youth, or a county department of job and family
services or public children services agency.

(b) If the department of medicaid contracts with the
department of job and family services to hear appeals authorized
by section 5160.31 of the Revised Code regarding medical
assistance programs, "agency" includes the department of medicaid.

(2) "Appellant" means an applicant, participant, former
participant, recipient, or former recipient of a family services
program who is entitled by federal or state law to a hearing
regarding a decision or order of the agency that administers the
program.

(3)(a) "Family services program" means all of the following:

(i) A Title IV-A program as defined in section 5101.80 of the
Revised Code;

(ii) Programs that provide assistance under Chapter 5104. of
the Revised Code;

(iii) Programs that provide assistance under section
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the
Revised Code;

(iv) Title XX social services provided under section 5101.46
of the Revised Code, other than such services provided by the
department of mental health and addiction services, the department
of developmental disabilities, a board of alcohol, drug addiction,
and mental health services, or a county board of developmental
disabilities.

(b) If the department of medicaid contracts with the
department of job and family services to hear appeals authorized
by section 5160.31 of the Revised Code regarding medical
assistance programs, "family services program" includes medical assistance programs.

(4) "Medical assistance program" has the same meaning as in section 5160.01 of the Revised Code.

(B) Except as provided by divisions (G) and (H) of this section, an appellant who appeals under federal or state law a decision or order of an agency administering a family services program shall, at the appellant's request, be granted a state hearing by the department of job and family services or the department of children and youth, as appropriate. This state hearing shall be conducted in accordance with rules adopted under this section. The state hearing shall be recorded, but neither the recording nor a transcript of the recording shall be part of the official record of the proceeding. Except as provided in section 5160.31 of the Revised Code, a state hearing decision is binding upon the agency and department, unless it is reversed or modified on appeal to the director of job and family services, director of children and youth, or a court of common pleas.

(C) Except as provided by division (G) of this section, an appellant who disagrees with a state hearing decision may make an administrative appeal to the director of job and family services or director of children and youth in accordance with rules adopted under this section. This administrative appeal does not require a hearing, but the director or the director's designee shall review the state hearing decision and previous administrative action and may affirm, modify, remand, or reverse the state hearing decision. An administrative appeal decision is the final decision of the department and, except as provided in section 5160.31 of the Revised Code, is binding upon the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

(D) An agency shall comply with a decision issued pursuant to division (B) or (C) of this section within the time limits.
established by rules adopted under this section. If a county
department of job and family services or a public children
services agency fails to comply within these time limits, the
department may take action pursuant to section 5101.24 of the
Revised Code. If another agency, other than the department of
medicaid, fails to comply within the time limits, the department
may force compliance by withholding funds due the agency or
imposing another sanction established by rules adopted under this
section.

(E) An appellant who disagrees with an administrative appeal
decision of the director of job and family services, the director
of children and youth, or the either director's designee issued
under division (C) of this section may appeal from the decision to
the court of common pleas pursuant to section 119.12 of the
Revised Code. The appeal shall be governed by section 119.12 of
the Revised Code except that:

(1) The person may appeal to the court of common pleas of the
county in which the person resides, or to the court of common
pleas of Franklin county if the person does not reside in this
state.

(2) The person may apply to the court for designation as an
indigent and, if the court grants this application, the appellant
shall not be required to furnish the costs of the appeal.

(3) The appellant shall mail the notice of appeal to the
department of job and family services or director of children and
youth, as appropriate, and file notice of appeal with the court
within thirty days after the department mails the administrative
appeal decision to the appellant. For good cause shown, the court
may extend the time for mailing and filing notice of appeal, but
such time shall not exceed six months from the date the department
mails the administrative appeal decision. Filing notice of appeal
with the court shall be the only act necessary to vest
jurisdiction in the court.

(4) The department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court shall make such an order only if it finds that the department and the appellant are unable to stipulate to the facts of the case and that the transcript is essential to a determination of the appeal. The department shall file the transcript not later than thirty days after the day such an order is issued.

(F) The department of job and family service and department of children and youth, as applicable, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules governing the following:

(1) State hearings under division (B) of this section. The rules shall include provisions regarding notice of eligibility termination and the opportunity of an appellant appealing a decision or order of a county department of job and family services to request a county conference with the county department before the state hearing is held.

(2) Administrative appeals under division (C) of this section;

(3) Time limits for complying with a decision issued under division (B) or (C) of this section;

(4) Sanctions that may be applied against an agency under division (D) of this section.

(G) The department of job and family services and the department of children and youth, as applicable, may adopt rules in accordance with Chapter 119. of the Revised Code establishing an appeals process for an appellant who appeals a decision or order regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code.
Code that is different from the appeals process established by this section. The different appeals process may include having a state agency that administers the Title IV-A program pursuant to an interagency agreement entered into under section 5101.801 of the Revised Code administer the appeals process.

(H) If an appellant receiving medicaid through a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code is appealing a denial of medicaid services based on lack of medical necessity or other clinical issues regarding coverage by the health insuring corporation, the person hearing the appeal may order an independent medical review if that person determines that a review is necessary. The review shall be performed by a health care professional with appropriate clinical expertise in treating the recipient's condition or disease. The department shall pay the costs associated with the review.

A review ordered under this division shall be part of the record of the hearing and shall be given appropriate evidentiary consideration by the person hearing the appeal.

(I) The requirements of Chapter 119. of the Revised Code apply to a state hearing or administrative appeal under this section only to the extent, if any, specifically provided by rules adopted under this section.

Sec. 5101.37. (A) The department of job and family services or the department of children and youth and each county department of job and family services and child support enforcement agency may conduct any audits or investigations that are necessary in the performance of their duties, and to that end they shall have the same power as a judge of a county court to administer oaths and to enforce the attendance and testimony of witnesses and the production of books or papers.
The applicable department and each county department and agency shall keep a record of their audits and investigations stating the time, place, charges, or subject; witnesses summoned and examined; and their conclusions.

Witnesses shall be paid the fees and mileage provided for under section 119.094 of the Revised Code.

(B) In conducting hearings pursuant to Chapters 3119., 3121., and 3123. or pursuant to division (B) of section 5101.35 of the Revised Code, the applicable department and each child support enforcement agency have the same power as a judge of a county court to administer oaths and to enforce the attendance and testimony of witnesses and the production of books or papers. The applicable department and each agency shall keep a record of those hearings stating the time, place, charges, or subject; witnesses summoned and examined; and their conclusions.

The issuance of a subpoena by the applicable department or a child support enforcement agency to enforce attendance and testimony of witnesses and the production of books or papers at a hearing is discretionary and the applicable department or agency is not required to pay the fees of witnesses for attendance and travel.

(C) Any judge of any division of the court of common pleas, upon application of the applicable department or a county department or child support enforcement agency, may compel the attendance of witnesses, the production of books or papers, and the giving of testimony before the applicable department, county department, or agency, by a judgment for contempt or otherwise, in the same manner as in cases before those courts.

(D) Until an audit report is formally released by the applicable department of job and family services, the audit report or any working paper or other document or record prepared by the
applicable department and related to the audit that is the subject
of the audit report is not a public record under section 149.43 of
the Revised Code.

(E) The director of job and family services or director of
children and youth may adopt rules as necessary to implement this
section. The rules shall be adopted in accordance with section
111.15 of the Revised Code as if they were internal management
rules.

Sec. 5101.46. (A) As used in this section:

(1) "Title XX" means Title XX of the "Social Security Act,"

(2) "Respective local agency" means, with respect to the
department of job and family services and the department of
children and youth, a county department of job and family
services; with respect to the department of mental health and
addiction services, a board of alcohol, drug addiction, and mental
health services; and with respect to the department of
developmental disabilities, a county board of developmental
disabilities.

(3) "Federal poverty guidelines" means the poverty guidelines
as revised annually by the United States department of health and
human services in accordance with section 673(2) of the "Omnibus
9902, as amended, for a family size equal to the size of the
family of the person whose income is being determined.

(B) The departments of job and family services, children and
youth, mental health, and developmental disabilities, with their
respective local agencies, shall administer the provision of
social services funded through grants made under Title XX. The
social services furnished with Title XX funds shall be directed at
the following goals:

(1) Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

(2) Achieving or maintaining self-sufficiency, including reduction or prevention of dependency;

(3) Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families;

(4) Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care;

(5) Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

(C)(1) All federal funds received under Title XX shall be appropriated as follows:

(a) Seventy-two and one-half per cent to the department of job and family services and the department of children and youth;

(b) Twelve and ninety-three one-hundredths per cent to the department of mental health and addiction services;

(c) Fourteen and fifty-seven one-hundredths per cent to the department of developmental disabilities.

(2) Each of the state departments shall, subject to the approval of the controlling board, develop a formula for the distribution of the Title XX funds appropriated to the department to its respective local agencies. The formula developed by each state department shall take into account all of the following for each of its respective local agencies:

(a) The total population of the area that is served by the respective local agency;
(b) The percentage of the population in the area served that falls below the federal poverty guidelines;

(c) The respective local agency's history of and ability to utilize Title XX funds.

(3) Each of the state departments shall expend for state administrative costs not more than three per cent of the Title XX funds appropriated to the department.

Each state department shall establish for each of its respective local agencies the maximum percentage of the Title XX funds distributed to the respective local agency that the respective local agency may expend for local administrative costs. The percentage shall be established by rule and shall comply with federal law governing the use of Title XX funds. The rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules.

(4) The department of job and family services and the department of children and youth, as applicable, shall expend for the training of the following not more than two per cent of the Title XX funds appropriated to the department:

(a) Employees of county departments of job and family services;

(b) Providers of services under contract with the state departments' respective local agencies;

(c) Employees of a public children services agency directly engaged in providing Title XX services.

(5) Title XX funds distributed for the purpose of providing family planning services shall be distributed by the respective local agencies according to the same order of priority that applies to the department of job and family services under section 5101.101 of the Revised Code.
(D) The department of job and family services and the department of children and youth shall prepare an annual comprehensive Title XX social services plan on the intended use of Title XX funds. The departments shall develop a method for obtaining public comment during the development of the plan and following its completion.

For each federal fiscal year, the department of job and family services and the department of children and youth shall prepare a report on the actual use of Title XX funds. The department shall make the annual report available for public inspection.

The departments of mental health and addiction services and developmental disabilities shall prepare and submit to the department of job and family services the portions of each annual plan and report that apply to services for mental health and developmental disabilities. Each respective local agency of the three state departments shall submit information as necessary for the preparation of annual plans and reports.

(E) Each county department of job and family services shall adopt a county profile for the administration and provision of Title XX social services in the county. In developing its county profile, the county department shall take into consideration the comments and recommendations received from the public by the county family services planning committee pursuant to section 329.06 of the Revised Code. As part of its preparation of the county profile, the county department may prepare a local needs report analyzing the need for Title XX social services.

The county department shall submit the county profile to the board of county commissioners for its review. Once the county profile has been approved by the board, the county department shall file a copy of the county profile with the department of job and family services. The department shall approve the county profile.
profile if the department determines the profile provides for the Title XX social services to meet the goals specified in division (B) of this section.

(F) Any of the three state departments and their respective local agencies may require that an entity under contract to provide social services with Title XX funds submit to an audit on the basis of alleged misuse or improper accounting of funds. If an audit is required, the social services provider shall reimburse the state department or respective local agency for the cost it incurred in conducting the audit or having the audit conducted.

If an audit demonstrates that a social services provider is responsible for one or more adverse findings, the provider shall reimburse the appropriate state department or its respective local agency the amount of the adverse findings. The amount shall not be reimbursed with Title XX funds received under this section. The three state departments and their respective local agencies may terminate or refuse to enter into a Title XX contract with a social services provider if there are adverse findings in an audit that are the responsibility of the provider.

(G) Except with respect to the matters for which each of the state departments must adopt rules under division (C)(3) of this section, the department of job and family services and the department of children and youth may adopt any rules they consider necessary to implement and carry out the purposes of this section. Rules governing financial and operational matters of the departments or matters between the departments and county departments of job and family services shall be adopted as internal management rules in accordance with section 111.15 of the Revised Code. Rules governing eligibility for services, program participation, and other matters pertaining to applicants and participants shall be adopted in accordance with Chapter 119. of the Revised Code.
Sec. 5101.47. (A) Except as provided in divisions (B) and (C) of this section, both of the following apply to the department of job and family services:

1. The department shall accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for the supplemental nutrition assistance program administered by the department pursuant to section 5101.54 of the Revised Code.

2. The department may assign the duties described in division (A)(1) of this section to any county department of job and family services.

(B) If federal law requires a face-to-face interview to complete an eligibility determination for a program specified in or pursuant to division (A) of this section, the face-to-face interview shall not be conducted by the department of job and family services.

(C) Subject to division (B) of this section, if the
department is required or elects to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for a program specified in or pursuant to division (A) of this section, both of the following apply:

(1) An individual seeking services under the program may apply for the program to the department or to the entity that state law governing the program authorizes to accept applications for the program.

(2) The department is subject to federal statutes and regulations and state statutes and rules that require, permit, or prohibit an action regarding accepting applications, determining or redetermining eligibility, and performing related administrative activities for the program.

(D) (1) The department of children and youth may accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for publicly funded child care provided under Chapter 5104 of the Revised Code.

(2) If the department elects to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for publicly funded child care, both of the following apply:

(a) An individual seeking publicly funded child care may apply to the department or to the entity that state law governing the program authorizes to accept applications for publicly funded child care.

(b) The department is subject to federal statutes and regulations and state statutes and rules that require, permit, or prohibit an action regarding accepting applications, determining or redetermining eligibility, and performing related administrative activities for publicly funded childcare.

(E) The director of job and family services and the director
of children and youth may adopt rules as necessary to implement this section.

Sec. 5101.76. (A) A residential camp, as defined in section 2151.011 of the Revised Code, a child day camp, as defined in section 5104.01 of the Revised Code, or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code may procure epinephrine autoinjectors for use in emergency situations identified under division (C)(5) of this section by doing one of the following:

(1) Having a licensed health professional authorized to prescribe drugs, acting in accordance with section 4723.483, 4730.433, or 4731.96 of the Revised Code, personally furnish the epinephrine autoinjectors to the camp or issue a prescription for them in the name of the camp;

(2) Obtaining a prescriber-issued protocol that includes definitive orders for epinephrine autoinjectors and the dosages of epinephrine to be administered through them.

A camp that elects to procure epinephrine autoinjectors under this section is encouraged to maintain at least two epinephrine autoinjectors at all times.

(B) A camp that elects to procure epinephrine autoinjectors under this section shall adopt a policy governing their maintenance and use. Before adopting the policy, the camp shall consult with a licensed health professional authorized to prescribe drugs.

(C) The policy adopted under division (B) of this section shall do all of the following:
(1) Identify the one or more locations in which an epinephrine autoinjector must be stored;

(2) Specify the conditions under which an epinephrine autoinjector must be stored, replaced, and disposed;

(3) Specify the individuals employed by or under contract with the camp who may access and use an epinephrine autoinjector to provide a dosage of epinephrine to an individual in an emergency situation identified under division (C)(5) of this section;

(4) Specify any training that employees or contractors specified under division (C)(3) of this section must complete before being authorized to access and use an epinephrine autoinjector;

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which employees or contractors specified under division (C)(3) of this section may access and use an epinephrine autoinjector;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used;

(7) Specify the individuals to whom a dosage of epinephrine may be administered through an epinephrine autoinjector in an emergency situation specified under division (C)(5) of this section.

(D)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct:
(a) A camp;

(b) A camp employee or contractor;

(c) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, provides a consultation, or issues a protocol pursuant to this section.

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a camp or camp employee or contractor or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(E) A camp may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.

(F) A camp that elects to procure epinephrine autoinjectors under this section shall report to the department of children and family services youth each procurement and occurrence in which an epinephrine autoinjector is used from a camp's supply of epinephrine autoinjectors.

(G) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.

Sec. 5101.77. (A) As used in this section, "inhaler" means a device that delivers medication to alleviate asthmatic symptoms, is manufactured in the form of a metered dose inhaler or dry powdered inhaler, and may include a spacer, holding chamber, or other device that attaches to the inhaler and is used to improve the delivery of the medication.

(B) A residential camp, as defined in section 2151.011 of the
Revised Code, a child day camp, as defined in section 5104.01 of the Revised Code, or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code may procure inhalers for use in emergency situations identified under division (D)(5) of this section. A camp that elects to procure inhalers under this section is encouraged to maintain at least two inhalers at all times.

(C) A camp that elects to procure inhalers under this section shall adopt a policy governing their maintenance and use. Before adopting the policy, the camp shall consult with a licensed health professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code.

(D) A component of a policy adopted by a camp under division (C) of this section shall be a prescriber-issued protocol specifying definitive orders for inhalers, including the dosages of medication to be administered through them, the number of times that each inhaler may be used before disposal, and the methods of disposal. The policy also shall do all of the following:

(1) Identify the one or more locations in which an inhaler must be stored;

(2) Specify the conditions under which an inhaler must be stored, replaced, and disposed;

(3) Specify the individuals employed by or under contract with the camp who may access and use an inhaler to provide a dosage of medication to an individual in an emergency situation identified under division (D)(5) of this section;

(4) Specify any training that employees or contractors specified under division (D)(3) of this section must complete.
before being authorized to access and use an inhaler;

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of asthma, in which employees or contractors specified under division (D)(3) of this section may access and use an inhaler;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an employee or contractor, other than a licensed health professional, uses an inhaler;

(7) Specify the individuals to whom a dosage of medication may be administered through an inhaler in an emergency situation specified under division (D)(5) of this section.

(E) A camp or camp employee or contractor is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an inhaler under this section, unless the act or omission constitutes willful or wanton misconduct.

This section does not eliminate, limit, or reduce any other immunity or defense that a camp or camp employee or contractor may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(F) A camp may accept donations of inhalers from a wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase inhalers.

(G) A camp that elects to procure inhalers under this section shall report to the department of children and family services youth each procurement and occurrence in which an inhaler is used from a camp's supply of inhalers.
Sec. 5101.78. (A) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.

(B) A residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code may procure injectable or nasally administered glucagon for use in emergency situations identified under division (D)(5) of this section by doing one of the following:

(1) Having a licensed health professional authorized to prescribe drugs, acting in accordance with section 4723.4811, 4730.437, or 4731.92 of the Revised Code, personally furnish the injectable or nasally administered glucagon to the camp or issue a prescription for the drug in the name of the camp;

(2) Obtaining a prescriber-issued protocol that includes definitive orders for injectable or nasally administered glucagon and the dosages to be administered;

A camp that elects to procure injectable or nasally administered glucagon under this section is encouraged to maintain at least two doses of the drug at all times.

(C) A camp that elects to procure injectable or nasally administered glucagon under this section shall adopt a policy governing maintenance and use of the drug. Before adopting the policy, the camp shall consult with a licensed health professional authorized to prescribe drugs.

(D) The policy adopted under division (C) of this section
shall do all of the following:

(1) Identify the one or more locations at the camp in which injectable or nasally administered glucagon must be stored;

(2) Specify the conditions under which injectable or nasally administered glucagon must be stored, replaced, or disposed;

(3) Specify the individuals employed by or under contract with the camp, or who volunteer at the camp, who may access and use injectable or nasally administered glucagon in an emergency situation identified under division (D)(5) of this section;

(4) Specify any training that employees, contractors, or volunteers specified under division (D)(3) of this section must complete before being authorized to access and use injectable or nasally administered glucagon;

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of severe hypoglycemia, in which employees, contractors, or volunteers specified under division (D)(3) of this section may access and use injectable or nasally administered glucagon;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered;

(7) Specify the individuals to whom a dose of glucagon may be administered in an emergency situation specified under division (D)(5) of this section.

(E)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct:
(a) A camp;

(b) A camp employee, contractor, or volunteer;

(c) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section;

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a camp; camp employee, contractor, or volunteer; or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(F) A camp may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug.

(G) A camp that elects to procure injectable or nasally administered glucagon under this section shall report to the department of children and family services each procurement and each occurrence in which a dose of the drug is used from the camp's supply.

Sec. 5101.80. (A) As used in this section and in section 5101.801 of the Revised Code:

(1) "County family services agency" has the same meaning as in section 307.981 of the Revised Code.

(2) "State agency" has the same meaning as in section 9.82 of the Revised Code.

(3) "Title IV-A administrative agency" means both of the following:
(a) A county family services agency or state agency administering a Title IV-A program under the supervision of the department of job and family services or the department of children and youth;

(b) A government agency or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.

(4) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended:

(a) The Ohio works first program established under Chapter 5107. of the Revised Code;

(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;

(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services or the department of children and youth pursuant to section 5101.801 of the Revised Code;

(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code;

(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code;

(f) The Ohio parenting and pregnancy program created under section 5101.804 of the Revised Code;

(g) A component of a Title IV-A program identified under divisions (A)(4)(a) to (f) of this section that the Title IV-A
state plan prepared under division (C)(1) of this section identifies as a component.

(B) The department of job and family services shall act as the single state agency to administer and supervise the administration of Title IV-A programs. The Title IV-A state plan and amendments to the plan prepared under division (C) of this section are binding on Title IV-A administrative agencies. No Title IV-A administrative agency may establish, by rule or otherwise, a policy governing a Title IV-A program that is inconsistent with a Title IV-A program policy established, in rule or otherwise, by the director of job and family services.

(C) The department of job and family services shall do all of the following:

(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan for Title IV-A programs;

(2) Prepare and submit to the United States secretary of health and human services amendments to the Title IV-A state plan that the department determines necessary, including amendments necessary to implement Title IV-A programs identified in divisions (A)(4)(c) to (g) of this section;

(3) Prescribe forms for applications, certificates, reports, records, and accounts of Title IV-A administrative agencies, and other matters related to Title IV-A programs;

(4) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding Title IV-A programs;

(5) Require reports and information from each Title IV-A administrative agency as may be necessary or advisable regarding a Title IV-A program;
(6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program;

(7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and sections 5101.801, 5101.802, 5101.803, and 5101.804 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and sections and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended;

(8) Conduct investigations and audits as are necessary regarding Title IV-A programs;

(9) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents;

(10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following:

(a) Examine issues of process, practice, impact, and outcomes;

(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;
(c) Provide the department with reports at times the department specifies.

(11) Not later than the last day of each January and July, prepare a report containing information on the following:

(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code.

(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption.

(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under division (C)(11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.

(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section.

Sec. 5101.801. (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, a Title IV-A program
identified under division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code shall provide benefits and services that are not "assistance" as defined in 45 C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

(B)(1) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, the department of job and family services or the department of children and youth, as appropriate, shall do either of the following regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code:

(a) Administer the program or supervise a county family services agency's administration of the program;

(b) Enter into an interagency agreement with a state agency for the state agency to administer the program under the department's supervision.

(2) The department of job and family services and the department of children and youth may enter into an agreement with a government entity and, to the extent permitted by federal law, a private, not-for-profit entity for the entity to receive funding for a project under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.

(3) To the extent permitted by federal law, the department of children and youth may enter into an agreement with a private, not-for-profit entity for the entity to receive funds under the Ohio parenting and pregnancy program created under section 5101.804 of the Revised Code.

(C) The department of job and family services and the department of children and youth, may adopt rules governing Title IV-A programs identified under divisions (A)(4)(c), (d), (e), (f),
and (g) of section 5101.80 of the Revised Code. Rules governing financial and operational matters of the either department or between the either department and county family services agencies shall be adopted as internal management rules adopted in accordance with section 111.15 of the Revised Code. All other rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(D) If the department of job and family services or the department of children and youth, enters into an agreement regarding a Title IV-A program identified under division (A)(4)(c), (e), (f), or (g) of section 5101.80 of the Revised Code pursuant to division (B)(1)(b) or (2) of this section, the agreement shall include at least all of the following:

(1) A requirement that the state agency or entity comply with the requirements for the program or project, including all of the following requirements established by federal statutes and regulations, state statutes and rules, the United States office of management and budget, and the Title IV-A state plan prepared under section 5101.80 of the Revised Code:

(a) Eligibility;
(b) Reports;
(c) Benefits and services;
(d) Use of funds;
(e) Appeals for applicants for, and recipients and former recipients of, the benefits and services;
(f) Audits.

(2) A complete description of all of the following:

(a) The benefits and services that the program or project is to provide;
(b) The methods of program or project administration;
(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services;

(d) Other requirements that the department of job and family services or the department of children and youth, as applicable, requires be included.

(3) Procedures for the department of job and family services or the department of children and youth, as applicable, to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established;

(4) Provisions regarding how the department of job and family services or the department of children and youth, as applicable, is to reimburse the state agency or entity for allowable expenditures under the program or project that the applicable department approves, including all of the following:

(a) Limitations on administrative costs;

(b) The department of job and family services or the department of children and youth, as applicable, at its discretion, doing either of the following:

(i) Withholding no more than five per cent of the funds that the department of job and family services or the department of children and youth, as applicable, would otherwise provide to the state agency or entity for the program or project;

(ii) Charging the state agency or entity for the costs to the department of job and family services or the department of children and youth, as applicable, of performing, or contracting for the performance of, audits and other administrative functions associated with the program or project.

(5) If the state agency or entity arranges by contract,
grant, or other agreement for another entity to perform a function
the state agency or entity would otherwise perform regarding the
program or project, the state agency or entity's responsibilities
for both of the following:

(a) Ensuring that the other entity complies with the
agreement between the state agency or entity and the department of
job and family services or the department of children and youth,
as applicable and federal statutes and regulations and state
statutes and rules governing the use of funds for the program or
project;

(b) Auditing the other entity in accordance with requirements
established by the United States office of management and budget.

(6) The state agency or entity's responsibilities regarding
the prompt payment, including any interest assessed, of any
adverse audit finding, final disallowance of federal funds, or
other sanction or penalty imposed by the federal government,
auditor of state, department of job and family services or the
department of children and youth, as applicable, a court, or other
entity regarding funds for the program or project;

(7) Provisions for the department of job and family services
or the department of children and youth, as applicable, to
terminate the agreement or withhold reimbursement from the state
agency or entity if either of the following occur:

(a) The federal government disapproves the program or project
or reduces federal funds for the program or project;

(b) The state agency or entity fails to comply with the terms
of the agreement.

(8) Provisions for both of the following:

(a) The department of job and family services or the
department of children and youth, as applicable, and state agency
or entity determining the performance outcomes expected for the program or project;

(b) An evaluation of the program or project to determine its success in achieving the performance outcomes determined under division (D)(8)(a) of this section.

(E) To the extent consistent with the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program and subject to the approval of the director of budget and management, the director of job and family services or the director of children and youth, as applicable, may terminate a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code or reduce funding for the program if the applicable director of job and family services determines that federal or state funds are insufficient to fund the program. If the director of budget and management approves the termination or reduction in funding for such a program, the director of job and family services of job and family services or the department of children and youth, as applicable, shall issue instructions for the termination or funding reduction. If a Title IV-A administrative agency is administering the program, the agency is bound by the termination or funding reduction and shall comply with the applicable director's instructions.

(F) The director of job and family services and the director of children and youth may adopt internal management rules in accordance with section 111.15 of the Revised Code as necessary to implement this section. The rules are binding on each Title IV-A administrative agency.

Sec. 5101.802. (A) As used in this section:

(1) "Custodian," "guardian," and "minor child" have the same meanings as in section 5107.02 of the Revised Code.
(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.

(3) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.

(B) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the kinship permanency incentive program to promote permanency for a minor child in the legal and physical custody of a kinship caregiver. The program shall provide an initial one-time incentive payment to the kinship caregiver to defray the costs of initial placement of the minor child in the kinship caregiver's home. The program may provide additional permanency incentive payments for the minor child at six-month intervals, based on the availability of funds. An eligible caregiver may receive a maximum of eight incentive payments per minor child.

(C) A kinship caregiver may participate in the program if all of the following requirements are met:

(1) The kinship caregiver applies to a public children services agency in accordance with the application process established in rules authorized by division (E) of this section;

(2) Not earlier than July 1, 2005, a juvenile court issues an order granting legal custody to the kinship caregiver, or a probate court grants guardianship to the kinship caregiver, except that a temporary court order is not sufficient to meet this requirement;

(3) The kinship caregiver is either the minor child's custodian or guardian;

(4) The minor child resides with the kinship caregiver pursuant to a placement approval process established in rules authorized by division (E) of this section;
(5) Excluding any income excluded under rules adopted under division (E) of this section, the gross income of the kinship caregiver's family, including the minor child, does not exceed three hundred per cent of the federal poverty guidelines.

(6) The kinship caregiver is not receiving kinship guardianship assistance under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended, or the program described in section 5101.1411 of the Revised Code or the program described in section 5153.163 of the Revised Code.

(D) Public children services agencies shall make initial and ongoing eligibility determinations for the kinship permanency incentive program in accordance with rules authorized by division (E) of this section. The director of job children and family services youth shall supervise public children services agencies' duties under this section.

(E) The director of job children and family services youth shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the kinship permanency incentive program. The rules shall establish all of the following:

(1) The application process for the program;

(2) The placement approval process through which a minor child is placed with a kinship caregiver for the kinship caregiver to be eligible for the program;

(3) The initial and ongoing eligibility determination process for the program, including the computation of income eligibility;

(4) The amount of the incentive payments provided under the program;

(5) The method by which the incentive payments are provided to a kinship caregiver.

(F) The amendments made to this section by Am. Sub. H.B. 119
of the 127th general assembly shall not affect the eligibility of any kinship caregiver whose eligibility was established before June 30, 2007.

**Sec. 5101.803.** (A) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the Title IV-A demonstration program to provide funding for innovative and promising prevention and intervention projects that meet one or more of the four purposes of the temporary assistance for needy families block grant as specified in 42 U.S.C. 601 and are for individuals with specific and multiple barriers to achieving or maintaining self-sufficiency and personal responsibility. The department of job and family services and the department of children and youth, as applicable, may provide funding for such projects to government entities and, to the extent permitted by federal law, private, not-for-profit entities with which the either department enters into agreements under division (B)(2) of section 5101.801 of the Revised Code.

In accordance with criteria the department develops, the department of job and family services or the department of children and youth, as applicable, may solicit proposals from entities seeking to enter into an agreement with the applicable department under division (B)(2) of section 5101.801 of the Revised Code. The department of job and family services or the department of children and youth, as applicable, may enter into such agreements with entities that do both of the following:

1. Meet the proposals' criteria;

2. If the entity's proposed project does not potentially affect persons in each county of the state, provides the department evidence that the entity has notified, in writing, the county department of job and family services of each county where persons may be affected by the implementation of the project.
(B) In developing the criteria, soliciting the proposals, and entering in the agreements, the department of job and family services and the department of children and youth shall comply with all applicable federal and state laws, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, amendments to the Title IV-A state plan submitted to the United States secretary under that section, and federal waivers the United States secretary grants.

(C) The department shall begin implementation of the Title IV-A demonstration program no later than January 1, 2006.

Sec. 5101.804. (A) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the Ohio parenting and pregnancy program to provide services for pregnant women and parents or other relatives caring for children twelve months of age or younger that do both of the following:

(1) Promote childbirth, parenting, and alternatives to abortion;

(2) Meet one or more of the four purposes of the temporary assistance for needy families block grant as specified in 42 U.S.C. 601.

(B) To the extent permitted by federal law, the department of job children and family services youth may provide funds under the program to entities with which the department enters into agreements under division (B)(3) of section 5101.801 of the Revised Code. In accordance with criteria the department develops, the department may solicit proposals from entities seeking to provide services under the program. The department may enter into an agreement with an entity only if it meets all of the following conditions:
(1) Is a private, not-for-profit entity;

(2) Is an entity whose primary purpose is to promote childbirth, rather than abortion, through counseling and other services, including parenting and adoption support;

(3) Provides services to pregnant women and parents or other relatives caring for children twelve months of age or younger, including clothing, counseling, diapers, food, furniture, health care, parenting classes, postpartum recovery, shelter, and any other supportive services, programs, or related outreach;

(4) Does not charge pregnant women and parents or other relatives caring for children twelve months of age or younger a fee for any services received;

(5) Is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising;

(6) Does not discriminate in its provision of services on the basis of race, religion, color, age, marital status, national origin, disability, or gender.

(C) An entity that has entered into an agreement with the department under division (B)(3) of section 5101.801 of the Revised Code may enter into a subcontract with another entity under which the other entity provides all or part of the services described in division (B)(3) of this section. A subcontract may be entered into with another entity only if that entity meets all of the following conditions:

(1) Is a private, not-for-profit entity;

(2) Is physically and financially separate from any entity, or component of an entity, that engages in abortion activities;

(3) Is not involved in or associated with any abortion
activities, including providing abortion counseling or referrals
to abortion clinics, performing abortion-related medical
procedures, or engaging in pro-abortion advertising.

(D) The director of the children and family services youth
shall adopt rules under division (C) of section 5101.801 of the
Revised Code as necessary to implement the Ohio parenting and
pregnancy program.

Sec. 5101.83. (A) As used in this section:

(1) "Assistance group" has the same meaning as in section
5107.02 of the Revised Code, except that it also means a group
provided benefits and services under the prevention, retention,
and contingency program or the comprehensive case management and
employment program.

(2) "Fraudulent assistance" means assistance and services,
including cash assistance, provided under the Ohio works first
program established under Chapter 5107., or benefits and services
provided under the prevention, retention, and contingency program
established under Chapter 5108. of the Revised Code or under the
comprehensive case management and employment program established
under Chapter 5116. of the Revised Code, to or on behalf of an
assistance group that is provided as a result of fraud by a member
of the assistance group, including an intentional violation of the
program's requirements. "Fraudulent assistance" does not include
assistance or services to or on behalf of an assistance group that
is provided as a result of an error that is the fault of a county
department of job and family services or the Ohio department of
job and family services, or the department of children and youth.

(B) If a county director of job and family services
determines that an assistance group has received fraudulent
assistance, the assistance group is ineligible to participate in
the Ohio works first program, the prevention, retention, and
contingency program, or the comprehensive case management and employment program until a member of the assistance group repays the cost of the fraudulent assistance. If a member repays the cost of the fraudulent assistance and the assistance group otherwise meets the eligibility requirements for the Ohio works first program, the prevention, retention, and contingency program, or the comprehensive case management and employment program, the assistance group shall not be denied the opportunity to participate in the program.

This section does not limit the ability of a county department of job and family services to recover erroneous payments under section 5107.76 of the Revised Code.

The Ohio department of job and family services and the department of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

Sec. 5101.851. The department of job children and family services youth shall establish a statewide kinship care navigator program to assist kinship caregivers who are seeking information regarding, or assistance obtaining, services and benefits available at the state and local level that address the needs of those caregivers residing in each county. The program shall provide to kinship caregivers information and referral services and assistance obtaining support services including the following:

(A) Publicly funded child care;

(B) Respite care;

(C) Training related to caring for special needs children;

(D) A toll-free telephone number that may be called to obtain basic information about the rights of, and services available to, kinship caregivers;

(E) Legal services.
Sec. 5101.853. The director of job children and family services youth shall divide the state into not less than five and not greater than twelve regions, for the kinship care navigator program under section 5101.851 of the Revised Code. The director shall take the following into consideration when establishing the regions:

(A) The population size;

(B) The estimated number of kinship caregivers;

(C) The expertise of kinship navigators;

(D) Any other factor the director considers relevant.

Sec. 5101.855. Not later than one year after the effective date of this amendment, the The department of job children and family services youth shall adopt rules to implement the kinship care navigator program. The rules shall be adopted under Chapter 119. of the Revised Code, except that rules governing fiscal and administrative matters related to implementation of the program are internal management rules and shall be adopted under section 111.15 of the Revised Code.

Sec. 5101.856. (A)(1) The kinship care navigator program shall be funded to the extent that general revenue funds have been appropriated by the general assembly for that purpose.


(B) The department shall pay the full nonfederal share for the kinship care navigator program. No county department of job and family services or public children services agency shall be responsible for the cost of the program.
Sec. 5101.881. There is hereby established the kinship support program. The department of children and family services shall coordinate and administer the program to the extent funds are appropriated and allocated for this purpose.

Sec. 5101.885. Kinship support program payments under section 5101.884 of the Revised Code shall be ten dollars and twenty cents per child, per day, to the extent funds are available. The department of children and family services shall increase the payment amount on January 1, 2022, and on the first day of each January thereafter by the cost-of-living adjustment made in the immediately preceding December.

Sec. 5101.8811. The director of children and family services may adopt rules for the administration of the kinship support program in accordance with section 111.15 of the Revised Code.

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of the Revised Code:

(A)(1) "Association" or "institution" includes all of the following:

(a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks;

(b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage;

(c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with...
section 5103.03 of the Revised Code, who in any manner becomes a  
party to the placing of children in foster homes, unless the  
individual is related to such children by blood or marriage or is  
the appointed guardian of such children.

(2) "Association" or "institution" does not include any of the following:

(a) Any organization, society, association, school, agency,  
child guidance center, detention or rehabilitation facility, or  
children's clinic licensed, regulated, approved, operated under  
the direction of, or otherwise certified by the department of  
education, a local board of education, the department of youth  
services, the department of mental health and addiction services,  
or the department of developmental disabilities;

(b) Any individual who provides care for only a single-family  
group, placed there by their parents or other relative having  
custody;

(c) A private, nonprofit therapeutic wilderness camp;

(d) A qualified organization as defined in section 2151.90 of  
the Revised Code.

(B) "Family foster home" means a foster home that is not a  
specialized foster home.

(C) "Foster caregiver" means a person holding a valid foster  
home certificate issued under section 5103.03 of the Revised Code.

(D) "Foster home" means a private residence in which children  
are received apart from their parents, guardian, or legal  
custodian, by an individual reimbursed for providing the children  
nonsecure care, supervision, or training twenty-four hours a day.  
"Foster home" does not include care provided for a child in the  
home of a person other than the child's parent, guardian, or legal  
custodian while the parent, guardian, or legal custodian is
temporarily away. Family foster homes and specialized foster homes are types of foster homes.

(E) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.

(F) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:

(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care.

(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.

(3) The children require the services of a registered nurse on a daily basis.

(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(G) "Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:

(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.

(2) The children have been placed there by their parents or another relative having custody.

(3) The camp accepts no public funds for use in its operations.
(H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job children and family services youth take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

(1) Issue a certificate;

(2) Deny a certificate;

(3) Renew a certificate;

(4) Deny renewal of a certificate;

(5) Revoke a certificate.

(I) "Resource caregiver" means a foster caregiver or a kinship caregiver.

(J) "Resource family" means a foster home or the kinship caregiver family.

(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home.

(L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs.

Sec. 5103.03. (A) The director of job children and family services youth shall adopt rules as necessary for the adequate and competent management and certification of institutions or associations. The director shall ensure that foster care home study rules adopted under this section align any home study content, time period, and process with any home study content,
time period, and process required by rules adopted under section 3107.033 of the Revised Code.

(B)(1) Except for facilities under the control of the department of youth services, places of detention for children established and maintained pursuant to sections 2152.41 to 2152.44 of the Revised Code, and child day-care centers subject to Chapter 5104. of the Revised Code, the department of children and family services shall pass upon the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes, at a frequency established by rules adopted under division (A) of this section.

(2) When the department of children and family services is satisfied as to the care given such children, and that the requirements of the statutes and rules covering the management of such institutions and associations are being complied with, it shall issue to the institution or association a certificate to that effect. A certificate is valid for a length of time determined by rules adopted under division (A) of this section. When determining whether an institution or association meets a particular requirement for certification, the department may consider the institution or association to have met the requirement if the institution or association shows to the department's satisfaction that it has met a comparable requirement to be accredited by a nationally recognized accreditation organization.

(3) The department may issue a temporary certificate valid for less than one year authorizing an institution or association to operate until minimum requirements have been met.

(4) An institution or association that knowingly makes a false statement that is included as a part of certification under
this section is guilty of the offense of falsification under section 2921.13 of the Revised Code and the department shall not certify that institution or association.

(5) The department shall not issue a certificate to a prospective foster home or prospective specialized foster home pursuant to this section if the prospective foster home or prospective specialized foster home operates as a type A family day-care home pursuant to Chapter 5104. of the Revised Code. The department shall not issue a certificate to a prospective specialized foster home if the prospective specialized foster home operates a type B family day-care home pursuant to Chapter 5104. of the Revised Code.

(C) The department may revoke a certificate if it finds that the institution or association is in violation of law or rule. No juvenile court shall commit a child to an association or institution that is required to be certified under this section if its certificate has been revoked or, if after revocation, the date of reissue is less than fifteen months prior to the proposed commitment.

(D) On a frequency specified by the department by rules adopted under division (A) of this section, each institution or association desiring certification or recertification shall submit to the department a report showing its condition, management, competency to care adequately for the children who have been or may be committed to it or to whom it provides care or services, the system of visitation it employs for children placed in private homes, and other information the department requires.

(E) The department shall, not less than once each year, send a list of certified institutions and associations to each juvenile court and certified association or institution.

(F) No person shall receive children or receive or solicit
money on behalf of such an institution or association not so certified or whose certificate has been revoked.

(G)(1) The director may delegate by rule any duties imposed on it by this section to inspect and approve family foster homes and specialized foster homes to public children services agencies, private child placing agencies, or private noncustodial agencies.

(2) The director shall adopt rules that require a foster caregiver or other individual certified to operate a foster home under this section to notify the recommending agency that the foster caregiver or other individual is licensed to operate a type B family day-care home under Chapter 5104. of the Revised Code.

(H) If the director of job children and family services youth determines that an institution or association that cares for children is operating without a certificate, the director may petition the court of common pleas in the county in which the institution or association is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the institution or association is operating without a certificate.

(I) If both of the following are the case, the director of job children and family services youth may petition the court of common pleas of any county in which an institution or association that holds a certificate under this section operates for an order, and the court may issue an order, preventing the institution or association from receiving additional children into its care or an order removing children from its care:

(1) The department has evidence that the life, health, or safety of one or more children in the care of the institution or association is at imminent risk.

(2) The department has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or
revoke the certificate of the institution or association.

Sec. 5103.031. Except as provided in section 5103.033 of the Revised Code, the department of children and family services youth may not issue a certificate under section 5103.03 of the Revised Code to a foster home unless the prospective foster caregiver successfully completes preplacement training through a preplacement training program approved by the department of children and family services youth under section 5103.038 of the Revised Code or preplacement training provided under division (B) of section 5103.30 of the Revised Code.

Sec. 5103.032. (A) Except as provided in division (B) of this section and in section 5103.033 of the Revised Code, the department of children and family services youth may not renew a foster home certificate under section 5103.03 of the Revised Code unless the foster caregiver successfully completes continuing training in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section 5103.035 of the Revised Code.

(B) A foster caregiver shall be given an additional amount of time within which the foster caregiver must complete the continuing training required under division (A) of this section in accordance with rules adopted by the department of children and family services youth if either of the following applies:

(1) The foster caregiver has served in active duty outside this state with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period.

(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, for more than thirty days in the preceding two-year period and that active duty relates to either
Sec. 5103.033. (A) The department of job children and family services youth may issue or renew a certificate under section 5103.03 of the Revised Code to a foster home for the care of a child who is in the custody of a public children services agency or private child placing agency pursuant to an agreement entered into under section 5103.15 of the Revised Code regarding a child who was less than six months of age on the date the agreement was executed if the prospective foster caregiver or foster caregiver successfully completes the following:

(1) A preplacement training program approved under section 5103.038 of the Revised Code or a program provided under division (B) of section 5103.30 of the Revised Code;

(2) Continuing training in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section 5103.035 of the Revised Code.

(B) A foster caregiver to whom either division (B)(1) or (2) of this section applies shall be given an additional amount of time within which to complete the continuing training required under division (A)(2) of this section in accordance with rules adopted by the department of job children and family services youth:

(1) The foster caregiver has served in active duty outside this state with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period.

(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, for more than thirty days in the
preceding two-year period and that active duty relates to either
an emergency in or outside of this state or to military duty in or
outside of this state.

Sec. 5103.034. (A) Private child placing agencies and private
noncustodial agencies operating a preplacement or continuing
training program approved by the department of job children and
family services youth under section 5103.038 of the Revised Code
shall make the program available to a prospective foster caregiver
or foster caregiver without regard to the type of recommending
agency from which the prospective foster caregiver or foster
caregiver seeks a recommendation.

(B) A private child placing agency or private noncustodial
agency operating a preplacement or continuing training program
approved by the department of job children and family services
youth under section 5103.038 of the Revised Code may condition the
enrollment of a prospective foster caregiver or foster caregiver
in the program on either or both of the following:

(1) Availability of space in the training program;

(2) Payment of an instruction or registration fee, if any, by
the prospective foster caregiver or foster caregiver's
recommending agency.

(C) A private child placing agency or private noncustodial
agency operating a preplacement or continuing training program
approved by the department of job children and family services
youth under section 5103.038 of the Revised Code may contract with
a person or governmental entity to administer the program.

Sec. 5103.036. (A) For the purpose of determining whether a
prospective foster caregiver or foster caregiver has satisfied the
requirement of section 5103.031 or 5103.032 of the Revised Code, a
recommending agency shall accept training obtained from either of
the following:

(1) Any preplacement or continuing training program approved by the department of children and family services youth under section 5103.038 of the Revised Code;

(2) The Ohio child welfare training program pursuant to divisions (B) and (C) of section 5103.30 of the Revised Code.

(B) A recommending agency may require that a prospective foster caregiver or foster caregiver successfully complete additional training as a condition of the agency recommending that the department of children and family services youth certify or recertify the prospective foster caregiver or foster caregiver's foster home under section 5103.03 of the Revised Code.

Sec. 5103.037. (A) Prior to employing or appointing a person as board president, or as an administrator or officer, an institution or association shall do the following regarding the person:

(1) Request a summary report of a search of the uniform statewide automated child welfare information system in accordance with divisions (A) and (B) of section 5103.18 of the Revised Code;

(2) Request a certified search of the findings for recovery database;

(3) Conduct a database review at the federal web site known as the system for award management;

(4) Conduct a search of the United States department of justice national sex offender public web site.

(B) The institution or association may refuse to hire or appoint a person as board president, or as an administrator or officer as follows:

(1) Based solely on the findings of the summary report
described in division (B)(1)(a) of section 5103.18 of the Revised Code or the results of the search described in division (A)(4) of this section;

(2) Based on the results of a certified search or database review described in division (A)(2) or (3) of this section, when considered within the totality of circumstances.

(C) The director of children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

Sec. 5103.038. (A) Every other year by a date specified in rules adopted under section 5103.0316 of the Revised Code, each private child placing agency and private noncustodial agency that seeks to operate a preplacement training program or continuing training program under section 5103.034 of the Revised Code shall submit to the department of children and family services youth a proposal outlining the program. The proposal may be the same as, a modification of, or different from, a model design developed by the department.

(B) Not later than thirty days after receiving a proposal under division (A) of this section, the department shall either approve or disapprove the proposed program. The department shall approve a proposed preplacement training program if it complies with rules adopted under section 5103.0316 of the Revised Code, as appropriate, and, in the case of a proposal submitted by an agency operating a preplacement training program at the time the proposal is submitted, the department is satisfied with the agency's operation of the program. The department shall approve a proposed continuing training program if it complies with rules adopted under section 5103.0316 of the Revised Code and, in the case of a proposal submitted by an agency operating a continuing training
program at the time the proposal is submitted, the department is satisfied with the agency's operation of the program. If the department disapproves a proposal, it shall provide the reason for disapproval to the agency that submitted the proposal and advise the agency of how to revise the proposal so that the department can approve it.

(C) The department's approval under division (B) of this section of a proposed preplacement training program or continuing training program is valid only for two years following the year the proposal for the program is submitted to the department under division (A) of this section.

Sec. 5103.0310. (A) Prior to employing a person or engaging a subcontractor, intern, or volunteer, an institution or association, as defined in division (A)(1)(a) of section 5103.02 of the Revised Code, that is a residential facility, as defined in division (A)(6) of section 5103.05 of the Revised Code, shall do the following regarding the person, subcontractor, intern, or volunteer:

(1) Obtain a search of the United States department of justice national sex offender public web site regarding the person;

(2) Obtain a summary report of a search of the uniform statewide automated child welfare information system in accordance with divisions (A) and (B) of section 5103.18 of the Revised Code.

(B) An institution or association, as defined in division (A)(1)(a) of section 5103.02 of the Revised Code, that is not a residential facility, as defined in division (A)(6) of section 5103.05 of the Revised Code, shall obtain the search and summary report described in division (A) of this section before hiring a person, or engaging a subcontractor, intern, or volunteer, who will have access to children.
(C) If, at the time of the effective date of this amendment September 30, 2021, the institution or association has not obtained a report required under division (A) or (B) of this section for the person, subcontractor, intern, or volunteer, the institution or association shall obtain the report.

(D) The institution or association may refuse to employ the person or engage the subcontractor, intern, or volunteer based solely on the results of the search described in division (A)(1) or (B) of this section or the findings of the summary report described in division (B)(1)(a) of section 5103.18 of the Revised Code.

(E) The director of \textit{job children} and \textit{family services youth} shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

**Sec. 5103.0312.** A public children services agency, private child placing agency, or private noncustodial agency acting as a recommending agency for a foster caregiver shall reimburse the foster caregiver in a lump sum for attending a preplacement training program operated under section 5103.034 or 5103.30 of the Revised Code and shall reimburse the foster caregiver a stipend for attending a continuing training program operated under section 5103.034 or 5103.30 of the Revised Code. The amount of the lump sum reimbursement and the stipend rate shall be established by the department of \textit{job children} and \textit{family services youth} and shall be the same regardless of the type of recommending agency from which the foster caregiver seeks a recommendation. The department shall, pursuant to rules adopted under section 5103.0316 of the Revised Code, reimburse the recommending agency for stipend reimbursements it makes in accordance with this section. The department shall adopt rules under Chapter 119. of the Revised Code regarding the
release of lump sum stipends to an individual for attending a preplacement training program.

Sec. 5103.0313. Except as provided in section 5103.303 of the Revised Code, the department of children and family services youth shall compensate a private child placing agency or private noncustodial agency for the cost of procuring or operating preplacement and continuing training programs approved by the department of children and family services youth under section 5103.038 of the Revised Code for prospective foster caregivers and foster caregivers who are recommended for initial certification or recertification by the agency.

The compensation shall be paid to the agency in the form of an allowance to reimburse the agency for the cost of training pursuant to the rules adopted by the department of children and family services youth in accordance with section 5103.0316 of the Revised Code.

Sec. 5103.0314. The department of children and family services youth shall adopt rules regarding the compensation of a recommending agency for any training the agency requires a foster caregiver to undergo as a condition of the agency recommending the department certify the foster caregiver's foster home under section 5103.03 of the Revised Code if the training is in excess of the training required under section 5103.031 of the Revised Code.

The department of children and family services youth shall adopt rules regarding the compensation of a recommending agency for any training the agency requires a foster caregiver to undergo as a condition of the agency recommending the department recertify the foster caregiver's foster home under section 5103.03 of the Revised Code if the training is in addition to the minimum...
training required under section 5103.032 of the Revised Code.

Sec. 5103.0315. The department of job children and family services youth shall seek federal financial participation for the cost of making payments under section 5103.0312 of the Revised Code and allowances under sections 5103.0313 and 5103.303 of the Revised Code. The department shall notify the governor, president of the senate, minority leader of the senate, speaker of the house of representatives, and minority leader of the house of representatives of any proposed federal legislation that endangers the federal financial participation.

Sec. 5103.0316. The department of job children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of sections 5103.031 to 5103.0316 of the Revised Code. The rules shall provide for all of the following:

(A) For the purpose of section 5103.038 of the Revised Code, the date by which a private child placing agency or private noncustodial agency that seeks to operate a preplacement training program or continuing training program under section 5103.034 of the Revised Code must submit to the department a proposal outlining the program;

(B) Requirements governing the department's compensation of private child placing agencies and private noncustodial agencies under sections 5103.0312 and 5103.0313 of the Revised Code, including the allowance to reimburse the agencies for the cost of providing the training under sections 5103.031, 5103.032, and 5103.033 of the Revised Code;

(C) Requirements governing the continuing training required by sections 5103.032 and 5103.033 of the Revised Code;

(D) The amount of training hours necessary for preplacement
training and continuing training for purposes of sections 5103.031, 5103.032, and 5103.033 of the Revised Code;

(E) Courses necessary to meet the preplacement and continuing training requirements for foster homes under sections 5103.031, 5103.032, and 5103.033 of the Revised Code;

(F) Criteria used to create a written needs assessment and continuing training plan for each foster caregiver as required by section 5103.035 of the Revised Code;

(G) The amount of preplacement and continuing training hours that may be completed online;

(H) Any other matter the department considers appropriate.

Sec. 5103.0317. The Director of Job and Family Services shall adopt rules concerning the maximum number of children a foster home may receive and any exceptions to the maximum number.

Sec. 5103.0319. (A) No foster caregiver or prospective foster caregiver shall fail to notify the recommending agency that recommended or is recommending the foster caregiver or prospective foster caregiver for certification in writing if a person at least twelve years of age but less than eighteen years of age residing with the foster caregiver or prospective foster caregiver has been convicted of or pleaded guilty to any of the following or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation:

(1) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.01 of the Revised Code that involved an attempt to commit aggravated murder or murder, an OVI or OVUAC violation if the person previously was convicted of or pleaded guilty to one or more OVI or OVUAC violations within the three years immediately preceding the current violation, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(2) An offense that would be a felony if committed by an adult and the court determined that the child, if an adult, would be guilty of a specification found in section 2941.141, 2941.144, or 2941.145 of the Revised Code or in another section of the Revised Code that relates to the possession or use of a firearm, as defined in section 2923.11 of the Revised Code, during the commission of the act for which the child was adjudicated a delinquent child;

(3) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses described in division (A)(1) or (2) of this section.

(B) If a recommending agency learns that a foster caregiver has failed to comply with division (A) of this section, it shall notify the department of children and family services youth and the department shall revoke the foster caregiver's foster home certificate.
(C) As used in this section, "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.

Sec. 5103.0320. The department of children and family services youth may deny a foster home certificate on the grounds that a person at least twelve years of age but less than eighteen years of age residing with the foster caregiver or prospective foster caregiver has been convicted of or pleaded guilty to an offense described in division (A) of section 5103.0319 of the Revised Code or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such an offense.

Sec. 5103.0321. On receipt of notice under section 5103.0319 of the Revised Code, the recommending agency shall do all of the following:

(A) Review the foster caregiver's foster home certificate. After review, the agency may recommend that the department of children and family services youth revoke the certificate.

(B) Review the placement in the foster home of any child of whom the agency has temporary, legal, or permanent custody. After review, the agency may, consistent with any juvenile court order, remove the child from the foster home in which the child is residing and place the child in another certified foster home.

(C) If the agency does not have temporary, legal, or permanent custody of a foster child residing in the foster home, notify the entity that has custody that it has received a notice under section 5103.0319 of the Revised Code.

(D) Assess the foster caregiver's need for training because...
of the conviction, plea of guilty, or adjudication described in section 5103.0319 of the Revised Code and provide any necessary training.

**Sec. 5103.0322.** On receipt of a recommendation from a public children services agency, private child placing agency, or private noncustodial agency regarding an application for, or renewal of, a family foster home or treatment foster home certification under section 5103.03 of the Revised Code, the department of job children and family services youth shall decide whether to issue or renew the certificate. The department shall notify the agency and the applicant or certificate holder of its decision. If the department's decision is different from the recommendation of the agency, the department shall state in the notice the reason that the decision is different from the recommendation.

**Sec. 5103.0323.** (A) As used in this section, "American institute of certified public accountants auditing standards" and "AICPA auditing standards" mean the auditing standards published by the American institute of certified public accountants.

(B) The first time that a private child placing agency or private noncustodial agency seeks renewal of a certificate issued under section 5103.03 of the Revised Code, it shall provide the department of job children and family services youth, as a condition of renewal, evidence of an independent financial statement audit performed by a licensed public accounting firm following applicable AICPA auditing standards for the most recent fiscal year. Thereafter, when an agency seeks renewal of its certificate, it shall provide the department evidence of an independent financial statement audit performed by a licensed public accounting firm following applicable AICPA auditing standards for the two most recent previous fiscal years it is possible for an independent audit to have been conducted.
(C) For an agency to be eligible for renewal, the independent audits must demonstrate that the agency operated in a fiscally accountable manner as determined by the department of job children and family services youth.

(D) The director of job children and family services youth may adopt rules as necessary to implement this section. The director shall adopt the rules in accordance with section 111.15 of the Revised Code.

Sec. 5103.0325. Notwithstanding section 106.03 of the Revised Code, the department of job children and family services youth shall review once every two years the department's rules governing visits and contacts by a public children services agency or private child placing agency with a child in the agency's custody and placed in foster care in this state. The department shall adopt rules in accordance with Chapter 119. of the Revised Code to ensure compliance with the department's rules governing agency visits and contacts with a child in its custody.

Sec. 5103.0326. (A) A recommending agency may recommend that the department of job children and family services youth not renew a foster home certificate under section 5103.03 of the Revised Code if the foster caregiver refused to accept the placement of any children into the foster home during the current certification period. Based on the agency's recommendation, the department may refuse to renew a foster home certificate.

(B) The department of job children and family services youth may revoke the certification of any foster caregiver who has not cared for one or more foster children in the foster caregiver's home within the preceding twelve months. Prior to the revocation of any certification pursuant to this division, the recommending agency shall have the opportunity to provide good cause for the
department to continue the certification and not revoke the certification. If the department decides to revoke the certification, the department shall notify the recommending agency that the certification will be revoked.

Sec. 5103.0328. (A) Not later than ninety-six hours after receiving notice from the superintendent of the bureau of criminal identification and investigation pursuant to section 109.5721 of the Revised Code that a foster caregiver has been arrested for, convicted of, or pleaded guilty to any foster caregiver-disqualifying offense, and not later than ninety-six hours after learning in any other manner that a foster caregiver has been arrested for, convicted of, or pleaded guilty to any foster caregiver-disqualifying offense, the department of job children and family services youth shall provide notice of that arrest, conviction, or guilty plea to both the recommending agency relative to the foster caregiver and the custodial agency of any child currently placed with that caregiver.

(B) If a recommending agency receives notice from the department of job children and family services youth pursuant to division (A) of this section that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense, or if a recommending agency learns in any other manner that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense, the recommending agency shall assess the foster caregiver's overall situation for safety concerns and forward any recommendations, if applicable, for revoking the foster caregiver's certificate to the department for the department's review for possible revocation.

(C) As used in this section, "foster caregiver-disqualifying offense" means any offense or violation listed or described in...
division (C)(1) of section 2151.86 of the Revised Code.

Sec. 5103.0329. (A) A recommending agency may submit a request to the department of job children and family services youth, on a case-by-case basis only, to waive any non-safety standards for a kinship caregiver seeking foster home certification. Non-safety standards include training hours and other requirements under sections 5103.031, 5103.032, and 5103.039 of the Revised Code and standards established by rules adopted under sections 5103.03 and 5103.0316 of the Revised Code, in accordance with 42 U.S.C. 671 (a)(10).

(B) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.

Sec. 5103.04. No association whose object embraces the care of dependent, neglected, abused, or delinquent children, or the placing of such children in private homes, shall be incorporated unless the proposed articles of incorporation have been submitted first to the department of job children and family services youth. The secretary of state shall not issue a certificate of incorporation to such association until there is filed in the secretary of state's office the certificate of the department that it has examined the articles of incorporation, that in its judgment the incorporators are reputable and respectable persons, the proposed work is needed, and the incorporation of such association is desirable and for the public good.

Amendments proposed to the articles of incorporation of any such association shall be submitted in like manner to the department, and the secretary of state shall not record such amendment or issue a certificate therefor until there is filed in the secretary of state's office the certificate of the department that it has examined such amendment, that the association in
question is performing in good faith the work undertaken by it, and that such amendment is a proper one, and for the public good.

Sec. 5103.05. (A) As used in this section and section 5103.051 of the Revised Code:

(1) "Children's residential center" means a facility that is operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department of children and family services youth to operate a children's residential center, and in which eleven or more children, including the children of any staff residing at the facility, are given nonsecure care and supervision twenty-four hours a day.

(2) "Children's crisis care facility" has the same meaning as in section 5103.13 of the Revised Code.

(3) "County children's home" means a facility established under section 5153.21 of the Revised Code.

(4) "District children's home" means a facility established under section 5153.42 of the Revised Code.

(5) "Group home for children" means any public or private facility that is operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department to operate a group home for children, and that meets all of the following criteria:

(a) Gives, for compensation, a maximum of ten children, including the children of the operator or any staff who reside in the facility, nonsecure care and supervision twenty-four hours a day by a person or persons who are unrelated to the children by blood or marriage, or who is not the appointed guardian of any of the children;

(b) Is not certified as a foster home;
(c) Receives or cares for children for two or more
consecutive weeks.

"Group home for children" does not include any facility that
provides care for children from only a single-family group, placed
at the facility by the children's parents or other relative having
custody.

(6) "Residential facility" means a group home for children,
children's crisis care facility, children's residential center,
residential parenting facility that provides twenty-four-hour
child care, county children's home, or district children's home. A
foster home is not a residential facility.

(7) "Residential parenting facility" means a facility
operated by a private child placing agency, private noncustodial
agency, or public children services agency, that has been
certified by the department to operate a residential parenting
facility, in which teenage mothers and their children reside for
the purpose of keeping mother and child together, teaching
parenting and life skills to the mother, and assisting teenage
mothers in obtaining educational or vocational training and
skills.

(8) "Nonsecure care and supervision" means care and
supervision of a child in a residential facility that does not
confine or prevent movement of the child within the facility or
from the facility.

(B) Within ten days after the commencement of operations at a
residential facility, the facility shall provide the following to
all county, municipal, or township law enforcement agencies,
emergency management agencies, and fire departments with
jurisdiction over the facility:

(1) Written notice that the facility is located and will be
operating in the agency's or department's jurisdiction. The
written notice shall provide the address of the facility, identify
the facility as a group home for children, children's crisis care
facility, children's residential center, residential parenting
facility, county children's home, or district children's home, and
provide contact information for the facility.

(2) A copy of the facility's procedures for emergencies and
disasters established pursuant to rules adopted under section
5103.03 of the Revised Code;

(3) A copy of the facility's medical emergency plan
established pursuant to rules adopted under section 5103.03 of the
Revised Code;

(4) A copy of the facility's community engagement plan
established pursuant to rules adopted under section 5103.051 of
the Revised Code.

(C) Within ten days of a facility's recertification by the
department, the facility shall provide to all county, municipal,
or township law enforcement agencies, emergency management
agencies, and fire departments with jurisdiction over the facility
updated copies of the information required to be provided under
divisions (B)(2), (3), and (4) of this section.

(D) The department may adopt rules in accordance with Chapter
119. of the Revised Code necessary to implement this section.

Sec. 5103.051. (A) Each private child placing agency, private
noncustodial agency, public children services agency, or
superintendent of a county or district children's home shall
establish a community engagement plan in accordance with rules
adopted under division (B) of this section for each residential
facility the agency, entity, or superintendent operates.

(B) (1) (B) The department of job children and family services
youth shall adopt rules in accordance with Chapter 119. of the
Revised Code that establish the following:

(a)(1) The contents of a community engagement plan to be established under division (A) of this section that includes the following:

(1) Protocols for the community in which a residential facility is located to communicate concerns or other pertinent information directly to the agency or entity;

(ii) Protocols for the agency or entity in responding to a communication made under division (B)(1)(a)(i) of this section.

(b)(2) Orientation procedures for training residential facility staff on the implementation of the community engagement plan established under division (A) of this section and procedures for responding to incidents involving a child at the facility and neighbors or the police.

(2) The department shall file initial rules adopted under division (B)(1) of this section within ninety days after the effective date of this section.

Sec. 5103.07. The department of job children and family services youth shall administer funds received under Title IV-B of the "Social Security Act," 81 Stat. 821 (1967), 42 U.S.C.A. 620, as amended, and the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C.A. 5101, as amended. In administering these funds, the department may establish a child welfare services program and a child abuse and neglect prevention and adoption reform program. The department has all powers necessary for the adequate administration of these funds and programs. The director of job children and family services youth may adopt rules as necessary to carry out the purposes of this section.

Sec. 5103.08. The department of job children and family
services youth may enter into contracts with the department of education authorizing the department of job children and family services youth to administer funds received by the department of education under the "State Dependent Care Development Grants Act," 100 Stat. 968 (1986), 42 U.S.C.A. 9871, as amended. In fulfilling its duties under such a contract, the department of job children and family services youth may make grants to or enter into contracts with other public or private entities.

Sec. 5103.11. There is hereby created the foster care and adoption initiatives fund. The fund shall be in the custody of the treasurer of state, but shall not be part of the state treasury. The fund shall consist of moneys collected under section 2919.1912 of the Revised Code. All interest earned on the fund shall be credited to the fund. The purpose of the fund is to provide funding for foster care and adoption services and initiatives. The department of job children and family services youth shall allocate moneys from the fund according to the following distribution:

(A) Fifty per cent of the moneys in the fund shall be used for foster care services and initiatives.

(B) Fifty per cent of the moneys in the fund shall be used for adoption services and initiatives.

Sec. 5103.12. (A) As used in this section:

(1) "Hearing" has the same meaning as in section 119.01 of the Revised Code.

(2) "Permanent custody" has the same meaning as in section 2151.011 of the Revised Code.

(B) The department of job children and family services youth may enter into agreements with public children services agencies and private child placing agencies under which the department will
make payments to encourage the adoptive placement of children in the permanent custody of a public children services agency. If the department terminates, or refuses to enter into or renew, an agreement with a public children services agency or private child placing agency under this section, the agency is entitled to a hearing.

Notwithstanding section 127.16 of the Revised Code, the department is not required to follow competitive selection procedures or to receive the approval of the controlling board to enter into agreements under this section or to make payments pursuant to the agreements.

(C) The director of job children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules that establish all of the following:

(1) A single, uniform agreement that, at a minimum, prescribes a payment schedule and the terms and conditions with which a public children services agency or private child placing agency must comply to receive a payment;

(2) Eligibility requirements a public children services agency or private child placing agency must meet to enter into an agreement with the department;

(3) Eligibility requirements that a child who is the subject of an agreement must meet;

(4) Other administrative and operational requirements.

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

(1) (a) "Children's crisis care facility" means a facility that has as its primary purpose the provision of residential and other care to either or both of the following:
(i) One or more preteens voluntarily placed in the facility by the preteen's parent or other caretaker who is facing a crisis that causes the parent or other caretaker to seek temporary care for the preteen and referral for support services;

(ii) One or more preteens placed in the facility by a public children services agency or private child placing agency that has legal custody or permanent custody of the preteen and determines that an emergency situation exists necessitating the preteen's placement in the facility rather than an institution certified under section 5103.03 of the Revised Code or elsewhere.

(b) "Children's crisis care facility" does not include any of the following:

(i) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities;

(ii) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody;

(iii) Any residential infant care center, as an entity deemed a residential infant care center under section 5103.602 of the Revised Code shall no longer be licensed as a children's crisis care center.

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

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

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

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

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

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

(b) The director shall not issue a waiver to a person for compliance with any of the requirements imposed under this section or any of the rules adopted under division (H) of this section.

(D) No certified children's crisis care facility shall do any of the following:

(1) Provide residential care to a preteen for more than one hundred twenty days in a calendar year;

(2) Provide residential care to a preteen for more than...
ninety consecutive days, which shall include the aggregate of days spent at different facility locations if a preteen is transferred in accordance with division (E)(4) of this section;

(3) Provide residential care to a preteen for more than fourteen consecutive days if a public children services agency or private child placing agency placed the preteen in the facility;

(4) Fail to comply with section 2151.86 of the Revised Code.

(E) A certified children's crisis care facility shall do the following:

(1) Employ a licensed social worker, a licensed independent social worker, a licensed professional counselor, or a licensed professional clinical counselor;

(2) Require, if pediatric medical service is provided at the facility, the following for the provision of pediatric medical service:

   (a) Medical service to be provided by a qualified, licensed, and insured medical professional;


   (c) If a preteen is admitted by the preteen's parent or caretaker and if the preteen requires ongoing medical care following discharge from the facility, a medical professional or licensed social worker to make the medical professional's or social worker's best effort to ensure the parent or caretaker is competent to provide the ongoing care;

   (d) The facility to have a dedicated and private enclosed space for the purpose of a medical professional to receive and treat patients and that contains a sink or tub, medical exam
table, medical record system, and pediatric medical equipment.

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

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

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

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

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

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

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

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

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

(G) The director of children and family services youth may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code if the facility violates or fails to comply with any of the requirements under this section or ceases to meet any of the certification standards established in rules adopted under division (H) of this section or the facility's operator ceases to comply with any of the rules governing the certification of children's crisis care facilities adopted under that division.

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

Sec. 5103.14. The department of children and family services shall enforce sections 2151.39, 5103.15, and 5103.16 of the Revised Code.

Sec. 5103.151. (A) As used in this section and in section 5103.152 of the Revised Code, "identifying information" has the same meaning as in section 3107.01 of the Revised Code.

(B) Except as provided in division (C) of this section, a parent of a minor who will be, if adopted, an adopted person as defined in section 3107.45 of the Revised Code shall do all of the following as a condition of a juvenile court approving the parent's agreement with a public children services agency or private child placing agency under division (B)(1) of section 5103.15 of the Revised Code:

(1) Appear personally before the court;

(2) Sign the component of the form prescribed under division (A)(1)(a) of section 3107.083 of the Revised Code;

(3) Check either the "yes" or "no" space provided on the component of the form prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code and sign that component;

(4) If the parent is the mother, complete and sign the component of the form prescribed under division (A)(1)(c) of section 3107.083 of the Revised Code.

At the time the parent signs the components of the form prescribed under divisions (A)(1)(a), (b), and (c) of section 3107.083 of the Revised Code, the parent may sign, if the parent chooses to do so, the components of the form prescribed under divisions (A)(1)(d), (e), and (f) of that section. After the parent signs the components required to be signed and any discretionary components the parent chooses to sign, the parent or agency shall file the form and agreement with the court. The court
or agency shall give the parent a copy of the form and agreement. The court and agency shall keep a copy of the form and agreement in the court and agency's records. The agency shall file a copy of the form and agreement with the probate court with which a petition to adopt the child who is the subject of the agreement is filed.

The juvenile court shall question the parent to determine that the parent understands the adoption process, the ramifications of entering into a voluntary permanent custody surrender agreement, each component of the form prescribed under division (A)(1) of section 3107.083 of the Revised Code, and that the child and adoptive parent may receive identifying information about the parent in accordance with section 3107.47 of the Revised Code unless the parent checks the "no" space provided on the component of the form prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code or has a denial of release form filed with the department of health under section 3107.46 of the Revised Code. The court also shall question the parent to determine that the parent enters into the permanent custody surrender agreement voluntarily and any decisions the parent makes in filling out the form prescribed under division (A)(1) of section 3107.083 of the Revised Code are made voluntarily.

(C) A juvenile court may approve an agreement entered into under division (B)(1) of section 5103.15 of the Revised Code between a public children services agency or private child placing agency and the parents of a child who is less than six months of age and will be, if adopted, an adopted person as defined in section 3107.45 of the Revised Code without the parents personally appearing before the court if both parents do all of the following:

(1) Enter into the agreement with the agency;

(2) Sign the component of the form prescribed under division...
(A)(1)(a) of section 3107.083 of the Revised Code;

(3) Check either the "yes" or "no" space provided on the component of the form prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code and sign that component.

At the time the parents sign the components of the form prescribed under divisions (A)(1)(a) and (b) of section 3107.083 of the Revised Code, the mother shall complete and sign the component of the form prescribed under division (A)(1)(c) of that section and the agency shall provide the parents the opportunity to sign, if they choose to do so, the components of the form prescribed under divisions (A)(1)(d), (e), and (f) of that section. Not later than two business days after the parents enter into the agreements and sign the components of the form required to be signed and any discretionary components the parents choose to sign, the agency shall file the agreements and forms with the court. The agency shall give the parents a copy of the agreements and forms. At the time the agency files the agreements and forms with the court, the agency also shall file with the court all other documents the director of children and youth requires by rules adopted under division (D) of section 3107.083 of the Revised Code to be filed with the court. The court and agency shall keep a copy of the agreements, forms, and documents in the court and attorney's records. The agency shall file a copy of the agreements, forms, and documents with the probate court with which a petition to adopt the child who is the subject of the agreement is filed.

(D) Except as provided in division (E) of this section, a parent of a minor, who will be, if adopted, an adopted person as defined in section 3107.38 of the Revised Code, shall do all of the following as a condition of a juvenile court approving the parent's agreement with a public children services agency or private child placing agency under division (B)(1) of section 3107.083 of the Revised Code; 
5103.15 of the Revised Code:

(1) Appear personally before the court; 120146

(2) Sign the component of the form prescribed under division 120147
(B)(1)(a) of section 3107.083 of the Revised Code; 120148

(3) If the parent is the mother, complete and sign the 120149
component of the form prescribed under division (B)(1)(b) of 120150
section 3107.083 of the Revised Code. 120151

At the time the parent signs the components prescribed under 120152
divisions (B)(1)(a) and (b) of section 3107.083 of the Revised 120153
Code, the parent may sign, if the parent chooses to do so, the 120154
components of the form prescribed under divisions (B)(1)(c), (d), 120155
and (e) of that section. After the parent signs the components 120156
required to be signed and any discretionary components the parent 120157
chooses to sign, the parent or agency shall file the form and 120158
agreement with the court. The court or agency shall give the 120159
parent a copy of the form and agreement. The court and agency 120160
shall keep a copy of the form and agreement in the court and 120161
agency's records. The agency shall file a copy of the form and 120162
agreement with the probate court with which a petition to adopt 120163
the child who is the subject of the agreement is filed. 120164

The juvenile court shall question the parent to determine 120165
that the parent understands the adoption process, the 120166
ramifications of entering into a voluntary permanent custody 120167
surrender agreement, and each component of the form prescribed 120168
under division (B)(1) of section 3107.083 of the Revised Code. The 120169
court also shall question the parent to determine that the parent 120170
enters into the permanent custody surrender agreement voluntarily 120171
and any decisions the parent makes in filling out the form are 120172
made voluntarily. 120173

(E) A juvenile court may approve an agreement entered into 120174
under division (B)(1) of section 5103.15 of the Revised Code 120175
between a public children services agency or private child placing
agency and the parent of a child who is less than six months of
age and will be, if adopted, an adopted person as defined in
section 3107.38 of the Revised Code without the parent personally
appearing before the court if the parent does both of the
following:

(1) Signs the component of the form prescribed under division
(B)(1)(a) of section 3107.083 of the Revised Code;

(2) If the parent is the mother, completes and signs the
component of the form prescribed under division (B)(1)(b) of
section 3107.083 of the Revised Code.

At the time the parent signs that component, the agency shall
provide the parent the opportunity to sign, if the parent chooses
to do so, the components of the form prescribed under divisions
(B)(1)(c), (d), and (e) of section 3107.083 of the Revised Code.
Not later than two business days after the parent enters into the
agreement and signs the components of the form required to be
signed and any discretionary components the parent chooses to
sign, the agency shall file the agreement and form with the court.
The agency shall give the parent a copy of the agreement and form.
At the time the agency files the agreement and form with the
court, the agency also shall file with the court all other
documents the director of children and family services youth
requires by rules adopted under division (D) of section 3107.083
of the Revised Code to be filed with the court. The court and
agency shall keep a copy of the agreement, form, and documents in
the court and agency's records. The agency shall file a copy of
the agreement, form, and documents with the probate court with
which a petition to adopt the child who is the subject of the
agreement is filed.

Sec. 5103.152. Not less than seventy-two hours before a
public children services agency or private child placing agency
enters into an agreement with a parent under division (B) of
section 5103.15 of the Revised Code, an assessor shall meet in
person with the parent and do both of the following:

(A) Provide the parent with a copy of the written materials
about adoption prepared by the department of job children and
family services youth under division (C) of section 3107.083 of
the Revised Code, discuss with the parent the adoption process and
ramifications of a parent entering into a voluntary permanent
custody surrender agreement, and provide the parent the
opportunity to review the materials and ask questions about the
materials, discussion, and related matters;

(B) If the child who is the subject of the agreement, if
adopted, will be an adopted person as defined in section 3107.45
of the Revised Code, inform the parent that the parent's child and
the adoptive parent may receive, in accordance with section
3107.47 of the Revised Code, identifying information about the
parent that is contained in the child's adoption file maintained
by the department of health unless the parent checks the "no"
space provided on the component of the form prescribed under
division (A)(1)(b) of section 3107.083 of the Revised Code or
signs and has filed with the department a denial of release form
prescribed under section 3107.50 of the Revised Code.

Sec. 5103.155. As used in this section, "children with
special needs" has the same meaning as in rules adopted under
section 5153.163 of the Revised Code.

If the department of job and family services determines that
money in the putative father registry fund created under section
2101.16 of the Revised Code is more than is needed to perform its
duties related to the putative father registry, the department may
use transfer surplus moneys in the fund to the department of
children and youth to promote adoption of children with special needs.

Sec. 5103.16. (A) Except as otherwise provided in this section, no child shall be placed or accepted for placement under any written or oral agreement or understanding that transfers or surrenders the legal rights, powers, or duties of the legal parent, parents, or guardian of the child into the temporary or permanent custody of any association or institution that is not certified by the department of children and family services under section 5103.03 of the Revised Code, without the written consent of the office in the department that oversees the interstate compact for placement of children established under section 5103.20 of the Revised Code or the interstate compact on the placement of children established under section 5103.23 of the Revised Code, as applicable, or by a commitment of a juvenile court, or by a commitment of a probate court as provided in this section. A child may be placed temporarily without written consent or court commitment with persons related by blood or marriage or in a legally licensed boarding home.

(B)(1) Associations and institutions certified under section 5103.03 of the Revised Code for the purpose of placing children in free foster homes or for legal adoption shall keep a record of the temporary and permanent surrenders of children. This record shall be available for separate statistics, which shall include a copy of an official birth record and all information concerning the social, mental, and medical history of the children that will aid in an intelligent disposition of the children in case that becomes necessary because the parents or guardians fail or are unable to reassume custody.

(2) No child placed on a temporary surrender with an association or institution shall be placed permanently in a foster...
home or for legal adoption. All surrendered children who are placed permanently in foster homes or for adoption shall have been permanently surrendered, and a copy of the permanent surrender shall be a part of the separate record kept by the association or institution.

(C) Any agreement or understanding to transfer or surrender the legal rights, powers, or duties of the legal parent or parents and place a child with a person seeking to adopt the child under this section shall be construed to contain a promise by the person seeking to adopt the child to pay the expenses listed in divisions (C)(1), (2), and (4) of section 3107.055 of the Revised Code and, if the person seeking to adopt the child refuses to accept placement of the child, to pay the temporary costs of routine maintenance and medical care for the child in a hospital, foster home, or other appropriate place for up to thirty days or until other custody is established for the child, as provided by law, whichever is less.

(D) No child shall be placed or received for adoption or with intent to adopt unless placement is made by a public children services agency, an institution or association that is certified by the department of \textit{job children and family services youth} under section 5103.03 of the Revised Code to place children for adoption, or custodians in another state or foreign country, or unless all of the following criteria are met:

(1) Prior to the placement and receiving of the child, the parent or parents of the child personally have applied to, and appeared before, the probate court of the county in which the parent or parents reside, or in which the person seeking to adopt the child resides, for approval of the proposed placement specified in the application and have signed and filed with the court a written statement showing that the parent or parents are aware of their right to contest the decree of adoption subject to
the limitations of section 3107.16 of the Revised Code;

(2) The court ordered an independent home study of the
proposed placement to be conducted as provided in section 3107.031
of the Revised Code, and after completion of the home study, the
court determined that the proposed placement is in the best
interest of the child;

(3) The court has approved of record the proposed placement.

In determining whether a custodian has authority to place
children for adoption under the laws of a foreign country, the
probate court shall determine whether the child has been released
for adoption pursuant to the laws of the country in which the
child resides, and if the release is in a form that satisfies the
requirements of the immigration and naturalization service of the
United States department of justice for purposes of immigration to
this country pursuant to section 101(b)(1)(F) of the "Immigration
(b)(1)(F), as amended or reenacted.

If the parent or parents of the child are deceased or have
abandoned the child, as determined under division (A) of section
3107.07 of the Revised Code, the application for approval of the
proposed adoptive placement may be brought by the relative seeking
to adopt the child, or by the department, board, or organization
not otherwise having legal authority to place the orphaned or
abandoned child for adoption, but having legal custody of the
orphaned or abandoned child, in the probate court of the county in
which the child is a resident, or in which the department, board,
or organization is located, or where the person or persons with
whom the child is to be placed reside. Unless the parent, parents,
or guardian of the person of the child personally have appeared
before the court and applied for approval of the placement, notice
of the hearing on the application shall be served on the parent,
parents, or guardian.
The consent to placement, surrender, or adoption executed by a minor parent before a judge of the probate court or an authorized deputy or referee of the court, whether executed within or outside the confines of the court, is as valid as though executed by an adult. A consent given as above before an employee of a children services agency that is licensed as provided by law, is equally effective, if the consent also is accompanied by an affidavit executed by the witnessing employee or employees to the effect that the legal rights of the parents have been fully explained to the parents, prior to the execution of any consent, and that the action was done after the birth of the child.

If the court approves a placement, the prospective adoptive parent with whom the child is placed has care, custody, and control of the child pending further order of the court.

(E)(1) This section does not apply to an adoption by a stepparent, a grandparent, a grandparent's husband or wife, a legal custodian, or a guardian.

(2) As used in division (E)(1) of this section:

(a) "Legal custodian" means a person who has been granted the legal custody of a child by a court of competent jurisdiction.

(b) "Legal custody" has the same meaning as in section 2151.011 of the Revised Code or in any other substantially equivalent statute.

Sec. 5103.163. (A) The department of children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code to establish and enforce a resource family bill of rights for resource families providing care for individuals who are in the custody or care and placement of an agency that provides Title IV-E reimbursable services pursuant to sections 5103.03 to 5103.181 of the Revised Code.
(B) If the rights of the resource family conflict with the rights of the individual established by section 2151.316 of the Revised Code, division (B) of section 2151.316 of the Revised Code shall apply.

(C) The rights established by rules under this section shall not create grounds for a civil action against the department, the recommending agency, or the custodial agency.

Sec. 5103.17. (A) As used in this section:

(1) "Advertise" means a method of communication that is electronic, written, visual, or oral and made by means of personal representation, newspaper, magazine, circular, billboard, direct mailing, sign, radio, television, telephone, or otherwise.

(2) "Qualified adoptive parent" means a person who is eligible to adopt a child under section 3107.03 of the Revised Code and for whom an assessor has conducted a home study to determine whether the person is suitable to adopt a child, if required by section 3107.031 of the Revised Code.

(B) Subject to section 5103.16 of the Revised Code and to division (C), (D), or (E) of this section, no person or government entity, other than a private child placing agency or private noncustodial agency certified by the department of job children and family services youth under section 5103.03 of the Revised Code or a public children services agency, shall advertise that the person or government entity will adopt children or place them in foster homes, hold out inducements to parents to part with their offspring or in any manner knowingly become a party to the separation of a child from the child's parents or guardians, except through a juvenile court or probate court commitment.

(C) The biological parent of a child may advertise the availability for placement of the parent's child for adoption to a
qualified adoptive parent.

(D) A qualified adoptive parent may advertise that the qualified adoptive parent is available for placement of a child into the qualified adoptive parent's care for the purpose of adopting the child.

(E) A government entity may advertise about its role in the placement of children for adoption or any other information that would be relevant to qualified adoptive parents.

(F) Except as provided in section 3107.055 of the Revised Code, the following apply:

(1) No person shall offer money or anything of value in exchange for placement of a child for adoption.

(2) No biological parent may request money or anything of value in exchange for placement for adoption of the parent's child with a qualified adoptive parent.

(G) If the department of children and family services has reasonable cause to believe a violation of this section has been committed, the department shall notify the attorney general or the county prosecutor, city attorney, village solicitor, or other chief legal officer of the political subdivision in which the violation has allegedly occurred. On receipt of the notification, the attorney general, county prosecutor, city attorney, village solicitor, or other chief legal officer shall take action to enforce this section through injunctive relief or criminal charge.

Sec. 5103.18. (A)(1) Prior to certification or recertification as a foster home under section 5103.03 of the Revised Code, a recommending agency shall obtain a summary report of a search of the uniform statewide automated child welfare information system, established under section 5101.13 of the...
Revised Code, from an entity listed in section 5101.132 of the Revised Code.

(2) Whenever a prospective foster parent or any other person eighteen years of age or older who resides with a prospective foster parent has resided in another state within the five-year period immediately prior to the date on which a criminal records check is requested for the person under division (A) of section 2151.86 of the Revised Code, the recommending agency shall request a check of the central registry of abuse and neglect of this state from the department of job children and family services youth regarding the prospective foster parent or the person eighteen years of age or older who resides with the prospective foster parent to enable the agency to check any child abuse and neglect registry maintained by that other state. The recommending agency shall make the request and shall review the results of the check before the prospective foster parent may be finally approved for placement of a child. Information received pursuant to such a request shall be considered for purposes of this chapter as if it were a summary report required under division (A) of this section. The department of job children and family services youth shall comply with any request to check the central registry that is similar to the request described in this division and that is received from any other state.

(B)(1) The summary report required under division (A) of this section shall contain, if applicable, a chronological list of abuse and neglect determinations or allegations of which a person seeking to become a foster caregiver of a child is subject and in regards to which a public children services agency has done one of the following:

(a) Determined that abuse or neglect occurred;

(b) Initiated an investigation, and the investigation is ongoing;
(c) Initiated an investigation, and the agency was unable to determine whether abuse or neglect occurred.

(2) The summary report required under division (A) of this section shall not contain any of the following:

(a) An abuse and neglect determination of which a person seeking to become a foster caregiver of a child is subject and in regards to which a public children services agency determined that abuse or neglect did not occur;

(b) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(c) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.

(C)(1) A foster home certification or recertification may be denied based on a summary report containing the information described under division (B)(1)(a) of this section, when considered within the totality of the circumstances.

(2) A foster home certification or recertification shall not be denied solely based on a summary report containing the information described under division (B)(1)(b) or (c) of this section.

(D) Not later than January 1, 2008, the director of children and family services shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

Sec. 5103.181. (A) Prior to certification or recertification of a foster home under section 5103.03 of the Revised Code, a recommending agency shall conduct a search of the United States department of justice national sex offender public web site.
regarding the prospective or current foster caregiver and all persons eighteen years of age or older who reside with the prospective or current foster caregiver. Certification or recertification may be denied based solely on the results of the search.

(B) The director of children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

Sec. 5103.21. The department of children and family services youth may adopt rules necessary for the implementation of section 5103.20 of the Revised Code.

Sec. 5103.22. As used in division (B) of Article VIII of section 5103.20 of the Revised Code, "state human services administration" means the department of children and family services youth.

Sec. 5103.232. The "appropriate public authorities" as used in Article III of the interstate compact on the placement of section 5103.20 of the Revised Code means the department of children and family services youth and that department shall receive and act with reference to notices required by said Article III.

Sec. 5103.233. As used in paragraph (A) of Article V of the interstate compact on the placement of children, the phrase "appropriate authority in the receiving state" with reference to this state shall mean the department of children and family services youth.
Sec. 5103.30. The Ohio child welfare training program is hereby established in the department of job children and family services youth as a statewide program. The program shall provide all of the following:

(A) The training that section 3107.014 of the Revised Code requires an assessor to complete;

(B) The preplacement training that sections 5103.031 and 5103.033 of the Revised Code require a prospective foster caregiver to complete;

(C) The continuing training that sections 5103.032 and 5103.033 of the Revised Code require a foster caregiver to complete;

(D) The training that section 5153.122 of the Revised Code requires a PCSA caseworker to complete;

(E) The training that section 5153.123 of the Revised Code requires a PCSA caseworker supervisor to complete;

(F) The training required under section 5101.1414 of the Revised Code for a case manager and supervisor.

Sec. 5103.303. When the Ohio child welfare training program provides preplacement or continuing training to a prospective foster caregiver or foster caregiver whose recommending agency is a private child placing agency or private noncustodial agency, the department of job children and family services youth shall not pay the Ohio child welfare training program the allowance the department would otherwise pay to the private child placing agency or private noncustodial agency under section 5103.0313 of the Revised Code for the training.

Sec. 5103.32. (A) As used in this section:


(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code.

(B) For purposes of adequately funding the Ohio child welfare training program, the department of job children and family services youth may use any of the following:

(1) The federal financial participation funds withheld pursuant to division (E) of section 5101.141 of the Revised Code in an amount determined by the department;

(2) Funds available under Title XX, Title IV-B, and Title IV-E to pay for training costs;

(3) Other available state or federal funds;

(4) Funds that a person, including a foundation, makes available for the program.

Sec. 5103.33. The director of job children and family services youth shall adopt rules under Chapter 119. of the Revised Code as necessary to implement the Ohio child welfare training program.

Sec. 5103.34. The department of job children and family services youth shall monitor and evaluate the Ohio child welfare training program to ensure that the program satisfies all of the requirements established by law enacted by the general assembly regarding the program and rules adopted under section 5103.33 of the Revised Code. As part of the monitoring and evaluation, the department shall ensure that the training provided under section 5103.30 of the Revised Code meets all of the requirements of
section 5103.31 of the Revised Code, including the requirement that the training be competency based.

Sec. 5103.35. Each fiscal biennium, the department of job children and family services youth shall contract with an entity to serve as the Ohio child welfare training program coordinator. The department shall select the entity with which to contract from the entities that submit a proposal that meets, as determined under section 5103.362 of the Revised Code, the requirements of the request for proposals issued under section 5103.36 of the Revised Code. The department may contract with the entity the department contracted with the previous fiscal biennium even though no request for proposals is issued if, as specified in section 5103.361 of the Revised Code, a request for proposals is not required for the upcoming fiscal biennium.

A contract entered into under this section shall be effective on the first day of the fiscal biennium for which it is entered into and terminate on the last day of that fiscal biennium. The contract shall require the coordinator to perform the duties specified in section 5103.37 of the Revised Code.

Sec. 5103.36. The department of job children and family services youth shall develop and issue or cause to be issued a request for proposals for an entity to serve as the Ohio child welfare training program coordinator. The department shall develop the request for proposals in consultation with individuals solicited under section 5103.365 of the Revised Code. The request for proposals shall explain the types of duties of the coordinator.

Sec. 5103.362. After considering recommendations from the individuals solicited under section 5103.363 of the Revised Code,
the department of job children and family services youth shall determine which of the proposals received in response to a request for proposals issued under section 5103.36 of the Revised Code meet the requirements of the request.

Sec. 5103.363. The director of job children and family services youth shall solicit representatives from all of the following organizations to perform the consultation and recommendation duties under sections 5103.36 and 5103.362 of the Revised Code:

(A) Regional training centers established under section 5103.42 of the Revised Code;

(B) Staff of public children services agencies;

(C) Staff of the state department of job children and family services youth;

(D) A statewide organization that represents the interests of public children services agencies.

Sec. 5103.38. The department of job children and family services youth shall oversee the Ohio child welfare training program coordinator's development, implementation, and management of the Ohio child welfare training program.

Sec. 5103.39. The director of job children and family services youth shall establish the Ohio child welfare training program steering committee. Sections 101.82 to 101.87 of the Revised Code do not apply to the committee.

Sec. 5103.391. The director of job children and family services youth shall appoint all of the following to serve on the Ohio child welfare training program steering committee:

(A) Employees of the department of job children and family
services youth;

(B) One representative of each of the regional training centers established under section 5103.42 of the Revised Code;

(C) One representative of a statewide organization that represents the interests of public children services agencies;

(D) One representative of the Ohio child welfare training program coordinator;

(E) Two current foster caregivers certified by the department of children and family services youth under section 5103.03 of the Revised Code;

(F) Employees of public children services agencies.

Sec. 5103.40. The Ohio child welfare training program steering committee shall do all of the following:

(A) Following procedures the committee shall establish, adopt, amend, and rescind by-laws as necessary regarding the committee's governance, frequency of meetings, and other matters concerning the committee's operation;

(B) Conduct strategic planning activities regarding the Ohio child welfare training program;

(C) Provide the department of children and family services youth and Ohio child welfare training program coordinator recommendations regarding the program's operation;

(D) After reviewing individual training needs assessments completed under sections 5153.125 and 5153.126 of the Revised Code, consult with the Ohio child welfare training program coordinator on the design and content of the training that the program provides pursuant to divisions (D) and (E) of section 5103.30 of the Revised Code;

(E) Review curricula created for the training provided under
section 5103.30 of the Revised Code;

(F) Provide the department recommendations regarding the curricula reviewed under division (E) of this section as the committee determines necessary for the training to be relevant to the needs of the child welfare field;

(G) Evaluate the training and provide the department recommendations as the committee determines necessary for the training to be able to enable all of the following:

(1) Assessors to satisfy the training requirement of section 3107.014 of the Revised Code;

(2) Prospective foster caregivers and foster caregivers to satisfy the preplacement and continuing training requirements of sections 5103.031, 5103.032, and 5103.033 of the Revised Code;

(3) PCSA caseworkers to satisfy the training requirements of section 5153.122 of the Revised Code;

(4) PCSA caseworker supervisors to satisfy the training requirements of section 5153.123 of the Revised Code.

Sec. 5103.41. Prior to the beginning of the fiscal biennium that first follows October 5, 2000, the department of job and family services, in consultation with the Ohio child welfare training program steering committee, shall designate eight training regions in the state. The department of children and youth, at times it selects, shall review the composition of the training regions. The committee, at times it selects, shall also review the training regions' composition and provide the department recommendations on changes. The department of children and youth may change the composition of the training regions as the department considers necessary. Each training region shall contain only one regional training center established and maintained under section 5103.42 of the Revised Code.
Sec. 5103.42. Prior to the beginning of the fiscal biennium that first follows October 5, 2000, the public children services agencies of Athens, Cuyahoga, Franklin, Greene, Guernsey, Lucas, and Summit counties shall each establish and maintain a regional training center. Prior to the beginning of the fiscal biennium that first follows the effective date of this amendment September 29, 2013, the public children services agency of Butler county shall establish and maintain a regional training center. At any time after the beginning of the specified biennium, the department of children and family services on the recommendation of the Ohio child welfare training program steering committee, may direct a public children services agency to establish and maintain a training center to replace the center established by an agency under this section. There may be no more and no less than eight centers in existence at any time. The department of children and youth may make a grant to a public children services agency that establishes and maintains a regional training center under this section for the purpose of wholly or partially subsidizing the operation of the center. The department of children and youth shall specify in the grant all of the center's duties, including the duties specified in section 5103.422 of the Revised Code.

The regional training center established by the public children services agency of Butler county under this section replaces the regional training center previously established by the public children services agency of Hamilton county under this section.

Sec. 5103.50. (A) As used in this section and sections 5103.51 to 5103.55 of the Revised Code, "private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.
(B) The director of children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code to implement standards set forth in division (D) of this section and section 5103.54 of the Revised Code that are substantially similar, as determined by the director, to other similarly situated providers of residential care to children.

(C) The director of children and family services youth shall issue a license to a private, nonprofit therapeutic wilderness camp that submits an application to the director, on a form prescribed by the director, that indicates to the director's satisfaction that the camp meets the standards set forth in rules adopted under division (B) of this section.

(D) In accordance with rules adopted by the director under division (B) of this section, the camp shall develop and implement written policies that establish all of the following:

(1) Standards for hiring, training, and supervising staff;

(2) Standards for behavioral intervention, including standards prohibiting the use of prone restraint and governing the use of other restraints or isolation;

(3) Standards for recordkeeping, including specifying information that must be included in each child's record, who may access records, confidentiality, maintenance, security, and disposal of records;

(4) A procedure for handling complaints about the camp from the children attending the camp, their families, staff, and the public;

(5) Standards for emergency and disaster preparedness, including procedures for emergency evacuation and standards requiring that a method of emergency communication be accessible at all times;
Standards that ensure the protection of children's civil rights;
Standards for the admission and discharge of children attending the camp, including standards for emergency discharge;
Standards for the supervision of children, including minimum staff to child ratios;
Standards for ensuring proper medical care, including administration of medications;
Standards for proper notification of critical incidents;
Standards regarding the health and safety of residents, including proper health department approvals, fire inspections, and food service licenses;
Standards for ensuring the reporting requirements under section 2151.421 of the Revised Code are met.

The camp shall ensure that no child resides at the camp for more than twelve consecutive months, unless the camp has completed a full evaluation that determines the child is not ready for reunification with the child's family or guardian. Such evaluation shall include any outside professional determined to be necessary by the director of children and family services youth. This evaluation shall be conducted in accordance with rules adopted by the director.

The camp shall cooperate with any request from the director for an inspection or for access to records or written policies of the camp.

The camps shall ensure that no child is left without supervision of camp staff at any time.

The camp shall ensure that if there is a weather emergency or warning issued by the national weather service in the camp's geographic area, the children will be moved to a safe place.
structure guarded from the weather event.

(I) The camp shall ensure that all sharp tools used in the camp, including axes and knives, are locked unless in use by camp staff or otherwise under camp staff supervision.

**Sec. 5103.51.** A license issued under section 5103.50 of the Revised Code is valid for two years, unless earlier revoked by the director of *job children and family services youth*. The license may be renewed.

Each private, nonprofit therapeutic wilderness camp seeking license renewal shall submit to the director an application for license renewal on such form as the director prescribes.

**Sec. 5103.52.** (A) The director of *job children and family services youth* may inspect a private, nonprofit therapeutic wilderness camp at any time.

(B) The director may request access to the camp's records or to the written policies adopted by the camp pursuant to section 5103.50 of the Revised Code.

**Sec. 5103.53.** A private, nonprofit therapeutic wilderness camp shall not operate without a license issued under section 5103.50 of the Revised Code. If the director of *job children and family services youth* determines that a camp is operating without a license, the director may petition the court of common pleas in the county in which the camp is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the camp is operating without a license.

**Sec. 5103.54.** (A) The director of *job children and family services youth* shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the following:
(1) Policies and procedures for enforcing the minimum standards of operation for private, nonprofit therapeutic wilderness camps;

(2) Procedures the director shall follow if the director determines that conditions at a camp pose imminent risk to the life, health, or safety of one or more children at a camp.

(B) Rules adopted under this section shall be substantially similar, as determined by the director, to rules applicable to other residential care providers to children.

(C) The director may issue, deny, or revoke a license according to procedures set forth in rules adopted under this section or section 5103.50 of the Revised Code.

Sec. 5103.58. (A) Professional treatment staff employed by a public children services agency who are not subject to the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of sections 5153.112 and 5153.122 of the Revised Code.

(B)(1) Professional treatment staff employed by a private child placing agency or private noncustodial agency who are not subject to the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of:

(a) Section 5153.112 of the Revised Code; and

(b) Section 5153.122 of the Revised Code, except that, with respect to the training requirements during the first year of continuous employment, staff shall be required to have training only in the courses described in divisions (A), (B), (C), (G), (H), (J), and (L) of that section and only for the number of hours needed to complete those courses.

(2) Subject to divisions (B)(3) and (4) of this section, the training required under division (B)(1) of this section may be
offered by a private child placing agency, private noncustodial agency, or qualified nonprofit organization.

(3) Prior to the department of children and family services establishing a training program under section 5103.59 of the Revised Code, training that meets the requirements described in division (B)(1) of this section may be offered only upon approval by the department. The department shall approve or disapprove a program not later than sixty days after the program is submitted for approval.

(4) A private child placing agency, private noncustodial agency, or qualified nonprofit organization shall cease to provide a training program approved under division (B)(3) of this section once the department establishes a training program described in section 5103.59 of the Revised Code, after which all training shall be provided by the department only.

Sec. 5103.59. The department of children and family services shall work with private child placing agencies and private noncustodial agencies to establish a comprehensive, competency-based professional treatment staff training program for employees of private child placing agencies and private noncustodial agencies that meets the requirements of division (B)(1) of section 5103.58 of the Revised Code.

Sec. 5103.602. (A) A person seeking to operate a residential infant care center after the effective date of this section June 13, 2022, shall apply to the director of children and family services to obtain a certificate for the facility.

(B) A person who, on the effective date of this section June 13, 2022, is operating a children's crisis care facility that has as its primary purpose the provision of residential services for infants affected by substance use and the preservation of families
through infant diversion practices and programs shall be deemed a residential infant care center by the director if the center is in compliance with the requirements and rules described under division (B) of section 5103.603 of the Revised Code.

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

(A) Pursuant to division (A) of section 5103.602 of the Revised Code if the center complies with all of the requirements under sections 5103.608 to 5103.6012 of the Revised Code and, if applicable, all of the rules adopted under section 5103.6018 of the Revised Code;

(B)(1) Pursuant to division (B) of section 5103.602 of the Revised Code if the center is in compliance with all of the requirements under sections 5103.608 to 5103.6012 of the Revised Code and rules adopted under division (H) of section 5103.13 of the Revised Code, except the rules described in division (B) of section 5103.6011 of the Revised Code, on the effective date of this section June 13, 2022.

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

Sec. 5103.6010. A residential infant care center shall do the following:

(A) If using medication to treat infants, hold a terminal distributor of dangerous drugs license issued by the state board of pharmacy under section 4729.54 of the Revised Code.

(B) Comply, except as otherwise provided in this section and
section 5103.6011 of the Revised Code, with all requirements under rule 5101:2-9-02 of the Administrative Code;

(C) Develop a plan of safe care in accordance with the "Comprehensive Addiction and Recovery Act of 2016," Pub. L. No. 114-198, for an infant born substance exposed as follows:

(1) Assist with the health and substance use disorder treatment needs of the infant and affected family or caregiver;

(2) Develop and implement a program to monitor, support, and connect affected families or caregivers through the provision of and referral to appropriate services for the infant and affected family or caregiver.

(D) Develop and implement a program for parents and caregivers that, either individually or in a group setting, teaches parenting skills, bonding, and caring for the infant's special needs.

(E) Require both of the following:

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

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

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

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

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

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

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

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

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

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

(2) Provide the following for dyad care and rooming-in:

(a) A single bed and all necessary bed sheets, pillow cases, pillows, and blankets;

(b) All meals and snacks, which shall be provided in a designated family kitchen area if the center has such an area;

(c) A minimum of one private shower and toilet for the use of the parents or caregivers who are rooming-in.

(3) Notify the parent or caregiver that the center's rules and policies shall be followed or rooming-in may be restricted or canceled.

(J) Have one bathing room for every six infants that includes a minimum of one hip level bathtub with hot and cold water, one changing station, and a door with a full-length glass window for safety and observation;

(K) Meet the child-to-staff ratio of at least one awake child-care staff on duty at all times for every five infants;
(L) Use cribs and other infant sleep products that meet the United States consumer product safety commission's safety standards for safe sleep;

(M) Follow the department of health's children and youth's safe sleep education program recommendations established under section 3701.66 5180.16 of the Revised Code.

Sec. 5103.6011. (A) A residential infant care center shall not be required to do the following:

(1) Provide toilets or potty chairs for infants.

(2) Comply with the following rules:

(a) Paragraph (E) of rule 5101:2-5-09 of the Administrative Code.

(b) Paragraphs (N) and (P) to (R) of rule 5101:2-9-03 of the Administrative Code.

(c) Rule 5101:2-9-19 of the Administrative Code.

(d) Paragraphs (A) to (H) of rule 5101:2-9-20 of the Administrative Code.


(f) Paragraphs (D) to (F) of rule 5101:2-9-26 of the Administrative Code.

(g) Paragraphs (B), (D), (F), (G), (J), (K), (M) to (Q), and (S) of rule 5101:2-9-28 of the Administrative Code.


(3) Require registered nurses and licensed professional nurses employed by the center to comply with the requirements under paragraph (M)(3) of rule 5101:2-9-02 and paragraphs (J) to
(L) of rule 5101:2-9-03 of the Administrative Code.

(B) The provisions of this section do not apply on and after the date the department of job children and family services youth adopts rules regarding certification under section 5103.6018 of the Revised Code.


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

Sec. 5103.6018. The director of job children and family services youth shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of residential infant care centers.

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

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

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

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

Sec. 5103.617. Not later than ninety days after the effective date of this section June 13, 2022, the director of job children and family services youth shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of family preservation centers.

Sec. 5104.01. As used in this chapter:

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.
(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following:

1. Communicate on the owner's behalf;

2. Submit on the owner's behalf applications for licensure or approval;

3. Enter into on the owner's behalf provider agreements for publicly funded child care.

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act.

(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following:

1. Uses a framework approved by the director of job children and family services youth to document formal education, training, experience, and specialized credentials and certifications;

2. Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.
(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the Revised Code.

(H) "Child" includes an infant, toddler, preschool-age child, or school-age child.


(J) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than twelve hours per day and no more than fifteen weeks during the summer. For purposes of this division, the maximum twelve hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.

(K) "Child care" means all of the following:

(1) Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours;

(2) By persons other than their parents, guardians, or custodians;

(3) For part of the twenty-four-hour day;

(4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home;

(5) By a provider required by this chapter to be licensed or approved by the department of job children and family services, youth, certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.
(L) "Child day-care center" and "center" mean any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven or more children at one time. "Child day-care center" and "center" do not include any of the following:

(1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;

(2) A child day camp;

(3) A place that provides care, if all of the following apply:

(a) An organized religious body provides the care;

(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;

(c) The care is not provided for more than thirty days a year;

(d) The care is provided only for preschool-age and school-age children.

(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.

(N) "Child care resource and referral services" means all of
the following services:

(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;

(2) Provision of individualized consumer education to families seeking child care;

(3) Provision of timely referrals of available child care providers to families seeking child care;

(4) Recruitment of child care providers;

(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;

(6) Collection and analysis of data on the supply of and demand for child care in the community;

(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;

(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;

(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;

(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job children and family services youth;

(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative
child care centers and parent cooperative type A family day-care homes.

(O) "Child-care staff member" means an employee of a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care staff member when not involved in other duties.

(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.

(Q) "Employee" means a person who either:

1. Receives compensation for duties performed in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp;

2. Is assigned specific working hours or duties in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp.

(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp subject to licensure or approval under this chapter.

(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(T) "Head start program" means a school-readiness program
that satisfies all of the following:

(1) Is for children from birth to age five who are from low-income families;

(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;

(3) Is licensed as a child care program.

(U) "Homeless child care" means child care provided to a child who satisfies any of the following:

(1) Is homeless as defined in 42 U.S.C. 11302;

(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;

(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.

(V) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

(W) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements.

(X) "Infant" means a child who is less than eighteen months of age.

(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to
section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and licensed type B family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.

(AA) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center, type A family day-care home, or licensed type B family day-care home at one time as determined by the director of children and family services considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies.

(BB) "Licensed child care program" means any of the following:

1. A child day-care center licensed by the department of children and family services pursuant to this chapter;

2. A type A family day-care home or type B family day-care home licensed by the department of children and family services pursuant to this chapter;

3. A licensed preschool program or licensed school child program.

(CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education children and youth pursuant to...
sections 3301.52 to 3301.59 of the Revised Code.

(DD) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of children and family services pursuant to section 5104.03 of the Revised Code.

(EE) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter.

(FF) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.

(GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.

(HH) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation.

(II) "Part-time child day-care center," "part-time center," "part-time type A family day-care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for not more than four hours a day for
any child or not more than fifteen consecutive weeks per year, regardless of the number of hours per day.

(JJ) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

(KK) "Preschool-age child" means a child who is three years old or older but is not a school-age child.

(LL) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom all of the following apply:

1. A case plan has been prepared and maintained for the child pursuant to section 2151.412 of the Revised Code.

2. The case plan indicates a need for protective care.

3. The child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code.

(MM) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of job, children and family services youth.

(NN) "Religious activities" means any of the following: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted during or prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or
programs; meals; festivals; or meetings conducted by an organized religious group.

(00) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.

(PP) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.

(QQ) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.


(TT) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

(UU) "Type A family day-care home" and "type A home" mean the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age.
age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" and "type A home" do not include any child day camp.

(VV) "Type B family day-care home" and "type B home" mean a permanent residence of the provider in which care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp.

Sec. 5104.013. (A) As used in this section:

(1) "Applicant" means either of the following:

(a) A person who is under final consideration for appointment to or employment in a position with a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or child day camp;

(b) A person who would serve in any position with a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or child day camp pursuant to a contract with another entity.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(B)(1) At the times specified in division (B)(2)(a) of this section, the director of the Ohio Children and Family Services youth...
shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check for each of the following persons:

(a) Any owner or licensee of a child day-care center;

(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home;

(c) Any owner of an approved child day camp;

(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care;

(e) Any in-home aide;

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.

(2)(a) The director shall request a criminal records check at the following times:

(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter;

(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;

(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter;
(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;

(v) Except as provided in division (B)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter;

(vi) In the case of an applicant who has been determined eligible for employment after a review of a criminal records check within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination.

(b) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(c) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.
(3) With respect to a criminal records check requested for a person described in division (B)(1) of this section, the director of children and family services youth shall do all of the following:

   (a) Provide to the person a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section;

   (b) Obtain the completed form and impression sheet from the person;

   (c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation;

   (d) Review the results of the criminal records check.

(4) A person who receives from the director a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director of children and youth or a county director of job and family services may consider the failure a reason to deny licensure, approval, or certification or to determine an employee ineligible for employment.

(5) Except as provided in rules adopted under division (F) of this section:

   (a) The director of children and family services youth shall refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school

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child program, and shall revoke a license or approval, and a county director of job and family services shall not certify an in-home aide and shall revoke a certification, if a person for whom a criminal records check was required under division (B)(1)(a) to (B)(1)(e) of this section has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.

(b) The director of job children and family services youth shall not issue a license to a type A home or type B home if a resident of the type A home or type B home is under eighteen years of age and has been adjudicated a delinquent child for committing either a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code or an offense of another state or the United States that is substantially equivalent to an offense listed in division (A)(5) of section 109.572 of the Revised Code.

(c) The director shall determine an applicant or employee ineligible for employment if the person has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.

(6) Each child day-care center, type A home, type B home, approved child day camp, licensed child care program, licensed school child program, and in-home aide shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (B) of this section.

A center, home, camp, preschool program, or school child program may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount the
center, home, camp, or program pays under this section. If a fee is charged, the center, home, camp, or program shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the center, home, camp, or program will not consider the applicant for employment.

(7) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (B) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The report shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job children and family services youth, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the criminal records check.

(C)(1) At the times specified in division (C)(2) of this section, the director of job children and family services youth shall search the uniform statewide automated child welfare information system for information concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code of which any of the following persons is a subject:

(a) Any owner or licensee of a child day-care center;

(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home;

(c) Any owner of an approved child day camp;

(d) Any director of a licensed preschool program or licensed
school child program that provides publicly funded child care;  

(e) Any in-home aide;  

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.  

(2) The director shall search the information system at the following times:  

(i) (a) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter;  

(ii) (b) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;  

(iii) (c) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter;  

(iv) (d) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;  

(v) (e) Except as provided in division (C)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter;  

(vi) (f) In the case of an applicant who has been determined eligible for employment after a search of the uniform statewide
automated child welfare information system within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination.

(3) The director shall consider any information discovered pursuant to division (C)(1) of this section or that is provided by a public children services agency pursuant to section 5153.175 of the Revised Code. If the director determines that the information, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the person may directly or indirectly endanger the health, safety, or welfare of children, the director of children and youth or county director of job and family services shall do any of the following:

(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program;

(b) Revoke a license or approval;

(c) Refuse to certify an in-home aide or revoke a certification;

(d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program.

(4) Any information obtained under division (C) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the search or the person's representative, the director of job children and family services youth, the director of a
county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search.

(D)(1) At the times specified in division (D)(2) of this section, the director of job children and family services youth shall inspect the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 to determine if any of the following persons is registered or required to be registered as an offender:

(a) Any owner or licensee of a child day-care center;

(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home;

(c) Any owner of an approved child day camp;

(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care;

(e) Any in-home aide;

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.

(2) The director shall inspect each registry at the following times:

(a) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years
thereafter;

(b) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;

c) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care;

d) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;

e) Except as provided in division (D)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter;

(f) In the case of an applicant who has been determined eligible for employment after an inspection of the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination.

(3) If the director determines that the person is registered or required to be registered on either registry, the director of children and youth or county director of job and family services shall do any of the following:

(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school
child program;

(b) Revoke a license or approval;

c) Refuse to certify an in-home aide or revoke a certification;

d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program.

(4) Any information obtained under division (D) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the inspection or the person's representative, the director of job children and family services youth, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search.

(E) Whenever the director of job children and family services youth determines a person ineligible for employment under division (B), (C), or (D) of this section, the director shall as soon as practicable notify the following of that determination: the licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp that is considering the person for appointment or employment. A licensed preschool program or licensed school child program that provides publicly funded child care, child day-center, type A family day-care home, licensed type B family day-care home, or approved child day camp shall not employ a person who is determined under this section to be ineligible for employment.
(F)(1) An administrator of a child day camp, other than an approved child day camp shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check for any applicant or employee, including an administrator, of the child day camp. The request shall be made at the time of initial application for employment and every five years thereafter.

(2) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(3) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(4) With respect to a criminal records check requested under division (F) of this section, the administrator shall do all of the following:

(a) Provide to the applicant or employee a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section;
(b) Obtain the completed form and impression sheet from the applicant or employee;

(c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation;

(d) Review the results of the criminal records check.

(5) An applicant or employee who receives from the administrator a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the applicant or employee, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the administrator may consider the failure a reason to determine an applicant or employee ineligible for employment.

(6) A child day camp, other than an approved child day camp, may employ an applicant or continue to employ an employee until the criminal records check required by this section is completed and the camp receives the results of the check. Until the administrator has reviewed the results of the criminal records check and determines that the applicant or employee is eligible for employment, the camp shall not grant the applicant or employee sole responsibility for the care, custody, or control of a child. If the results indicate that the applicant or employee is ineligible for employment, the camp shall immediately release the applicant or employee from employment.

(7) Except as provided in rules adopted under this section, the administrator shall determine an applicant or employee ineligible for employment if the person has been convicted of or
pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code. If the applicant or employee is determined ineligible, the child day camp shall not employ the applicant or employee or contract with another entity for the services of the applicant or employee.

(8) Each child day camp shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (F) of this section. A camp may charge an applicant or employee a fee for the costs it incurs in obtaining a criminal records check under division (F) of this section. A fee charged under this division shall not exceed the fees the camp pays under this section. If a fee is charged, the camp shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the camp will not consider the applicant for employment.

(9) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (F) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The report shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job children and family services youth, the administrator, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of registration related to the criminal records check.

(G) The director of job children and family services youth shall adopt rules as necessary to implement this section. The
rules shall be adopted in accordance with Chapter 119. of the Revised Code. The rules shall specify exceptions to the prohibitions in divisions (B), (E), and (F) of this section for a person who has been convicted of or pleaded guilty to a criminal offense listed in division (A)(5) of section 109.572 of the Revised Code but who meets standards in regard to rehabilitation set by the director.

(H)(1) Whenever the director of children and family services youth requests a criminal records check, searches the uniform statewide automated child welfare information system, or inspects the state registry of sex offenders and child-victim offenders and national sex offender registry as required by this section and finds that a person who is subject to the requirements of division (B), (C), or (D) of this section resided in another state during the previous five years, the director shall request the following from the other state: a criminal records check and information from the uniform statewide automated child welfare information system or state registry of sex offenders.

(2) Whenever the director receives from an agency of another state a request for a criminal records check or for information from the uniform statewide automated child welfare information system or state registry of sex offenders that is related to a child care license or the provision of publicly funded child care, the director shall provide to that other state's agency the results of the records check and information from the system and registry.

Sec. 5104.015. The director of children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code governing the operation of child day-care centers, including parent cooperative centers, part-time centers, and drop-in centers. The rules shall reflect the various forms of
child care and the needs of children receiving child care or
publicly funded child care and shall include specific rules for
school-age child care centers that are developed in consultation
with the department of education. The rules shall include the
following:

(A) Submission of a site plan and descriptive plan of
operation to demonstrate how the center proposes to meet the
requirements of this chapter and rules adopted pursuant to this
chapter for the initial license application;

(B) Standards for ensuring that the physical surroundings of
the center are safe and sanitary including the physical
environment, the physical plant, and the equipment of the center;

(C) Standards for the supervision, care, and discipline of
children receiving child care or publicly funded child care in the
center;

(D) Standards for a program of activities, and for play
equipment, materials, and supplies, to enhance the development of
each child; however, any educational curricula, philosophies, and
methodologies that are developmentally appropriate and that
enhance the social, emotional, intellectual, and physical
development of each child shall be permissible. As used in this
division, "program" does not include instruction in religious or
moral doctrines, beliefs, or values that is conducted at child
day-care centers owned and operated by churches and does include
methods of disciplining children at child day-care centers.

(E) Admissions policies and procedures;

(F) Health care policies and procedures, including procedures
for the isolation of children with communicable diseases;

(G) First aid and emergency procedures;

(H) Procedures for discipline and supervision of children;
(I) Standards for the provision of nutritious meals and
snacks;

(J) Procedures for screening children that may include any
necessary physical examinations and shall include immunizations in
accordance with section 5104.014 of the Revised Code;

(K) Procedures for screening employees that may include any
necessary physical examinations and immunizations;

(L) Methods for encouraging parental participation in the
center and methods for ensuring that the rights of children,
parents, and employees are protected and that responsibilities of
parents and employees are met;

(M) Procedures for ensuring the safety and adequate
supervision of children traveling off the premises of the center
while under the care of a center employee;

(N) Procedures for record keeping, organization, and
administration;

(O) Procedures for issuing, denying, and revoking a license
that are not otherwise provided for in Chapter 119. of the Revised
Code;

(P) Inspection procedures;

(Q) Procedures and standards for setting initial license
application fees;

(R) Procedures for receiving, recording, and responding to
complaints about centers;

(S) Procedures for enforcing section 5104.04 of the Revised
Code;

(T) Minimum qualifications for employment as an administrator
or child-care staff member;

(U) Requirements for the training of administrators and
child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;

(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;

(W) A procedure for reporting of injuries of children that occur at the center;

(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;

(Y) Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;

(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.

**Sec. 5104.016.** The director of job children and family services youth, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include the requirements set forth in sections 5104.032 to 5104.034 of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of section 5104.032 of the Revised Code or the maximum number of children per child-care staff member and maximum group size requirements of section 5104.033 of the Revised Code. However, the rules shall provide procedures for determining compliance with those requirements.

**Sec. 5104.017.** The director of job children and family
services youth shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including parent cooperative type A homes, part-time type A homes, and drop-in type A homes. The rules shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:

(A) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;

(B) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including the physical environment, the physical plant, and the equipment of the type A home;

(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;

(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

(E) Admissions policies and procedures;

(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;

(G) First aid and emergency procedures;

(H) Procedures for discipline and supervision of children;

(I) Standards for the provision of nutritious meals and snacks;
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;

(K) Procedures for screening employees, including any necessary physical examinations and immunizations;

(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;

(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;

(N) Procedures for record keeping, organization, and administration;

(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119 of the Revised Code;

(P) Inspection procedures;

(Q) Procedures and standards for setting initial license application fees;

(R) Procedures for receiving, recording, and responding to complaints about type A homes;

(S) Procedures for enforcing section 5104.04 of the Revised Code;

(T) A standard requiring the inclusion of a current department of job children and family services youth toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;

(U) Requirements for the training of administrators and
child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;

(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;

(W) Standards for the maximum number of children per child-care staff member;

(X) Requirements for the amount of usable indoor floor space for each child;

(Y) Requirements for safe outdoor play space;

(Z) Qualifications and training requirements for administrators and for child-care staff members;

(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;

(BB) Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;

(CC) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.

Sec. 5104.018. The director of job children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following:
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;

(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;

(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;

(D) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

(E) Admission policies and procedures;

(F) Health care, first aid and emergency procedures;

(G) Procedures for the care of sick children;

(H) Procedures for discipline and supervision of children;

(I) Nutritional standards;

(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;

(K) Procedures for screening administrators and employees, including any necessary physical examinations and immunizations;

(L) Methods of encouraging parental participation and ensuring that the rights of children, parents, and administrators are protected and the responsibilities of parents and administrators are met;
(M) Standards for the safe transport of children when under
the care of administrators;

(N) Procedures for issuing, denying, or revoking licenses;

(O) Procedures for the inspection of type B homes that
require, at a minimum, that each type B home be inspected prior to
licensure to ensure that the home is safe and sanitary;

(P) Procedures for record keeping and evaluation;

(Q) Procedures for receiving, recording, and responding to
complaints;

(R) Standards providing for the needs of children who have
disabilities or who receive treatment for health conditions while
the child is receiving child care or publicly funded child care in
the type B home;

(S) Requirements for the amount of usable indoor floor space
for each child;

(T) Requirements for safe outdoor play space;

(U) Qualification and training requirements for
administrators;

(V) Procedures for granting a parent who is the residential
parent and legal custodian, or a custodian or guardian access to
the type B home during its hours of operation;

(W) Requirements for the type B home to notify parents with
children in the type B home that the type B home is certified as a
foster home under section 5103.03 of the Revised Code;

(X) Minimum requirements for instructional time for type B
homes rated through the step up to quality program established
pursuant to section 5104.29 of the Revised Code;

(Y) Any other procedures and standards necessary to carry out
the provisions of this chapter regarding licensure of type B
Sec. 5104.019. The director of children and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the certification of in-home aides. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child care in their own home and shall include the following:

(A) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including physical environment, physical plant, and equipment;

(B) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home;

(C) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

(D) Health care, first aid, and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and in-home aides, including any necessary physical examinations and immunizations;

(E) Methods of encouraging parental participation and ensuring that the rights of children, parents, and in-home aides are protected and the responsibilities of parents and in-home aides are met;

(F) Standards for the safe transport of children when under the care of in-home aides;

(G) Procedures for issuing, renewing, denying, refusing to
renew, or revoking certificates;

(H) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;

(I) Procedures for record keeping and evaluation;

(J) Procedures for receiving, recording, and responding to complaints;

(K) Qualifications and training requirements for in-home aides;

(L) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child care in the child's own home;

(M) Any other procedures and standards necessary to carry out the provisions of this chapter regarding certification of in-home aides.

Sec. 5104.0111. (A) The director of children and family services youth shall do all of the following:

(1) Provide or make available in either paper or electronic form to each licensee notice of proposed rules governing the licensure of child day-care centers, type A homes, and type B homes;

(2) Give public notice of hearings regarding the proposed rules at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;

(3) At least thirty days before the effective date of a rule, provide, in either paper or electronic form, a copy of the adopted rule to each licensee;

(4) Send to each county director of job and family services a notice of proposed rules governing the certification of in-home aides.
aides that includes an internet web site address where the proposed rules can be viewed;

(5) Provide to each county director of job and family services an electronic copy of each adopted rule at least forty-five days prior to the rule's effective date;

(6) Review all rules adopted pursuant to this chapter at least once every seven years.

(B) The county director of job and family services shall provide or make available in either paper or electronic form to each in-home aide copies of proposed rules and shall give public notice of hearings regarding the rules to each in-home aide at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. At least thirty days before the effective date of a rule, the county director of job and family services shall provide, in either paper or electronic form, copies of the adopted rule to each in-home aide.

(C) Additional copies of proposed and adopted rules shall be made available by the director of job children and family services youth to the public on request at no charge.

(D) The director of job children and family services youth may adopt rules in accordance with Chapter 119. of the Revised Code for imposing sanctions on persons and entities that are licensed or certified under this chapter. Sanctions may be imposed only for an action or omission that constitutes a serious risk noncompliance. The sanctions imposed shall be based on the scope and severity of the violations.

The director shall make a dispute resolution process available for the implementation of sanctions. The process may include an opportunity for appeal pursuant to Chapter 119. of the Revised Code.
(E) The director of children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code that establish standards for the training of individuals who inspect or investigate type B family day-care homes pursuant to section 5104.03 of the Revised Code. The department shall provide training in accordance with those standards for individuals in the categories described in this division.

**Sec. 5104.0112.** Notwithstanding any provision of the Revised Code, the director of children and family services youth shall not regulate in any way under this chapter or rules adopted pursuant to this chapter, instruction in religious or moral doctrines, beliefs, or values.

**Sec. 5104.02.** (A) The director of children and family services youth is responsible for licensing child day-care centers, type A family day-care homes, and type B family day-care homes. Each entity operating a head start program shall meet the criteria for, and be licensed as, a child day-care center. The director is responsible for the enforcement of this chapter and of rules promulgated pursuant to this chapter.

No person, firm, organization, institution, or agency shall operate, establish, manage, conduct, or maintain a child day-care center or type A family day-care home without a license issued under section 5104.03 of the Revised Code. The current license shall be posted in the center or home in a conspicuous place that is accessible to parents, custodians, or guardians and employees of the center or home at all times when the center or home is in operation.

(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the requirements of this chapter:
(1) A program caring for children that operates for two consecutive weeks or less and not more than six weeks total in each calendar year;

(2) Caring for children in places of worship during religious activities while at least one parent, guardian, or custodian of each child is participating in such activities and is readily available;

(3) Supervised training, instruction, or activities of children in specific areas, including, but not limited to: art; drama; dance; music; athletic skills or sports; computers; or an educational subject conducted on an organized or periodic basis that a child does not attend for more than eight total hours per week;

(4) Programs in which the director determines that at least one parent, custodian, or guardian of each child who is not an employee of the facility engaged in employment duties is on the premises of the facility that offers care and is readily accessible at all times;

(5) Programs that provide care and are regulated by state departments other than the department of children and family services youth or the state board of education.

(6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education children and youth under sections 3301.52 to 3301.59 of the Revised Code.

(7) Any program providing care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only:

(a) The nonpublic school has given the notice to the state board and the director of children and family services youth.
required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five;

(c) The program is conducted in a school building;

(d) The program is operated in accordance with rules promulgated by the state board department of children and youth under section 3301.53 of the Revised Code.

(8) A youth development program operated outside of school hours to which all of the following apply:

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

(b) The program provides informal care, which is care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.

(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

(d) The entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3).

(9) A preschool program operated by a nonchartered, nontax-supported school if the preschool program meets all of the following conditions:

(a) The program complies with state and local health, fire, and safety laws.

(b) The program annually certifies in a report to the parents of its pupils that the school is in compliance with division (B)(9)(a) of this section and files a copy of the report with the
department of job children and family services youth on or before the thirtieth day of September of each year.

(c) The program complies with all applicable reporting requirements in the same manner as required by the state board of education for nonchartered, nonpublic primary and secondary schools.

(d) The program is associated with a nonchartered, nontax-supported primary or secondary school.

(10) A program that provides activities for children who are five years of age or older and is operated by a county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.

Sec. 5104.021. The director of job children and family services youth may issue a child day-care center or type A family day-care home license to a youth development program that is exempted by division (B)(8) of section 5104.02 of the Revised Code from the requirements of this chapter if the youth development program applies for and meets all of the requirements for the license.

Sec. 5104.022. In no case shall the director of job children and family services youth issue a license to operate a type A family day-care home if the type A home is certified as a foster home or specialized foster home pursuant to Chapter 5103. of the Revised Code. In no case shall the director issue a license to operate a type B family day-care home if the type B home is certified as a specialized foster home pursuant to Chapter 5103. of the Revised Code.
Sec. 5104.03. (A) As used in this section, "owner" has the same meaning as in section 5104.01 of the Revised Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner.

(B) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of job children and family services youth on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form.

Fees shall be set by the director pursuant to sections 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be paid at the time of application for a license to operate a center, type A home, or type B home. Fees collected under this section shall be paid into the state treasury to the credit of the general revenue fund.

(C)(1) Upon filing of the application for a license, the director shall investigate and inspect the center, type A home, or type B home to determine the license capacity for each age category of children of the center, type A home, or type B home and to determine whether the center, type A home, or type B home complies with this chapter and rules adopted pursuant to this chapter. When, after investigation and inspection, the director is satisfied that this chapter and rules adopted pursuant to it are complied with, subject to division (G) of this section, a license shall be issued as soon as practicable in such form and manner as prescribed by the director. The license shall be designated as
provisional and shall be valid for at least twelve months from the date of issuance and until the continuous license is issued or until the provisional license is revoked or suspended pursuant to section 5104.042 of the Revised Code.

(2) The director may contract with a government entity or a private nonprofit entity for the entity to inspect type A or type B family day-care homes pursuant to this section. If the director contracts with a government entity or private nonprofit entity for that purpose, the entity may contract with another government entity or private nonprofit entity for the other entity to inspect type A or type B homes pursuant to this section. The director, government entity, or private nonprofit entity shall conduct an inspection prior to the issuance of a license for a type A or type B home and, as part of that inspection, ensure that the home is safe and sanitary.

(D) The director shall investigate and inspect the center, type A home, or type B home at least once during operation under a license designated as provisional. If after the investigation and inspection the director determines that the requirements of this chapter and rules adopted pursuant to this chapter are met, subject to division (G) of this section, the director shall issue a continuous license to the center or home.

(E) Each license shall state the name of the licensee, the name of the administrator, the address of the center, type A home, or licensed type B home, and the license capacity for each age category of children. The license shall include thereon, in accordance with sections 5104.015, 5104.017, and 5104.018 of the Revised Code, the toll-free telephone number to be used by persons suspecting that the center, type A home, or licensed type B home has violated a provision of this chapter or rules adopted pursuant to this chapter. A license is valid only for the licensee, administrator, address, and license capacity for each age category.
of children designated on the license. The license capacity specified on the license is the maximum number of children in each age category that may be cared for in the center, type A home, or licensed type B home at one time.

A center or home licensee shall notify the director in writing when the administrator, address, or license capacity of the center or home changes. The director shall amend the current license to reflect a change in any of the following:

(1) An administrator, if the administrator meets the requirements of this chapter and rules adopted pursuant to this chapter;

(2) Address, if the new address meets the requirements of this chapter and rules adopted pursuant to this chapter;

(3) License capacity for any age category of children as determined by the director of child and family services.

(F) If the director revokes the license of a center, a type A home, or a type B home, the director shall not issue another license to the owner of the center, type A home, or type B home until five years have elapsed from the date the license is revoked.

If the director denies an application for a license, the director shall not consider another application from the applicant until five years have elapsed from the date the application is denied.

(G)(1) Except as provided in division (G)(2) of this section, all actions of the director with respect to licensing centers, type A homes, or type B homes, refusal to license, and revocation of a license shall be in accordance with Chapter 119. of the Revised Code. Except as provided in division (G)(2) of this section, any applicant who is denied a license or any owner whose
license is revoked may appeal in accordance with section 119.12 of the Revised Code.

(2) The following actions by the director are not subject to Chapter 119. of the Revised Code:

(a) The director ceases its review of an application because the owner of a center, type A home, or type B home sought a license before five years had elapsed from the date the previous license was revoked and the director does not issue the license.

(b) The director ceases its review of an application because the applicant applied for licensure before five years had elapsed from the date the previous application was denied and the director does not issue the license.

(c) The director closes a license because the director has determined that the center, type A home, or type B home is no longer operating at the address stated on the license and did not notify the director of the address change as described in division (E) of this section.

(H) In no case shall the director issue a license under this section for a center, type A home, or type B home if the director, based on documentation provided by the appropriate county department of job and family services, determines that the applicant had been certified as an in-home aide, that the county department revoked that certification within the immediately preceding five years, that the revocation was based on the applicant's refusal or inability to comply with the criteria for certification, and that the refusal or inability resulted in a risk to the health or safety of children.

(I) An owner of a type B family day-care home that receives a license pursuant to this section is an independent contractor and is not an employee of the department of job children and family services youth.
Sec. 5104.034. Each child day-care center shall have on the center premises and readily available at all times at least one child-care staff member who has completed a course in first aid, one staff member who has completed a course in prevention, recognition, and management of communicable diseases which is approved by the state department of health, and a staff member who has completed a course in child abuse recognition and prevention training which is approved by the department of job children and family services youth.

Sec. 5104.038. The administrator of each child day-care center shall maintain enrollment, health, and attendance records for all children attending the center and health and employment records for all center employees. The records shall be confidential, except that they shall be disclosed by the administrator to the director of children and youth upon request for the purpose of administering and enforcing this chapter and rules adopted pursuant to this chapter. Neither the center nor the licensee, administrator, or employees of the center shall be civilly or criminally liable in damages or otherwise for records disclosed to the director by the administrator pursuant to this division. It shall be a defense to any civil or criminal charge based upon records disclosed by the administrator to the director that the records were disclosed pursuant to this division.

Sec. 5104.04. (A) The department of job children and family services youth shall establish procedures to be followed in investigating, inspecting, and licensing child day-care centers, type A family day-care homes, and licensed type B family day-care homes.

(B)(1)(a) The department shall, at least once during every twelve-month period of operation of a center, type A home, or
licensed type B home, inspect the center, type A home, or licensed type B home. The department shall inspect a part-time center or part-time type A home at least once during every twelve-month period of operation. The department shall provide a written inspection report to the licensee within a reasonable time after each inspection.

Inspections may be unannounced. No person, firm, organization, institution, or agency shall interfere with the inspection of a center, type A home, or licensed type B home by any state or local official engaged in performing duties required of the state or local official by this chapter or rules adopted pursuant to this chapter, including inspecting the center, type A home, or licensed type B home, reviewing records, or interviewing licensees, employees, children, or parents.

(b) Upon receipt of any complaint that a center, type A home or licensed type B home is out of compliance with the requirements of this chapter or rules adopted pursuant to this chapter, the department shall investigate the center or home, and both of the following apply:

(i) If the complaint alleges that a child suffered physical harm while receiving child care at the center or home or that the noncompliance alleged in the complaint involved, resulted in, or poses a substantial risk of physical harm to a child receiving child care at the center or home, the department shall inspect the center or home.

(ii) If division (B)(1)(b)(i) of this section does not apply regarding the complaint, the department may inspect the center or home.

(c) Division (B)(1)(b) of this section does not limit, restrict, or negate any duty of the department to inspect a center, type A home, or licensed type B home that otherwise is
imposed under this section, or any authority of the department to inspect a center, type A home, or licensed type B home that otherwise is granted under this section.

(2) If the department implements an instrument-based program monitoring information system, it may use an indicator checklist to comply with division (B)(1) of this section.

(C) The department may deny an application or revoke a license of a center, type A home, or licensed type B home, if the applicant knowingly submits falsified information to the department or if the center or home does not comply with the requirements of this chapter or rules adopted pursuant to this chapter.

(D) If the department finds, after notice and hearing pursuant to Chapter 119. of the Revised Code, that any applicant, person, firm, organization, institution, or agency applying for licensure or licensed under section 5104.03 of the Revised Code is in violation of any provision of this chapter or rules adopted pursuant to this chapter, the department may issue an order of denial to the applicant or an order of revocation to the center, type A home, or licensed type B home revoking the license previously issued by the department. Upon the issuance of such an order, the person whose application is denied or whose license is revoked may appeal in accordance with section 119.12 of the Revised Code.

(E) The surrender of a center, type A home, or licensed type B home license to the department or the withdrawal of an application for licensure by the owner or administrator of the center, type A home, or licensed type B home shall not prohibit the department from instituting any of the actions set forth in this section.

(F) Whenever the department receives a complaint, is advised,
or otherwise has any reason to believe that a center or type A home is providing child care without a license issued pursuant to section 5104.03 and is not exempt from licensing pursuant to section 5104.02 of the Revised Code, the department shall investigate the center or type A home and may inspect the areas children have access to or areas necessary for the care of children in the center or type A home during suspected hours of operation to determine whether the center or type A home is subject to the requirements of this chapter or rules adopted pursuant to this chapter.

(G) The department, upon determining that the center or type A home is operating without a license, shall notify the attorney general, the prosecuting attorney of the county in which the center or type A home is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the center or type A home is located, that the center or type A home is operating without a license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center or type A home is located requesting that the court grant an order enjoining the owner from operating the center or type A home in violation of section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

(H) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the
Sec. 5104.041. (A) All type A family day-care homes and licensed type B family day-care homes shall procure and maintain one of the following:

(1) Liability insurance issued by an insurer authorized to do business in this state under Chapter 3905. of the Revised Code insuring the type A or type B family day-care home against liability arising out of, or in connection with, the operation of the family day-care home. The insurance procured shall cover any cause for which the type A or type B family day-care home would be liable, in the amount of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate.

(2) A written statement signed by the parent, guardian, or custodian of each child receiving child care from the type A or type B family day-care home that states all of the following:

(a) The family day-care home does not carry liability insurance described in division (A)(1) of this section;

(b) If the licensee of a type A family day-care home or a type B family day-care home is not the owner of the real property where the family day-care home is located, the liability insurance, if any, of the owner of the real property may not provide for coverage of any liability arising out of, or in connection with, the operation of the family day-care home.

(B) If the licensee of a type A family day-care home or a type B family day-care home is not the owner of the real property where the family day-care home is located and the family day-care home procures liability insurance described in division (A)(1) of this section, that licensee shall name the owner of the real
property as an additional insured party on the liability insurance policy if all of the following apply:

1. The owner of the real property requests the licensee or provider, in writing, to add the owner of the real property to the liability insurance policy as an additional insured party.

2. The addition of the owner of the real property does not result in cancellation or nonrenewal of the insurance policy procured by the type A or type B family day-care home.

3. The owner of the real property pays any additional premium assessed for coverage of the owner of the real property.

(C) Proof of insurance or written statement required under division (A) of this section shall be maintained at the type A or type B family day-care home and made available for review during inspection or investigation as required under this chapter.

(D) The director of children and family services youth shall adopt rules for the enforcement of this section.

Sec. 5104.042. (A) The department of children and family services youth may suspend, without a prior hearing, the license of a child day-care center, type A family day-care home, or licensed type B family day-care home if any of the following occur:

1. A child dies or suffers a serious injury while receiving child care in the center, type A home, or licensed type B home.

2. A public children services agency receives a report pursuant to section 2151.421 of the Revised Code, and the person alleged to have inflicted abuse or neglect on the child who is the subject of the report is any of the following:

   a. The owner, licensee, or administrator of the center, type A home, or licensed type B home;
(b) An employee of the center, type A home, or licensed type B home who has not immediately been placed on administrative leave or released from employment;

(c) Any person who resides in the type A home or licensed type B home.

(3) An owner, licensee, administrator, or employee of the center, type A home, or licensed type B home, or a resident of the type A home or licensed type B home is charged by an indictment, information, or complaint with an offense relating to the abuse or neglect of a child.

(4) The department or a county department of job and family services determines that the center, type A home, or licensed type B home created a serious risk to the health or safety of a child receiving child care in the center, type A home, or licensed type B home that resulted in or could have resulted in a child's death or injury.

(5) The department determines that the owner or licensee of the center, type A home, or licensed type B home does not meet the requirements of section 5104.013 of the Revised Code.

(B) The department shall issue a written order of suspension and furnish a copy to the licensee either by certified mail or in person as described in section 119.07 of the Revised Code. The licensee may request an adjudicatory hearing before the department pursuant to sections 119.06 to 119.12 of the Revised Code.

(C) Any summary suspension imposed under this section shall remain in effect until any of the following occurs:

(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.
(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension.

(D) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension.

(E) The director of child care and family services youth may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses.

(F) This section does not limit the authority of the department to revoke a license pursuant to section 5104.04 of the Revised Code.

Sec. 5104.043. (A) If the department of child care and family services youth determines that an act or omission of a child day-care center, type A family day-care home, or licensed type B family day-care home constitutes a serious risk noncompliance, the licensee shall notify the caretaker parent of each child receiving care in the center or home of the department's determination.

(B) With respect to the notice required by division (A) of this section, all of the following apply:

(1) The licensee shall notify caretaker parents not later than fifteen business days after the department informs the licensee of the department's determination. If the licensee requests a review of the department's determination, the licensee...
shall notify caretaker parents not later than five business days after the department has completed its review.

(2) The notice shall include a statement informing each caretaker parent of the web site maintained by the department and the location of further information regarding the determination.

(3) The licensee may provide written or electronic notice to caretaker parents.

(4) The licensee shall provide a copy of the notice to the department.

(C) The director of children and family services youth shall adopt rules to enforce this section.

(D) The requirements of this section do not apply if the department suspends the license of a child day-care center, type A family day-care home, or licensed type B family day-care home pursuant to section 5104.042 of the Revised Code.

Sec. 5104.05. (A) The director of children and family services youth shall issue a license or provisional license for the operation of a child day-care center, if the director finds, after investigation of the applicant and inspection of the center, that other requirements of this chapter, rules promulgated pursuant to this chapter, and the following requirements are met:

(1) The buildings in which the center is housed, subsequent to any major modification, have been approved by the department of commerce or a certified municipal, township, or county building department for the purpose of operating a child day-care center. Any structure used for the operation of a center shall be constructed, equipped, repaired, altered, and maintained in accordance with applicable provisions of Chapters 3781. and 3791. of the Revised Code and with regulations adopted by the board of building standards under Chapter 3781. of the Revised Code and
this division for the safety and sanitation of structures erected for this purpose.

(2) The state fire marshal or the fire chief or fire prevention officer of the municipal corporation or township in which the center is located has inspected the center annually within the preceding license period and has found the center to be in compliance with rules promulgated by the fire marshal pursuant to section 3737.83 of the Revised Code regarding fire prevention and fire safety in a child day-care center.

(3) The center has received a food service operation license under Chapter 3717. of the Revised Code if meals are to be served to children other than children of the licensee or administrator, whether or not a consideration is received for the meals.

(B) The director of children and family services youth shall issue a license or provisional license for the operation of a type A family day-care home, if the director finds, after investigation of the applicant and inspection of the type A home, that other requirements of this chapter, rules promulgated pursuant to this chapter, and the following requirements are met:

(1) The state fire marshal or the fire chief or fire prevention officer of the municipal corporation or township in which the type A family day-care home is located has inspected the type A home annually within the preceding license period and has found the type A home to be in compliance with rules promulgated by the fire marshal pursuant to section 3737.83 of the Revised Code regarding fire prevention and fire safety in a type A home.

(2) The type A home is in compliance with rules set by the director of children and family services youth in cooperation with the director of health pursuant to section 3701.80 of the Revised Code regarding meal preparation and meal service in the home. The director of children and family services youth, in
accordance with procedures recommended by the director of health, shall inspect each type A home to determine compliance with those rules.

(3) The type A home is in compliance with rules promulgated by the director of \textit{job children and family services youth} in cooperation with the board of building standards regarding safety and sanitation pursuant to section 3781.10 of the Revised Code.

\textbf{Sec. 5104.052.} The director of \textit{job children and family services youth}, in cooperation with the fire marshal pursuant to section 3737.22 of the Revised Code, shall adopt rules regarding fire prevention and fire safety in licensed type B family day-care homes. In accordance with those rules, the director shall inspect each type B home that applies to be licensed that is providing or is to provide publicly funded child care.

\textbf{Sec. 5104.053.} As a precondition of approval by the state board of education pursuant to section 3313.813 of the Revised Code for receipt of United States department of agriculture child and adult care food program funds established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, the provider of child care in a type B family day-care home that is not licensed by the director of \textit{job children and family services youth} shall request an inspection of the type B home by the fire marshal, who shall inspect the type B home pursuant to section 3737.22 of the Revised Code to determine that it is in compliance with rules established pursuant to section 5104.052 of the Revised Code for licensed type B homes.

\textbf{Sec. 5104.054.} Any type B family day-care home, whether licensed or not licensed by the director of \textit{job children and family services youth}, shall be considered to be a residential use of property for purposes of municipal, county, and township zoning.
and shall be a permitted use in all zoning districts in which residential uses are permitted. No municipal, county, or township zoning regulations shall require a conditional use permit or any other special exception certification for any such type B family day-care home.

Sec. 5104.06. (A) The director of job children and family services youth shall provide consultation, technical assistance, and training to child day-care centers, type A family day-care homes, and type B family day-care homes to improve programs and facilities providing child care. As part of these activities, the director shall provide assistance in meeting the requirements of this chapter and rules adopted pursuant to this chapter and shall furnish information regarding child abuse identification and reporting of child abuse.

(B) The director of job children and family services youth shall provide consultation and technical assistance to county departments of job and family services to assist the departments with the implementation of certification of in-home aides.

Sec. 5104.07. (A) The director of job children and family services youth may prescribe additional requirements for licensing child day-care centers or type A family day-care homes that provide publicly funded child care pursuant to this chapter and any rules adopted under it. The director shall develop standards as required by federal laws and regulations for child care programs supported by federal funds.

(B)(1) On or before February 28, 1992, the department of job children and family services youth shall develop a statewide plan for child care resource and referral services. The plan shall be based upon the experiences of other states with respect to child care resource and referral services, the experiences of
communities in this state that have child care resource and referral service organizations, and the needs of communities in this state that do not have child care resource and referral service organizations. The plan shall be designed to ensure that child care resource and referral services are available in each county in the state to families who need child care. The department shall consider the special needs of migrant workers when it develops the plan and shall include in the plan procedures designed to accommodate the needs of migrant workers.

(2) In addition to the requirements described in division (B)(1) of this section, the plan shall include all of the following:

(a) A description of the services that a child care resource and referral service organization is required to provide to families who need child care;

(b) The qualifications for a child care resource and referral service organization;

(c) A description of the procedures for providing federal and state funding for county or multicounty child care resource and referral service organizations;

(d) A timetable for providing child care resource and referral services to all communities in the state;

(e) Uniform information gathering and reporting procedures that are designed to be used in compatible computer systems;

(f) Procedures for establishing statewide nonprofit technical assistance services to coordinate uniform data collection and to publish reports on child care supply, demand, and cost and to provide technical assistance to communities that do not have child care resource and referral service organizations and to existing child care resource and referral service organizations;
(g) Requirements governing contracts entered into under division (C) of this section, which may include limits on the percentage of funds distributed by the department that may be used for the contracts.

(C) Child care resource and referral service organizations receiving funds distributed by the department may enter into contracts with local governmental entities, nonprofit organizations including nonprofit organizations that provide child care, and individuals under which the entities, organizations, or individuals may provide child care resource and referral services in the community with those funds, if the contracts are submitted to and approved by the department prior to execution.

Sec. 5104.08. (A) There is hereby created in the department of job children and family services youth a child care advisory council to advise and assist the department in the administration of this chapter and in the development of child care. The council shall consist of twenty-two voting members appointed by the director of job and family services, the director of children and youth, the director of developmental disabilities, the director of mental health and addiction services, the superintendent of public instruction, the director of health, the director of commerce, and the state fire marshal shall serve as nonvoting members of the council.

Six members shall be representatives of child care centers subject to licensing, the members to represent a variety of centers, including nonprofit and proprietary, from different geographical areas of the state. At least three members shall be parents, guardians, or custodians of children receiving child care or publicly funded child care in the child's own home, a center, a type A home, a head start program, a licensed type B home, or a
type B home at the time of appointment. Three members shall be representatives of in-home aides, type A homes, licensed type B homes, or type B homes or head start programs. At least six members shall represent county departments of job and family services. The remaining members shall be representatives of the teaching, child development, and health professions, and other individuals interested in the welfare of children. At least six members of the council shall not be employees or licensees of a child day-care center, head start program, or type A home, or providers operating a licensed type B home or type B home, or in-home aides.

Appointments shall be for three-year terms. Vacancies shall be filled for the unexpired terms. A member of the council is subject to removal by the director of job children and family services youth for a willful and flagrant exercise of authority or power that is not authorized by law, for a refusal or willful neglect to perform any official duty as a member of the council imposed by law, or for being guilty of misfeasance, malfeasance, nonfeasance, or gross neglect of duty as a member of the council.

There shall be two co-chairpersons of the council. One co-chairperson shall be the director of job children and family services youth or the director's designee, and one co-chairperson shall be elected by the members of the council. The council shall meet as often as is necessary to perform its duties, provided that it shall meet at least once in each quarter of each calendar year and at the call of the co-chairpersons. The co-chairpersons or their designee shall send to each member a written notice of the date, time, and place of each meeting.

Members of the council shall serve without compensation, but shall be reimbursed for necessary expenses.

(B) The child care advisory council shall advise the director on matters affecting the licensing of centers, type A homes, and
type B homes and the certification of in-home aides. The council shall make an annual report to the director of 
children and family services youth that addresses the availability, 
affordability, accessibility, and quality of child care and that summarizes the recommendations and plans of action that the council has proposed to the director during the preceding fiscal year. The director of 
children and family services youth shall provide copies of the report to the governor, speaker and minority leader of the house of representatives, and the president and minority leader of the senate and, on request, shall make copies available to the public.

(C) The director of 
children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

Sec. 5104.081. The department of 
children and family services youth shall employ at least one senior-level, full-time employee who shall manage and oversee all child care functions under the authority of the department.

Sec. 5104.10. No employer shall discharge, demote, suspend, or threaten to discharge, demote, suspend, or in any manner discriminate against any employee based solely on the employee taking any of the following actions:

(A) Making any good faith oral or written complaint to the director of 
children and family services youth or other agency responsible for enforcing Chapter 5104. of the Revised Code regarding a violation of this chapter or the rules adopted pursuant to Chapter 5104. of the Revised Code;

(B) Instituting or causing to be instituted any proceeding against the employer under section 5104.04 of the Revised Code;

(C) Acting as a witness in any proceeding under section
5104.04 of the Revised Code;

(D) Refusing to perform work that constitutes a violation of Chapter 5104., or the rules adopted pursuant to Chapter 5104. of the Revised Code.

Sec. 5104.12. (A)(1) A county director of job and family services may certify in-home aides to provide publicly funded child care pursuant to this chapter and any rules adopted under it. Any in-home aide who receives a certificate pursuant to this section to provide publicly funded child care is an independent contractor and is not an employee of the county department of job and family services that issues the certificate.

(2) Every person desiring to receive certification as an in-home aide shall apply for certification to a county director of job and family services on such forms as the director prescribes. A county director shall provide at no charge to each applicant a copy of rules for certifying in-home aides adopted pursuant to this chapter.

(B) To be eligible for certification as an in-home aide, a person shall not be either of the following:

(1) The owner of a center or home whose license was revoked pursuant to section 5104.04 of the Revised Code within the previous five years;

(2) An in-home aide whose certificate was revoked under division (C)(2) of this section within the previous five years.

(C)(1) If the county director of job and family services determines that the applicant complies with this chapter and any rules adopted under it, the county director shall certify the person as an in-home aide and issue the person a certificate to provide publicly funded child care for twenty-four months. The county director shall furnish a copy of the certificate to the
parent, custodian, or guardian. The certificate shall state the name and address of the in-home aide, the expiration date of the certification, and the name and telephone number of the county director who issued the certificate.

(2) The county director may revoke the certificate in either of the following circumstances:

(a) The county director determines, pursuant to rules adopted under Chapter 119. of the Revised Code, that revocation is necessary;

(b) The in-home aide does not comply with division (C)(2) of section 5104.32 of the Revised Code.

(D)(1) The county director of job and family services shall inspect every home of a child who is receiving publicly funded child care in the child's own home while the in-home aide is providing the services. Inspections may be unannounced. Upon receipt of a complaint, the county director shall investigate the in-home aide, shall investigate the home of a child who is receiving publicly funded child care in the child's own home, and division (D)(2) of this section applies regarding the complaint. The caretaker parent shall permit the county director to inspect any part of the child's home. The county director shall prepare a written inspection report and furnish one copy each to the in-home aide and the caretaker parent within a reasonable time after the inspection.

(2) Upon receipt of a complaint as described in division (D)(1) of this section, in addition to the investigations that are required under that division, both of the following apply:

(a) If the complaint alleges that a child suffered physical harm while receiving publicly funded child care in the child's own home from an in-home aide or that the noncompliance with law or act alleged in the complaint involved, resulted in, or poses a
substantial risk of physical harm to a child receiving publicly funded child care in the child's own home from an in-home aide, the county director shall inspect the home of the child.

(b) If division (D)(2)(a) of this section does not apply regarding the complaint, the county director may inspect the home of the child.

(3) Division (D)(2) of this section does not limit, restrict, or negate any duty of the county director to inspect a home of a child who is receiving publicly funded child care from an in-home aide that otherwise is imposed under this section, or any authority of the county director to inspect such a home that otherwise is granted under this section when the county director believes the inspection is necessary and it is permitted under the grant.

Sec. 5104.13. The department of children and family services shall prepare a guide describing the state statutes and rules governing the licensure of type B family day-care homes. The department may publish the guide electronically or otherwise and shall do so in a manner that the guide is accessible to the public, including type B home providers.

Sec. 5104.14. All materials that are supplied by the department of children and family services to type A family day-care home providers, type B family day-care home providers, in-home aides, persons seeking to be type A family day-care home providers, type B family day-care home providers, or in-home aides, and caretaker parents shall be written at no higher than the sixth grade reading level. The department may employ a readability expert to verify its compliance with this section.

Sec. 5104.21. (A) The department of children and family
services youth shall register child day camps and enforce this section and sections 5104.211 and 5104.22 of the Revised Code and the rules adopted pursuant to those sections. No person, firm, organization, institution, or agency shall operate a child day camp without annually registering with the department.

(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the provisions of this section and sections 5104.211 and 5104.22 of the Revised Code:

(1) A child day camp that operates for two consecutive weeks or less and for no more than a total of two weeks during each calendar year;

(2) Supervised training, instruction, or activities of children that is conducted on an organized or periodic basis in specific areas or in a combination of areas for a maximum of eight hours each week, including art, drama, dance, music, athletic skill or sport, computers, or an educational subject;

(3) Programs in which the department determines that at least one parent, custodian, or guardian of each child attending or participating in the child day camp is on the child day camp activity site and is readily accessible at all times, except that a child day camp on the premises of a parent's, custodian's, or guardian's place of employment shall be registered in accordance with division (A) of this section;

(4) Child day camps regulated by any state department other than the department of children and family services youth;

(5) A program that provides activities for children who are five years of age or older and is operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation
district established under section 755.04 of the Revised Code.

(C) A person, firm, organization, institution, or agency operating a child day camp that is exempt under division (B) of this section from registering under division (A) of this section may elect to register itself under division (A) of this section. All requirements of this section and the rules adopted pursuant to this section shall apply to any exempt child day camp that so elects to register.

(D) The director of children and family services youth shall adopt pursuant to Chapter 119. of the Revised Code rules prescribing the registration form and establishing the procedure for the child day camps to register. The form shall state both of the following:

(1) That the child day camp administrator or the administrator's representative agrees to provide the parents of each school-age child who attends or participates in that child day camp with the telephone number of the county department of health and the public children services agency of the county in which the child day camp is located;

(2) That the child day camp administrator or the administrator's representative agrees to permit a public children services agency or the county department of health to review or inspect the child day camp if a complaint is made to that department or any other state department or public children services agency against that child day camp.

(E) The department may charge a fee to register a child day camp. The fee for each child day camp shall be twenty-five dollars. No organization that operates, or owner of, child day camps shall pay a fee that exceeds two hundred fifty dollars for all of its child day camps.

(F) If a child day camp that is required to register under
this section fails to register with the department in accordance with this section or the rules adopted pursuant to it or if a child day camp that files a registration form under this section knowingly provides false or misleading information on the registration form, the department shall require the child day camp to register or register correctly and to pay a registration fee that equals three times the registration fee as set forth in division (E) of this section.

(G) A child day camp administrator or the administrator's representative shall provide the parents of each school-age child who attends or participates in that child day camp with both of the following:

(1) Telephone numbers of the county department of health and the county public children services agency of the county in which the child day camp is located;

(2) A statement that the parents may contact the county department or agency to make a complaint regarding the child day camp.

Sec. 5104.211. (A) The director of children and family services youth may periodically conduct a random sampling of child day camps to determine compliance with section 5104.013 of the Revised Code.

(B)(1) No child day camp shall fail to comply with section 5104.013 of the Revised Code in regards to a person it appoints or employs.

(2) If the director determines that a camp has violated division (B)(1) of this section, the director shall do both of the following:

(a) Consider imposing a civil penalty on the camp in an amount that shall not exceed ten per cent of the camp's gross
revenues for the full month immediately preceding the month in which the violation occurred. If the camp was not operating for the entire calendar month preceding the month in which the violation occurred, the penalty shall be five hundred dollars.

  (b) Order the camp to initiate a criminal records check of the person who is the subject of the violation within a specified period of time.

(3) If, within the specified period of time, the camp fails to comply with an order to initiate a criminal records check of the person who is the subject of the violation or to release the person from the appointment or employment, the director shall do both of the following:

  (a) Impose a civil penalty in an amount that is not less than the amount previously imposed and that does not exceed twice the amount permitted by division (B)(2)(a) of this section;

  (b) Order the camp to initiate a criminal records check of the person who is the subject of the violation within a specified period of time.

(C) If the director determines that a child day camp has violated division (B)(1) of this section, the director may post a notice at a prominent place at the camp that states that the camp has failed to conduct criminal records checks of its appointees or employees as required by section 5104.013 of the Revised Code. Once the camp demonstrates to the department that the camp is in compliance with that section, the director shall permit the camp to remove the notice.

(D) The director may include on the web site of the department of job children and family services youth a list of child day camps that the director has determined to not be in compliance with the criminal records check requirements of section 5104.013 of the Revised Code. The director shall remove a camp's
name from the list when the camp demonstrates to the director that the camp is in compliance with that section.

(E) For the purposes of divisions (C) and (D) of this section, a child day camp will be considered to be in compliance with section 5104.013 of the Revised Code by doing any of the following:

(1) Requesting that the bureau of criminal identification and investigation conduct a criminal records check regarding the person who is the subject of the violation of division (B)(1) of this section and, if the person does not qualify for the appointment or employment, releasing the person from the appointment or employment;

(2) Releasing the person who is the subject of the violation from the appointment or employment.

(F) The attorney general shall commence and prosecute to judgment a civil action in a court of competent jurisdiction to collect any civil penalty imposed under this section that remains unpaid.

(G) This section does not apply to a child day camp that is an approved child day camp.

Sec. 5104.22. (A) The director of children and family services youth, no later than September 1, 1993, and pursuant to Chapter 119. of the Revised Code, shall adopt rules establishing a procedure and standards for the approval of child day camps that will enable an approved child day camp to receive public moneys pursuant to sections 5104.30 to 5104.39 of the Revised Code. The department of job children and family services youth may charge a reasonable fee to inspect a child day camp to determine whether that child day camp meets the standards set forth in this section or in the rules adopted under this section. The department shall
approve any child day camp that meets both of the following:

1. The department inspects the camp and determines that it meets the standards established in rules adopted under this section;

2. The camp is accredited by the American camp association or a nationally recognized organization that accredits child day camps by using standards that the department has determined are substantially similar and comparable to those of the American camp association. The department shall approve a child day camp for a period of one year and shall inspect an approved child day camp on an annual basis.

(B) An approved child day camp shall comply with this section and section 5104.21 of the Revised Code and the rules adopted pursuant to those sections. If an approved child day camp is not in substantial compliance with those sections or rules at any time, the department shall terminate the child day camp's approval until the child day camp complies with those sections and rules or for a period of two years, whichever period is longer.

Sec. 5104.25. (A) Except as otherwise provided in division (C) of this section, no child day-care center shall permit any person to smoke in any indoor or outdoor space that is part of the center.

The administrator of a child day-care center shall post in a conspicuous place at the main entrance of the center a notice stating that smoking is prohibited in any indoor or outdoor space that is part of the center, except under the conditions described in division (C) of this section.

(B) Except as otherwise provided in division (C) of this section, no type A family day-care home or licensed type B family day-care home shall permit any person to smoke in any indoor or
outdoor space that is part of the home during the hours the home is in operation. Smoking may be permitted during hours other than the hours of operation if the administrator of the home has provided to a parent, custodian, or guardian of each child receiving child care at the home notice that smoking occurs or may occur at the home when it is not in operation.

The administrator of a type A family day-care home or a licensed type B family day-care home shall post in a conspicuous place at the main entrance of the home a notice specifying the hours the home is in operation and stating that smoking is prohibited during those hours in any indoor or outdoor space that is part of the home, except under the conditions described in division (C) of this section.

(C) A child day-care center, type A family day-care home, or licensed type B family home may allow persons to smoke at the center or home during its hours of operation if those persons cannot be seen smoking by the children being cared for and if they smoke in either of the following:

(1) An indoor area that is separately ventilated from the rest of the center or home;

(2) An outdoor area that is so far removed from the children being cared for that they cannot inhale any smoke.

(D) The director of children and family services, youth, in consultation with the director of health, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the requirements of this section. These rules may prohibit smoking in a child day-care center, type A family day-care home, or licensed type B family home if its design and structure do not allow persons to smoke under the conditions described in division (C) of this section or if repeated violations of division (A) or (B) of this section have occurred there.
Sec. 5104.29. (A) As used in this section, "early learning and development program" has the same meaning as "licensed child care program" as defined in section 5104.01 of the Revised Code.

(B) There is hereby created in the department of job children and family services youth the step up to quality program, under which the department of job children and family services youth, in cooperation with the department of education, shall develop a tiered quality rating and improvement system for all early learning and development programs in this state. The step up to quality program shall include all of the following components:

(1) Quality program standards for early learning and development programs;

(2) Accountability measures that include tiered ratings representing each program's level of quality;

(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;

(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards;

(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.

(C) The step up to quality program shall have the following goals:

(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;

(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;
(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;

(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.

(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards.

(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains:

(1) Learning and development;

(2) Administration and leadership practices;

(3) Staff quality and professional development;

(4) Family and community partnerships.

(F) The director of children and family services youth, in collaboration with the superintendent of public instruction, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section.

Sec. 5104.30. (A) The department of children and family services youth is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following:

(1) Recipients of transitional child care as provided under

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section 5104.34 of the Revised Code;

(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code;

(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;

(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line;

(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.

The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job children and family services youth determines that the application is necessary. For purposes of this section, the department of job children and family services youth may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care.

(B) The department of job children and family services youth shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The
department may use any state funds appropriated for publicly
funded child care as the state share required to match any federal
funds appropriated for publicly funded child care.

(C) In the use of federal funds available under the child
care block grant act, all of the following apply:

(1) The department may use the federal funds to hire staff to
prepare any rules required under this chapter and to administer
and coordinate federal and state funding for publicly funded child
care.

(2) Not more than five per cent of the aggregate amount of
the federal funds received for a fiscal year may be expended for
administrative costs.

(3) The department shall allocate and use at least four per
cent of the federal funds for the following:

(a) Activities designed to provide comprehensive consumer
education to parents and the public;

(b) Activities that increase parental choice;

(c) Activities, including child care resource and referral
services, designed to improve the quality, and increase the
supply, of child care;

(d) Establishing the step up to quality program pursuant to
section 5104.29 of the Revised Code.

(4) The department shall ensure that the federal funds will
be used only to supplement, and will not be used to supplant,
federal, state, and local funds available on the effective date of
the child care block grant act for publicly funded child care and
related programs. If authorized by rules adopted by the department
pursuant to section 5104.42 of the Revised Code, county
departments of job and family services may purchase child care
from funds obtained through any other means.
(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of children and family services may enter into interagency agreements with the department of education, the chancellor of higher education, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of children and family services youth to fulfill its duties and responsibilities under this chapter.

The department shall develop and maintain a registry of persons providing child care. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and requirements for the registry's administration.

(E)(1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing both of the following:

(a) Reimbursement rates for providers of publicly funded child care not later than the first day of July in each odd-numbered year;

(b) A procedure for reimbursing and paying providers of publicly funded child care.

(2) In establishing reimbursement rates under division (E)(1)(a) of this section, the director shall do all of the
following:

(a) Use the information obtained in accordance with 45 C.F.R. 98.45;

(b) Establish an enhanced reimbursement rate for providers who provide child care for caretaker parents who work nontraditional hours;

(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, establish enhanced reimbursement rates for child day-care providers that participate in the program.

(3) In establishing reimbursement rates under division (E)(1)(a) of this section, the director may establish different reimbursement rates based on any of the following:

(a) Geographic location of the provider;

(b) Type of care provided;

(c) Age of the child served;

(d) Special needs of the child served;

(e) Whether the expanded hours of service are provided;

(f) Whether weekend service is provided;

(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;

(h) Any other factors the director considers appropriate.

Sec. 5104.301. A county department of job and family services may establish a program to encourage the organization of parent cooperative child day-care centers and parent cooperative type A family day-care homes for recipients of publicly funded child care. A program established under this section may include any of the following:
(A) Recruitment of parents interested in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home;

(B) Provision of technical assistance in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home;

(C) Assistance in the developing, conducting, and disseminating training for parents interested in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home.

A county department that implements a program under this section shall receive from funds available under the child care block grant act a five thousand dollar incentive payment for each parent cooperative child day-care center or parent cooperative type A family day-care home organized pursuant to this section.

Parents of children enrolled in a parent cooperative child day-care center or parent cooperative type A family day-care home pursuant to this section shall be required to work in the center or home a minimum of four hours per week.

The director of children and family services youth shall adopt rules governing the establishment and operation of programs under this section.

Sec. 5104.31. (A) Publicly funded child care may be provided only by the following:

(1) Any of the following licensed by the department of children and family services youth pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code:

(a) A child day-care center, including a parent cooperative child day-care center;
(b) A type A family day-care home, including a parent cooperative type A family day-care home;

(c) A licensed type B family day-care home.

(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;

(3) A child day camp approved pursuant to section 5104.22 of the Revised Code;

(4) A licensed preschool program;

(5) A licensed school child program;

(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.

(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide.

(C)(1) Except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care only if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code.

(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program:

(a) A program that operates only during the summer and for not more than fifteen consecutive weeks;

(b) A program that operates only during school breaks;

(c) A program that operates only on weekday evenings, weekends, or both;
(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;

(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;

(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked;

(g) A program that provides publicly funded child care to less than twenty-five per cent of the program's license capacity;

(h) A program that is a type A family day-care home or licensed type B family day-care home.

Sec. 5104.32. (A) All purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, licensed type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of children and family services youth. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds, all contracts for publicly funded child care shall be entered into in accordance with the provisions of this chapter and are exempt from any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds.
(B) Each contract for publicly funded child care shall specify at least the following:

(1) That the provider of publicly funded child care agrees to be paid for rendering services at the lower of the rate customarily charged by the provider for children enrolled for child care or the reimbursement rate of payment established pursuant to section 5104.30 of the Revised Code;

(2) That, if a provider provides child care to an individual potentially eligible for publicly funded child care who is subsequently determined to be eligible, the department agrees to pay for all child care provided between the date the county department of job and family services receives the individual's completed application and the date the individual's eligibility is determined;

(3) Whether the county department of job and family services, the provider, or a child care resource and referral service organization will make eligibility determinations, whether the provider or a child care resource and referral service organization will be required to collect information to be used by the county department to make eligibility determinations, and the time period within which the provider or child care resource and referral service organization is required to complete required eligibility determinations or to transmit to the county department any information collected for the purpose of making eligibility determinations;

(4) That the provider, other than a border state child care provider, shall continue to be licensed, approved, or certified pursuant to this chapter and shall comply with all standards and other requirements in this chapter and in rules adopted pursuant to this chapter for maintaining the provider's license, approval, or certification;
(5) That, in the case of a border state child care provider, the provider shall continue to be licensed, certified, or otherwise approved by the state in which the provider is located and shall comply with all standards and other requirements established by that state for maintaining the provider's license, certificate, or other approval;

(6) Whether the provider will be paid by the state department of job children and family services youth or in some other manner as prescribed by rules adopted under section 5104.42 of the Revised Code;

(7) That the contract is subject to the availability of state and federal funds.

(C)(1) The department shall establish an automated child care system to track attendance and calculate payments for publicly funded child care.

(2) Each eligible provider that provides publicly funded child care shall participate in the automated child care system. A provider participating in the system shall not do any of the following:

(a) Use or have possession of a personal identification number or password issued to a caretaker parent under the automated child care system;

(b) Falsify attendance records;

(c) Knowingly seek or accept payment for publicly funded child care that was not provided or for which the provider was not eligible;

(d) Knowingly seek or accept payment for child care provided to a child who resides in the provider's own home.

(D) The department may withhold any money due under this chapter and may recover through any appropriate method any money
erroneously paid under this chapter if evidence demonstrates that a provider of publicly funded child care failed to comply with either of the following:

(1) The terms of the contract entered into under this section;

(2) This chapter or any rules adopted under it.

(E) If the department has evidence that a provider has employed an individual who is ineligible for employment under section 5104.013 of the Revised Code and the provider has not released the individual from employment upon notice that the individual is ineligible, the department may terminate immediately the contract entered into under this section to provide publicly funded child care.

(F) Any decision by the department concerning publicly funded child care, including the recovery of funds, overpayment determinations, and contract terminations is final and is not subject to appeal, hearing, or further review under Chapter 119 of the Revised Code.

Sec. 5104.33. (A) The department of job children and family services youth shall prescribe an application form for use in making eligibility determinations for publicly funded child care. The form shall be as brief and simple as practicable.

(B) In administering the process of applying for publicly funded child care, the county department of job and family services shall implement policies designed to ensure that the application process is as accessible to the public as possible. These policies shall include making the application forms available at appropriate locations selected by the county department and making arrangements that enable applicants to complete the application process at times outside their normal
working hours, and at locations, convenient for them. The arrangements may include stationing certain of their employees at various sites in the county for the purpose of assisting applicants in completing the application process and of making eligibility determinations at those locations. The arrangements may also include providing training and technical assistance to appropriate entities that qualify them to provide assistance in completing the application process and, to the extent permitted by federal law, to make eligibility determinations.

Each county department of job and family services shall submit to the department of job children and family services youth for approval its plan for ensuring that the application process is as accessible to the public as possible and complies with this division. The county department shall make any changes to its plan that the department determines are necessary for compliance with this division and with any state standards adopted for the administration of this division.

Sec. 5104.34. (A)(1) Each county department of job and family services shall implement procedures for making determinations of eligibility for publicly funded child care. Under those procedures, the eligibility determination for each applicant shall be made no later than thirty calendar days from the date the county department receives a completed application for publicly funded child care. Each applicant shall be notified promptly of the results of the eligibility determination. An applicant aggrieved by a decision or delay in making an eligibility determination may appeal the decision or delay to the department of job children and family services youth in accordance with section 5101.35 of the Revised Code. The due process rights of applicants shall be protected.

To the extent permitted by federal law, the county department
may make all determinations of eligibility for publicly funded child care, may contract with child care providers or child care resource and referral service organizations for the providers or resource and referral service organizations to make all or any part of the determinations, and may contract with child care providers or child care resource and referral service organizations for the providers or resource and referral service organizations to collect specified information for use by the county department in making determinations. If a county department contracts with a child care provider or a child care resource and referral service organization for eligibility determinations or for the collection of information, the contract shall require the provider or resource and referral service organization to make each eligibility determination no later than thirty calendar days from the date the provider or resource and referral organization receives a completed application that is the basis of the determination and to collect and transmit all necessary information to the county department within a period of time that enables the county department to make each eligibility determination no later than thirty days after the filing of the application that is the basis of the determination.

The county department may station employees of the department in various locations throughout the county to collect information relevant to applications for publicly funded child care and to make eligibility determinations. The county department, child care provider, and child care resource and referral service organization shall make each determination of eligibility for publicly funded child care no later than thirty days after the filing of the application that is the basis of the determination, shall make each determination in accordance with any relevant rules adopted pursuant to section 5104.38 of the Revised Code, and shall notify promptly each applicant for publicly funded child care of the results of the determination of the applicant's
eligibility.

The director of children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code for monitoring the eligibility determination process. In accordance with those rules, the state department shall monitor eligibility determinations made by county departments of job and family services and shall direct any entity that is not in compliance with this division or any rule adopted under this division to implement corrective action specified by the department.

(2)(a) All eligibility determinations for publicly funded child care shall be made in accordance with rules adopted pursuant to division (A) of section 5104.38 of the Revised Code. Except as otherwise provided in this section, all of the following apply:

(i) Publicly funded child care may be provided only to eligible infants, toddlers, preschool-age children, school-age children under age thirteen, or children receiving special needs child care.

(ii) For an applicant to be eligible for publicly funded child care, the caretaker parent must be employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving publicly funded child care. This restriction does not apply to families whose children are eligible for protective child care.

(iii) The eligibility period for publicly funded child care shall be at least twelve months.

(b) In accordance with rules adopted under division (B) of section 5104.38 of the Revised Code, an applicant may receive publicly funded child care while the county department determines eligibility. An applicant may receive publicly funded child care
while a county department determines eligibility only once during a twelve-month period. If the county department determines that an applicant is not eligible for publicly funded child care, the child care provider shall be paid for providing publicly funded child care for up to five days after that determination if the county department received a completed application with all required documentation. A program may appeal a denial of payment under this division.

(c) If a caretaker parent who has been determined eligible to receive publicly funded child care no longer meets the requirements of division (A)(2)(a)(ii) of this section, the caretaker parent may continue to receive publicly funded child care for a period of at least three but not more than four months not to extend beyond the caretaker parent's eligibility period.

(d) If a child turns thirteen, or if a child receiving special needs child care turns eighteen, during the eligibility period, the caretaker parent may continue to receive publicly funded child care until the end of that eligibility period.

Subject to available funds, the department of job children and family services youth shall allow a family to receive publicly funded child care unless the family's income exceeds the maximum income eligibility limit. Initial and continued eligibility for publicly funded child care is subject to available funds unless the family is receiving child care pursuant to division (A)(1), (2), (3), or (4) of section 5104.30 of the Revised Code. If the department must limit eligibility due to lack of available funds, it shall give first priority for publicly funded child care to an assistance group whose income is not more than the maximum income eligibility limit that received transitional child care in the previous month but is no longer eligible because the eligibility period has expired. Such an assistance group shall continue to receive priority for publicly funded child care until its income
exceeds the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the Ohio works first program established under Chapter 5107. of the Revised Code is eligible for transitional child care at any time during the immediately following twelve-month period that both of the following apply:

(a) The assistance group requires child care due to employment;

(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care.

(B) To the extent permitted by federal law, the department of children and family services youth may require a caretaker parent determined to be eligible for publicly funded child care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. The department shall make protective child care services and homeless child care services available to children without regard to the income or assets of the caretaker parent of the child.

(C) A caretaker parent receiving publicly funded child care shall report to the entity that determined eligibility any changes in status with respect to employment or participation in a program of education or training not later than ten calendar days after the change occurs.

(D) If the department of children and family services youth determines that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the department may establish a waiting list. The department may establish separate waiting lists within the waiting
list based on income.

(E) A caretaker parent shall not receive publicly funded child care from more than one child care provider per child during a week, unless a county department grants the family an exemption for one of the following reasons:

1. The child needs additional care during non-traditional hours;

2. The child needs to change providers in the middle of the week and the hours of care provided by the providers do not overlap;

3. The child's provider is closed on scheduled school days off or on calamity days.

(F) As used in this section, "maximum income eligibility limit" means the amount of income specified in rules adopted under division (A) of section 5104.38 of the Revised Code.

Sec. 5104.36. The licensee or administrator of a child day-care center, type A family day-care home, or licensed type B family day-care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child, to be made available to the county department of job and family services or the department of children and family services on request. The record shall include all of the following:

(A) The name and date of birth of the child;

(B) The name and address of the child's caretaker parent;

(C) The name and address of the caretaker parent's place of employment or program of education or training;

(D) The hours for which child care services have been
provided for the child;

(E) Any other information required by the county department of job and family services or the state department of job children and family services.

Sec. 5104.38. In addition to any other rules adopted under this chapter, the director of job children and family youth services shall adopt rules in accordance with Chapter 119. of the Revised Code governing financial and administrative requirements for publicly funded child care and establishing all of the following:

(A) Procedures and criteria to be used in making determinations of eligibility for publicly funded child care that give priority to children of families with lower incomes and procedures and criteria for eligibility for publicly funded protective child care or homeless child care. The rules shall specify the maximum amount of income a family may have for initial and continued eligibility. The maximum amount shall not exceed three hundred per cent of the federal poverty line. The rules may specify exceptions to the eligibility requirements in the case of a family that previously received publicly funded child care and is seeking to have the child care reinstated after the family's eligibility was terminated.

(B) Procedures under which an applicant for publicly funded child care may receive publicly funded child care while the county department of job and family services determines eligibility and under which a child care provider may appeal a denial of payment under division (A)(2)(b) of section 5104.34 of the Revised Code;

(C) A schedule of fees requiring all eligible caretaker parents to pay a fee for publicly funded child care according to income and family size, which shall be uniform for all types of publicly funded child care, except as authorized by rule, and, to
the extent permitted by federal law, shall permit the use of state and federal funds to pay the customary deposits and other advance payments that a provider charges all children who receive child care from that provider.

(D) A formula for determining the amount of state and federal funds appropriated for publicly funded child care that may be allocated to a county department to use for administrative purposes;

(E) Procedures to be followed by the department and county departments in recruiting individuals and groups to become providers of child care;

(F) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care;

(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;

(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;

(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;

(J) A definition of "person who stands in loco parentis" for the purposes of division (LL)(3) of section 5104.01 of the Revised Code;

(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;
(L) If the director establishes a different reimbursement rate under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;

(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period;

(N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code.

Sec. 5104.382. In adopting rules under division (A) of section 5104.38 of the Revised Code establishing criteria for eligibility for publicly funded child care, the director of job children and family services youth may prescribe the amount, duration, and scope of benefits available as publicly funded child care.

Sec. 5104.39. (A) The director of job children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a procedure for monitoring the expenditures for publicly funded child care to ensure that expenditures do not exceed the available federal and state funds for publicly funded child care. The department of job children and family services youth, with the assistance of the office of budget and management and the child care advisory council created pursuant to section 5104.08 of the Revised Code, shall monitor the
anticipated future expenditures for publicly funded child care and shall compare those anticipated future expenditures to available federal and state funds for publicly funded child care. Whenever the department determines that the anticipated future expenditures for publicly funded child care will exceed the available federal and state funds, the department shall promptly notify the county departments of job and family services and, before the available state and federal funds are used, the director shall issue and implement an administrative order that shall specify both of the following:

1. Priorities for expending the remaining available federal and state funds for publicly funded child care;
2. Instructions and procedures to be used by the county departments regarding eligibility determinations.

(B) The order may do any or all of the following:

1. Suspend enrollment of all new participants in any program of publicly funded child care;
2. Limit enrollment of new participants to those with incomes at or below a specified percentage of the federal poverty line;
3. Disenroll existing participants with income above a specified percentage of the federal poverty line;
4. Change the schedule of fees paid by eligible caretaker parents that has been established pursuant to section 5104.38 of the Revised Code;
5. Change the rate of payment for providers of publicly funded child care that has been established pursuant to section 5104.30 of the Revised Code.

(C) Each county department shall comply with the order no later than thirty days after it is issued.
(D) If after issuing an order under this section to suspend or limit enrollment of new participants or disenroll existing participants the department determines that available state and federal funds for publicly funded child care exceed the anticipated future expenditures for publicly funded child care, the director may issue and implement another administrative order increasing income eligibility levels to a specified percentage of the federal poverty line. The order shall include instructions and procedures to be used by the county departments. Each county department shall comply with the order not later than thirty days after it is issued.

(E) The department of job children and family services youth shall do all of the following:

1. Conduct a quarterly evaluation of the program of publicly funded child care that is operated pursuant to sections 5104.30 to 5104.43 of the Revised Code;

2. Prepare reports based upon the evaluations that specify for each county the number of participants and amount of expenditures;

3. Provide copies of the reports to both houses of the general assembly and, on request, to interested parties.

Sec. 5104.42. (A) The director of job children and family services youth shall adopt rules pursuant to section 111.15 of the Revised Code establishing a payment procedure for publicly funded child care.

(B) The director, by rule adopted in accordance with section 111.15 of the Revised Code, may establish a methodology for allocating the state and federal funds appropriated for publicly funded child care.

Sec. 5104.44. On receipt of a notice pursuant to section...
3123.43 of the Revised Code, the department of \textit{job children and family services youth} shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued pursuant to this chapter.

\textbf{Sec. 3301.90 5104.50.} The governor shall create the early childhood advisory council in accordance with 42 U.S.C. 9837b(b)(1) and shall appoint one of its members to serve as chairperson of the council. The council shall serve as the state advisory council on early childhood education and care, as described in 42 U.S.C. 9837b(b)(1). In addition to the duties specified in 42 U.S.C. 9837b(b)(1), the council shall promote family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital role of families in ensuring the well-being and success of children.

\textbf{Sec. 5104.51.} The department of children and youth shall license a preschool program pursuant to sections 3301.52 to 3301.59 of the Revised Code.

\textbf{Sec. 5104.52. (A)} The department of children and youth shall develop a diagnostic assessment designed to measure each student's readiness for kindergarten. The kindergarten readiness assessment shall not include components to identify gifted students. Blank copies of the kindergarten readiness assessment shall be public records.

\textbf{(B)} When the kindergarten readiness assessment has been completed, the department shall inform all school districts of its completion and the department shall make the kindergarten readiness assessment available to districts at no cost to the
(C) School districts shall administer the kindergarten readiness assessment pursuant to section 3301.0715 of the Revised Code beginning the first school year following the development of the kindergarten readiness assessment. Prior to that school year, school districts shall administer the kindergarten readiness assessment that was developed by the department of education under section 3301.0715 of the Revised as it existed prior to the effective date of this section.

Sec. 5107.24. (A) As used in this section:

(1) "Adult-supervised living arrangement" means a family setting approved, licensed, or certified by the department of job and family services, the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, a public children services agency, a private child placing agency, or a private noncustodial agency that is maintained by a person age eighteen or older who assumes responsibility for the care and control of a minor parent, pregnant minor, or child of a minor parent or provides the minor parent, pregnant minor, or child of a minor parent supportive services, including counseling, guidance, and supervision. "Adult-supervised living arrangement" does not mean a public institution.

(2) "Child of a minor parent" means a child born to a minor parent, except that the child ceases to be considered a child of minor parent when the minor parent attains age eighteen.

(3) "Minor parent" means a parent who is under age eighteen and is not married.

(4) "Pregnant minor" means a pregnant person who is under age eighteen and not married.
(B)(1) Except as provided in division (B)(2) of this section and to the extent permitted by Title IV-A and federal regulations adopted under Title IV-A, a pregnant minor, minor parent, or child of a minor parent must reside in a place of residence maintained by a parent, guardian, custodian, or specified relative of the pregnant minor or minor parent as the parent's, guardian's, custodian's, or specified relative's own home to be eligible to participate in Ohio works first.

(2) To the extent permitted by Title IV-A and federal regulations adopted under it, a pregnant minor, minor parent, or child of a minor parent is exempt from the requirement of division (B)(1) of this section if any of the following apply:

(a) The minor parent or pregnant minor does not have a parent, guardian, custodian, or specified relative living or whose whereabouts are known.

(b) No parent, guardian, custodian, or specified relative of the minor parent or pregnant minor will allow the pregnant minor, minor parent, or minor parent's child to live in the parent's, guardian's, custodian's, or specified relative's home.

(c) The department of job and family services, the department of children and youth, a county department of job and family services, or a public children services agency determines that the physical or emotional health or safety of the pregnant minor, minor parent, or minor parent's child would be in jeopardy if the pregnant minor, minor parent, or minor parent's child lived in the same home as the parent, guardian, custodian, or specified relative.

(d) The department of job and family services, the department of children and youth, a county department of job and family services, or a public children services agency otherwise determines that it is in the best interest of the pregnant minor,
minor parent, or minor parent's child to waive the requirement of division (B)(1) of this section.

(C) A pregnant minor, minor parent, or child of a minor parent exempt from the requirement of division (B)(1) of this section must reside in an adult-supervised living arrangement to be eligible to participate in Ohio works first.

(D) The department of job and family services, whenever possible and to the extent permitted by Title IV-A and federal regulations adopted under it, shall provide cash assistance under Ohio works first to the parent, guardian, custodian, or specified relative of a pregnant minor or minor parent on behalf of the pregnant minor, minor parent, or minor parent's child.

Sec. 5123.02. The department of developmental disabilities shall do the following:

(A) Promote comprehensive statewide programs and services for persons with developmental disabilities and their families wherever they reside in the state. These programs shall include public awareness, prevention, assessment, treatment, training, and care.

(B) Provide administrative leadership for statewide services;

(C) Develop and maintain, to the extent feasible, data on all services and programs that governmental and private agencies provide for persons with developmental disabilities;

(D) Provide leadership to local authorities in planning and developing community-wide services for persons with developmental disabilities and their families;

(E) Promote programs of professional training and research in cooperation with other state departments, agencies, and institutions of higher learning;

(F) Serve as the "lead agency," as described by 20 U.S.C.
1435(a)(10), to implement the state's part C early intervention services program, through which early intervention services are provided to eligible infants and toddlers in accordance with part C of the "Individuals with Disabilities Education Act," 20 U.S.C. 1431 et seq., and regulations implementing that part in 34 C.F.R. part 303.

Sec. 5123.026. (A) The director of developmental disabilities shall establish a technology first task force consisting of representatives from the office of innovateohio; the departments of developmental disabilities, education, medicaid, aging, job and family services, mental health and addiction services, children and youth, and transportation; and the opportunities for Ohioans with disabilities agency.

(B) The task force shall do all of the following:

(1) Expand innovative technology solutions within the operation and delivery of services to individuals with developmental disabilities;

(2) Use technology to reduce the barriers individuals with developmental disabilities experience;

(3) Align policies for all state agencies on the task force.

(C) The department of developmental disabilities may enter into interagency agreements with any of the government entities on the task force. The interagency agreements may specify either or both of the following:

(1) The roles and responsibilities of the government entities that are members of the task force, including any money to be contributed by those entities;

(2) The projects and activities of the task force.

(D) The department and state agencies may adopt rules to implement the task force.
Sec. 5139.39. The department of youth services, in the manner provided in this chapter and Chapter 2151. of the Revised Code, may transfer to a foster care facility certified by the department of children and family services youth under section 5103.03 of the Revised Code, any child committed to it and, in the event of a transfer of that nature, unless otherwise mutually agreed, the department of youth services shall bear the cost of care and services provided for the child in the foster care facility. A juvenile court may transfer to any foster facility certified by the department of children and family services youth any child between twelve and eighteen years of age, other than a psychotic child or a child with an intellectual disability, who has been designated a delinquent child and placed on probation by order of the juvenile court as a result of having violated any law of this state or the United States or any ordinance of a political subdivision of this state.

Sec. 5153.01. (A) As used in the Revised Code, "public children services agency" means an entity specified in section 5153.02 of the Revised Code that has assumed the powers and duties of the children services function prescribed by this chapter for a county.

(B) As used in this chapter:

(1) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.

(2) "Certified organization" means any organization holding a certificate issued pursuant to section 5103.03 of the Revised Code that is in full force and effect.

(3) "Child" means any person under eighteen years of age or a person with a mental or physical disability, as defined by rule
adopted by the director of children and family services youth, under twenty-one years of age.

(4) "Executive director" means the person charged with the responsibility of administering the powers and duties of a public children services agency appointed pursuant to section 5153.10 of the Revised Code.

(5) "Organization" means any public, semipublic, or private institution, including maternity homes and day nurseries, and any private association, society, or agency, located or operating in this state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children or the placement of children in certified foster homes or elsewhere.

(6) "PCSA caseworker" means an individual employed by a public children services agency as a caseworker.

(7) "PCSA caseworker supervisor" means an individual employed by a public children services agency to supervise PCSA caseworkers.

Sec. 5153.111. (A)(1) The executive director of a public children services agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the agency for employment as a person responsible for the care, custody, or control of a child. If the applicant does not present proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the executive director shall request that the superintendent obtain information
from the federal bureau of investigation as a part of the criminal records check for the applicant. If the applicant presents proof that the applicant has been a resident of this state for that five-year period, the executive director may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) Any person required by division (A)(1) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (A)(1) of this section.

(3) Any applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, that agency shall not employ that applicant for any position for which a criminal records check is required by division (A)(1) of this section.

(B)(1) Except as provided in rules adopted by the director of
job children and family services youth in accordance with division (E) of this section, no public children services agency shall employ a person as a person responsible for the care, custody, or control of a child if the person previously has been convicted of or pleaded guilty to any of the following:

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

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B)(1)(a) of this section.

(2) A public children services agency may employ an applicant conditionally until the criminal records check required by this section is completed and the agency receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B)(1) of this section, the applicant does not qualify for employment, the agency shall release the applicant from employment.
(C)(1) Each public children services agency shall pay to the
bureau of criminal identification and investigation the fee
prescribed pursuant to division (C)(3) of section 109.572 of the
Revised Code for each criminal records check conducted in
accordance with that section upon the request pursuant to division
(A)(1) of this section of the executive director of the agency.

(2) A public children services agency may charge an applicant
a fee for the costs it incurs in obtaining a criminal records
check under this section. A fee charged under this division shall
not exceed the amount of fees the agency pays under division
(C)(1) of this section. If a fee is charged under this division,
the agency shall notify the applicant at the time of the
applicant's initial application for employment of the amount of
the fee and that, unless the fee is paid, the agency will not
consider the applicant for employment.

(D) The report of any criminal records check conducted by the
bureau of criminal identification and investigation in accordance
with section 109.572 of the Revised Code and pursuant to a request
under division (A)(1) of this section is not a public record for
the purposes of section 149.43 of the Revised Code and shall not
be made available to any person other than the applicant who is
the subject of the criminal records check or the applicant's
representative, the public children services agency requesting the
criminal records check or its representative, and any court,
hearing officer, or other necessary individual involved in a case
dealing with the denial of employment to the applicant.

(E) The director of job children and family services youth
shall adopt rules pursuant to Chapter 119. of the Revised Code to
implement this section, including rules specifying circumstances
under which a public children services agency may hire a person
who has been convicted of an offense listed in division (B)(1) of
this section but who meets standards in regard to rehabilitation
set by the department.

(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, that the person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with the agency as a person responsible for the care, custody, or control of a child.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

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

Sec. 5153.113. (A)(1) As used in this section, "applicant" has the same meaning as in section 5153.111 of the Revised Code, and includes an intern applicant or a volunteer applicant.

(2) "Intern applicant" means a trainee seeking practical educational and career experience who is under consideration for a position with a public children services agency to work, with or without monetary gain or compensation, as a person responsible for the care, custody, or control of a child;

(3) "Volunteer applicant" means a person who is under consideration for a position with a public children services agency to perform services within the agency voluntarily, without

...
monetary gain or compensation, as a person responsible for the care, custody, or control of a child.

(B) Notwithstanding division (I)(1) of section 2151.421, section 5153.17, and any other section of the Revised Code pertaining to confidentiality, before a public children services agency employs an applicant, the executive director of the agency, or the executive director's designee within the agency, shall review promptly any information the agency determines to be relevant for the purpose of evaluating the fitness of the applicant, including, but not limited to, the following:

(1) Abuse and neglect reports made pursuant to section 2151.421 of the Revised Code of which the applicant is the subject where it has been determined that abuse or neglect occurred;

(2) The final disposition of investigations of the abuse and neglect reports, or if the investigations have not been completed, the status of the investigations;

(3) Any underlying documentation concerning the reports.

(C) The information reviewed under division (B) of this section shall not include the name of the person or entity that made the report or participated in the making of the report of child abuse or neglect.

(D) The director of children and family services youth shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section.

Sec. 5153.121. (A) The board of county commissioners and the county children services board may agree to permit any employee of the department of children and family services youth also to perform duties for the county children services board, or to permit any employee of the county children services board also to perform duties for the department of children and family services youth.
services youth.

(B) An agreement made under division (A) of this section may require the board of county commissioners to pay a portion of the wages of any employee of the county children services board who also performs duties for the department of job children and family services youth or require the county children services board to pay a portion of the wages of any employee of the department of job children and family services youth who also performs duties for the county children services board.

Sec. 5153.122. Each PCSA caseworker hired after January 1, 2007, shall complete at least one hundred two hours of in-service training during the first year of the caseworker's continuous employment as a PCSA caseworker, except that the executive director of the public children services agency may waive the training requirement for a school of social work graduate who participated in the university partnership program described in division (E) of section 5101.141 of the Revised Code and as provided in section 5153.124 of the Revised Code. The training shall consist of courses in all of the following:

(A) Recognizing, accepting reports of, and preventing child abuse, neglect, and dependency;

(B) Assessing child safety;

(C) Assessing risks;

(D) Interviewing persons;

(E) Investigating cases;

(F) Intervening;

(G) Providing services to children and their families;

(H) The importance of and need for accurate data;

(I) Preparation for court;
(J) Maintenance of case record information;

(K) The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, including instruction regarding parents' rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations;

(L) Content on other topics relevant to child abuse, neglect, and dependency, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies.

After a PCSA caseworker's first year of continuous employment as a PCSA caseworker, the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties.

During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete at least twelve hours of training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of [job children and family services] youth shall adopt pursuant to Chapter 119. of the Revised Code. The twelve hours may be in addition to the training required during the caseworker's first year of employment or part of the training required during the second year of employment.

**Sec. 5153.123.** Each PCSA caseworker supervisor shall complete at least sixty hours of in-service training during the first year of the supervisor's continuous employment as a PCSA caseworker supervisor. The training shall include courses in screening reports of child abuse, neglect, or dependency. After a PCSA caseworker supervisor's first year of continuous employment as a PCSA caseworker supervisor, the supervisor annually shall complete thirty hours of training in areas relevant to the supervisor's
assigned duties. During the first two years of continuous employment as a PCSA caseworker supervisor, each PCSA caseworker supervisor shall complete at least twelve hours of training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of children and family services shall adopt pursuant to Chapter 119. of the Revised Code. The twelve hours may be in addition to the training required during the supervisor's first year of employment or part of the training required during the second year of employment.

Sec. 5153.124. (A)(1) The director of children and family services shall adopt rules as necessary to implement the training requirements of sections 5153.122 and 5153.123 of the Revised Code.

(2) Not later than nine months after the effective date of the amendment to this section by H.B. 110 of the 134th general assembly September 30, 2021, the director shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the circumstances under which an executive director of a public children services agency may waive portions of in-service training for PCSA caseworkers, in addition to the waiver described in section 5153.122 of the Revised Code.

(B) Notwithstanding sections 5103.33 to 5103.422 and sections 5153.122 to 5153.127 of the Revised Code, the department of children and family services may require additional training for PCSA caseworkers and PCSA caseworker supervisors as necessary to comply with federal requirements.

Sec. 5153.14. The executive director shall prepare and submit an annual report to the public children services agency at the end of each calendar year and shall file copies of such report with
the department of children and family services, the board of county commissioners, and the juvenile court. The executive director shall submit the inspection reports required under section 5153.16 of the Revised Code and such other reports as are required by law, by the rules of the director of children and family services, or by the board of county commissioners to specified governmental bodies and officers and shall provide reports to the public, when so authorized.

Sec. 5153.16. (A) Except as provided in section 2151.422 of the Revised Code, in accordance with rules adopted under section 5153.166 of the Revised Code, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency shall do all of the following:

(1) Make an investigation concerning any child alleged to be an abused, neglected, or dependent child;

(2) Enter into agreements with the parent, guardian, or other person having legal custody of any child, or with the department of children and family services, department of mental health and addiction services, department of developmental disabilities, other department, any certified organization within or outside the county, or any agency or institution outside the state, having legal custody of any child, with respect to the custody, care, or placement of any child, or with respect to any matter, in the interests of the child, provided the permanent custody of a child shall not be transferred by a parent to the public children services agency without the consent of the juvenile court;

(3) Accept custody of children committed to the public children services agency by a court exercising juvenile jurisdiction;
(4) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service;

(5) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child;

(6) Make available to the children with medical handicaps program of the department of health at its request any information concerning a child with a disability found to be in need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency;

(7) Provide temporary emergency care for any child considered by the public children services agency to be in need of such care, without agreement or commitment;

(8) Find certified foster homes, within or outside the county, for the care of children, including children with disabilities from other counties attending special schools in the county;

(9) Subject to the approval of the board of county commissioners and the state department of children and family services youth, establish and operate a training school or enter into an agreement with any municipal corporation or other political subdivision of the county respecting the operation, acquisition, or maintenance of any children's home, training school, or other institution for the care of children maintained by such municipal corporation or political subdivision;

(10) Acquire and operate a county children's home, establish, maintain, and operate a receiving home for the temporary care of children, or procure certified foster homes for this purpose;
(11) Enter into an agreement with the trustees of any district children's home, respecting the operation of the district children's home in cooperation with the other county boards in the district;

(12) Cooperate with, make its services available to, and act as the agent of persons, courts, the department of children and family services youth, the department of health, and other organizations within and outside the state, in matters relating to the welfare of children, except that the public children services agency shall not be required to provide supervision of or other services related to the exercise of parenting time rights granted pursuant to section 3109.051 or 3109.12 of the Revised Code or companionship or visitation rights granted pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code unless a juvenile court, pursuant to Chapter 2151. of the Revised Code, or a common pleas court, pursuant to division (E)(6) of section 3113.31 of the Revised Code, requires the provision of supervision or other services related to the exercise of the parenting time rights or companionship or visitation rights;

(13) Make investigations at the request of any superintendent of schools in the county or the principal of any school concerning the application of any child adjudicated to be an abused, neglected, or dependent child for release from school, where such service is not provided through a school attendance department;


(15) In addition to administering Title IV-E adoption assistance funds, enter into agreements to make adoption assistance payments under section 5153.163 of the Revised Code;
(16) Implement a system of safety and risk assessment, in accordance with rules adopted by the director of children and family services, to assist the public children services agency in determining the risk of abuse or neglect to a child;

(17) Enter into a plan of cooperation with the board of county commissioners under section 307.983 of the Revised Code and comply with each fiscal agreement the board enters into under section 307.98 of the Revised Code that include family services duties of public children services agencies and contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the public children services agency;

(18) Make reasonable efforts to prevent the removal of an alleged or adjudicated abused, neglected, or dependent child from the child's home, eliminate the continued removal of the child from the child's home, or make it possible for the child to return home safely, except that reasonable efforts of that nature are not required when a court has made a determination under division (A)(2) of section 2151.419 of the Revised Code;

(19) Make reasonable efforts to place the child in a timely manner in accordance with the permanency plan approved under division (E) of section 2151.417 of the Revised Code and to complete whatever steps are necessary to finalize the permanent placement of the child;

(20) Administer a Title IV-A program identified under division (A)(4)(c) or (g) of section 5101.80 of the Revised Code that the department of children and family services provides for the public children services agency to administer under the department's supervision pursuant to section 5101.801 of the Revised Code;

(21) Administer the kinship permanency incentive program created under section 5101.802 of the Revised Code under the
supervision of the director of job children and family services youth;

(22) Provide independent living services pursuant to sections 2151.81 to 2151.84 of the Revised Code;

(23) File a missing child report with a local law enforcement agency upon becoming aware that a child in the custody of the public children services agency is or may be missing.

(B) The public children services agency shall use the system implemented pursuant to division (A)(16) of this section in connection with an investigation undertaken pursuant to division (G)(1) of section 2151.421 of the Revised Code to assess both of the following:

(1) The ongoing safety of the child;

(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.

(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of job children and family services youth, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:

(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:

(i) County departments of job and family services;
(ii) Boards of alcohol, drug addiction, and mental health services;

(iii) County boards of developmental disabilities;

(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;

(v) Private and government providers of services;

(vi) Managed care organizations and prepaid health plans.

(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.

(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.

Sec. 5153.163. (A) As used in this section:

(1) "Adoptive parent" means, as the context requires, a prospective adoptive parent or an adoptive parent.

(2) "Relative" has the same meaning as in section 5101.141 of the Revised Code.

(B)(1) Before a child's adoption is finalized, a public children services agency may enter into an agreement with the child's adoptive parent under which the agency, to the extent state funds are available, may make state adoption maintenance...
subsidy payments as needed on behalf of the child when all of the following apply:

(a) The child is a child with special needs.

(b) The child was placed in the adoptive home by a public children services agency or a private child placing agency and may legally be adopted.

(c) The adoptive parent has the capability of providing the permanent family relationships needed by the child.

(d) The needs of the child are beyond the economic resources of the adoptive parent.

(e) Acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without payments on the child's behalf under this section.

(f) The gross income of the adoptive parent's family does not exceed one hundred twenty per cent of the median income of a family of the same size, including the child, as most recently determined for this state by the secretary of health and human services under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C.A. 1397, as amended.


(2) State adoption maintenance subsidy payment agreements must be made by either the public children services agency that has permanent custody of the child or the public children services agency of the county in which the private child placing agency that has permanent custody of the child is located.

(3) State adoption maintenance subsidy payments shall be made in accordance with the agreement between the public children services agency and the adoptive parent and are subject to an
annual redetermination of need.

(4) Payments under this division may begin either before or after issuance of the final adoption decree, except that payments made before issuance of the final adoption decree may be made only while the child is living in the adoptive parent's home. Preadoption payments may be made for not more than twelve months, unless the final adoption decree is not issued within that time because of a delay in court proceedings. Payments that begin before issuance of the final adoption decree may continue after its issuance.

(C)(1) A public children services agency may enter into an agreement with a child's relative under which the agency, to the extent state funds are available, may provide state kinship guardianship assistance as needed on behalf of the child when all of the following apply:

(a) The relative has cared for the eligible child as a foster caregiver as defined by section 5103.02 of the Revised Code for at least six consecutive months.

(b) Both of the following apply:

(i) A juvenile court issued an order granting legal custody of the child to the relative, or a probate court issued an order granting guardianship of the child to the relative, and the order is not a temporary court order.

(ii) The relative has committed to care for the child on a permanent basis.

(c) The relative signed a state kinship guardianship assistance agreement prior to assuming legal guardianship or legal custody of the child.

(d) The child had been removed from home pursuant to a voluntary placement agreement or as a result of a judicial
determination to the effect that continuation in the home would be contrary to the welfare of the child.

(e) Returning the child home or adoption are not appropriate permanency options for the child.

(f) The child demonstrates a strong attachment to the relative and the relative has a strong commitment to caring permanently for the child.

(g) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the state kinship guardianship assistance arrangement.

(h) The child is not eligible for kinship guardianship assistance payments under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended.

(2) The public children services agency that had custody of a child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child described in division (C)(1) of this section is authorized to enter into a state kinship guardianship assistance agreement with that relative.

(3) State kinship guardianship assistance for a child shall be provided in accordance with a state kinship guardianship assistance agreement entered into between the public children services agency and relative of the child described in division (C)(1) of this section and is subject to an annual redetermination of need.

(4) Not later than fifteen months after the effective date of this section September 30, 2021, if the amended state plan submitted under Title IV-E to implement 42 U.S.C. 673(d) as described in section 5101.1416 of the Revised Code is approved, division (C) of this section shall be implemented.
(D) No payment shall be made under division (B) or (C) of this section on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a person with a mental or physical disability twenty-one years of age or older.

(E) The director of children and family services youth shall adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement this section. The rules shall establish all of the following:

1) The application process for all forms of assistance provided under this section;

2) The method to determine the amount of assistance payable under division (B) of this section;

3) The definition of "child with special needs" for this section;

4) The process whereby a child's continuing need for services provided under division (B) or (C) of this section is annually redetermined;

5) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section.

(F) The state adoption special services subsidy program ceases to exist on July 1, 2004, except that, subject to the findings of the annual redetermination process established under division (E) of this section and the child's individual need for services, a public children services agency may continue to provide state adoption special services subsidy payments on behalf of a child for whom payments were being made prior to July 1, 2004.

(G) Benefits and services provided under this section are inalienable whether by way of assignment, charge, or otherwise and
exempt from execution, attachment, garnishment, and other like processes.

Sec. 5153.166. In addition to other rules specifically authorized by the Revised Code, the director of children and family services may adopt rules governing public children services agencies' performance of their family services duties, including the family services duties that public children services agencies have under sections 5153.16 to 5153.19 of the Revised Code.

Sec. 5153.17. The public children services agency shall prepare and keep written records of investigations of families, children, and foster homes, and of the care, training, and treatment afforded children, and shall prepare and keep such other records as are required by the department of children and family services. Such records shall be confidential, but, except as provided by division (B) of section 3107.17 of the Revised Code, shall be open to inspection by the agency, the director of children and family services, and the director of the county department of job and family services, and by other persons upon the written permission of the executive director.

Sec. 5153.175. (A) Notwithstanding division (I)(1) of section 2151.421, section 5153.17, and any other section of the Revised Code pertaining to confidentiality, when a public children services agency has determined that child abuse or neglect occurred and that abuse or neglect involves a person who has applied for licensure as a type A family day-care home or type B family day-care home, the agency shall promptly provide to the department of children and family services any information the agency determines to be relevant for the purpose...
of evaluating the fitness of the person, including, but not limited to, both of the following:

(1) A summary report of the chronology of abuse and neglect reports made pursuant to section 2151.421 of the Revised Code of which the person is the subject where the agency determined that abuse or neglect occurred and the final disposition of the investigation of the reports or, if the investigations have not been completed, the status of the investigations;

(2) Any underlying documentation concerning those reports.

(B) The agency shall not include in the information provided to the department under division (A) of this section the name of the person or entity that made the report or participated in the making of the report of child abuse or neglect.

(C) Upon provision of information under division (A) of this section, the agency shall notify the department of both of the following:

(1) That the information is confidential;

(2) That unauthorized dissemination of the information is a violation of division (I)(2) of section 2151.421 of the Revised Code and any person who permits or encourages unauthorized dissemination of the information is guilty of a misdemeanor of the fourth degree pursuant to section 2151.99 of the Revised Code.

Sec. 5153.20. (A)(1) Except as provided in division (B) of this section, the cost of care furnished by the public children services agency or the board of county commissioners to any child having a legal residence in another county shall be charged to the county of legal residence. No expense shall be incurred by the agency or the board of county commissioners, on account of such care, except for temporary or emergency care, without the consent of the agency or board of county commissioners, or as provided by
this section. If such consent cannot be obtained the board of
county commissioners may file a petition in the court of common
pleas of the county in which the child is found for a
determination of legal residence of such child. Summons in such a
proceeding shall be served, as in other civil actions, upon the
board of county commissioners and the executive director of the
agency of the county alleged to be the county of legal residence,
but the answer day shall be the tenth day after the issuance of
such summons. The return day shall be the fifth day after issuance
of the summons. The cause shall be set for hearing not less than
ten nor more than thirty days after the issuance of the summons.
The finding and determination by the court upon such application,
subject to the right of appeal, shall be final and conclusive as
to the county chargeable under this section with the costs of the
care of such child. The board of county commissioners out of its
general funds shall reimburse the agency furnishing such care,
upon receipt of itemized statements.

(2) Any moneys received by the agency furnishing such care
from persons liable for the cost of any part of such care, by
agreement or otherwise, shall be credited to the county of legal
residence.

(3) The agency may remove and deliver any child, having legal
residence in another county in Ohio and deemed to be in need of
public care, to the public children services agency of the county
of legal residence. All cost incidental to the transportation of
such child and of any escort required shall be paid by the public
children services agency which delivers back the child. With the
approval of the department of job children and family services
youth, any child whose legal residence has been found to be in
another state or country may be transferred to the department for
return to the place of legal residence, or such child may be
returned by the agency. All costs incidental to the transportation
of such child and of any escort required shall be paid by the
department of children and family services if it returns the
child, otherwise the cost shall be paid by the agency, subject
in either case to such reimbursement as may be obtained from the
responsible persons or authorities of the place of legal
residence. The department of children and family services
youth may enter into agreements with the authorities of other
states relative to the placement and return of children.

(B)(1) If a court determines that reasonable efforts have
been made to prevent removal of an adopted child from the child's
home pursuant to section 2151.419 of the Revised Code and an
adopted child is placed in the temporary or permanent custody of a
public children services agency or a private child placing agency
within thirty-six months of the date that the child's adoption was
finalized, the agency that previously held permanent custody of the
child when the child was placed with the adoptive parent shall
be given opportunity to participate in planning for the child's
care and treatment and shall assume fifty per cent of the
financial responsibility for the care and treatment. Shared
planning and financial responsibility shall cease on the first day
of the thirty-seventh month after the date that the child's
adoption was finalized and, on this date, the custodial agency
shall then assume full planning and financial responsibility. The
custodial agency and the agency that previously held permanent
custody of the child may enter into a written agreement for shared
financial responsibility that differs from the responsibilities
allocated in this division.

(2) Division (B)(1) of this section does not apply to any of
the following:

(a) An adoption by a stepparent whose spouse is a biological
or adoptive parent of the child;

(b) An international adoption;
(c) An adoption where either the custodial agency or agency that previously held permanent custody of the child is not in this state.

(3) Nothing in division (B) of this section shall prevent a court or a child support enforcement agency from issuing a child support order.

**Sec. 5153.21.** The board of county commissioners may establish a children's home upon the recommendation of the public children services agency and subject to certification by the department of job children and family services youth under section 5103.03 of the Revised Code and the requirements of sections 5103.05 and 5103.051 of the Revised Code.

**Sec. 5153.22.** If there is no children's home in the county or if the facilities for institutional care are inadequate, the public children services agency may, subject to the approval of the department of job children and family services youth and the board of county commissioners, enter into an agreement with the public children services agency of, or a certified organization located in, another county, or with the board of trustees of any district or semipublic children's home, or with any agency or institution outside the state for the furnishing of institutional care to children of the county.

**Sec. 5153.27.** A public children services agency operating a children's home or other institution is subject to sections 5103.03 and 5103.04 of the Revised Code respecting certification by the department of job children and family services youth.

**Sec. 5153.29.** The board of county commissioners of any county having a county children's home, may, upon the recommendation of the public children services agency and with the approval of the
department of job children and family services youth, abandon the use of such home and proceed to sell or lease the site, building, furniture, and equipment of such home in the manner most advantageous to the county, or it may use the home for other necessary and proper purposes. The net proceeds of any such sale or lease shall be paid into the county treasury.

Sec. 5153.30. The public children services agency may accept and receive bequests, donations, and gifts of funds or property, real or personal, for child care and services. The facilities or services to be established or maintained through any such gift shall be subject to the approval of the department of job children and family services youth.

Sec. 5153.32. Any corporation, organized under the laws of this state for the purpose of establishing, conducting, and maintaining a child welfare institution or agency, which is unable, for any reason, to conduct and maintain such institution or agency, and which has not, for a period of three consecutive years, conducted or maintained a place or establishment for the care of children, and which has in its hands funds or properties acquired by it for the purpose of establishing, conducting, and maintaining such institution or agency, may, subject to the approval of the department of job children and family services youth, and subject to the terms of any deed, will, or other instrument pursuant to which such funds or properties were acquired, transfer such funds or properties to the public children services agency, to be used for the purposes for which such funds or property were acquired. The transfer of such funds or properties to the agency shall be a full discharge of the obligation or liability of such corporation and its trustees with respect to the funds and properties so transferred.
Sec. 5153.35. The boards of county commissioners shall levy taxes and make appropriations sufficient to enable the public children services agency to perform its functions and duties under this chapter. If the board of county commissioners levies a tax for children services and the children services functions are transferred from a county children services board to the department of job children and family services youth, or from the department of job children and family services youth to a county children services board, the levy shall continue in effect for the period for which it was approved by the electors for the use by the public children services agency that provides children services pursuant to the transfer.

In addition to making the usual appropriations, there may be allowed annually to the executive director an amount not to exceed one-half the executive director's official salary to provide for necessary expenses which are incurred by the executive director or the executive director's staff in the performance of their official duties. Upon the order of the executive director, the county auditor shall draw a warrant on the county treasurer payable to the executive director or such other person as the order designates, for such amount as the order requires, not exceeding the amount provided for in this section, and to be paid out of the general fund of the county. The bond of the executive director provided for by section 5153.13 of the Revised Code shall at all times be in sufficient amount to cover the additional appropriations provided for by this section.

The executive director, annually, before the first Monday of January, shall file with the auditor a detailed and itemized statement, verified by the executive director, as to the manner in which the fund has been expended during the current year, and if any part of such fund remains in the executive director's hands unexpended, forthwith shall pay that amount into the county
Sec. 5153.36. The boards of county commissioners of two or more adjoining counties, not to exceed four, may, upon the recommendation of the public children services agencies of such counties, and subject to the approval of the department of job children and family services youth form themselves into a joint board, and proceed to organize a district for the establishment and support of a children's home, by using a site and buildings already established in one such county, or by providing for the purchase of a site and the erection of necessary buildings thereon.

Sec. 5153.38. When any person donates or bequeaths the person's real or personal estate, or any part thereof, to the use and benefit of a district children's home, the board of trustees of the home may accept and use such donation or bequest as they deem for the best interests of the institution, and consistent with the conditions of such bequest. The facilities or services to be established or maintained through any such gift shall be subject to the approval of the department of job children and family services youth.

Sec. 5153.49. The board of county commissioners of any county within a children's home district may, upon the recommendation of the public children services agency, and subject to the approval of the department of job children and family services youth, withdraw from such district and dispose of its interest in such home by selling or leasing its right, title, and interest in the site, buildings, furniture, and equipment to any counties in the district, at such price and on such terms as are agreed upon among the boards of county commissioners of the counties concerned. Section 307.10 of the Revised Code does not apply to this section.
The net proceeds of any such sale or lease shall be paid into the county treasury of the withdrawing county.

Members of the board of trustees of a district children's home who are residents of a county withdrawing from such district are deemed to have resigned their positions upon completion of the withdrawal procedure provided by this section. Vacancies thus created shall be filled according to sections 5153.39 and 5153.45 of the Revised Code.

**Sec. 5153.52.** The board of county commissioners of any county which has no county children's home may aid an incorporated children's home or other unincorporated society, whose object is the care, aid, and education of neglected or destitute children, by contributing toward the purchase of land for such home or society, the erection of buildings by it, or of additions to existing buildings, or other improvements, to an amount not to exceed twenty-five hundred dollars in any one year.

The board of any such county may submit to the people of such county, under section 133.18 of the Revised Code, the question of whether bonds of such county shall be issued for the purposes of this section. If the people of such county approve the issue of bonds, the board may issue the bonds under Chapter 133. of the Revised Code, as if they were being issued for the construction of a county children's home owned by the county, and may use the proceeds of such bond issue for the purposes of and without the restriction as to amount imposed by this section.

The board may contribute an amount not to exceed five hundred dollars in any one year for the purpose of keeping such property in repair. If such children's home ceases to exist, so that the property so purchased ceases to be used for the purpose of a children's home by the corporation, such county shall have a lien upon the property for the amount of money contributed for its
purchase, and if such corporation fails to maintain, manage, and control such home so as to subserve the purpose of a children's home for which it was incorporated, the board may enforce such lien or, if it prefers may, upon approval of the department of job children and family services, youth first being obtained, organize such home into a county children's home. The title to such property, where the county has contributed the whole amount of the purchase money, shall vest in and be the property of such county.

Sec. 5160.011. References to the department or director of public welfare, department or director of human services, department or director of job and family services, department or director of children and youth, office of medical assistance, or medical assistance director in any statute, rule, contract, grant, or other document is deemed to refer to the department of medicaid or medicaid director, as the case may be, to the extent the reference is about a duty or authority of the department of medicaid or medicaid director regarding a medical assistance program.

Sec. 5162.11. (A) The department of medicaid shall enter into an agreement with the department of administrative services for the department of administrative services to contract through competitive selection pursuant to section 125.07 of the Revised Code with a vendor to perform an assessment of the data collection and data warehouse functions of the medicaid data warehouse system, including the ability to link the data sets of all agencies serving medicaid recipients.

The assessment of the data system shall include functions related to fraud and abuse detection, program management and budgeting, and performance measurement capabilities of all agencies serving medicaid recipients, including the departments of
aging, health, job and family services, medicaid, mental health and addiction services, children and youth, and developmental disabilities.

A qualified vendor with whom the department of administrative services contracts to assess the data system shall also assist the medicaid agencies in the definition of the requirements for an enhanced data system or a new data system and assist the department of administrative services in the preparation of a request for proposals to enhance or develop a data system.

(B) Based on the assessment performed pursuant to division (A) of this section, the department of administrative services shall seek a qualified vendor through competitive selection pursuant to Chapter 125. of the Revised Code to develop or enhance a data collection and data warehouse system for the department of medicaid and all agencies serving medicaid recipients.

The department of medicaid shall seek enhanced federal financial participation for ninety per cent of the funds required to establish or enhance the data system. The department of administrative services shall not award a contract for establishing or enhancing the data system until the department of medicaid receives approval from the United States secretary of health and human services for the ninety per cent federal financial participation.

Sec. 5162.135. (A) As used in this section, "stillbirth" has the same meaning as in section 3701.97 of the Revised Code.

(B) The department of medicaid shall create an infant mortality scorecard. The scorecard shall report all of the following:

(1) The performance of the fee-for-service component of

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medicaid and each medicaid managed care organization on population health measures, including the infant mortality rate, preterm birth rate, and low-birthweight rate, and stillbirth rate, delineated in accordance with division (C) of this section;

(2) The performance of the fee-for-service component of medicaid and each medicaid managed care organization on service utilization and outcome measures using claims data and data from vital records;

(3) The number and percentage of women who are at least fifteen but less than forty-four years of age who are medicaid recipients;

(4) The number of medicaid recipients who delivered a newborn and the percentage of those who reported tobacco use at the time of delivery;

(5) The number of prenatal, postpartum, and adolescent wellness visits made by medicaid recipients;

(6) The percentage of pregnant medicaid recipients who initiated progesterone therapy during pregnancy;

(7) The percentage of female medicaid recipients of childbearing age who participate in a tobacco cessation program or use a tobacco cessation product;

(8) The percentage of female medicaid recipients of childbearing age who use long-acting reversible contraception;

(9) A comparison of the low-birthweight rate of medicaid recipients with the low-birthweight rate of women who are not medicaid recipients;

(10) Any other information on maternal and child health that the department considers appropriate.

(C) To the extent possible, the performance measures described in division (B)(1) of this section shall be delineated
in the scorecard as follows:

(1) For each region of the state and the state as a whole, by race and ethnic group;

(2) For the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code, as well as for any other communities that are the subject of targeted infant mortality reduction initiatives administered by one or more state agencies, by race, ethnic group, and census tract.

The scorecard shall be updated each calendar quarter and made available on the department's internet web site.

(D) The department shall make available the data sources and methodology used to complete the scorecard to any person or government entity on request.

Sec. 5164.15. (A) As used in this section:

(1) "Community mental health services provider or facility" means a community mental health services provider or facility that has its community mental health services certified by the department of mental health and addiction services under section 5119.36 of the Revised Code or by the department of children and family services under section 5103.03 of the Revised Code.

(2) "Mental health professional" means a person qualified to work with persons with mental illnesses under the standards established by the director of mental health and addiction services pursuant to section 5119.36 of the Revised Code.

(B) The medicaid program may cover the following mental health services when provided by community mental health services providers or facilities:

(1) Outpatient mental health services, including, but not limited to, preventive, diagnostic, therapeutic, rehabilitative,
and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, monitored, and reviewed;

(2) Partial-hospitalization mental health services rendered by persons directly supervised by a mental health professional;

(3) Unscheduled, emergency mental health services of a kind ordinarily provided to persons in crisis when rendered by persons supervised by a mental health professional;

(4) Assertive community treatment and intensive home-based mental health services.

(C) The department of medicaid shall enter into a separate contract with the department of mental health and addiction services under section 5162.35 of the Revised Code with regard to the mental health services the medicaid program covers pursuant to this section.

Sec. 5166.01. As used in this chapter:

"209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under which the medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the supplemental security income program.

"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision.

"Care management system" has the same meaning as in section 5167.01 of the Revised Code.
"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

"Enrollee" has the same meaning as in section 5167.01 of the Revised Code.

"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.

"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.

"Hospital" has the same meaning as in section 3727.01 of the Revised Code.

"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.

"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.

"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.

"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.

"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component.

"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code.
"Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code.

"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.

"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under section 1115 or 1915 of the "Social Security Act," 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include the care management system or services delivered under a prepaid inpatient health plan, as defined in 42 C.F.R. 438.2.

"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3).

"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.

"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of children and family services youth under section 5103.03 of the Revised Code, that serves
children and either has more than sixteen beds or is part of a 125112
campus of multiple facilities or institutions that, combined, have 125113
a total of more than sixteen beds. 125114

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 125115

"Unified long-term services and support medicaid waiver 125116
component" means the medicaid waiver component authorized by 125117
section 5166.14 of the Revised Code. 125118

Sec. 5167.16. (A) As used in this section: 125119

(1) "Help me grow program" means the program established by 125120
the department of health pursuant to section 3701.61 5180.21 of 125121
the Revised Code. 125122

(2) "Targeted case management" has the same meaning as in 42 125123
C.F.R. 440.169(b). 125124

(B) A medicaid managed care organization shall provide to a 125125
medicaid recipient who meets the criteria in division (C) of this 125126
section, or arrange for such recipient to receive, both of the 125127
following types of services: 125128

(1) Home visits, which shall include depression screenings, 125129
for which federal financial participation is available under the 125130
targeted case management benefit; 125131

(2) Cognitive behavioral therapy, provided by a community 125132
mental health services provider, that is determined to be 125133
medically necessary through a depression screening conducted as 125134
part of a home visit. 125135

(C) A medicaid recipient qualifies to receive the services 125136
specified in division (B) of this section if the medicaid 125137
recipient is enrolled in the help me grow program, enrolled in the 125138
medicaid managed care organization providing or arranging for the 125139
services, and is either pregnant or the birth mother of a child 125140
under five years of age.

    (D) If requested by a medicaid recipient eligible for the cognitive behavioral therapy covered under division (B)(2) of this section, the therapy shall be provided in the recipient's home. The medicaid managed care organization shall inform the medicaid recipient of the right to make the request and how to make it.

Sec. 3701.68 5180.10.  (A) As used in this section:

    (1) "Academic medical center" means a medical school and its affiliated teaching hospitals.

    (2) "State registrar" has the same meaning as in section 3705.01 of the Revised Code.

    (B) There is hereby created the commission on infant mortality. The commission shall do all of the following:

    (1) Conduct a complete inventory of services provided or administered by the state that are available to address the infant mortality rate in this state;

    (2) For each service identified under division (B)(1) of this section, determine both of the following:

        (a) The sources of the funds that are used to pay for the service;

        (b) Whether the service and its funding sources have a connection with programs provided or administered by local or community-based public or private entities and, to the extent they do not, whether they should.

    (3) With assistance from academic medical centers, track and analyze infant mortality rates by county for the purpose of determining the impact of state and local initiatives to reduce those rates.

    (C) The commission shall consist of the following members:
(1) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate president;

(2) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by the speaker of the house of representatives;

(3) The governor or the governor's designee;

(4) The medicaid director or the director's designee;

(5) The director of children and youth or the director's designee;

(6) The director of health or the director's designee;

(7) The director of developmental disabilities or the director's designee;

(8) The executive director of the commission on minority health or the executive director's designee;

(9) The attorney general or the attorney general's designee;

(10) A health commissioner of a city or general health district, appointed by the governor;

(11) A coroner, deputy coroner, or other person who conducts death scene investigations, appointed by the governor;

(12) An individual who represents the Ohio hospital association, appointed by the association's president;

(13) An individual who represents the Ohio children's hospital association, appointed by the association's president;

(14) Two individuals who represent community-based programs that serve pregnant women or new mothers whose infants tend to be at a higher risk for infant mortality, appointed by the governor;
Two individuals who represent children's interests, one to be appointed by the speaker of the house of representatives and one to be appointed by the senate president.

(D) An appointed commission member shall hold office until a successor is appointed. A vacancy shall be filled in the same manner as the original appointment.

From among the members, the president of the senate and speaker of the house of representatives shall appoint two to serve as co-chairpersons of the commission.

A member shall serve without compensation except to the extent that serving on the commission is considered part of the member's regular duties of employment.

(E) The commission may request assistance from the staff of the legislative service commission.

(F) For purposes of division (B)(3) of this section, the state registrar shall ensure that the commission and academic medical centers located in this state have access to any electronic system of vital records the state registrar or department of health maintains, including the Ohio public health information warehouse. Not later than six months after March 19, 2015, the commission on infant mortality shall prepare a written report of its findings and recommendations concerning the matters described in division (B) of this section. On completion, the commission shall submit the report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly.

(G) The president of the senate and speaker of the house of representatives shall determine the responsibilities of the commission following submission of the report under division (F) of this section.

(H) The commission is not subject to sections 101.82 to
101.87 of the Revised Code.

(I) The commission shall provide information to the Ohio housing finance agency for the purposes of division (A) of section 175.14 of the Revised Code.

Sec. 3701.951 5180.11. (A) As used in this section:

(1) "Preliminary infant mortality and preterm birth rates" means infant mortality and preterm birth rates that are derived from vital records as defined in section 3705.01 of the Revised Code, are not considered finalized by the department of health, and are subject to modification as additional birth and death data are received by the department and added to vital records.

(2) "Stillbirth" has the same meaning as in section 3701.97 5180.12 of the Revised Code.

(B) Each calendar quarter, the department of health children and youth shall determine the state's preliminary infant mortality and preterm birth rates, as well as the stillbirth rate, delineated by race and ethnic group. The rates shall be determined using a simple rolling average. The department shall publish the rates in a quarterly report, which shall also include a description of the data sources and methodology used to determine the rates. The department shall make each report available on its internet web site not later than five business days after the rates are determined.

Sec. 3701.97 5180.12. (A) As used in this section, "stillbirth" means death prior to the complete expulsion or extraction from its mother of a product of human conception of at least twenty weeks of gestation, which after such expulsion or extraction does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.
(B) The director of health children and youth shall do all of the following:

(1) Publish stillbirth data compiled from the department of health's fetal death statistical file and make it available on the department's internet web site;

(2) Review the stillbirth data described in division (B)(1) of this section and identify potential trends in the incidence of stillbirth and the possible causes of, and conditions that could lead to or indicate the possible occurrence of, stillbirth;

(3) Develop educational materials in conjunction with statewide medical associations that may be used to apprise health care providers of trends, if any, that were identified through a review described in division (B)(2) of this section;

(4) Electronically disseminate the educational materials developed under division (B)(3) of this section to the state medical board and statewide medical associations and make them available on the department of health's web site in an easily accessible format.

Sec. 3701.953 5180.13. (A) The department of health children and youth shall create an infant mortality scorecard. The scorecard shall report all of the following:

(1) The state's performance on population health measures, including the infant mortality rate, preterm birth rate, and low birth weight rate, delineated by race, ethnic group, region of the state, and the state as a whole;

(2) Preliminary data the department possesses on the state's unexpected infant death rate;

(3) To the extent such information is available, the state's performance on outcome measures identified by the department that are related to preconception health, reproductive health, prenatal
care, labor and delivery, smoking, infant safe sleep practices, breastfeeding, and behavioral health, delineated by race, ethnic group, region of the state, and the state as a whole;

(4) A comparison of the state's performance on the population health measures specified in division (A)(1) of this section and, to the extent such information is available, the state's performance on outcome measures specified in division (A)(3) of this section with the targets for the measures, or the targets for the objectives similar to the measures, established by the United States department of health and human services through the healthy people 2020 initiative or a subsequent initiative;

(5) Any other information on maternal and child health that the department considers appropriate.

(B) The scorecard shall be updated each calendar quarter and made available on the department's internet web site.

(C) The scorecard shall include a description of the data sources and methodology used to complete the scorecard.

Sec. 3701.63 5180.14. (A) As used in this section and sections 3701.64 5180.15, 3701.66 5180.16, and 3701.67 5180.17 of the Revised Code:

(1) "Child day-care center," "type A family day-care home," and "licensed type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.

(2) "Child care facility" means a child day-care center, a type A family day-care home, or a licensed type B family day-care home.

(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(4) "Freestanding birthing center" has the same meaning as in section 3701.503 of the Revised Code.
(5) "Hospital" has the same meaning as in section 3722.01 of the Revised Code to which either of the following applies:

(a) The hospital has a maternity unit.

(b) The hospital receives for care infants who have been transferred to it from other facilities and who have never been discharged to their residences following birth.

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

(7) "Maternity unit" means the distinct portion of a hospital in which maternity services are provided.

(8) "Other person responsible for the infant" includes a foster caregiver.

(9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed.

(10) "Shaken baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.

(B) The director of health children and youth shall establish the shaken baby syndrome education program by doing all of the following:

(1) Developing educational materials that present readily comprehensible information on shaken baby syndrome;

(2) Making available on the department of health children and youth web site in an easily accessible format the educational materials developed under division (B)(1) of this section;

(3) Annually assessing the effectiveness of the shaken baby syndrome education program.
syndrome education program by doing all of the following:

(a) Evaluating the reports received pursuant to section 5101.135 of the Revised Code;

(b) Reviewing the content of the educational materials to determine if updates or improvements should be made;

(c) Reviewing the manner in which the educational materials are distributed, as described in section 3701.64 5180.15 of the Revised Code, to determine if modifications to that manner should be made.

(C) In meeting the requirements under division (B) of this section, the director shall develop educational materials that, to the extent possible, minimize administrative or financial burdens on any of the entities or persons listed in section 3701.64 5180.15 of the Revised Code.

Sec. 3701.64 5180.15. (A) A copy of the shaken baby syndrome educational materials developed under section 3701.63 5180.14 of the Revised Code shall be distributed in the following manner:

(1) By childbirth educators and the staff of obstetricians' offices, to an expectant parent who uses their services;

(2) By the staff of pediatric physicians' offices, to any of the following who use their services: an infant's parent, guardian, or other person responsible for the infant;

(3) By the staff of a hospital or freestanding birthing center, to an infant's parent, guardian, or other person responsible for the infant, before the child is discharged from the facility to the infant's residence following birth;

(4) By the staff of the help me grow program established pursuant to section 3701.64 5180.21 of the Revised Code, to an infant's parent, guardian, or other person responsible for the
infant, during home-visiting services conducted in accordance with that section;

(5) By each child care facility operating in this state, to each of its employees;

(6) By a public children services agency, when the agency has initial contact with an infant's parent, guardian, or other person responsible for the infant.

(B) An entity or person required to distribute educational materials pursuant to division (A) of this section is not liable for damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with the dissemination of those educational materials unless the act or omission constitutes willful or wanton misconduct.

An entity or person required to distribute educational materials in accordance with division (A) of this section is not subject to criminal prosecution or, to the extent that a person is regulated under Title XLVII of the Revised Code, professional disciplinary action under that title, for an act or omission associated with the dissemination of those educational materials.

This division does not eliminate, limit, or reduce any other immunity or defense that an entity or person may be entitled to under Chapter 2744. of the Revised Code, or any other provision of the Revised Code, or the common law of this state.

Sec. 3701.66 Sub. H. B. No. 33 Page 4080

5180.16. (A) As used in this section, "sudden unexpected infant death" means the death of an infant that occurs suddenly and unexpectedly, the cause of which is not immediately obvious prior to investigation.

(B) The department of health children and youth shall establish the safe sleep education program by doing all of the
following:

(1) By not later than sixty days after March 19, 2015, developing educational materials that present readily comprehensible information on safe sleeping practices for infants and possible causes of sudden unexpected infant death;

(2) Making available on the department's internet web site in an easily accessible format the educational materials developed under division (B)(1) of this section;

(3) Providing annual training classes at no cost to individuals who provide safe sleep education to parents and infant caregivers who reside in the urban and rural communities specified under section 3701.142 of the Revised Code, including child care providers as defined in section 2151.011 of the Revised Code, hospital staff and volunteers, local health department staff, social workers, individuals who provide home visiting services, and community health workers;

(4) Beginning in 2015, annually assessing the effectiveness of the safe sleep education program by evaluating the reports submitted by child fatality review boards to the department pursuant to section 307.626 of the Revised Code.

(C) In meeting the requirements under division (B) of this section, the department shall develop educational materials that, to the extent possible, minimize administrative or financial burdens on any of the entities or persons required by division (D) of this section to distribute the materials.

(D) A copy of the safe sleep educational materials developed under this section shall be distributed by entities and persons with and in the same manner as the shaken baby syndrome educational materials are distributed pursuant to sections 3701.64 and 5180.15 of the Revised Code.

An entity or person required to distribute the educational...
materials is not liable for damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with the dissemination of those educational materials unless the act or omission constitutes willful or wanton misconduct.

An entity or person required to distribute the educational materials is not subject to criminal prosecution or, to the extent that a person is regulated under Title XLVII of the Revised Code, professional disciplinary action under that title, for an act or omission associated with the dissemination of those educational materials.

This division does not eliminate, limit, or reduce any other immunity or defense that an entity or person may be entitled to under Chapter 2744. of the Revised Code, or any other provision of the Revised Code, or the common law of this state.

(E) Each entity or person that is required to distribute the educational materials and has infants regularly sleeping at a facility or location under the entity's or person's control shall adopt an internal infant safe sleep policy. The policy shall specify when and to whom educational materials on infant safe sleep practices are to be delivered to individuals working or volunteering at the facility or location and be consistent with the model internal infant safe sleep policy adopted under division (F) of this section.

(F) The director of health children and youth shall adopt a model internal infant safe sleep policy for use by entities and persons that must comply with division (E) of this section. The policy shall specify safe infant sleep practices, include images depicting safe infant sleep practices, and specify sample content for an infant safe sleep education program that entities and persons may use when conducting new staff orientation programs.
Sec. 3701.67 5180.17. (A) As used in this section: 125473

(1) "Contractor" means a person who provides personal 125474
services pursuant to a contract. 125475

(2) "Critical access hospital" means a facility designated as 125476
a critical access hospital by the director of health under section 125477
3701.073 of the Revised Code. 125478

(3) "Crib" includes a portable play yard or other suitable 125479
sleeping place. 125480

(B) Each hospital and freestanding birthing center shall 125481
implement an infant safe sleep screening procedure. The purpose of 125482
the procedure is to determine whether there will be a safe crib 125483
for an infant to sleep in once the infant is discharged from the 125484
facility to the infant's residence following birth. The procedure 125485
shall consist of questions that facility staff or volunteers must 125486
ask the infant's parent, guardian, or other person responsible for 125487
the infant regarding the infant's intended sleeping place and 125488
environment. 125489

The director of health children and youth shall develop 125490
questions that facilities may use when implementing the infant 125491
safe sleep screening procedure required by this division. The 125492
director may consult with persons and government entities that 125493
have expertise in infant safe sleep practices when developing the 125494
questions. 125495

(C) If, prior to an infant's discharge from a facility to the 125496
infant's residence following birth, a facility other than a 125497
critical access hospital or a facility identified under division 125498
(D) of this section determines through the procedure implemented 125499
under division (B) of this section that the infant is unlikely to 125500
have a safe crib at the infant's residence, the facility shall 125501
make a good faith effort to arrange for the parent, guardian, or 125502
other person responsible for the infant to obtain a safe crib at no charge to that individual. In meeting this requirement, the facility may do any of the following:

(1) Obtain a safe crib with its own resources;

(2) Collaborate with or obtain assistance from persons or government entities that are able to procure a safe crib or provide money to purchase a safe crib;

(3) Refer the parent, guardian, or other person responsible for the infant to a person or government entity described in division (C)(2) of this section to obtain a safe crib free of charge from that source;

(4) If funds are available for the cribs for kids program or a successor program administered by the department of health children and youth, refer the parent, guardian, or other person responsible for the infant to a site, designated by the department for purposes of the program, at which a safe crib may be obtained at no charge.

If a safe crib is procured as described in division (C)(1), (2), or (3) of this section, the facility shall ensure that the crib recipient receives safe sleep education and crib assembly instructions from the facility or another source. If a safe crib is procured as described in division (C)(4) of this section, the department of health children and youth shall ensure that the cribs for kids program or a successor program administered by the department provides safe sleep education and crib assembly instructions to the recipient.

(D) The director of health children and youth shall identify the facilities in this state that are not critical access hospitals and are not served by a site described in division (C)(4) of this section. The director shall identify not less than annually the facilities that meet both criteria and notify those
that do so.

(E) When a facility that is a hospital registers with the department of health under section 3701.07 of the Revised Code or a facility that is a freestanding birthing center renews its license in accordance with rules adopted under section 3702.30 of the Revised Code, the facility shall report the following information to the department of children and youth in a manner the department prescribes:

(1) The number of safe cribs that the facility obtained and distributed by using its own resources as described in division (C)(1) of this section since the last time the facility reported this information to the department;

(2) The number of safe cribs that the facility obtained and distributed by collaborating with or obtaining assistance from another person or government entity as described in division (C)(2) of this section since the last time the facility reported this information to the department;

(3) The number of referrals that the facility made to a person or government entity as described in division (C)(3) of this section since the last time the facility reported this information to the department;

(4) The number of referrals that the facility made to a site designated by the department as described in division (C)(4) of this section since the last time the facility reported this information to the department;

(5) Demographic information specified by the director of health children and youth regarding the individuals to whom safe cribs were distributed as described in division (E)(1) or (2) of this section or for whom a referral described in division (E)(3) or (4) of this section was made;

(6) In the case of a critical access hospital or a facility
identified under division (D) of this section, demographic information specified by the director of health children and youth regarding each parent, guardian, or other person responsible for the infant determined to be unlikely to have a safe crib at the infant's residence pursuant to the procedure implemented under division (B) of this section;

(7) Any other information collected by the facility regarding infant sleep environments and intended infant sleep environments that the director determines to be appropriate.

(F) The director of health children and youth shall prepare a written report that summarizes the information collected under division (E) of this section for the preceding twelve months, assesses whether at-risk families are sufficiently being served by the crib distribution and referral system established by this section, makes suggestions for system improvements, and provides any other information the director considers appropriate for inclusion in the report. On completion, the report shall be submitted to the general assembly with, and in the same manner as, the report that the department of medicaid submits to the general assembly and joint medicaid oversight committee pursuant to section 5162.13 of the Revised Code. A copy of the report also shall be submitted to the governor.

(G) A facility, and any employee, contractor, or volunteer of a facility, that implements an infant safe sleep procedure in accordance with division (B) of this section is not liable for damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with implementation of the procedure, unless the act or omission constitutes willful or wanton misconduct.

A facility, and any employee, contractor, or volunteer of a facility, that implements an infant safe sleep screening procedure in accordance with division (B) of this section is not subject to
criminal prosecution or, to the extent that a person is regulated under Title XLVII of the Revised Code, professional disciplinary action under that title, for an act or omission associated with implementation of the procedure.

This division does not eliminate, limit, or reduce any other immunity or defense that a facility, or an employee, contractor, or volunteer of a facility, may be entitled to under Chapter 2744 of the Revised Code, or any other provision of the Revised Code, or the common law of this state.

(H) A facility, and any employee, contractor, or volunteer of a facility, is neither liable for damages in a civil action, nor subject to criminal prosecution, for injury, death, or loss to person or property that allegedly arises from a crib obtained by a parent, guardian, or other person responsible for the infant as a result of any action the facility, employee, contractor, or volunteer takes to comply with division (C) of this section.

The immunity provided by this division does not require compliance with division (D) of section 2305.37 of the Revised Code.

Sec. 3701.671 5180.18. The director of health children and youth shall require each recipient of a grant the department of health children and youth administers that pertains to safe crib procurement to report annually to the department both of the following:

(A) Demographic information specified by the director of health children and youth regarding the individuals to whom safe cribs were distributed;

(B) If known, the extent to which distributed cribs are being used.

Sec. 3701.952 5180.19. (A) The department of health children
and youth shall create a population-based questionnaire designed
to examine maternal behaviors and experiences before, during, and
after a woman's pregnancy, as well as during the early infancy of
the woman's child. The questionnaire shall collect information
that is similar to the information collected by the pregnancy risk
assessment monitoring system (PRAMS) questionnaire that the
department of health most recently used prior to the effective
date of this section April 6, 2017, as well as any additional
information suggested by the United States centers for disease
control and prevention (CDC) for PRAMS questionnaires.

(B) The department shall implement and use the questionnaires
created under division (A) of this section in a manner that is
consistent with the standardized data collection methodology for
PRAMS questionnaires prescribed by the CDC model surveillance
protocol. In addition, for the purpose of having statistically
valid data for local analyses, the department shall oversample
women in Cuyahoga, Franklin, and Hamilton counties on an annual
basis, and shall oversample women in the remaining counties that
constitute the Ohio equity institute cohort (Butler, Stark,
Mahoning, Montgomery, Summit, and Lucas counties) on a biennial
basis.

(C) The department shall report results from the
questionnaires not less than annually in a manner consistent with
guidelines established by the CDC for the reporting of PRAMS
questionnaire results.

Sec. 3701.95 5180.20. (A) As used in this section,
"government program providing public benefits" has the same
meaning as in section 191.01 of the Revised Code.

(B) The director of health children and youth shall identify
each government program providing benefits, other than the help me
grow program established by the department of health children and youth pursuant to section 3701.61 5180.21 of the Revised Code, that has the goal of reducing infant mortality and negative birth outcomes or the goal of reducing disparities among women who are pregnant or capable of becoming pregnant and who belong to a racial or ethnic minority. A program shall be identified only if it provides education, training, and support services related to those goals to program participants in their homes. The director may consult with the Ohio partnership to build stronger families for assistance with identifying the programs.

(C) An administrator of a program identified under division (B) of this section shall report to the director data on program performance indicators that are used to assess progress toward achieving program goals. The administrator shall report the data in the format and within the time frames specified in rules adopted under division (C) of this section. Using the data reported under this division, the director shall prepare an annual report assessing the performance of each government program identified pursuant to division (B) of this section during the immediately preceding twelve-month period. In addition, the report shall summarize and provide an analysis of the information contained in the "information for medical and health use only" section of the birth records for individuals born during the prior twelve-month period.

The director shall provide a copy of the report to the general assembly and the joint medicaid oversight committee. The copy to the general assembly shall be provided in accordance with section 101.68 of the Revised Code.

(D) The director shall adopt rules specifying program performance indicators on which data must be reported by the administrators described in division (C) of this section as well as the format and time frames in which the data must be reported.
reported. To the extent possible, the program performance indicators specified in the rules shall be consistent with federal reporting requirements for federally funded home visiting services. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 3701.61 5180.21. (A) The department of health children and youth shall establish the help me grow program as the state's evidence-based parent support program that encourages early prenatal and well-baby care, as well as provides parenting education to promote the comprehensive health and development of children. The program shall provide home visiting services to families with a pregnant woman or child under five years of age that meet the eligibility requirements established in rules adopted under this section. Home visiting services shall be provided through evidence-based home visiting models or innovative, promising home visiting models recommended by the Ohio home visiting consortium created under section 3701.612 5180.23 of the Revised Code.

(B) Families shall be referred to the appropriate home visiting services through the central intake and referral system created under section 3701.611 5180.22 of the Revised Code.

(C) To the extent possible, the goals of the help me grow program shall be consistent with the goals of the federal home visiting program, as specified by the maternal and child health bureau of the health resources and services administration in the United States department of health and human services or its successor.

(D) The director of health children and youth may enter into an interagency agreement with one or more state agencies to implement the help me grow program and ensure coordination of early childhood programs.
(E) The director may distribute help me grow program funds through contracts, grants, or subsidies to entities providing services under the program.

(F) As a condition of receiving payments for home visiting services, providers shall report to the director data on the program performance indicators, specified in rules adopted under division (G) of this section, that are used to assess progress toward achieving all of the following:

(1) The benchmark domains established for the federal home visiting program, including improvement in maternal and newborn health; reduction in child injuries, abuse, and neglect; improved school readiness and achievement; reduction in crime and domestic violence; and improved family economic self-sufficiency;

(2) Improvement in birth outcomes and reduction in stillbirths, as that term is defined in section 3701.97 5180.12 of the Revised Code;

(3) Reduction in tobacco use by pregnant women, new parents, and others living in households with children.

The providers shall report the data in the format and within the time frames specified in the rules.

The director shall prepare an annual report on the data received from the providers. The director shall make the report available on the internet web site maintained by the department of health children and youth.

(G) Pursuant to Chapter 119. of the Revised Code, the director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following:

(1) Subject to division (H) of this section, eligibility requirements for home visiting services;
(2) Eligibility requirements for providers of home visiting services;

(3) Standards and procedures for the provision of program services, including data collection, program monitoring, and program evaluation;

(4) Procedures for appealing the denial of an application for program services or the termination of services;

(5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider;

(6) Procedures for addressing complaints;

(7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services;

(8) The format in which reports must be submitted under division (F) of this section and the time frames within which the reports must be submitted;

(9) Criteria for payment of approved providers of program services;

(10) Any other rules necessary to implement the program.

(H) When adopting rules required by division (G)(1) of this section, the department shall specify that families residing in the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code are to receive priority over other families for home visiting services.

Sec. 3701.611 5180.22.  (A) The department of health children and youth shall create a central intake and referral system for
all home visiting programs operating in this state. Through a 
competitive bidding process, the department of health children and 
youth may select one or more persons or government entities to 
operate the system.

(B) If the department of health children and youth chooses to 
select one or more system operators as described in division (A) 
of this section, a contract with any system operator shall require 
that the system do both of the following:

(1) Serve as a single point of entry for access, assessment, 
and referral of families to appropriate home visiting services 
based on each family's location of residence;

(2) Use a standardized form or other mechanism to assess for 
each family member's risk factors and social determinants of 
health, as well as ensure that the family is referred to the 
appropriate home visiting program, which may include a program 
that uses home visiting contractors who provide services within a 
community HUB that fully or substantially complies with the 
pathways community HUB certification standards developed by the 
pathways community HUB institute.

(C) The standardized form or other mechanism described in 
division (B)(2) of this section shall be agreed to by the home 
visiting consortium created under section 3701.612 5180.23 of the 
Revised Code.

(D) A contract entered into under division (B) of this 
section shall require a system operator to issue an annual report 
to the department of health children and youth that includes data 
regarding referrals made by the central intake and referral 
system, costs associated with the referrals, and the quality of 
services received by families who were referred to services 
through the system. The report shall be distributed to the home 
visiting consortium created under section 3701.612 5180.23 of the
Revised Code.

(E) Nothing in this section is intended to do any of the following:

(1) Prohibit the department of health children and youth from using alternative promotional materials or names for the central intake and referral system;

(2) Require the use of help me grow program promotional materials or names;

(3) Prohibit providers, central coordinators, the department of health children and youth, or stakeholders from using the help me grow name for promotional materials for home visiting.

Sec. 3701.612 5180.23. (A) The Ohio home visiting consortium is hereby created. The purpose of the consortium is to ensure that home visiting services provided by home visiting programs operating in this state, as well as home visiting services provided or arranged for by medicaid managed care organizations, are high-quality and delivered through evidence-based or innovative, promising home visiting models, including models used by home visiting contractors who provide services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute. It is the intent of the general assembly that all home visiting services provided in this state do both of the following:

(1) Improve health, educational, and social outcomes for expectant and new parents and young children;

(2) Promote safe, connected families and communities in which children are able to grow up healthy and ready to learn.

(B)(1) In furtherance of the consortium's purpose, the consortium shall do both of the following:
(a) Make recommendations to the department of children and youth, department of health, department of medicaid, department of mental health and addiction services, and department of developmental disabilities regarding how to leverage all funding sources available for home visiting services, including medicaid, to accomplish both of the following in this state:

(i) Expand the use of evidence-based home visiting program models, including models used by home visiting contractors who provide services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute;

(ii) Initiate, as pilot projects, innovative, promising home visiting models.

(b) Make recommendations to the department of medicaid on the terms to be included in contracts the department enters into with medicaid managed care organizations under section 5167.10 of the Revised Code to ensure that the organizations are providing or arranging for the medicaid recipients enrolled in their medicaid MCO plans, as defined in section 5167.01 of the Revised Code, to receive home visiting services that are delivered as part of the home visiting program models described in divisions (B)(1)(a)(i) and (ii) of this section.

(2) The consortium may recommend a standardized form or other mechanism to assess family risk factors and social determinants of health for purposes of the central intake and referral system described in section 3701.61 or 5180.22 of the Revised Code.

(C) The consortium shall consist of the following members:

(1) The director of children and youth or the director's designee;

(2) The director of health or the director's designee;
The medicaid director or the director's designee;  

The director of mental health and addiction services or the director's designee;  

The director of developmental disabilities or the director's designee;  

The executive director of the commission on minority health or the executive director's designee;  

A member of the commission on infant mortality who is not a legislator or an individual specified under this division;  

One individual who represents medicaid managed care organizations, recommended by the board of trustees of the Ohio association of health plans;  

One individual who represents county boards of developmental disabilities, recommended by the Ohio association of county boards of developmental disabilities;  

A home visiting contractor who provides services within the help me grow program through a contract, grant, or other agreement with the department of health children and youth;  

A home visiting contractor who provides services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute through a contract, grant, or other agreement with the commission on minority health;  

An individual who receives home visiting services from the help me grow program;  

An individual who receives home visiting services from a home visiting contractor who provides services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the
pathways community HUB institute;

(14) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate president;

(15) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by the speaker of the house of representatives.

(D) The consortium members described in divisions (C)(10), (C)(11) and (12)(13) of this section shall be appointed not later than thirty days after the effective date of this amendment. An appointed member shall hold office until a successor is appointed. A vacancy shall be filled in the same manner as the original appointment.

The director of health children and youth shall serve as the chairperson of the consortium.

A member shall serve without compensation except to the extent that serving on the consortium is considered part of the member's regular duties of employment.

(E) The consortium shall meet at the call of the director of health children and youth but not less than once each calendar quarter. The consortium's first meeting shall occur not later than sixty days after April 6, 2017.

(F) The department of health children and youth shall provide meeting space and staff and other administrative support for the consortium.

(G) The consortium is not subject to sections 101.82 to 101.87 of the Revised Code.

Sec. 3701.613 5180.24. Beginning in fiscal year 2018, the department of health children and youth shall facilitate and allocate funds for a biennial summit on home visiting programs.
The purpose of each summit is to convene persons and government entities involved with the delivery of home visiting services in this state, as well as other interested persons, to do all of the following:

   (A) Share the latest research on evidence-based and innovative, promising home visiting models;

   (B) Discuss strategies to ensure that home visiting programs in this state use evidence-based or innovative, promising home visiting models;

   (C) Discuss strategies to reduce tobacco use by families participating in home visiting programs;

   (D) Present successes and challenges encountered by home visiting programs.

Sec. 3701.614 5180.25. (A) The department of health children and youth shall develop educational materials describing the health risks of lead-based paint and measures that may be taken to reduce those risks.

   (B) As part of the home visiting services described in section 3701.61 5180.21 of the Revised Code, each eligible family residing in a house, apartment, or other residence built before January 1, 1979, shall receive a copy of the educational materials described in this section. If the date on which the residence was built is unknown to the family or home visiting services provider, the family shall receive a copy of the educational materials.

   (C) The educational materials developed and distributed under this section shall be culturally and linguistically appropriate for the families described in division (B) of this section.

Sec. 5180.30. The department of children and youth shall serve as the "lead agency," as described by 20 U.S.C. 1435(a)(10).
to implement the state's part C early intervention services program, through which early intervention services are provided to eligible infants and toddlers in accordance with part C of the "Individuals with Disabilities Education Act," 20 U.S.C. 1431 et seq., and regulations implementing that part in 34 C.F.R. part 303.

Sec. 5123.024 5180.31. The department of developmental disabilities children and youth may do any of the following as the lead agency to implement the state's part C early intervention services program, as described in section 5123.02 5180.30 of the Revised Code:

(A) Enter into an interagency agreement with one or more other state agencies to implement the program and ensure coordination of early childhood programs;

(B) Distribute program funds through contracts, grants, or subsidies to entities that are program service providers;

(C) Establish a system of payment to program service providers.

Sec. 5123.0421 5180.32. The director of developmental disabilities children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to implement the state's part C early intervention services program, including rules that specify all of the following:

(A) Eligibility requirements to receive program services;

(B) Eligibility requirements to be a program service provider;

(C) Operating standards and procedures for program service providers, including standards and procedures governing data collection, program monitoring, and program evaluation;
(D) Procedures to appeal the denial of an application to receive program services or the termination of program services;

(E) Procedures to appeal a decision by the department of developmental disabilities to deny an application to be a program service provider or to terminate a provider's status;

(F) Procedures for addressing complaints by persons who receive program services;

(G) Criteria for the payment of program service providers;

(H) The metrics or indicators used to measure program service provider performance.

Sec. 5123.0423 5180.33. As used in this section, "school district of residence" has the same meaning as in section 3323.01 of the Revised Code.

The director of developmental disabilities children and youth shall request a student data verification code from the independent contractor engaged by the department of education to create and maintain such codes for school districts and community schools under division (D)(2) of section 3301.0714 of the Revised Code for each child who is receiving services from the state's part C early intervention services program. The director shall request from the parent, guardian, or custodian of the child, or from any other person who is authorized by law to make decisions regarding the child's education, the name and address of the child's school district of residence. The director shall submit the data verification code for that child to the child's school district of residence at the time the child ceases to receive services from the part C early intervention services program.

The director and each school district that receives a data verification code under this section shall not release that code to any person except as provided by law. Any document that the
director holds in the director's files that contains both a child's name or other personally identifiable information and the child's data verification code is not a public record under section 149.43 of the Revised Code.

Sec. 5123.0422 5180.34. The governor shall establish the early intervention services advisory council, which shall serve as the state interagency coordinating council, as described in 20 U.S.C. 1441. In establishing the council, the governor shall comply with the requirements of 20 U.S.C. 1441, including the requirement to ensure that the membership of the council reasonably represents the population of the state.

The governor shall appoint one of the council members to serve as chairperson of the council, or the governor may delegate appointment of the chairperson to the council. No member of the council representing the department of health or the department of developmental disabilities children and youth shall serve as chairperson.

The council is not subject to sections 101.82 to 101.87 of the Revised Code.

3107.17, 3107.39, 3109.172, 3109.174, 3109.401, 3301.079, 3301.0714, 3301.0715, 3301.0723, 3301.15, 3301.30, 3301.311, 3301.32, 3301.50, 3301.53, 3301.55, 3301.56, 3301.57, 3301.58, 3301.59, 3301.94, 3313.64, 3313.646, 3314.03, 3314.06, 3314.08, 3323.022, 3323.20, 3323.32, 3325.06, 3325.07, 3701.507, 3701.61, 3701.611, 3701.612, 3701.613, 3701.614, 3701.63, 3701.64, 3701.66, 3701.67, 3701.671, 3701.68, 3701.78, 3701.80, 3701.95, 3701.951, 3701.952, 3701.953, 3701.97, 3705.32, 3705.36, 3705.40, 3737.22, 3742.32, 3781.06, 3781.10, 3798.01, 4112.12, 5101.09, 5101.11, 5101.12, 5101.13, 5101.132, 5101.134, 5101.135, 5101.14, 5101.141, 5101.142, 5101.143, 5101.145, 5101.146, 5101.147, 5101.148, 5101.1410, 5101.1411, 5101.1412, 5101.1413, 5101.1414, 5101.1417, 5101.1418, 5101.15, 5101.183, 5101.19, 5101.191, 5101.193, 5101.194, 5101.21, 5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, 5101.243, 5101.244, 5101.25, 5101.26, 5101.27, 5101.29, 5101.32, 5101.35, 5101.37, 5101.46, 5101.47, 5101.76, 5101.77, 5101.78, 5101.80, 5101.801, 5101.802, 5101.803, 5101.804, 5101.83, 5101.851, 5101.853, 5101.855, 5101.856, 5101.881, 5101.885, 5101.8811, 5103.02, 5103.03, 5103.031, 5103.032, 5103.033, 5103.034, 5103.036, 5103.037, 5103.038, 5103.0310, 5103.0312, 5103.0313, 5103.0314, 5103.0315, 5103.0316, 5103.0317, 5103.0319, 5103.0320, 5103.0321, 5103.0322, 5103.0323, 5103.0325, 5103.0326, 5103.0328, 5103.0329, 5103.04, 5103.05, 5103.051, 5103.07, 5103.08, 5103.11, 5103.12, 5103.13, 5103.131, 5103.14, 5103.151, 5103.152, 5103.155, 5103.16, 5103.163, 5103.17, 5103.18, 5103.181, 5103.21, 5103.22, 5103.232, 5103.233, 5103.30, 5103.303, 5103.32, 5103.33, 5103.34, 5103.35, 5103.36, 5103.362, 5103.363, 5103.38, 5103.39, 5103.391, 5103.40, 5103.41, 5103.42, 5103.50, 5103.51, 5103.52, 5103.53, 5103.54, 5103.58, 5103.59, 5103.602, 5103.603, 5103.6010, 5103.6011, 5103.6015, 5103.6017, 5103.6018, 5103.611, 5103.612, 5103.615, 5103.617, 5104.01, 5104.013, 5104.015, 5104.016, 5104.017, 5104.018, 5104.019.
Section 130.14. That section 3301.521 of the Revised Code is hereby repealed.

Section 130.15. Sections 130.12, 130.13, and 130.14 of this act take effect January 1, 2025.

Section 130.16. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 2151.353 of the Revised Code as amended by H.B. 8 and H.B. 166, both of the 133rd General Assembly, H.B. 49 of the 132nd General Assembly, and H.B. 50 and H.B. 158, both of the 131st General Assembly.
Section 3301.0715 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.

Section 5104.017 of the Revised Code as amended by both H.B. 110 and H.B. 281 of the 134th General Assembly.

Section 5123.02 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly.

Section 5153.163 of the Revised Code as amended by both H.B. 110 and H.B. 281 of the 134th General Assembly.

Section 130.20. That sections 109.57, 349.01, 921.06, 1923.01, 1923.02, 2151.011, 2151.421, 2151.86, 2919.223, 2919.224, 2919.225, 2919.226, 2923.124, 2923.126, 2950.034, 2950.11, 2950.13, 3109.051, 3301.52, 3301.53, 3321.01, 3321.05, 3325.07, 3325.071, 3701.63, 3701.80, 3714.03, 3717.42, 3728.01, 3737.22, 3737.83, 3737.841, 3742.01, 3767.41, 3781.06, 3781.10, 3796.30, 3797.06, 3905.064, 4510.021, 4511.01, 4511.81, 4513.182, 4715.36, 5101.29, 5103.03, 5104.01, 5104.013, 5104.014, 5104.015, 5104.016, 5104.017, 5104.018, 5104.0111, 5104.02, 5104.021, 5104.022, 5104.03, 5104.032, 5104.033, 5104.034, 5104.037, 5104.038, 5104.039, 5104.04, 5104.041, 5104.042, 5104.043, 5104.05, 5104.051, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 5104.08, 5104.09, 5104.13, 5104.14, 5104.25, 5104.30, 5104.301, 5104.31, 5104.32, 5104.35, 5104.36, 5104.99, 5107.60, 5119.37, 5119.371, 513.175, 5321.01, 5321.03, 5321.051, 5709.65, 5733.36, 5733.37, 5733.38, and 6109.121 of the Revised Code be amended to read as follows:

Sec. 109.57. (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of
committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, of all children under eighteen years of age who have been adjudicated delinquent children for committing within this state an act that would be a felony or an offense of violence if committed by an adult or who have been convicted of or pleaded guilty to committing within this state a felony or an offense of violence, and of all well-known and habitual criminals. The person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and the person in charge of any state institution having custody of a person suspected of having committed a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code or having custody of a child under eighteen years of age with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall furnish such material to the superintendent of the bureau. Fingerprints, photographs, or other descriptive information of a child who is under eighteen years of age, has not been arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence who is not in any other category of child specified in this division, if committed by an adult, has not been adjudicated a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, has not been convicted of or pleaded guilty to committing a felony or an
offense of violence, and is not a child with respect to whom there
is probable cause to believe that the child may have committed an
act that would be a felony or an offense of violence if committed
by an adult shall not be procured by the superintendent or
furnished by any person in charge of any county, multicounty,
municipal, municipal-county, or multicounty-municipal jail or
workhouse, community-based correctional facility, halfway house,
alternative residential facility, or state correctional
institution, except as authorized in section 2151.313 of the
Revised Code.

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

(a) The incident tracking number contained on the standard
forms furnished by the superintendent pursuant to division (B) of
this section;
(b) The style and number of the case; 126202

c) The date of arrest, offense, summons, or arraignment; 126203

d) The date that the person was convicted of or pleaded 126204
guilty to the offense, adjudicated a delinquent child for 126205
committing the act that would be a felony or an offense of 126206
violence if committed by an adult, found not guilty of the 126207
offense, or found not to be a delinquent child for committing an 126208
act that would be a felony or an offense of violence if committed 126209
by an adult, the date of an entry dismissing the charge, an entry 126210
declaring a mistrial of the offense in which the person is 126211
discharged, an entry finding that the person or child is not 126212
competent to stand trial, or an entry of a nolle prosequi, or the 126213
date of any other determination that constitutes final resolution 126214
of the case;

e) A statement of the original charge with the section of 126215
the Revised Code that was alleged to be violated; 126216

(f) If the person or child was convicted, pleaded guilty, or 126217
was adjudicated a delinquent child, the sentence or terms of 126218
probation imposed or any other disposition of the offender or the 126219
delinquent child.

If the offense involved the disarming of a law enforcement 126220
officer or an attempt to disarm a law enforcement officer, the 126221
clerk shall clearly state that fact in the summary, and the 126222
superintendent shall ensure that a clear statement of that fact is 126223
placed in the bureau's records.

(3) The superintendent shall cooperate with and assist 126224
sheriffs, chiefs of police, and other law enforcement officers in 126225
the establishment of a complete system of criminal identification 126226
and in obtaining fingerprints and other means of identification of 126227
all persons arrested on a charge of a felony, any crime 126228
constituting a misdemeanor on the first offense and a felony on 126229
subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political subdivisions.

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

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

(6) The superintendent shall, upon request, assist a county coroner in the identification of a deceased person through the use of fingerprint impressions obtained pursuant to division (A)(1) of this section or collected pursuant to section 109.572 or 311.41 of the Revised Code.

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

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

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

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

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

(5) The attorney general may adopt rules under Chapter 119.
of the Revised Code establishing guidelines for the operation of
and participation in the Ohio law enforcement gateway. The rules
may include criteria for granting and restricting access to
information gathered and disseminated through the Ohio law
enforcement gateway. The attorney general shall adopt rules under
Chapter 119. of the Revised Code that grant access to information
in the gateway regarding an address confidentiality program participant under sections 111.41 to 111.47 of the Revised Code to only chiefs of police, village marshals, county sheriffs, county prosecuting attorneys, and a designee of each of these individuals. The attorney general shall permit an office of a county coroner, the state medical board, and board of nursing to access and view, but not alter, information gathered and disseminated through the Ohio law enforcement gateway.

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

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

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

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

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

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

(E)(1) The attorney general shall adopt rules, in accordance
with Chapter 119. of the Revised Code and subject to division (E)(2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed or described in division (A)(1), (2), or (3) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.

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

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

(b) The adjudication or conviction was for a sexually
oriented offense, the juvenile court was required to classify the child a juvenile offender registrant for that offense under section 2152.82, 2152.83, or 2152.86 of the Revised Code, that classification has not been removed, and the records of the adjudication or conviction have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 or sealed or expunged pursuant to section 2953.32 of the Revised Code.

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

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

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

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

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

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

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child care center, type A family day-care center, type B family day-care child care home, or type B family day-care child care home licensed under Chapter 5104. of the Revised Code; the chief administrator of any head start agency; the executive director of a public children services agency; a private company described in section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer described in division (J)(2) of section 3327.10 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of
education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, subject to division (E)(2) of this section, the superintendent shall determine whether that information exists and, upon request of the person, board, or entity requesting information, also shall request from the federal bureau of investigation any criminal records it has pertaining to that individual. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date that the superintendent receives a request, subject to division (E)(2) of this section, the superintendent shall send to the board, entity, or person a report of any information that the superintendent determines exists, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, subject to division (E)(2) of this section, shall send the board, entity, or person a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(b) When a board of education or a registered private provider is required to receive information under this section as a prerequisite to employment of an individual pursuant to division (C) of section 3310.58 or section 3319.39 of the Revised Code, it may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by an individual applying for employment with the district in lieu of requesting that information itself. In such a case, the board shall accept the certified copy issued by the bureau in order to make a photocopy of it for that individual's
employment application documents and shall return the certified copy to the individual. In a case of that nature, a district or provider only shall accept a certified copy of records of that nature within one year after the date of their issuance by the bureau.

(c) Notwithstanding division (F)(2)(a) of this section, in the case of a request under section 3319.39, 3319.391, or 3327.10 of the Revised Code only for criminal records maintained by the federal bureau of investigation, the superintendent shall not determine whether any information gathered under division (A) of this section exists on the person for whom the request is made.

(3) The state board of education may request, with respect to any individual who has applied for employment after October 2, 1989, in any position with the state board or the department of education, any information that a school district board of education is authorized to request under division (F)(2) of this section, and the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(4) When the superintendent of the bureau receives a request for information under section 3319.291 of the Revised Code, the superintendent shall proceed as if the request has been received from a school district board of education and shall comply with divisions (F)(2)(a) and (c) of this section.

(G) In addition to or in conjunction with any request that is required to be made under section 3712.09, 3721.121, or 3740.11 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an older adult or adult resident, the chief administrator of a home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, or adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised
Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve providing direct care to an older adult or adult resident, whether the bureau has any information gathered under division (A) of this section that pertains to that individual.

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

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

In addition to or in conjunction with any request that is required to be made under section 3712.09 of the Revised Code with respect to an individual who has applied for employment in a
position that involves providing direct care to a pediatric
respite care patient, the chief administrator of a pediatric
respite care program may request that the superintendent of the
bureau investigate and determine, with respect to any individual
who has applied for employment in a position that does not involve
providing direct care to a pediatric respite care patient, whether
the bureau has any information gathered under division (A) of this
section that pertains to that individual.

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

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

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

(J) As used in this section:
(1) "Pediatric respite care program" and "pediatric care patient" have the same meanings as in section 3712.01 of the Revised Code.

(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

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

Sec. 349.01. As used in this chapter:

(A) "New community" means a community or development of property in relation to an existing community planned so that the resulting community includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities.

(B) "New community development program" means a program for the development of a new community characterized by well-balanced and diversified land use patterns and which includes land acquisition and land development, the acquisition, construction, operation, and maintenance of community facilities, and the provision of services authorized in this chapter.

A new community development program may take into account any existing community in relation to which a new community is developed for purposes of being characterized by well-balanced and diversified land use patterns.
(C) "New community district" means the area of land described by the developer in the petition as set forth in division (A) of section 349.03 of the Revised Code for development as a new community and any lands added to the district by amendment of the resolution establishing the community authority.

(D) "New community authority" means a body corporate and politic in this state, established pursuant to section 349.03 of the Revised Code and governed by a board of trustees as provided in section 349.04 of the Revised Code.

(E) "Developer" means any person, organized for carrying out a new community development program who owns or controls, through leases of at least seventy-five years' duration, options, or contracts to purchase, the land within a new community district, or any municipal corporation, county, or port authority that owns the land within a new community district, or has the ability to acquire such land, either by voluntary acquisition or condemnation in order to eliminate slum, blighted, and deteriorated or deteriorating areas and to prevent the recurrence thereof. "Developer" may also mean a person, municipal corporation, county, or port authority that controls land within a new community district through leases of at least seventy-five years' duration. "Developer" includes a lessor that continues to own and control land for purposes of this chapter pursuant to leases with a ninety-nine-year renewable term, so long as all of the following apply:

(1) The developer's new community district consists of at least five leases described in this section.

(2) The leases are subject to forfeiture for all of the following:

(a) Failing to pay taxes and assessments;

(b) Failing to pay an annual fee of up to one per cent of
rent for sanitary purposes and improvements made to streets;

(c) Failing to keep the premises as required by sanitary and police regulations of the developer.

(3) The new community authority is established on or before December 31, 2024.

(F) "Organizational board of commissioners" means the following:

(1) For a new community district that is located in only one county, the board of county commissioners of that county;

(2) For a new community district that is located in more than one county, a board consisting of the members of the board of county commissioners of each of the counties in which the district is located, provided that action of the board shall require a majority vote of the members of each separate board of county commissioners; or

(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new community district where more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation.

(G) "Land acquisition" means the acquisition of real property and interests in real property as part of a new community development program.

(H) "Land development" means the process of clearing and grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and
the construction of community facilities.

(I) "Community facilities" means all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained under this chapter or in furtherance of community activities, whether within or without the new community district, including public, community, village, neighborhood, or town buildings, centers and plazas, auditoriums, day child care centers, recreation halls, educational facilities, health care facilities including hospital facilities as defined in section 140.01 of the Revised Code, telecommunications facilities, including all facilities necessary to provide telecommunications service as defined in section 4927.01 of the Revised Code, recreational facilities, natural resource facilities, including parks and other open space land, lakes and streams, cultural facilities, community streets and off-street parking facilities, pathway and bikeway systems, pedestrian underpasses and overpasses, lighting facilities, design amenities, or other community facilities, and buildings needed in connection with water supply or sewage disposal installations, or energy facilities including those for renewable or sustainable energy sources, and steam, gas, or electric lines or installation.

(J) "Cost" as applied to a new community development program means all costs related to land acquisition and land development, the acquisition, construction, maintenance, and operation of community facilities and offices of the community authority, and of providing furnishings and equipment therefor, financing charges including interest prior to and during construction and for the duration of the new community development program, planning expenses, engineering expenses, administrative expenses including working capital, and all other expenses necessary and incident to the carrying forward of the new community development program.
"Income source" means any and all sources of income to the community authority, including community development charges of which the new community authority is the beneficiary as provided in section 349.07 of the Revised Code, rentals, user fees and other charges received by the new community authority, any gift or grant received, any moneys received from any funds invested by or on behalf of the new community authority, and proceeds from the sale or lease of land and community facilities.

"Community development charge" means:

1. A dollar amount which shall be determined on the basis of the assessed valuation of real property or interests in real property in a new community district, the income of the residents of such property subject to such charge under section 349.07 of the Revised Code, if such property is devoted to residential uses or to the profits, gross receipts, or other revenues of any business including, but not limited to, rentals received from leases of real property located in the district, a uniform or other fee on each parcel of such real property in a new community district, or any combination of the foregoing bases.

2. If a new community authority imposes a community development charge determined on the basis of rentals received from leases of real property, improvements of any real property located in the new community district and subject to that charge may not be exempted from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code.

"Proximate city" means the following:

1. For a new community district other than a new community district described in division (M)(2) or (3) of this section, any city that, as of the date of filing of the petition under section 349.03 of the Revised Code, is the city with the greatest population located in the county in which the proposed new...
community district is located, is the city with the greatest population located in an adjoining county if any portion of such city is within five miles of any part of the boundaries of such district, or exercises extraterritorial subdivision authority under section 711.09 of the Revised Code with respect to any part of such district.

(2) A municipal corporation in which, at the time of filing the petition under section 349.03 of the Revised Code, any portion of the proposed new community district is located.

(3) For a new community district other than a new community district described in division (M)(2) of this section, if at the time of filing the petition under section 349.03 of the Revised Code, more than one-half of the proposed district is contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code, the township containing the greatest portion of the territory of the joint economic development district.

(N) "Community activities" means cultural, educational, governmental, recreational, residential, industrial, commercial, distribution and research activities, or any combination thereof that includes residential activities.

Sec. 921.06. (A)(1) No individual shall do any of the following without having a commercial applicator license issued by the director of agriculture:

(a) Apply pesticides for a pesticide business without direct supervision;

(b) Apply pesticides as part of the individual's duties while acting as an employee of the United States government, a state, county, township, or municipal corporation, or a park district, port authority, or sanitary district created under Chapter 1545.
4582., or 6115. of the Revised Code, respectively;

(c) Apply restricted use pesticides. Division (A)(1)(c) of this section does not apply to a private applicator or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.

(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:

   (i) Food service operations that are licensed under Chapter 3717. of the Revised Code;

   (ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;

   (iii) Golf courses;

   (iv) Rental properties of more than four apartment units at one location;

   (v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;

   (vi) Child care centers or licensed school child care centers programs as defined in section 5104.01 of the Revised Code;

   (vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;

   (viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions
holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;

(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;

(x) Any other site designated by rule.

(e) Conduct authorized diagnostic inspections.

(2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.

(3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The fee for each such license shall be established by rule. If a license is not issued or renewed, the application fee shall be retained by the state as payment for the reasonable expense of processing the application. The director shall by rule classify by pesticide-use category licenses to be issued under this section. A single license may include more than one pesticide-use category. No individual shall be required to pay an additional license fee if the individual is licensed for more than one category.

The fee for each license or renewal does not apply to an applicant who is an employee of the department of agriculture whose job duties require licensure as a commercial applicator as a condition of employment.

(B) Application for a commercial applicator license shall be
made on a form prescribed by the director. Each application for a license shall state the pesticide-use category or categories of license for which the applicant is applying and other information that the director determines essential to the administration of this chapter.

(C) If the director finds that the applicant is competent to apply pesticides and conduct diagnostic inspections and that the applicant has passed both the general examination and each applicable pesticide-use category examination as required under division (A) of section 921.12 of the Revised Code, the director shall issue a commercial applicator license limited to the pesticide-use category or categories for which the applicant is found to be competent. If the director rejects an application, the director may explain why the application was rejected, describe the additional requirements necessary for the applicant to obtain a license, and return the application. The applicant may resubmit the application without payment of any additional fee.

(D)(1) A person who is a commercial applicator shall be deemed to hold a private applicator's license for purposes of applying pesticides on agricultural commodities that are produced by the commercial applicator.

(2) A commercial applicator shall apply pesticides only in the pesticide-use category or categories in which the applicator is licensed under this chapter.

(E) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 1923.01. (A) As provided in this chapter, any judge of a county or municipal court or a court of common pleas, within the judge's proper area of jurisdiction, may inquire about persons who make unlawful and forcible entry into lands or tenements and
detain them, and about persons who make a lawful and peaceable entry into lands or tenements and hold them unlawfully and by force. If, upon the inquiry, it is found that an unlawful and forcible entry has been made and the lands or tenements are detained, or that, after a lawful entry, lands or tenements are held unlawfully and by force, a judge shall cause the plaintiff in an action under this chapter to have restitution of the lands or tenements.

(B) An action shall be brought under this chapter within two years after the cause of action accrues.

(C) As used in this chapter:

(1) "Tenant" means a person who is entitled under a rental agreement to the use or occupancy of premises, other than premises located in a manufactured home park, to the exclusion of others, except that as used in division (A)(6) of section 1923.02 and section 1923.051 of the Revised Code, "tenant" includes a manufactured home park resident.

(2) "Landlord" means the owner, lessor, or sublessor of premises, or the agent or person the landlord authorizes to manage premises or to receive rent from a tenant under a rental agreement, except, if required by the facts of the action to which the term is applied, "landlord" means a park operator.

(3) "Resident" has the same meaning as in section 4781.01 of the Revised Code.

(4) "Residential premises" has the same meaning as in section 5321.01 of the Revised Code, except, if required by the facts of the action to which the term is applied, "residential premises" has the same meaning as in section 4781.01 of the Revised Code.

(5) "Rental agreement" means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or other provisions concerning the use or occupancy of
premises by one of the parties to the agreement or lease, except that "rental agreement," as used in division (A)(13) of section 1923.02 of the Revised Code and where the context requires as used in this chapter, means a rental agreement as defined in division (D) of section 5322.01 of the Revised Code.

(6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(7) "School premises" has the same meaning as in section 2925.01 of the Revised Code.

(8) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

(9) "Recreational vehicle" and "mobile home" have the same meanings as in section 4501.01 of the Revised Code.

(10) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code.

(11) "Manufactured home park" has the same meaning as in section 4781.01 of the Revised Code and also means any tract of land upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and the owner of the tract of land.

(12) "Park operator" has the same meaning as in section 4781.01 of the Revised Code and also means a landlord of premises upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and a landlord who is not licensed as a manufactured home park operator pursuant to Chapter 4781. of the Revised Code.
(13) "Personal property" means tangible personal property other than a manufactured home, mobile home, or recreational vehicle that is the subject of an action under this chapter.

(14) "Preschool or child care center premises" has the same meaning as in section 2950.034 of the Revised Code.

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

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

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

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

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

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

(6) In any other case of the unlawful and forcible detention of lands or tenements. For purposes of this division, in addition to any other type of unlawful and forcible detention of lands or tenements, such a detention may be determined to exist when both of the following apply:

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

(i) The tenant's landlord has actual knowledge of or has reasonable cause to believe that the tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation of Chapter 2925. or 3719. of the Revised Code, or of a municipal ordinance that is substantially similar to any section in either of those chapters, which involves a controlled substance and which occurred in, is occurring in, or otherwise was or is connected with the premises, whether or not the tenant or other person has been charged with, has pleaded guilty to or been convicted of, or has been determined to be a delinquent child for an act that, if committed by an adult, would be a violation as described in this division. For purposes of this division, a landlord has "actual knowledge of or has reasonable cause to believe" that a tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation as described in this division if a search warrant was issued pursuant to Criminal Rule 41 or Chapter 2933. of the Revised Code; the affidavit presented to obtain the warrant named or described the tenant or person as the individual to be searched and particularly described the tenant's premises as the place to be searched, named or described one or more controlled substances to be searched for and seized, stated substantially the offense under Chapter 2925. or 3719. of the Revised Code or the substantially similar municipal ordinance that occurred in, is occurring in, or otherwise was or is connected with the tenant's premises, and states the factual basis for the affiant's belief that the controlled substances are located on the tenant's premises; the warrant was properly executed by a law enforcement officer and any controlled substance described in the affidavit was found by that officer during the search and seizure; and, subsequent to the

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search and seizure, the landlord was informed by that or another law enforcement officer of the fact that the tenant or person has or presently is engaged in a violation as described in this division and it occurred in, is occurring in, or otherwise was or is connected with the tenant's premises.

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

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

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

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

(9) Against tenants who have breached an obligation imposed upon them by a written rental agreement;

(10) Against manufactured home park residents who have defaulted in the payment of rent or breached the terms of a rental agreement with a park operator. Nothing in this division precludes the commencement of an action under division (A)(12) of this section when the additional circumstances described in that division apply.
(11) Against manufactured home park residents who have committed two material violations of the rules of the manufactured home park, of the division of industrial compliance of the department of commerce, or of applicable state and local health and safety codes and who have been notified of the violations in compliance with section 4781.45 of the Revised Code;  

(12) Against a manufactured home park resident, or the estate of a manufactured home park resident, who as a result of death or otherwise has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of an action under this division and whose manufactured home or mobile home, or recreational vehicle that is parked in the manufactured home park, has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement with the park operator;  

(13) Against occupants of self-service storage facilities, as defined in division (A) of section 5322.01 of the Revised Code, who have breached the terms of a rental agreement or violated section 5322.04 of the Revised Code;  

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

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

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

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

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

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

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

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

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

(D) This chapter does not apply to a student tenant as defined by division (H) of section 5321.01 of the Revised Code when the college or university proceeds to terminate a rental agreement pursuant to section 5321.031 of the Revised Code.

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

Sec. 2151.011. (A) As used in the Revised Code:

(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:

(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;

(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under
this chapter and Chapter 2152. of the Revised Code;

(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.

(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

(a) Receives and cares for children for two or more consecutive weeks;

(b) Participates in the placement of children in certified foster homes;

(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.

(B) As used in this chapter:

(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.

(2) "Adult" means an individual who is eighteen years of age or older.
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.

(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.

(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.

(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.

(7) "Child day care," "child care," "child day-care care center," "part-time child day-care care center," "type A family day-care child care home," "licensed type B family day-care child care home," "type B family day-care child care home," "administrator of a child day-care care center," "administrator of a type A family day-care child care home," and "in-home aide" have the same meanings as in section 5104.01 of the Revised Code.

(8) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care care center, a type A family day-care child care home, or a type B
family day-care child care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of developmental disabilities, or the early childhood programs of the department of education.

(9) "Commit" means to vest custody as ordered by the court.

(10) "Counseling" includes both of the following:

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

(11) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.

(12) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.

(13) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.

(14) "Developmental disability" has the same meaning as in
section 5123.01 of the Revised Code.

(15) "Differential response approach" means an approach that a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response.

(16) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(17) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

(18) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year.

(19) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.

(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.
(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:

(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

(23) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.

(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

(25) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

(26) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(27) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of
children in certified foster homes or elsewhere.

(28) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care care centers, type A family day-care child care homes, type B family day-care child care homes, child care provided by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, private, nonprofit therapeutic wilderness camps, public schools, chartered nonpublic schools, educational service centers, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children.

(29) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

(a) Engaging in sexual activity with a child in the person's care;

(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;

(c) Use of restraint procedures on a child that cause injury or pain;

(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;

(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is
at variance with the history given of the injury or death.

(30) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;

(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;

(c) Failure to develop a process for all of the following:

(i) Administration of prescription drugs or psychotropic drugs for the child;

(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;

(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.

(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;

(e) Confinement of the child to a locked room without monitoring by staff;

(f) Failure to provide ongoing security for all prescription and nonprescription medication;

(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.
(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.

(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.

(33) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.

(34) "Person responsible for a child's care in out-of-home care" means any of the following:

(a) Any foster caregiver, in-home aide, or provider;

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day care center; type A family day care child care home; licensed type B family day care child care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic;

(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.
(35) "Physical impairment" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:

(a) A substantial impairment of vision, speech, or hearing;
(b) A congenital orthopedic impairment;
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.

(36) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.

(37) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.

(38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

(40) "Private, nonprofit therapeutic wilderness camp" has the
same meaning as in section 5103.02 of the Revised Code.

41 "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.

42 "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

43 "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

44 "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

45 "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code.

46 "Resource family" has the same meaning as in section 5103.02 of the Revised Code.

47 "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.

48 "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code and that provides care for a child.

49 "Residential facility" means a home or facility that is licensed by the department of developmental disabilities under
section 5123.19 of the Revised Code and in which a child with a developmental disability resides.

(50) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.

(51) "School day" means the school day established by the board of education of the applicable school district pursuant to section 3313.481 of the Revised Code.

(52) "School year" has the same meaning as in section 3313.62 of the Revised Code.

(53) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.

(54) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(55) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

(56) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

(57) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the
person who executed the agreement.

(58) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.

(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.

Sec. 2151.421. (A)(1)(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as otherwise provided in this division or section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. If the person making the report is a peace officer, the officer shall make it to the public children services agency in the county in which the child resides or in which the abuse or
neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; health care professional; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; coroner; administrator or employee of a child care center; administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; peace officer; humane society agent; dog warden, deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township in accordance with state law, an ordinance, or a resolution; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of an entity that provides homemaker services; employee of a qualified organization as defined in section 2151.90 of the Revised Code; a host family as defined in
section 2151.90 of the Revised Code; foster caregiver; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(c) If two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professionals may designate one of the health care professionals to report the abuse or neglect. A single report made under this division shall meet the reporting requirements of division (A)(1) of this section.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is a child under eighteen years of age or is a person under
twenty-one years of age with a developmental disability or physical impairment.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(4)(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity
or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division (A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.

(c) The penitent in a cleric-penitent relationship described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental
wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a person under twenty-one years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity
specified in that section.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;

(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information, including, but not limited to, results and reports of any medical examinations, tests, or procedures performed under division (D) of this section, that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

(D)(1) Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically necessary for the purpose of diagnosing or treating injuries that are suspected to have occurred as a result of child abuse or child neglect, perform or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on, the child.
(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public children services agency, upon request.

(3) If a health care professional provides health care services in a hospital, children's advocacy center, or emergency medical facility to a child about whom a report has been made under division (A) of this section, the health care professional may take any steps that are reasonably necessary for the release or discharge of the child to an appropriate environment. Before the child's release or discharge, the health care professional may obtain information, or consider information obtained, from other entities or individuals that have knowledge about the child. Nothing in division (D)(3) of this section shall be construed to alter the responsibilities of any person under sections 2151.27 and 2151.31 of the Revised Code.

(4) A health care professional may conduct medical examinations, tests, or procedures on the siblings of a child about whom a report has been made under division (A) of this section and on other children who reside in the same home as the child, if the professional determines that the examinations, tests, or procedures are medically necessary to diagnose or treat the siblings or other children in order to determine whether reports under division (A) of this section are warranted with respect to such siblings or other children. The results of the examinations, tests, or procedures on the siblings and other children may be included in a report made pursuant to division (A) of this section.

(5) Medical examinations, tests, or procedures conducted under divisions (D)(1) and (4) of this section and decisions
regarding the release or discharge of a child under division (D)(3) of this section do not constitute a law enforcement investigation or activity.

(E)(1) When a peace officer receives a report made pursuant to division (A) or (B) of this section, upon receipt of the report, the peace officer who receives the report shall refer the report to the appropriate public children services agency, in accordance with requirements specified under division (B)(6) of section 2151.4211 of the Revised Code, unless an arrest is made at the time of the report that results in the appropriate public children services agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child.

(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do all of the following:

(a) Comply with section 2151.422 of the Revised Code;

(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center;

(c) Unless an arrest is made at the time of the report that results in the appropriate law enforcement agency being contacted
concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, and in accordance with requirements specified under division (B)(6) of section 2151.4211 of the Revised Code, notify the appropriate law enforcement agency of the report, if the public children services agency received either of the following:

(i) A report of abuse of a child;

(ii) A report of neglect of a child that alleges a type of neglect identified by the department of job and family services in rules adopted under division (L)(2) of this section.

(F) No peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(G)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The
investigation shall be made in cooperation with the law
enforcement agency and in accordance with the memorandum of
understanding prepared under sections 2151.4210 to 2151.4224 of
the Revised Code. A representative of the public children services
agency shall, at the time of initial contact with the person
subject to the investigation, inform the person of the specific
complaints or allegations made against the person. The information
shall be given in a manner that is consistent with division (I)(1)
of this section and protects the rights of the person making the
report under this section.

A failure to make the investigation in accordance with the
memorandum is not grounds for, and shall not result in, the
dismissal of any charges or complaint arising from the report or
the suppression of any evidence obtained as a result of the report
and does not give, and shall not be construed as giving, any
rights or any grounds for appeal or post-conviction relief to any
person. The public children services agency shall report each case
to the uniform statewide automated child welfare information
system that the department of job and family services shall
maintain in accordance with section 5101.13 of the Revised Code.
The public children services agency shall submit a report of its
investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any
recommendations to the county prosecuting attorney or city
director of law that it considers necessary to protect any
children that are brought to its attention.

(H)(1)(a) Except as provided in divisions (H)(1)(b) and
(I)(3) of this section, any person, health care professional,
hospital, institution, school, health department, or agency shall
be immune from any civil or criminal liability for injury, death,
or loss to person or property that otherwise might be incurred or
imposed as a result of any of the following:
(i) Participating in the making of reports pursuant to division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section;

(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;

(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;

(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.

(b) Immunity under division (H)(1)(a)(ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession.

(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.
(I)(1) Except as provided in divisions (I)(4) and (N) of this section and sections 2151.423 and 2151.4210 of the Revised Code, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (M) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2)(a) Except as provided in division (I)(2)(b) of this section, no person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(b) A health care professional that obtains the same information contained in a report made under this section from a source other than the report may disseminate the information, if its dissemination is otherwise permitted by law.

(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of
this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or peace officer to which the report was made or referred, on the request of the child fatality review board, the suicide fatality review committee, or the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, shall submit a summary sheet of information providing a summary of the report to the review board or review committee of the county in which the deceased child resided at the time of death or to the director. On the request of the review board, review committee, or director, the agency or peace officer may, at its discretion, make the report available to the review board, review committee, or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.
(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code.

(K)(1) Except as provided in division (K)(4) or (5) of this section, a person who is required to make a report under division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.
(2)(a) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

(b) When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

(c) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after receipt of the report. The notice shall provide the status of the agency's investigation into the report made, who the person may contact at the agency for further information, and a description of the person's rights under division (K)(1) of this section.

(d) Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (K)(1) of this
section is not a substitute for any report required to be made
pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in division (K)(1) of this section if the person requesting the information is associated with or acting on behalf of the health care professional who provided health care services to the child about whom the report was made.

(6) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after the agency closes the investigation into the case reported by the person. The notice shall notify the person that the agency has closed the investigation.

(L)(1) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.
(2) Not later than ninety days after the effective date of this amendment May 30, 2022, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to identify the types of neglect of a child that a public children services agency shall be required to notify law enforcement of pursuant to division (E)(2)(c)(ii) of this section.

(M) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(N)(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on
which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(O) As used in this section:
(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

**Sec. 2151.86.** (A)(1) The appointing or hiring officer of any entity that appoints or employs any person responsible for a child's care in out-of-home care shall request the superintendent of BCII to conduct a criminal records check with respect to any person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care. The request shall be made at the time of initial application for appointment or employment and every four years thereafter. If the out-of-home care entity is a public school, educational service center, or chartered nonpublic school, then
section 3319.39 of the Revised Code shall apply instead. If the
out-of-home care entity is a child day-care center, type A family
day-care child care home, type B family day-care child care
home, certified in-home aide, or child day camp, then section
5104.013 of the Revised Code shall apply instead.

(2) At the times specified in this division, the
administrative director of an agency, or attorney, who arranges an
adoption for a prospective adoptive parent shall request the
superintendent of BCII to conduct a criminal records check with
respect to that prospective adoptive parent and a criminal records
check with respect to all persons eighteen years of age or older
who reside with the prospective adoptive parent. The
administrative director or attorney shall request a criminal
records check pursuant to this division at the time of the initial
home study, every four years after the initial home study at the
time of an update, and at the time that an adoptive home study is
completed as a new home study.

(3) Before a recommending agency submits a recommendation to
the department of job and family services on whether the
department should issue a certificate to a foster home under
section 5103.03 of the Revised Code, and every four years
thereafter prior to a recertification under that section, the
administrative director of the agency shall request that the
superintendent of BCII conduct a criminal records check with
respect to the prospective foster caregiver and a criminal records
check with respect to all other persons eighteen years of age or
older who reside with the foster caregiver.

(B)(1) When the appointing or hiring officer requests, at the
time of initial application for appointment or employment, a
criminal records check for a person subject to division (A)(1) of
this section, the officer shall request that the superintendent of
BCII obtain information from the federal bureau of investigation
as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the appointing or hiring officer requests a criminal records check for a person pursuant to division (A)(1) of this section, the officer may request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check.

When the administrative director of an agency, or attorney, who arranges an adoption for a prospective parent requests, at the time of the initial home study, a criminal records check for a person pursuant to division (A)(2) of this section, the administrative director or attorney shall request that the superintendent of BCII obtain information from the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrative director of an agency, or attorney, who arranges an adoption for a prospective parent requests a criminal records check for a person pursuant to division (A)(2) of this section, the administrative director or attorney may request that the superintendent of BCII include information from the federal bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671.

When the administrative director of a recommending agency requests, before submitting a recommendation to the department of job and family services on whether the department should issue a
certificate to a foster home under section 5103.03 of the Revised Code, a criminal records check for a person pursuant to division (A)(3) of this section, the administrative director shall request that the superintendent of BCII obtain information from the federal bureau of investigation as part of a criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check. In all other cases in which the administrative director of a recommending agency requests a criminal records check for a person pursuant to division (A)(3) of this section, the administrative director may request that the superintendent of BCII include information from the federal bureau of investigation in the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671.

Prior to a hearing on a final decree of adoption or interlocutory order of adoption by a probate court, the administrative director of an agency, or an attorney, who arranges an adoption for a prospective parent shall provide to the clerk of the probate court either of the following:

(a) Any information received pursuant to a request made under this division from the superintendent of BCII or the federal bureau of investigation as part of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671, for the person subject to the criminal records check;

(b) Written notification that the person subject to a criminal records check pursuant to this division failed upon request to provide the information necessary to complete the form or failed to provide impressions of the person's fingerprints as required under division (B)(2) of this section.

(2) An appointing or hiring officer, administrative director,
or attorney required by division (A) of this section to request a criminal records check shall provide to each person subject to a criminal records check a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from the person, and forward the completed form and impression sheet to the superintendent of BCII at the time the criminal records check is requested.

Any person subject to a criminal records check who receives pursuant to this division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If a person subject to a criminal records check, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the appointing or hiring officer shall not appoint or employ the person as a person responsible for a child's care in out-of-home care, a probate court may not issue a final decree of adoption or an interlocutory order of adoption making the person an adoptive parent, and the department of job and family services shall not issue a certificate authorizing the prospective foster caregiver to operate a foster home.

(C)(1) No appointing or hiring officer shall appoint or employ a person as a person responsible for a child's care in out-of-home care, the department of job and family services shall not issue a certificate under section 5103.03 of the Revised Code.
authorizing a prospective foster caregiver to operate a foster 128201
home, and no probate court shall issue a final decree of adoption 128202
or an interlocutory order of adoption making a person an adoptive 128203
parent if the person or, in the case of a prospective foster 128204
caregiver or prospective adoptive parent, any person eighteen 128205
years of age or older who resides with the prospective foster 128206
caregiver or prospective adoptive parent previously has been 128207
convicted of or pleaded guilty to any of the violations described 128208
in division (A)(4) of section 109.572 of the Revised Code, unless 128209
the person meets rehabilitation standards established in rules 128210
adopted under division (F) of this section.

(2) Prior to certification or recertification under section 128212
5103.03 of the Revised Code, the prospective foster caregiver 128213
subject to a criminal records check under division (A)(3) of this 128214
section shall notify the recommending agency of the revocation of 128215
any foster home license, certificate, or other similar 128216
authorization in another state occurring within the five years 128217
prior to the date of application to become a foster caregiver in 128218
this state. The failure of a prospective foster caregiver to 128219
notify the recommending agency of any revocation of that type in 128220
another state that occurred within that five-year period shall be 128221
grounds for denial of the person's foster home application or the 128222
revocation of the person's foster home certification, whichever is 128223
applicable. If a person has had a revocation in another state 128224
within the five years prior to the date of the application, the 128225
department of job and family services shall not issue a foster 128226
home certificate to the prospective foster caregiver.

(D) The appointing or hiring officer, administrative 128228
director, or attorney shall pay to the bureau of criminal 128229
identification and investigation the fee prescribed pursuant to 128230
division (C)(3) of section 109.572 of the Revised Code for each 128231
criminal records check conducted in accordance with that section 128232
upon a request pursuant to division (A) of this section. The officer, director, or attorney may charge the person subject to the criminal records check a fee for the costs the officer, director, or attorney incurs in obtaining the criminal records check. A fee charged under this division shall not exceed the amount of fees the officer, director, or attorney pays for the criminal records check. If a fee is charged under this division, the officer, director, or attorney shall notify the person who is the applicant at the time of the person's initial application for appointment or employment, an adoption to be arranged, or a certificate to operate a foster home of the amount of the fee and that, unless the fee is paid, the person who is the applicant will not be considered for appointment or employment or as an adoptive parent or foster caregiver.

(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) The appointing or hiring officer, administrative director, or attorney requesting the criminal records check or the officer's, director's, or attorney's representative;

(3) The department of job and family services, a county department of job and family services, or a public children services agency;

(4) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment, a final decree of adoption or interlocutory order of adoption, or a foster
The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (A)(4) of section 109.572 of the Revised Code must meet for an appointing or hiring officer to appoint or employ the person as a person responsible for a child's care in out-of-home care, a probate court to issue a final decree of adoption or interlocutory order of adoption making the person an adoptive parent, or the department to issue a certificate authorizing the prospective foster caregiver to operate a foster home or not revoke a foster home certificate for a violation specified in section 5103.0328 of the Revised Code.

An appointing or hiring officer, administrative director, or attorney required by division (A) of this section to request a criminal records check shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment, an adoption to be arranged, or a foster home certificate, that the person subject to the criminal records check is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code.

As used in this section:

1. "Children's hospital" means any of the following:

(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;
(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (H)(1)(a) of this section.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective employee of the department of youth services or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

(4) "Person subject to a criminal records check" means the following:

(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care;

(b) A prospective or current adoptive parent;

(c) A prospective or current foster caregiver;

(d) A person eighteen years old or older who resides with a prospective or current foster caregiver or a prospective or current adoptive parent.

(5) "Recommending agency" means a public children services
agency, private child placing agency, or private noncustodial agency to which the department of job and family services has delegated a duty to inspect and approve foster homes.

(6) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.

Sec. 2919.223. As used in sections 2919.223 to 2919.227 of the Revised Code:

(A) "Child care," "child day-care care center," "in-home aide," "type A family day-care child care home," and "type B family day-care child care home" have the same meanings as in section 5104.01 of the Revised Code.

(B) "Child care center licensee" means the owner of a child day-care care center licensed pursuant to Chapter 5104. of the Revised Code who is responsible for ensuring the center's compliance with Chapter 5104. of the Revised Code and rules adopted pursuant to that chapter.

(C) "Child care facility" means a child day-care care center, a type A family day-care child care home, or a type B family day-care child care home.

(D) "Child care provider" means any of the following:

(1) An owner, provider, administrator, or employee of, or volunteer at, a child care facility;

(2) An in-home aide;

(3) A person who represents that the person provides child care.

(E) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

Sec. 2919.224. (A) No child care provider shall knowingly
misrepresent any factor or condition that relates to the provision of child care and that substantially affects the health or safety of any child or children in that provider's facility or receiving child care from that provider to any of the following:

(1) A parent, guardian, custodian, or other person responsible for the care of a child in the provider's facility or receiving child care from the provider;

(2) A parent, guardian, custodian, or other person responsible for the care of a child who is considering the provider as a child care provider for the child;

(3) A public official responsible for issuing the provider a license or certificate to provide child care;

(4) A public official investigating or inquiring about the provision of child care by the provider;

(5) A peace officer.

(B) For the purposes of this section, "any factor or condition that relates to the provision of child care" includes, but is not limited to, the following:

(1) The person or persons who will provide child care to the child of the parent, guardian, custodian, or other person responsible for the care of the child, or to the children in general;

(2) The qualifications to provide child care of the child care provider, of a person employed by the provider, or of a person who provides child care as a volunteer;

(3) The number of children to whom child care is provided at one time or the number of children receiving child care in the child care facility at one time;

(4) The conditions or safety features of the child care facility;
(5) The area of the child care facility in which child day-care care is provided.

(C) Whoever violates division (A) of this section is guilty of misrepresentation by a child care provider, a misdemeanor of the first degree.

Sec. 2919.225. (A) Subject to division (C) of this section, no owner, provider, or administrator of a type A family day-care child care home or type B family day-care child care home, knowing that the event described in division (A)(1) or (2) of this section has occurred, shall accept a child into that home without first disclosing to the parent, guardian, custodian, or other person responsible for the care of that child any of the following that has occurred:

(1) A child died while under the care of the home or while receiving child care from the owner, provider, or administrator or died as a result of injuries suffered while under the care of the home or while receiving child care from the owner, provider, or administrator.

(2) Within the preceding ten years, a child suffered injuries while under the care of the home or while receiving child care from the owner, provider, or administrator, and those injuries led to the child being hospitalized for more than twenty-four hours.

(B)(1) Subject to division (C) of this section, no owner, provider, or administrator of a type A family day-care child care home or type B family day-care child care home shall fail to provide notice in accordance with division (B)(3) of this section to the persons and entities specified in division (B)(2) of this section, of any of the following that occurs:

(a) A child who is under the care of the home or is receiving child care from the owner, provider, or administrator dies while
under the care of the home or while receiving child care from the owner, provider, or administrator or dies as a result of injuries suffered while under the care of the home or while receiving child care from the owner, provider, or administrator.

(b) A child who is under the care of the home or is receiving child care from the owner, provider, or administrator is hospitalized for more than twenty-four hours as a result of injuries suffered while under the care of the home or while receiving child care from the owner, provider, or administrator.

(2) An owner, provider, or administrator of a home shall provide the notices required under division (B)(1) of this section to each of the following:

(a) For each child who, at the time of the injury or death for which the notice is required, is receiving or is enrolled to receive child care at the home or from the owner, provider, or administrator, to the parent, guardian, custodian, or other person responsible for the care of the child;

(b) If the notice is required as the result of the death of a child as described in division (B)(1)(a) of this section, to the public children services agency of the county in which the home is located or the child care was given, a municipal or county peace officer in the county in which the child resides or in which the home is located or the child care was given, and the child fatality review board appointed under section 307.621 of the Revised Code that serves the county in which the home is located or the child care was given.

(3) An owner, provider, or administrator of a home shall provide the notices required by divisions (B)(1) and (2) of this section not later than forty-eight hours after the child dies or, regarding a child who is hospitalized for more than twenty-four hours as a result of injuries suffered while under the care of the
home, not later than forty-eight hours after the child suffers the injuries. If a child is hospitalized for more than twenty-four hours as a result of injuries suffered while under the care of the home, and the child subsequently dies as a result of those injuries, the owner, provider, or administrator shall provide separate notices under divisions (B)(1) and (2) of this section regarding both the injuries and the death. All notices provided under divisions (B)(1) and (2) of this section shall state that the death or injury occurred.

(C) Division (A) of this section does not require more than one person to make disclosures to the same parent, guardian, custodian, or other person responsible for the care of a child regarding any single injury or death for which disclosure is required under that division. Division (B) of this section does not require more than one person to give notices to the same parent, guardian, custodian, other person responsible for the care of the child, public children services agency, peace officer, or child fatality review board regarding any single injury or death for which disclosure is required under division (B)(1) of this section.

(D) An owner, provider, or administrator of a type A family day-care child care home or type B family day-care child care home is not subject to civil liability solely for making a disclosure required by this section.

(E) Whoever violates division (A) or (B) of this section is guilty of failure of a type A or type B family day-care child care home to disclose the death or serious injury of a child, a misdemeanor of the fourth degree.

**Sec. 2919.226.** (A) If a child care provider accurately answers the questions on a child care disclosure form that is substantially the form set forth in division (B) of this section,
presents the form to a person identified in division (A)(1) or (2) of section 2919.224 of the Revised Code, and obtains the person's signature on the acknowledgement in the form, to the extent that the information set forth on the form is accurate, the provider who presents the form is not subject to prosecution under division (A) of section 2919.224 of the Revised Code regarding presentation of that information to that person.

An owner, provider, or administrator of a type A family day-care child care home or a type B family day-care child care home may comply with division (A) of section 2919.225 of the Revised Code by accurately answering the questions on a child care disclosure form that is in substantially the form set forth in division (B) of this section, providing a copy of the form to the parent, guardian, custodian, or other person responsible for the care of a child and to whom disclosure is to be made under division (A) of section 2919.225 of the Revised Code, and obtaining the person's signature on the acknowledgement in the form.

The use of the form set forth in division (B) of this section is discretionary and is not required to comply with any disclosure requirement contained in section 2919.225 of the Revised Code or for any purpose related to section 2919.224 of the Revised Code.

(B) To be sufficient for the purposes described in division (A) of this section, a child care disclosure form shall be in substantially the following form:

"CHILD CARE DISCLOSURE FORM

Please Note: This form contains information that is accurate only at the time the form is given to you. The information provided in this form is likely to change over time. It is the duty of the person responsible for the care of the child to monitor the status of child care services to ensure that those services remain satisfactory. If a question on this form is left
unanswered, the child care provider makes no assertion regarding the question. Choosing appropriate child care for a child is a serious responsibility, and the person responsible for the care of the child is encouraged to make all appropriate inquiries. Also, in acknowledging receipt of this form, the person responsible for the care of the child acknowledges that in selecting the child care provider the person is not relying on any representations other than those provided in this form unless the child care provider has acknowledged the other representations in writing.

1. What are the names and qualifications to provide child care of: (a) the child care provider, (b) the employee who will provide child care to the applicant child, (c) the volunteer who will provide child care to the applicant child, and (d) any other employees or volunteers of the child care provider? (attach additional sheets if necessary):

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.............................................................................................................

2. What is the maximum number of children to whom you provide child care at one time? (If children are divided into groups or classes, please describe the maximum number of children in each group or class and indicate the group or class in which the applicant child will be placed.):

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3. Where in the home will you provide child care to the applicant child?:

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4. Has a child died while in the care of, or receiving child
care from, the child care provider? (Yes/No)

Description/explanation (attach additional sheets if necessary)

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................................................................................................................................................
................................................................................................................................................

5. Has a child died as a result of injuries suffered while under the care of, or receiving child care from, the child care provider? (Yes/No)

Description/explanation (attach additional sheets if necessary)

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................................................................................................................................................
................................................................................................................................................

6. Within the preceding ten years, has a child suffered injuries while under the care of, or receiving child care from, the child care provider that led to the child being hospitalized for more than 24 hours? (Yes/No)

Description/explanation (attach additional sheets if necessary)

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................................................................................................................................................
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Signature of person completing form Date

Name of person completing form (Typed or printed)

Title of person completing form (Typed or printed)
Acknowledgement:

I hereby acknowledge that I have been given a copy of the preceding document and have read and understood its contents. I further acknowledge that I am not relying on any other representations in selecting the child care provider unless the child care provider has acknowledged the other representations in writing.

........................................ .........................
Person receiving the form Date"

(C) If a child care provider accurately answers the questions on a disclosure form that is substantially similar to the form described in division (B) of this section, presents the form to a person identified in division (A)(1) or (2) of section 2919.224 of the Revised Code, and obtains the person's signature on the acknowledgement in the form, to the extent that the information set forth on the form is accurate, the form is sufficient for the purposes described in division (A) of this section.

An owner, provider, or administrator of a type A family day-care child care home or a type B family day-care child care home who accurately answers the questions on a disclosure form that is substantially similar to the form described in division (B) of this section, provides a copy of the completed form to the parent, guardian, custodian, or other person who is responsible for the care of a child and to whom disclosure is to be made under division (A) of section 2919.225 of the Revised Code, and obtains the person's signature on the acknowledgement in the form complies with the requirements of that division. If the owner, provider, or administrator uses the disclosure form, leaving a portion of the disclosure form blank does not constitute a misrepresentation for the purposes of section 2919.224 of the Revised Code but may constitute a violation of section 2919.225 of the Revised Code.

The owner, provider, or administrator of a type A family day-care
child care home or type B family day care child care home who completes the disclosure form and provides a copy of the form to any person described in section 2919.224 or 2919.225 of the Revised Code may retain a copy of the completed form.

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of the Revised Code:

(A) "Application form" means the application form prescribed pursuant to division (A)(1) of section 109.731 of the Revised Code and includes a copy of that form.

(B) "Competency certification" and "competency certificate" mean a document of the type described in division (B)(3) of section 2923.125 of the Revised Code.

(C) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.

(D) "Licensee" means a person to whom a concealed handgun license has been issued under section 2923.125 of the Revised Code and, except when the context clearly indicates otherwise, includes a person to whom a concealed handgun license on a temporary emergency basis has been issued under section 2923.1213 of the Revised Code and a person to whom a concealed handgun license has been issued by another state.

(E) "License fee" or "license renewal fee" means the fee for a concealed handgun license or the fee to renew that license that is to be paid by an applicant for a license of that type.

(F) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(G) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code.

(H) "Civil protection order" means a protection order issued, or consent agreement approved, under section 2903.214 or 3113.31
of the Revised Code.

(I) "Temporary protection order" means a protection order issued under section 2903.213 or 2919.26 of the Revised Code.

(J) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.

(K) "Child care center," "type A family day-care child care home" and "type B family day-care child care home" have the same meanings as in section 5104.01 of the Revised Code.

(L) "Foreign air transportation," "interstate air transportation," and "intrastate air transportation" have the same meanings as in 49 U.S.C. 40102, as now or hereafter amended.

(M) "Commercial motor vehicle" has the same meaning as in division (A) of section 4506.25 of the Revised Code.

(N) "Motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code.

Sec. 2923.126. (A) A concealed handgun license that is issued under section 2923.125 of the Revised Code shall expire five years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (B) and (C) of this section, a licensee who has been issued a concealed handgun license under section 2923.125 or 2923.1213 of the Revised Code may carry a concealed handgun anywhere in this state if the license is valid when the licensee is in actual possession of a concealed handgun. The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within forty-five days after that change.

(B) A valid concealed handgun license does not authorize the
licensee to carry a concealed handgun in any manner prohibited under division (B) of section 2923.12 of the Revised Code or in any manner prohibited under section 2923.16 of the Revised Code. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:

(1) A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation; a state correctional institution, jail, workhouse, or other detention facility; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency; or an institution that is maintained, operated, managed, and governed pursuant to division (A) of section 5119.14 of the Revised Code or division (A)(1) of section 5123.03 of the Revised Code;

(2) A school safety zone if the licensee's carrying the concealed handgun is in violation of section 2923.122 of the Revised Code;

(3) A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of section 2923.123 of the Revised Code;

(4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code;

(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun
pursuant to a written policy, rule, or other authorization that is 
adopted by the institution's board of trustees or other governing 
body and that authorizes specific individuals or classes of 
individuals to carry a concealed handgun on the premises;

(6) Any church, synagogue, mosque, or other place of worship, 
unless the church, synagogue, mosque, or other place of worship 
posts or permits otherwise;

(7) Any building that is a government facility of this state 
or a political subdivision of this state and that is not a 
building that is used primarily as a shelter, restroom, parking 
facility for motor vehicles, or rest facility and is not a 
courthouse or other building or structure in which a courtroom is 
located that is subject to division (B)(3) of this section, unless 
the governing body with authority over the building has enacted a 
statute, ordinance, or policy that permits a licensee to carry a 
concealed handgun into the building;

(8) A place in which federal law prohibits the carrying of 
handguns.

(C)(1) Nothing in this section shall negate or restrict a 
rule, policy, or practice of a private employer that is not a 
private college, university, or other institution of higher 
education concerning or prohibiting the presence of firearms on 
the private employer's premises or property, including motor 
vehicles owned by the private employer. Nothing in this section 
shall require a private employer of that nature to adopt a rule, 
policy, or practice concerning or prohibiting the presence of 
firearms on the private employer's premises or property, including 
motor vehicles owned by the private employer.

(2)(a) A private employer shall be immune from liability in a 
civil action for any injury, death, or loss to person or property 
that allegedly was caused by or related to a licensee bringing a
handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer.

(b) A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in Chapter 2744. of the Revised Code, for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. As used in this division, "political subdivision" has the same meaning as in section 2744.01 of the Revised Code.

(c) An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.

(d) A nonprofit corporation shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the nonprofit corporation, including any motor vehicle owned by the nonprofit corporation, or
to any event organized by the nonprofit corporation, unless the nonprofit corporation acted with malicious purpose. A nonprofit corporation is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the nonprofit corporation's decision to permit a licensee to bring a handgun onto the premises of the nonprofit corporation or to any event organized by the nonprofit corporation.

(3)(a) Except as provided in division (C)(3)(b) of this section and section 2923.1214 of the Revised Code, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of division (A)(4) of section 2911.21 of the Revised Code and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass under section 2911.21 of the Revised Code or under any other criminal law of this state or criminal law, ordinance, or resolution of a political subdivision of this state, and instead is subject only to a civil cause of action for trespass based on the violation.

If a person knowingly violates a posted prohibition of the nature described in this division and the posted land or premises is a child day-care center, type A family day-care child care home, or type B family day-care child care home, unless the person
is a licensee who resides in a type A family day-care child care home or type B family day-care child care home, the person is guilty of aggravated trespass in violation of section 2911.211 of the Revised Code. Except as otherwise provided in this division, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation of this division or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, the offender is guilty of a felony of the fourth degree.

(b) A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008, enters into a rental agreement with the landlord for the use of residential premises, and the tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.

(c) As used in division (C)(3) of this section:

(i) "Residential premises" has the same meaning as in section 5321.01 of the Revised Code, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university.

(ii) "Landlord," "tenant," and "rental agreement" have the same meanings as in section 5321.01 of the Revised Code.

(D) A person who holds a valid concealed handgun license issued by another state that is recognized by the attorney general pursuant to a reciprocity agreement entered into pursuant to section 109.69 of the Revised Code or a person who holds a valid concealed handgun license under the circumstances described in division (B) of section 109.69 of the Revised Code has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of
the Revised Code and is subject to the same restrictions that apply to a person who has been issued a license under that section that is valid at the time in question.

(E)(1) A peace officer has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code, provided that the officer when carrying a concealed handgun under authority of this division is carrying validating identification. For purposes of reciprocity with other states, a peace officer shall be considered to be a licensee in this state.

(2) An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions as specified in this section.

(3) A tactical medical professional who is qualified to carry firearms while on duty under section 109.771 of the Revised Code has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code.

(F)(1) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of this section and a valid firearms requalification certification issued pursuant to division (F)(3) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions that apply to a person who has been issued a
license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of this section and a valid firearms requalification certification issued pursuant to division (F)(3) of this section shall be considered to be a licensee in this state.

(2)(a) Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

(i) The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.

(ii) Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.

(iii) At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

(iv) Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of fifteen years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined
by the agency.

(b) A retired peace officer identification card issued to a person under division (F)(2)(a) of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (F)(2)(a) of this section may include the firearms requalification certification described in division (F)(3) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED."

(c) A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (F)(2)(a) of this section.

(3) If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of
this state and the person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code. The retired peace officer may be required to pay the cost of the course.

If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (F) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (F)(2) of this section.

A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms
requalification required under section 109.801 of the Revised Code may be required to pay the cost of the program.

(G) As used in this section:

(1) "Qualified retired peace officer" means a person who satisfies all of the following:

(a) The person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (v) of this section.

(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) The person is not prohibited by federal law from receiving firearms.

(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F)(2) of this section to a person who is a retired peace officer.

(3) "Government facility of this state or a political subdivision of this state" means any of the following:

(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;

(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.

(4) "Governing body" has the same meaning as in section 154.01 of the Revised Code.

(5) "Tactical medical professional" has the same meaning as in section 109.71 of the Revised Code.
(6) "Validating identification" means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency.

(7) "Nonprofit corporation" means any private organization that is exempt from federal income taxation pursuant to subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.

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

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

(C) As used in this section:

(1) "Child day-care care center" has the same meaning as in section 5104.01 of the Revised Code.

(2) "Children's crisis care facility" has the same meaning as in section 5103.13 of the Revised Code.

(3) "Children's crisis care facility premises" means both of the following:

(a) The parcel of real property on which any children's crisis care facility is situated;

(b) Any grounds, play areas, and other facilities of a children's crisis care facility that are regularly used by the children served by the facility.

(4) "Preschool" means any public or private institution or center that provides early childhood instructional or educational services to children who are at least three years of age but less than six years of age and who are not enrolled in or are not eligible to be enrolled in kindergarten, whether or not those services are provided in a child day-care care setting. "Preschool" does not include any place that is the permanent residence of the person who is providing the early childhood instructional or educational services to the children described in this division.

(5) "Preschool or child day-care care center premises" means all of the following:

(a) Any building in which any preschool or child day-care care center activities are conducted if the building has signage that indicates that the building houses a preschool or child day-care care center, is clearly visible and discernable without...
obstruction, and meets any local zoning ordinances which may apply;

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

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

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

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

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

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

Sec. 2950.11. (A) Regardless of when the sexually oriented offense or child-victim oriented offense was committed, if a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been
adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is in any category specified in division (F)(1)(a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code, within the period of time specified in division (C) of this section, shall provide a written notice containing the information set forth in division (B) of this section to all of the persons described in divisions (A)(1) to (10) of this section. If the sheriff has sent a notice to the persons described in those divisions as a result of receiving a notice of intent to reside and if the offender or delinquent child registers a residence address that is the same residence address described in the notice of intent to reside, the sheriff is not required to send an additional notice when the offender or delinquent child registers. The sheriff shall provide the notice to all of the following persons:

(1)(a) Any occupant of each residential unit that is located within one thousand feet of the offender's or delinquent child's residential premises, that is located within the county served by the sheriff, and that is not located in a multi-unit building. Division (D)(3) of this section applies regarding notices required under this division.

(b) If the offender or delinquent child resides in a multi-unit building, any occupant of each residential unit that is located in that multi-unit building and that shares a common hallway with the offender or delinquent child. For purposes of
this division, an occupant's unit shares a common hallway with the offender or delinquent child if the entrance door into the occupant's unit is located on the same floor and opens into the same hallway as the entrance door to the unit the offender or delinquent child occupies. Division (D)(3) of this section applies regarding notices required under this division.

(c) The building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within one thousand feet of the offender's or delinquent child's residential premises, including a multi-unit building in which the offender or delinquent child resides, and that is located within the county served by the sheriff. In addition to notifying the building manager or the person authorized to exercise management and control in the multi-unit building under this division, the sheriff shall post a copy of the notice prominently in each common entryway in the building and any other location in the building the sheriff determines appropriate. The manager or person exercising management and control of the building shall permit the sheriff to post copies of the notice under this division as the sheriff determines appropriate. In lieu of posting copies of the notice as described in this division, a sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact; if the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to the building. Division (D)(3) of this section applies regarding notices required under this division.

(d) All additional persons who are within any category of neighbors of the offender or delinquent child that the attorney general by rule adopted under section 2950.13 of the Revised Code requires to be provided the notice and who reside within the
county served by the sheriff;

(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;

(3)(a) The superintendent of each board of education of a school district that has schools within the specified geographical notification area and that is located within the county served by the sheriff;

(b) The principal of the school within the specified geographical notification area and within the county served by the sheriff that the delinquent child attends;

(c) If the delinquent child attends a school outside of the specified geographical notification area or outside of the school district where the delinquent child resides, the superintendent of the board of education of a school district that governs the school that the delinquent child attends and the principal of the school that the delinquent child attends.

(4)(a) The appointing or hiring officer of each chartered nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A)(3) of this section;

(b) Regardless of the location of the school, the appointing or hiring officer of a chartered nonpublic school that the delinquent child attends.

(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301 of the Revised Code that is located within the specified
geographical notification area and within the county served by the sheriff;

(6) The administrator of each child day-care care center or type A family day-care child care home that is located within the specified geographical notification area and within the county served by the sheriff, and each holder of a license to operate a type B family day-care child care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in this division, "child day-care care center," "type A family day-care child care home," and "type B family day-care child care home" have the same meanings as in section 5104.01 of the Revised Code.

(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff, and the chief law enforcement officer of the state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code, if any, that serves that institution;

(8) The sheriff of each county that includes any portion of the specified geographical notification area;

(9) If the offender or delinquent child resides within the county served by the sheriff, the chief of police, marshal, or other chief law enforcement officer of the municipal corporation in which the offender or delinquent child resides or, if the offender or delinquent child resides in an unincorporated area, the constable or chief of the police department or police district police force of the township in which the offender or delinquent child resides;

(10) Volunteer organizations in which contact with minors or
other vulnerable individuals might occur or any organization, company, or individual who requests notification as provided in division (J) of this section.

(B) The notice required under division (A) of this section shall include all of the following information regarding the subject offender or delinquent child:

(1) The offender's or delinquent child's name;

(2) The address or addresses of the offender's or public registry-qualified juvenile offender registrant's residence, school, institution of higher education, or place of employment, as applicable, or the residence address or addresses of a delinquent child who is not a public registry-qualified juvenile offender registrant;

(3) The sexually oriented offense or child-victim oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child;

(4) A statement that identifies the category specified in division (F)(1)(a), (b), or (c) of this section that includes the offender or delinquent child and that subjects the offender or delinquent child to this section;

(5) The offender's or delinquent child's photograph.

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of
each of the other counties who is provided notice under division (A)(8) of this section shall provide the notices described in divisions (A)(1) to (7) and (A)(9) and (10) of this section to each person or entity identified within those divisions that is located within the specified geographical notification area and within the county served by the sheriff in question.

(D)(1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A)(1) of this section and the notices to law enforcement personnel that are described in divisions (A)(8) and (9) of this section as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) and (A)(10) of this section as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code,
the sheriff may provide a written notice containing the
information set forth in division (B) of this section to the
persons identified in divisions (A)(1) to (10) of this section. If
a sheriff provides a notice pursuant to this division to the
sheriff of one or more other counties in accordance with division
(A)(8) of this section, the sheriff of each of the other counties
who is provided the notice under division (A)(8) of this section
may provide, but is not required to provide, a written notice
containing the information set forth in division (B) of this
section to the persons identified in divisions (A)(1) to (7) and
(A)(9) and (10) of this section.

(3) A sheriff may provide notice under division (A)(1)(a) or
(b) of this section, and may provide notice under division
(A)(1)(c) of this section to a building manager or person
authorized to exercise management and control of a building, by
mail, by personal contact, or by leaving the notice at or under
the entry door to a residential unit. For purposes of divisions
(A)(1)(a) and (b) of this section, and the portion of division
(A)(1)(c) of this section relating to the provision of notice to
occupants of a multi-unit building by mail or personal contact,
the provision of one written notice per unit is deemed as
providing notice to all occupants of that unit.

(E) All information that a sheriff possesses regarding an
offender or delinquent child who is in a category specified in
division (F)(1)(a), (b), or (c) of this section that is described
in division (B) of this section and that must be provided in a
notice required under division (A) or (C) of this section or that
may be provided in a notice authorized under division (D)(2) of
this section is a public record that is open to inspection under
section 149.43 of the Revised Code.

The sheriff shall not cause to be publicly disseminated by
means of the internet any of the information described in this
division that is provided by a delinquent child unless that child is in a category specified in division (F)(1)(a), (b), or (c) of this section.

(F)(1) Except as provided in division (F)(2) of this section, the duties to provide the notices described in divisions (A) and (C) of this section apply regarding any offender or delinquent child who is in any of the following categories:

(a) The offender is a tier III sex offender/child-victim offender, or the delinquent child is a public registry-qualified juvenile offender registrant, and a juvenile court has not removed pursuant to section 2950.15 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(b) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was subjected to this section prior to January 1, 2008, as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in section 2950.01 of the Revised Code as it existed prior to January 1, 2008, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(c) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was classified a juvenile offender registrant on or after January 1, 2008, the court has imposed a requirement under section 2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the delinquent child to this section, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code.
the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(2) The notification provisions of this section do not apply to a person described in division (F)(1)(a), (b), or (c) of this section if a court finds at a hearing after considering the factors described in this division that the person would not be subject to the notification provisions of this section that were in the version of this section that existed immediately prior to January 1, 2008. In making the determination of whether a person would have been subject to the notification provisions under prior law as described in this division, the court shall consider the following factors:

(a) The offender's or delinquent child's age;

(b) The offender's or delinquent child's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexual offenses;

(c) The age of the victim of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made;

(d) Whether the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made involved multiple victims;

(e) Whether the offender or delinquent child used drugs or alcohol to impair the victim of the sexually oriented offense or to prevent the victim from resisting;

(f) If the offender or delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be, a criminal offense, whether the offender or delinquent child completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or
act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders;

(g) Any mental illness or mental disability of the offender or delinquent child;

(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;

(i) Whether the offender or delinquent child, during the commission of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made, displayed cruelty or made one or more threats of cruelty;

(j) Whether the offender or delinquent child would have been a habitual sex offender or a habitual child victim offender under the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G)(1) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division (A)(3), (4), or (5) of this section that contains the name of each
board of education, school, or program of that type, the county in which it is located, its address and telephone number, the name of the superintendent of the board or of an administrative officer or employee of the school or program, and, in relation to a board of education, the county or counties in which each of its schools is located and the address of each such school.

(3) The Ohio board department of regents higher education shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer.

(4) A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to provide notices regarding an offender or delinquent child, or a designee of a sheriff of that type, may request the department of job and family services, department of education, or Ohio board department of regents higher education, by telephone, in person, or by mail, to provide the sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom the notices described in divisions (A)(2) to (7) of this section are to be provided. Upon receipt of a request, the department or board shall provide the requesting sheriff or designee with the names, addresses, and telephone numbers of the appropriate persons and entities to whom those notices are to be provided.

(H)(1) Upon the motion of the offender or the prosecuting attorney of the county in which the offender was convicted of or pleaded guilty to the sexually oriented offense or child-victim oriented offense for which the offender is subject to community notification under this section, or upon the motion of the
sentencing judge or that judge's successor in office, the judge may schedule a hearing to determine whether the interests of justice would be served by suspending the community notification requirement under this section in relation to the offender. The judge may dismiss the motion without a hearing but may not issue an order suspending the community notification requirement without a hearing. At the hearing, all parties are entitled to be heard, and the judge shall consider all of the factors set forth in division (K) of this section. If, at the conclusion of the hearing, the judge finds that the offender has proven by clear and convincing evidence that the offender is unlikely to commit in the future a sexually oriented offense or a child-victim oriented offense and if the judge finds that suspending the community notification requirement is in the interests of justice, the judge may suspend the application of this section in relation to the offender. The order shall contain both of these findings.

The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.

An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and does not suspend the victim notification requirement under section 2950.10 of the Revised Code.

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06.
2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a sexually violent predator;

(b) A person who is convicted of or pleads guilty to a sexually oriented offense that is a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either who is sentenced under section 2971.03 of the Revised Code or upon whom a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code;

(c) A person who is convicted of or pleads guilty to a sexually oriented offense that is attempted rape committed on or after January 2, 2007, and who also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code;

(d) A person who is convicted of or pleads guilty to an offense described in division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and who is sentenced for that
offense pursuant to that division;

(e) An offender who is in a category specified in division (F)(1)(a), (b), or (c) of this section and who, subsequent to being subjected to community notification, has pleaded guilty to or been convicted of a sexually oriented offense or child-victim oriented offense.

(I) If a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is not in any category specified in division (F)(1)(a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code, within the period of time specified in division (D) of this section, shall provide a written notice containing the information set forth in division (B) of this section to the executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff.

(J) Each sheriff shall allow a volunteer organization or other organization, company, or individual who wishes to receive the notice described in division (A)(10) of this section regarding a specific offender or delinquent child or notice regarding all offenders and delinquent children who are located in the specified geographical notification area to notify the sheriff by electronic
mail or through the sheriff's web site of this election. The sheriff shall promptly inform the bureau of criminal identification and investigation of these requests in accordance with the forwarding procedures adopted by the attorney general pursuant to section 2950.13 of the Revised Code.

(K) In making a determination under division (H)(1) of this section as to whether to suspend the community notification requirement under this section for an offender, the judge shall consider all relevant factors, including, but not limited to, all of the following:

(1) The offender's age;

(2) The offender's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexually oriented offenses or child-victim oriented offenses;

(3) The age of the victim of the sexually oriented offense or child-victim oriented offense the offender committed;

(4) Whether the sexually oriented offense or child-victim oriented offense the offender committed involved multiple victims;

(5) Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense or child-victim oriented offense the offender committed or to prevent the victim from resisting;

(6) If the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be a criminal offense, whether the offender completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sexually oriented offense or a child-victim oriented offense, whether the offender or delinquent child participated in available programs for sex offenders or child-victim offenders;
(7) Any mental illness or mental disability of the offender; 129538

(8) The nature of the offender's sexual conduct, sexual 129539
contact, or interaction in a sexual context with the victim of the 129540
sexually oriented offense the offender committed or the nature of 129541
the offender's interaction in a sexual context with the victim of 129542
the child-victim oriented offense the offender committed, 129543
whichever is applicable, and whether the sexual conduct, sexual 129544
contact, or interaction in a sexual context was part of a 129545
demonstrated pattern of abuse; 129546

(9) Whether the offender, during the commission of the 129547
sexually oriented offense or child-victim oriented offense the 129548
offender committed, displayed cruelty or made one or more threats 129549
of cruelty; 129550

(10) Any additional behavioral characteristics that 129551
contribute to the offender's conduct. 129552

(L) As used in this section, "specified geographical 129553
notification area" means the geographic area or areas within which 129554
the attorney general, by rule adopted under section 2950.13 of the 129555
Revised Code, requires the notice described in division (B) of 129556
this section to be given to the persons identified in divisions 129557
(A)(2) to (8) of this section. 129558

Sec. 2950.13. (A) The attorney general shall do all of the 129559
following: 129560

(1) No later than July 1, 1997, establish and maintain a 129561
state registry of sex offenders and child-victim offenders that is 129562
housed at the bureau of criminal identification and investigation 129563
and that contains all of the registration, change of residence, 129564
school, institution of higher education, or place of employment 129565
address, and verification information the bureau receives pursuant 129566
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 129567
Code regarding each person who is convicted of, pleads guilty to, 129568
has been convicted of, or has pleaded guilty to a sexually 129569
oriented offense or a child-victim oriented offense and each 129570
person who is or has been adjudicated a delinquent child for 129571
committing a sexually oriented offense or a child-victim oriented 129572
offense and is classified a juvenile offender registrant or is an 129573
out-of-state juvenile offender registrant based on that 129574
adjudication, all of the information the bureau receives pursuant 129575
to section 2950.14 of the Revised Code, and any notice of an order 129576
terminating or modifying an offender's or delinquent child's duty 129577
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 129578
the Revised Code the bureau receives pursuant to section 2152.84, 129579
2152.85, or 2950.15 of the Revised Code. For a person who was 129580
convicted of or pleaded guilty to the sexually oriented offense or 129581
child-victim related offense, the registry also shall indicate 129582
whether the person was convicted of or pleaded guilty to the 129583
offense in a criminal prosecution or in a serious youthful 129584
offender case. The registry shall not be open to inspection by the 129585
public or by any person other than a person identified in division 129586
(A) of section 2950.08 of the Revised Code. In addition to the 129587
information and material previously identified in this division, 129588
the registry shall include all of the following regarding each 129589
person who is listed in the registry:

(a) A citation for, and the name of, all sexually oriented 129590
offenses or child-victim oriented offenses of which the person was 129591
convicted, to which the person pleaded guilty, or for which the 129592
person was adjudicated a delinquent child and that resulted in a 129593
registration duty, and the date on which those offenses were 129594
committed;

(b) The text of the sexually oriented offenses or 129595
child-victim oriented offenses identified in division (A)(1)(a) of 129596
this section as those offenses existed at the time the person was 129597
convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing those offenses, or a link to a database that sets forth the text of those offenses;

   (c) A statement as to whether the person is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender for the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section;

   (d) The community supervision status of the person, including, but not limited to, whether the person is serving a community control sanction and the nature of any such sanction, whether the person is under supervised release and the nature of the release, or regarding a juvenile, whether the juvenile is under any type of release authorized under Chapter 2152. or 5139. of the Revised Code and the nature of any such release;

   (e) The offense and delinquency history of the person, as determined from information gathered or provided under sections 109.57 and 2950.14 of the Revised Code;

   (f) The bureau of criminal identification and investigation tracking number assigned to the person if one has been so assigned, the federal bureau of investigation number assigned to the person if one has been assigned and the bureau of criminal identification and investigation is aware of the number, and any other state identification number assigned to the person of which the bureau is aware;

   (g) Fingerprints and palmprints of the person;

   (h) A DNA specimen, as defined in section 109.573 of the Revised Code, from the person;

   (i) Whether the person has any outstanding arrest warrants;
(j) Whether the person is in compliance with the person's duties under this chapter.

(2) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that contain guidelines necessary for the implementation of this chapter;

(3) In consultation with local law enforcement representatives, adopt rules for the implementation and administration of the provisions contained in section 2950.11 of the Revised Code that pertain to the notification of neighbors of an offender or a delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section and rules that prescribe a manner in which victims of a sexually oriented offense or a child-victim oriented offense committed by an offender or a delinquent child who is in a category specified in division (B)(1) of section 2950.10 of the Revised Code may make a request that specifies that the victim would like to be provided the notices described in divisions (A)(1) and (2) of section 2950.10 of the Revised Code;

(4) In consultation with local law enforcement representatives and through the bureau of criminal identification and investigation, prescribe the forms to be used by judges and officials pursuant to section 2950.03 or 2950.032 of the Revised Code to advise offenders and delinquent children of their duties of filing a notice of intent to reside, registration, notification of a change of residence, school, institution of higher education, or place of employment address and registration of the new school, institution of higher education, or place of employment address, as applicable, and address verification under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe the forms to be used by sheriffs relative to those duties of
filing a notice of intent to reside, registration, change of 129662
residence, school, institution of higher education, or place of 129663
employment address notification, and address verification; 129664

(5) Make copies of the forms prescribed under division (A)(4) 129665
of this section available to judges, officials, and sheriffs; 129666

(6) Through the bureau of criminal identification and 129667
investigation, provide the notifications, the information and 129668
materials, and the documents that the bureau is required to 129669
provide to appropriate law enforcement officials and to the 129670
federal bureau of investigation pursuant to sections 2950.04, 129671
2950.041, 2950.05, and 2950.06 of the Revised Code; 129672

(7) Through the bureau of criminal identification and 129673
investigation, maintain the verification forms returned under the 129674
address verification mechanism set forth in section 2950.06 of the 129675
Revised Code; 129676

(8) In consultation with representatives of the officials, 129677
judges, and sheriffs, adopt procedures for officials, judges, and 129678
sheriffs to use to forward information, photographs, and 129679
fingerprints to the bureau of criminal identification and 129680
investigation pursuant to the requirements of sections 2950.03, 129681
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 129682
Code; 129683

(9) In consultation with the director of education, the 129684
director of job and family services, and the director of 129685
rehabilitation and correction, adopt rules that contain guidelines 129686
to be followed by boards of education of a school district, 129687
chartered nonpublic schools or other schools not operated by a 129688
board of education, preschool programs, child day-care care 129689
centers, type A family day-care child care homes, licensed type B 129690
family day-care child care homes, and institutions of higher 129691
education regarding the proper use and administration of 129692
information received pursuant to section 2950.11 of the Revised Code relative to an offender or delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section;

(10) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that designate a geographic area or areas within which the notice described in division (B) of section 2950.11 of the Revised Code must be given to the persons identified in divisions (A)(2) to (8) and (A)(10) of that section;

(11) Through the bureau of criminal identification and investigation, not later than January 1, 2004, establish and operate on the internet a sex offender and child-victim offender database that contains information for every offender who has committed a sexually oriented offense or a child-victim oriented offense and registers in any county in this state pursuant to section 2950.04 or 2950.041 of the Revised Code and for every delinquent child who has committed a sexually oriented offense, is a public registry-qualified juvenile offender registrant, and registers in any county in this state pursuant to either such section. The bureau shall not include on the database the identity of any offender's or public registry-qualified juvenile offender registrant's victim, any offender's or public registry-qualified juvenile offender registrant's social security number, the name of any school or institution of higher education attended by any offender or public registry-qualified juvenile offender registrant, the name of the place of employment of any offender or public registry-qualified juvenile offender registrant, any tracking or identification number described in division (A)(1)(f) of this section, or any information described in division (C)(7) of section 2950.04 or 2950.041 of the Revised Code. The bureau shall provide on the database, for each offender and each public
registry-qualified juvenile offender registrant, at least the
information specified in divisions (A)(11)(a) to (h) of this
section. Otherwise, the bureau shall determine the information to
be provided on the database for each offender and public
registry-qualified juvenile offender registrant and shall obtain
that information from the information contained in the state
registry of sex offenders and child-victim offenders described in
division (A)(1) of this section, which information, while in the
possession of the sheriff who provided it, is a public record open
for inspection as described in section 2950.081 of the Revised
Code. The database is a public record open for inspection under
section 149.43 of the Revised Code, and it shall be searchable by
offender or public registry-qualified juvenile offender registrant
name, by county, by zip code, and by school district. The database
shall provide a link to the web site of each sheriff who has
established and operates on the internet a sex offender and
child-victim offender database that contains information for
offenders and public registry-qualified juvenile offender
registrants who register in that county pursuant to section
2950.04 or 2950.041 of the Revised Code, with the link being a
direct link to the sex offender and child-victim offender database
for the sheriff. The bureau shall provide on the database, for
each offender and public registry-qualified juvenile offender
registrant, at least the following information:

(a) The information described in divisions (A)(1)(a), (b),
(c), and (d) of this section relative to the offender or public
registry-qualified juvenile offender registrant;

(b) The address of the offender's or public
registry-qualified juvenile offender registrant's school,
institution of higher education, or place of employment provided
in a registration form;

(c) The information described in division (C)(6) of section
2950.04 or 2950.041 of the Revised Code;

(d) A chart describing which sexually oriented offenses and child-victim oriented offenses are included in the definitions of tier I sex offender/child-victim offender, tier II sex offender/child-victim offender, and tier III sex offender/child-victim offender;

(e) Fingerprints and palmprints of the offender or public registry-qualified juvenile offender registrant and a DNA specimen from the offender or public registry-qualified juvenile offender registrant;

(f) The information set forth in division (B) of section 2950.11 of the Revised Code;

(g) Any outstanding arrest warrants for the offender or public registry-qualified juvenile offender registrant;

(h) The offender's or public registry-qualified juvenile offender registrant's compliance status with duties under this chapter.

(12) Develop software to be used by sheriffs in establishing on the internet a sex offender and child-victim offender database for the public dissemination of some or all of the information and materials described in division (A) of section 2950.081 of the Revised Code that are public records under that division, that are not prohibited from inclusion by division (B) of that section, and that pertain to offenders and public registry-qualified juvenile offender registrants who register in the sheriff's county pursuant to section 2950.04 or 2950.041 of the Revised Code and for the public dissemination of information the sheriff receives pursuant to section 2950.14 of the Revised Code and, upon the request of any sheriff, provide technical guidance to the requesting sheriff in establishing on the internet such a database;

(13) Through the bureau of criminal identification and
investigation, not later than January 1, 2004, establish and operate on the internet a database that enables local law enforcement representatives to remotely search by electronic means the state registry of sex offenders and child-victim offenders described in division (A)(1) of this section and any information and materials the bureau receives pursuant to sections 2950.04, 2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The database shall enable local law enforcement representatives to obtain detailed information regarding each offender and delinquent child who is included in the registry, including, but not limited to the offender's or delinquent child's name, aliases, residence address, name and address of any place of employment, school, institution of higher education, if applicable, license plate number of each vehicle identified in division (C)(5) of section 2950.04 or 2950.041 of the Revised Code to the extent applicable, victim preference if available, date of most recent release from confinement if applicable, fingerprints, and palmprints, all of the information and material described in divisions (A)(1)(a) to (h) of this section regarding the offender or delinquent child, and other identification parameters the bureau considers appropriate. The database is not a public record open for inspection under section 149.43 of the Revised Code and shall be available only to law enforcement representatives as described in this division. Information obtained by local law enforcement representatives through use of this database is not open to inspection by the public or by any person other than a person identified in division (A) of section 2950.08 of the Revised Code.

(14) Through the bureau of criminal identification and investigation, maintain a list of requests for notice about a specified offender or delinquent child or specified geographical notification area made pursuant to division (J) of section 2950.11 of the Revised Code and, when an offender or delinquent child changes residence to another county, forward any requests for
information about that specific offender or delinquent child to the appropriate sheriff;

(15) Through the bureau of criminal identification and investigation, establish and operate a system for the immediate notification by electronic means of the appropriate officials in other states specified in this division each time an offender or delinquent child registers a residence, school, institution of higher education, or place of employment address under section 2950.04 or 2950.041 of the Revised Code or provides a notice of a change of address or registers a new address under division (A) or (B) of section 2950.05 of the Revised Code. The immediate notification by electronic means shall be provided to the appropriate officials in each state in which the offender or delinquent child is required to register a residence, school, institution of higher education, or place of employment address. The notification shall contain the offender's or delinquent child's name and all of the information the bureau receives from the sheriff with whom the offender or delinquent child registered the address or provided the notice of change of address or registered the new address.

(B) The attorney general in consultation with local law enforcement representatives, may adopt rules that establish one or more categories of neighbors of an offender or delinquent child who, in addition to the occupants of residential premises and other persons specified in division (A)(1) of section 2950.11 of the Revised Code, must be given the notice described in division (B) of that section.

(C) No person, other than a local law enforcement representative, shall knowingly do any of the following:

(1) Gain or attempt to gain access to the database established and operated by the attorney general, through the bureau of criminal identification and investigation, pursuant to
division (A)(13) of this section.

(2) Permit any person to inspect any information obtained through use of the database described in division (C)(1) of this section, other than as permitted under that division.

(D) As used in this section, "local law enforcement representatives" means representatives of the sheriffs of this state, representatives of the municipal chiefs of police and marshals of this state, and representatives of the township constables and chiefs of police of the township police departments or police district police forces of this state.

Sec. 3109.051. (A) If a divorce, dissolution, legal separation, or annulment proceeding involves a child and if the court has not issued a shared parenting decree, the court shall consider any mediation report filed pursuant to section 3109.052 of the Revised Code and, in accordance with division (C) of this section, shall make a just and reasonable order or decree permitting each parent who is not the residential parent to have parenting time with the child at the time and under the conditions that the court directs, unless the court determines that it would not be in the best interest of the child to permit that parent to have parenting time with the child and includes in the journal its findings of fact and conclusions of law. Whenever possible, the order or decree permitting the parenting time shall ensure the opportunity for both parents to have frequent and continuing contact with the child, unless frequent and continuing contact by either parent with the child would not be in the best interest of the child. The court shall include in its final decree a specific schedule of parenting time for that parent. Except as provided in division (E)(6) of section 3113.31 of the Revised Code, if the court, pursuant to this section, grants parenting time to a parent or companionship or visitation rights to any other person with
respect to any child, it shall not require the public children services agency to provide supervision of or other services related to that parent's exercise of parenting time or that person's exercise of companionship or visitation rights with respect to the child. This section does not limit the power of a juvenile court pursuant to Chapter 2151. of the Revised Code to issue orders with respect to children who are alleged to be abused, neglected, or dependent children or to make dispositions of children who are adjudicated abused, neglected, or dependent children or of a common pleas court to issue orders pursuant to section 3113.31 of the Revised Code.

(B)(1) In a divorce, dissolution of marriage, legal separation, annulment, or child support proceeding that involves a child, the court may grant reasonable companionship or visitation rights to any grandparent, any person related to the child by consanguinity or affinity, or any other person other than a parent, if all of the following apply:

(a) The grandparent, relative, or other person files a motion with the court seeking companionship or visitation rights.

(b) The court determines that the grandparent, relative, or other person has an interest in the welfare of the child.

(c) The court determines that the granting of the companionship or visitation rights is in the best interest of the child.

(2) A motion may be filed under division (B)(1) of this section during the pendency of the divorce, dissolution of marriage, legal separation, annulment, or child support proceeding or, if a motion was not filed at that time or was filed at that time and the circumstances in the case have changed, at any time after a decree or final order is issued in the case.
(C) When determining whether to grant parenting time rights to a parent pursuant to this section or section 3109.12 of the Revised Code or to grant companionship or visitation rights to a grandparent, relative, or other person pursuant to this section or section 3109.11 or 3109.12 of the Revised Code, when establishing a specific parenting time or visitation schedule, and when determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or section 3109.11 or 3109.12 of the Revised Code, the court shall consider any mediation report that is filed pursuant to section 3109.052 of the Revised Code and shall consider all other relevant factors, including, but not limited to, all of the factors listed in division (D) of this section. In considering the factors listed in division (D) of this section for purposes of determining whether to grant parenting time or visitation rights, establishing a specific parenting time or visitation schedule, determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or under section 3109.11 or 3109.12 of the Revised Code, and resolving any issues related to the making of any determination with respect to parenting time or visitation rights or the establishment of any specific parenting time or visitation schedule, the court, in its discretion, may interview in chambers any or all involved children regarding their wishes and concerns. If the court interviews any child concerning the child's wishes and concerns regarding those parenting time or visitation matters, the interview shall be conducted in chambers, and no person other than the child, the child's attorney, the judge, any necessary court personnel, and, in the judge's discretion, the attorney of each parent shall be permitted to be present in the chambers during the interview. No person shall obtain or attempt to obtain from a child a written or recorded statement or affidavit setting forth the wishes and concerns of
the child regarding those parenting time or visitation matters. A court, in considering the factors listed in division (D) of this section for purposes of determining whether to grant any parenting time or visitation rights, establishing a parenting time or visitation schedule, determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or under section 3109.11 or 3109.12 of the Revised Code, or resolving any issues related to the making of any determination with respect to parenting time or visitation rights or the establishment of any specific parenting time or visitation schedule, shall not accept or consider a written or recorded statement or affidavit that purports to set forth the child's wishes or concerns regarding those parenting time or visitation matters.

(D) In determining whether to grant parenting time to a parent pursuant to this section or section 3109.12 of the Revised Code or companionship or visitation rights to a grandparent, relative, or other person pursuant to this section or section 3109.11 or 3109.12 of the Revised Code, in establishing a specific parenting time or visitation schedule, and in determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or section 3109.11 or 3109.12 of the Revised Code, the court shall consider all of the following factors:

(1) The prior interaction and interrelationships of the child with the child's parents, siblings, and other persons related by consanguinity or affinity, and with the person who requested companionship or visitation if that person is not a parent, sibling, or relative of the child;

(2) The geographical location of the residence of each parent and the distance between those residences, and if the person is not a parent, the geographical location of that person's residence.
and the distance between that person's residence and the child's residence;

(3) The child's and parents' available time, including, but not limited to, each parent's employment schedule, the child's school schedule, and the child's and the parents' holiday and vacation schedule;

(4) The age of the child;

(5) The child's adjustment to home, school, and community;

(6) If the court has interviewed the child in chambers, pursuant to division (C) of this section, regarding the wishes and concerns of the child as to parenting time by the parent who is not the residential parent or companionship or visitation by the grandparent, relative, or other person who requested companionship or visitation, as to a specific parenting time or visitation schedule, or as to other parenting time or visitation matters, the wishes and concerns of the child, as expressed to the court;

(7) The health and safety of the child;

(8) The amount of time that will be available for the child to spend with siblings;

(9) The mental and physical health of all parties;

(10) Each parent's willingness to reschedule missed parenting time and to facilitate the other parent's parenting time rights, and with respect to a person who requested companionship or visitation, the willingness of that person to reschedule missed visitation;

(11) In relation to parenting time, whether either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected
child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;

12) In relation to requested companionship or visitation by a person other than a parent, whether the person previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether the person, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; whether either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; whether either parent previously has been convicted of an offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the commission of the offense; and whether there is reason to believe that the person has acted in a manner resulting in a child being an abused child or a neglected child;

13) Whether the residential parent or one of the parents subject to a shared parenting decree has continuously and willfully denied the other parent's right to parenting time in accordance with an order of the court;

14) Whether either parent has established a residence or is planning to establish a residence outside this state;

15) In relation to requested companionship or visitation by
a person other than a parent, the wishes and concerns of the child's parents, as expressed by them to the court;

(16) Any other factor in the best interest of the child.

(E) The remarriage of a residential parent of a child does not affect the authority of a court under this section to grant parenting time rights with respect to the child to the parent who is not the residential parent or to grant reasonable companionship or visitation rights with respect to the child to any grandparent, any person related by consanguinity or affinity, or any other person.

(F)(1) If the court, pursuant to division (A) of this section, denies parenting time to a parent who is not the residential parent or denies a motion for reasonable companionship or visitation rights filed under division (B) of this section and the parent or movant files a written request for findings of fact and conclusions of law, the court shall state in writing its findings of fact and conclusions of law in accordance with Civil Rule 52.

(2) On or before July 1, 1991, each court of common pleas, by rule, shall adopt standard parenting time guidelines. A court shall have discretion to deviate from its standard parenting time guidelines based upon factors set forth in division (D) of this section.

(G)(1) If the residential parent intends to move to a residence other than the residence specified in the parenting time order or decree of the court, the parent shall file a notice of intent to relocate with the court that issued the order or decree. Except as provided in divisions (G)(2), (3), and (4) of this section, the court shall send a copy of the notice to the parent who is not the residential parent. Upon receipt of the notice, the court, on its own motion or the motion of the parent who is not
the residential parent, may schedule a hearing with notice to both 130072
parents to determine whether it is in the best interest of the 130073
child to revise the parenting time schedule for the child. 130074
(2) When a court grants parenting time rights to a parent who 130075
is not the residential parent, the court shall determine whether 130076
that parent has been convicted of or pleaded guilty to a violation 130077
of section 2919.25 of the Revised Code involving a victim who at 130078
the time of the commission of the offense was a member of the 130079
family or household that is the subject of the proceeding, has 130080
been convicted of or pleaded guilty to any other offense involving 130081
a victim who at the time of the commission of the offense was a 130082
member of the family or household that is the subject of the 130083
proceeding and caused physical harm to the victim in the 130084
commission of the offense, or has been determined to be the 130085
perpetrator of the abusive act that is the basis of an 130086
adjudication that a child is an abused child. If the court 130087
determines that that parent has not been so convicted and has not 130088
been determined to be the perpetrator of an abusive act that is 130089
the basis of a child abuse adjudication, the court shall issue an 130090
order stating that a copy of any notice of relocation that is 130091
filed with the court pursuant to division (G)(1) of this section 130092
will be sent to the parent who is given the parenting time rights 130093
in accordance with division (G)(1) of this section. 130094

If the court determines that the parent who is granted the 130095
parenting time rights has been convicted of or pleaded guilty to a 130096
violation of section 2919.25 of the Revised Code involving a 130097
victim who at the time of the commission of the offense was a 130098
member of the family or household that is the subject of the 130099
proceeding, has been convicted of or pleaded guilty to any other 130100
offense involving a victim who at the time of the commission of 130101
the offense was a member of the family or household that is the 130102
subject of the proceeding and caused physical harm to the victim 130103
in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, it shall issue an order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination.

(3) If a court, prior to April 11, 1991, issued an order granting parenting time rights to a parent who is not the residential parent and did not require the residential parent in that order to give the parent who is granted the parenting time rights notice of any change of address and if the residential parent files a notice of relocation pursuant to division (G)(1) of this section, the court shall determine if the parent who is granted the parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court determines that the parent who is granted the parenting time rights has not been so convicted and has not been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that a
copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section will be sent to the parent who is granted parenting time rights in accordance with division (G)(1) of this section.

If the court determines that the parent who is granted the parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, it shall issue an order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination.

(4) If a parent who is granted parenting time rights pursuant to this section or any other section of the Revised Code is authorized by an order issued pursuant to this section or any other court order to receive a copy of any notice of relocation that is filed pursuant to division (G)(1) of this section or pursuant to court order, if the residential parent intends to move to a residence other than the residence address specified in the parenting time order, and if the residential parent does not want
the parent who is granted the parenting time rights to receive a copy of the relocation notice because the parent with parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, the residential parent may file a motion with the court requesting that the parent who is granted the parenting time rights not receive a copy of any notice of relocation. Upon the filing of the motion, the court shall schedule a hearing on the motion and give both parents notice of the date, time, and location of the hearing. If the court determines that the parent who is granted the parenting time rights has been so convicted or has been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that the parent who is granted the parenting time rights will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section or that the residential parent is no longer required to give that parent a copy of any notice of relocation unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination. If it does not so find, it shall dismiss the motion.
(H)(1) Subject to section 3125.16 and division (F) of section 3319.321 of the Revised Code, a parent of a child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any record that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child for the parent who is not the residential parent to have access to the records under those same terms and conditions. If the court determines that the parent of a child who is not the residential parent should not have access to records related to the child under the same terms and conditions as provided for the residential parent, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to those records, shall enter its written findings of facts and opinion in the journal, and shall issue an order containing the terms and conditions to both the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any keeper of a record who knowingly fails to comply with the order or division (H) of this section is in contempt of court.

(2) Subject to section 3125.16 and division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under division (H)(1) of this section, the keeper of any record that is related to a particular child and to which the residential parent legally is provided access shall permit the parent of the child who is not the residential parent to have access to the record under the same terms and conditions under which access is provided to the residential parent, unless the residential parent has presented the keeper of the record with a copy of an order issued under division (H)(1) of this section that limits the terms and conditions under which the parent who is not
the residential parent is to have access to records pertaining to the child and the order pertains to the record in question. If the residential parent presents the keeper of the record with a copy of that type of order, the keeper of the record shall permit the parent who is not the residential parent to have access to the record only in accordance with the most recent order that has been issued pursuant to division (H)(1) of this section and presented to the keeper by the residential parent or the parent who is not the residential parent. Any keeper of any record who knowingly fails to comply with division (H) of this section or with any order issued pursuant to division (H)(1) of this section is in contempt of court.

(3) The prosecuting attorney of any county may file a complaint with the court of common pleas of that county requesting the court to issue a protective order preventing the disclosure pursuant to division (H)(1) or (2) of this section of any confidential law enforcement investigatory record. The court shall schedule a hearing on the motion and give notice of the date, time, and location of the hearing to all parties.

(I) A court that issues a parenting time order or decree pursuant to this section or section 3109.12 of the Revised Code shall determine whether the parent granted the right of parenting time is to be permitted access, in accordance with section 5104.039 of the Revised Code, to any child day-care center that is, or that in the future may be, attended by the children with whom the right of parenting time is granted. Unless the court determines that the parent who is not the residential parent should not have access to the center to the same extent that the residential parent is granted access to the center, the parent who is not the residential parent and who is granted parenting time rights is entitled to access to the center to the same extent that the residential parent is granted access to the center. If the
court determines that the parent who is not the residential parent should not have access to the center to the same extent that the residential parent is granted such access under section 5104.039 of the Revised Code, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to the center, provided that the access shall not be greater than the access that is provided to the residential parent under section 5104.039 of the Revised Code, the court shall enter its written findings of fact and opinions in the journal, and the court shall include the terms and conditions of access in the parenting time order or decree.

(J)(1) Subject to division (F) of section 3319.321 of the Revised Code, when a court issues an order or decree allocating parental rights and responsibilities for the care of a child, the parent of the child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any student activity that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child to grant the parent who is not the residential parent access to the student activities under those same terms and conditions. If the court determines that the parent of the child who is not the residential parent should not have access to any student activity that is related to the child under the same terms and conditions as provided for the residential parent, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to those student activities, shall enter its written findings of facts and opinion in the journal, and shall issue an order containing the terms and conditions to both the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any
school official or employee who knowingly fails to comply with the order or division (J) of this section is in contempt of court.

(2) Subject to division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under division (J)(1) of this section, all school officials and employees shall permit the parent of the child who is not the residential parent to have access to any student activity under the same terms and conditions under which access is provided to the residential parent of the child, unless the residential parent has presented the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school with a copy of an order issued under division (J)(1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to student activities related to the child and the order pertains to the student activity in question. If the residential parent presents the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school with a copy of that type of order, the school official or employee shall permit the parent who is not the residential parent to have access to the student activity only in accordance with the most recent order that has been issued pursuant to division (J)(1) of this section and presented to the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school by the residential parent or the parent who is not the residential parent. Any school official or employee who knowingly fails to comply with division (J) of this section or with any order issued pursuant to division (J)(1) of this section is in contempt of court.

(K) If any person is found in contempt of court for failing to comply with or interfering with any order or decree granting
parenting time rights issued pursuant to this section or section 3109.12 of the Revised Code or companionship or visitation rights issued pursuant to this section, section 3109.11 or 3109.12 of the Revised Code, or any other provision of the Revised Code, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt, and may award reasonable compensatory parenting time or visitation to the person whose right of parenting time or visitation was affected by the failure or interference if such compensatory parenting time or visitation is in the best interest of the child. Any compensatory parenting time or visitation awarded under this division shall be included in an order issued by the court and, to the extent possible, shall be governed by the same terms and conditions as was the parenting time or visitation that was affected by the failure or interference.

(L) Any parent who requests reasonable parenting time rights with respect to a child under this section or section 3109.12 of the Revised Code or any person who requests reasonable companionship or visitation rights with respect to a child under this section, section 3109.11 or 3109.12 of the Revised Code, or any other provision of the Revised Code may file a motion with the court requesting that it waive all or any part of the costs that may accrue in the proceedings. If the court determines that the movant is indigent and that the waiver is in the best interest of the child, the court, in its discretion, may waive payment of all or any part of the costs of those proceedings.

(M)(1) A parent who receives an order for active military service in the uniformed services and who is subject to a parenting time order may apply to the court for any of the
following temporary orders for the period extending from the date of the parent's departure to the date of return:

(a) An order delegating all or part of the parent's parenting time with the child to a relative or to another person who has a close and substantial relationship with the child if the delegation is in the child's best interest;

(b) An order that the other parent make the child reasonably available for parenting time with the parent when the parent is on leave from active military service;

(c) An order that the other parent facilitate contact, including telephone and electronic contact, between the parent and child while the parent is on active military service.

(2)(a) Upon receipt of an order for active military service, a parent who is subject to a parenting time order and seeks an order under division (M)(1) of this section shall notify the other parent who is subject to the parenting time order and apply to the court as soon as reasonably possible after receipt of the order for active military service. The application shall include the date on which the active military service begins.

(b) The court shall schedule a hearing upon receipt of an application under division (M) of this section and hold the hearing not later than thirty days after its receipt, except that the court shall give the case calendar priority and handle the case expeditiously if exigent circumstances exist in the case. No hearing shall be required if both parents agree to the terms of the requested temporary order and the court determines that the order is in the child's best interest.

(c) In determining whether a delegation under division (M)(1)(a) of this section is in the child's best interest, the court shall consider all relevant factors, including the factors set forth in division (D) of this section.
(d) An order delegating all or part of the parent's parenting time pursuant to division (M)(1)(a) of this section does not create standing on behalf of the person to whom parenting time is delegated to assert visitation or companionship rights independent of the order.

(3) At the request of a parent who is ordered for active military service in the uniformed services and who is a subject of a proceeding pertaining to a parenting time order or pertaining to a request for companionship rights or visitation with a child, the court shall permit the parent to participate in the proceeding and present evidence by electronic means, including communication by telephone, video, or internet to the extent permitted by rules of the supreme court of Ohio.

(N) The juvenile court has exclusive jurisdiction to enter the orders in any case certified to it from another court.

(O) As used in this section:

(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code, and "neglected child" has the same meaning as in section 2151.03 of the Revised Code.

(2) "Active military service" and "uniformed services" have the same meanings as in section 3109.04 of the Revised Code.

(3) "Confidential law enforcement investigatory record" has the same meaning as in section 149.43 of the Revised Code.

(4) "Parenting time order" means an order establishing the amount of time that a child spends with the parent who is not the residential parent or the amount of time that the child is to be physically located with a parent under a shared parenting order.

(5) "Record" means any record, document, file, or other material that contains information directly related to a child, including, but not limited to, any of the following:
(a) Records maintained by public and nonpublic schools;

(b) Records maintained by facilities that provide child care, as defined in section 5104.01 of the Revised Code, publicly funded child care, as defined in section 5104.01 of the Revised Code, or pre-school services operated by or under the supervision of a school district board of education or a nonpublic school;

(c) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child;

(d) Records maintained by agencies, departments, instrumentalities, or other entities of the state or any political subdivision of the state, other than a child support enforcement agency. Access to records maintained by a child support enforcement agency is governed by section 3125.16 of the Revised Code.

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the Revised Code:

(A) "Preschool program" means either of the following:

(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.

(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school.

(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.

(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.

(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.

(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.

(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.

(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(7) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.

(I) "School child program" means a child care program for only school children that is operated by a school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school.

(J) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old.

(K) "School child program staff member" means an employee whose primary responsibility is the care, teaching, or supervision of children in a school child program.

(L) "Child care" means administering to the needs of infants, toddlers, preschool children, and school children outside of
school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home.

(M) "Child day-care center" and "publicly funded child care" have the same meanings as in section 5104.01 of the Revised Code.

(N) "Community school" means either of the following:

1. A community school established under Chapter 3314. of the Revised Code that is sponsored by an entity that is rated "exemplary" under section 3314.016 of the Revised Code.

2. A community school established under Chapter 3314. of the Revised Code that has received, on its most recent report card, either of the following:

   a. If the school offers any of grade levels four through twelve, either of the following:

      i. A grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

      ii. A performance rating of three stars or higher for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and progress under division (D)(3)(c) of that section.

   b. If the school does not offer a grade level higher than three, either of the following:

      i. A grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code;

      ii. A performance rating of three stars or higher for early
Sec. 3301.53. (A) The state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county boards of developmental disabilities, community schools, or eligible nonpublic schools. The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives, and meets the requirements of section 3301.55 of the Revised Code;

(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;

(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided inservice education without discrimination on the basis of age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience;

(4) A requirement that boards of education intending to establish a preschool program demonstrate a need for a preschool program prior to establishing the program;

(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board to prevent the spread of communicable disease;

(6) Requirements that the parents of preschool children
complete the emergency medical authorization form specified in section 3313.712 of the Revised Code.

(B) The state board of education in consultation with the director of job and family services shall ensure that the rules adopted by the state board under sections 3301.52 to 3301.58 of the Revised Code are consistent with and meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child care centers that serve preschool children. The state board and the director of job and family services shall review all such rules at least once every five years.

(C) The state board of education, in consultation with the director of job and family services, shall adopt rules for school child programs that are consistent with and meet or exceed the requirements of the rules adopted for child care centers that serve school-age children under Chapter 5104. of the Revised Code.

Sec. 3321.01. (A)(1) As used in this chapter, "parent," "guardian," or "other person having charge or care of a child" means either parent unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. If the child is in the legal or permanent custody of a person or government agency, "parent" means that person or government agency. When a child is a resident of a home, as defined in section 3313.64 of the Revised Code, and the child's parent is not a resident of this state, "parent," "guardian," or "other person having charge or care of a child" means the head of the home.

A child between six and eighteen years of age is "of compulsory school age" for the purpose of sections 3321.01 to 3321.13 of the Revised Code. A child under six years of age who
has been enrolled in kindergarten also shall be considered "of
compulsory school age" for the purpose of sections 3321.01 to
3321.13 of the Revised Code unless at any time the child's parent
or guardian, at the parent's or guardian's discretion and in
consultation with the child's teacher and principal, formally
withdraws the child from kindergarten. The compulsory school age
of a child shall not commence until the beginning of the term of
such schools, or other time in the school year fixed by the rules
of the board of the district in which the child resides.

(2) In a district in which all children are admitted to
kindergarten and the first grade in August or September, a child
shall be admitted if the child is five or six years of age,
respectively, by the thirtieth day of September of the year of
admittance, or by the first day of a term or semester other than
one beginning in August or September in school districts granting
admittance at the beginning of such term or semester. A child who
does not meet the age requirements of this section for admittance
to kindergarten or first grade, but who will be five or six years
old, respective, prior to the first day of January of the school
year in which admission is requested, shall be evaluated for early
admittance in accordance with district policy upon referral by the
child's parent or guardian, an educator employed by the district,
a preschool educator who knows the child, or a pediatrician or
psychologist who knows the child. Following an evaluation in
accordance with a referral under this section, the district board
shall decide whether to admit the child. If a child for whom
admission to kindergarten or first grade is requested will not be
five or six years of age, respectively, prior to the first day of
January of the school year in which admission is requested, the
child shall be admitted only in accordance with the district's
acceleration policy adopted under section 3324.10 of the Revised
Code.
(3) Notwithstanding division (A)(2) of this section, beginning with the school year that starts in 2001 and continuing thereafter the board of education of any district may adopt a resolution establishing the first day of August in lieu of the thirtieth day of September as the required date by which students must have attained the age specified in that division.

(4) After a student has been admitted to kindergarten in a school district or chartered nonpublic school, no board of education of a school district to which the student transfers shall deny that student admission based on the student's age.

(B) As used in division (C) of this section, "successfully completed kindergarten" means that the child has completed the kindergarten requirements at one of the following:

(1) A public or chartered nonpublic school;

(2) A kindergarten class that is both of the following:
   (a) Offered by a child care provider licensed under Chapter 5104. of the Revised Code;
   (b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:
      (i) A valid educator license issued under section 3319.22 of the Revised Code;
      (ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;
      (iii) Certification determined under division (F) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;
      (iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.

(C)(1) Except as provided in division (A)(2) of this section,
no school district shall admit to the first grade any child who has not successfully completed kindergarten.

(2) Notwithstanding division (A)(2) of this section, any student who has successfully completed kindergarten in accordance with section (B) of this section shall be admitted to first grade.

(D) The scheduling of times for kindergarten classes and length of the school day for kindergarten shall be determined by the board of education of a city, exempted village, or local school district.

(E) Any kindergarten class offered by a day-care child care provider or school described by division (B)(1) or (B)(2)(a) of this section shall be developmentally appropriate.

(F) Upon written request of a day-care child care provider described by division (B)(2)(a) of this section, the department of education shall determine whether certification held by a teacher employed by the provider meets the requirement of division (B)(2)(b)(iii) of this section and, if so, shall furnish the provider a statement to that effect.

(G) As used in this division, "all-day kindergarten" has the same meaning as in section 3321.05 of the Revised Code.

(1) A school district that is offering all-day kindergarten for the first time or that charged fees or tuition for all-day kindergarten in the 2012-2013 school year may charge fees or tuition for a student enrolled in all-day kindergarten in any school year following the 2012-2013 school year. The department shall adjust the district's average daily membership certification under section 3317.03 of the Revised Code by one-half of the full-time equivalency for each student charged fees or tuition for all-day kindergarten under this division. If a district charges fees or tuition for all-day kindergarten under this division, the district shall develop a sliding fee scale based on family
incomes.

(2) The department of education shall conduct an annual survey of each school district described in division (G)(1) of this section to determine the following:

(a) Whether the district charges fees or tuition for students enrolled in all-day kindergarten;

(b) The amount of the fees or tuition charged;

(c) How many of the students for whom tuition is charged are eligible for free lunches under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and how many of the students for whom tuition is charged are eligible for reduced price lunches under those acts;

(d) How many students are enrolled in traditional half-day kindergarten rather than all-day kindergarten.

Each district shall report to the department, in the manner prescribed by the department, the information described in divisions (G)(2)(a) to (d) of this section.

The department shall issue an annual report on the results of the survey and shall post the report on its web site. The department shall issue the first report not later than April 30, 2008, and shall issue a report not later than the thirtieth day of April each year thereafter.

Sec. 3321.05. (A) As used in this section, "all-day kindergarten" means a kindergarten class that is in session for not less than the same number of clock hours each week as for students in grades one through six.

(B) Any school district may operate all-day kindergarten or extended kindergarten, but no district shall require any student to attend kindergarten for more than the number of clock hours
required each day for traditional kindergarten by the minimum standards adopted under division (D) of section 3301.07 of the Revised Code. Each school district that operates all-day or extended kindergarten shall accommodate kindergarten students whose parents or guardians elect to enroll them for the minimum number of hours.

(C) A school district may use space in child care centers licensed under Chapter 5104. of the Revised Code to provide all-day kindergarten under this section.

Sec. 3325.07. The state board of education in carrying out this section and division (A) of section 3325.06 of the Revised Code shall, insofar as practicable, plan, present, and carry into effect an educational program by means of any of the following methods of instruction:

(A) Classes for parents of deaf or hard of hearing children of preschool age;

(B) A nursery school where parent and child would enter the nursery school as a unit;

(C) Correspondence course;

(D) Personal consultations and interviews;

(E) Day-care Child care or child development courses;

(F) Summer enrichment courses;

(G) By such other means or methods as the superintendent of the state school for the deaf deems advisable that would permit a deaf or hard of hearing child of preschool age to construct a pattern of communication at an early age.

The superintendent may allow children who are not deaf or hard of hearing to participate in the methods of instruction described in divisions (A) to (G) of this section as a means to
assist deaf or hard of hearing children to construct a pattern of communication. The superintendent shall establish policies and procedures regarding the participation of children who are not deaf or hard of hearing.

The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section.

Sec. 3325.071. The state board of education in carrying out this section and division (B) of section 3325.06 of the Revised Code shall, insofar as practicable, plan, present, and carry into effect an educational program by means of any of the following methods of instruction:

(A) Classes for parents of children of preschool age whose disabilities are visual impairments, independently or in cooperation with community agencies;

(B) Periodic interactive parent-child classes for infants and toddlers whose disabilities are visual impairments;

(C) Correspondence course;

(D) Personal consultations and interviews;

(E) Day-care Child care or child development courses for children and parents;

(F) Summer enrichment courses;

(G) By such other means or methods as the superintendent of the state school for the blind deems advisable that would permit a child of preschool age whose disability is a visual impairment to
The superintendent may allow children who do not have disabilities that are visual impairments to participate in the methods of instruction described in divisions (A) to (G) of this section so that children of preschool age whose disabilities are visual impairments are able to learn alongside their peers while receiving specialized instruction that is based on early learning and development strategies. The superintendent shall establish policies and procedures regarding the participation of children who do not have disabilities that are visual impairments.

The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the state school for the blind even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section.

Sec. 3701.63. (A) As used in this section and sections 3701.64, 3701.66, and 3701.67 of the Revised Code:

(1) "Child care center," "type A family child care home," and "licensed type B family child care home" have the same meanings as in section 5104.01 of the Revised Code.

(2) "Child care facility" means a child care center, a type A family child care home, or a licensed type B family child care home.

(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.
(4) "Freestanding birthing center" has the same meaning as in section 3702.141 of the Revised Code.

(5) "Hospital" means a hospital classified pursuant to rules adopted under section 3701.07 of the Revised Code as a general hospital or children's hospital and to which either of the following applies:

(a) The hospital has a maternity unit.

(b) The hospital receives for care infants who have been transferred to it from other facilities and who have never been discharged to their residences following birth.

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

(7) "Maternity unit" means the distinct portion of a hospital licensed as a maternity unit under Chapter 3711. of the Revised Code.

(8) "Other person responsible for the infant" includes a foster caregiver.

(9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed.

(10) "Shaken baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.

(B) The director of health shall establish the shaken baby syndrome education program by doing all of the following:

(1) Developing educational materials that present readily comprehensible information on shaken baby syndrome;
(2) Making available on the department of health web site in an easily accessible format the educational materials developed under division (B)(1) of this section;

(3) Annually assessing the effectiveness of the shaken baby syndrome education program by doing all of the following:
   (a) Evaluating the reports received pursuant to section 5101.135 of the Revised Code;
   (b) Reviewing the content of the educational materials to determine if updates or improvements should be made;
   (c) Reviewing the manner in which the educational materials are distributed, as described in section 3701.64 of the Revised Code, to determine if modifications to that manner should be made.

(C) In meeting the requirements under division (B) of this section, the director shall develop educational materials that, to the extent possible, minimize administrative or financial burdens on any of the entities or persons listed in section 3701.64 of the Revised Code.

Sec. 3701.80. The department of health shall cooperate with the director of job and family services when the director promulgates rules pursuant to Chapter 5104. of the Revised Code governing the health and sanitary practices of meal preparation and service for type A family day care child care homes, as defined in section 5104.01 of the Revised Code, recommend procedures for inspecting type A family day care child care homes to determine whether they are in compliance with those rules, and provide training and technical assistance to the director on the procedures for determining compliance with those rules.

Sec. 3714.03. (A) As used in this section:

(1) "Aquifer system" means one or more geologic units or...
formations that are wholly or partially saturated with water and are capable of storing, transmitting, and yielding significant amounts of water to wells or springs.

(2) "Category 3 wetland" means a wetland that supports superior habitat or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director of environmental protection. "Category 3 wetland" includes a wetland with high levels of diversity, a high proportion of native species, and high functional values and includes, but is not limited to, a wetland that contains or provides habitat for threatened or endangered species. "Category 3 wetland" may include high quality forested wetlands, including old growth forested wetlands, mature forested riparian wetlands, vernal pools, bogs, fens, and wetlands that are scarce regionally.

(3) "Natural area" means either of the following:

(a) An area designated by the director of natural resources as a wild, scenic, or recreational river under section 1547.81 of the Revised Code;

(b) An area designated by the United States department of the interior as a national wild, scenic, or recreational river.

(4) "Occupied dwelling" means a residential dwelling and also includes a place of worship as defined in section 5104.01 of the Revised Code, a child care center as defined in that section, a hospital as defined in section 3727.01 of the Revised Code, a nursing home as defined in that section, a school, and a restaurant or other eating establishment. "Occupied dwelling" does not include a dwelling owned or controlled by the owner or operator of a construction and demolition debris facility to which the siting criteria established under this section are being applied.

(5) "Residential dwelling" means a building used or intended
to be used in whole or in part as a personal residence by the owner, part-time owner, or lessee of the building or any person authorized by the owner, part-time owner, or lessee to use the building as a personal residence.

(B) Neither the director of environmental protection nor any board of health shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when any portion of the facility is proposed to be located in either of the following locations:

(1) Within the boundaries of a one-hundred-year flood plain, as those boundaries are shown on the applicable maps prepared under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, unless the owner or operator has obtained an exemption from division (B)(1) of this section in accordance with section 3714.04 of the Revised Code. If no such maps have been prepared, the boundaries of a one-hundred-year flood plain shall be determined by the applicant for a permit based upon standard methodologies set forth in "urban hydrology for small watersheds" (soil conservation service technical release number 55) and section 4 of the "national engineering hydrology handbook" of the soil conservation service of the United States department of agriculture.


(C) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the horizontal limits of construction and demolition debris placement at the new facility are proposed to be located in any of the following locations:
(1) Within one hundred feet of a perennial stream as defined by the United States geological survey seven and one-half minute quadrangle map or a category 3 wetland;

(2) Within one hundred feet of the facility's property line;

(3)(a) Except as provided in division (C)(3)(b) of this section, within five hundred feet of a residential or public water supply well.

   (b) Division (C)(3)(a) of this section does not apply to a residential well under any of the circumstances specified in divisions (C)(3)(b)(i) to (iii) of this section as follows:

   (i) The well is controlled by the owner or operator of the construction and demolition debris facility.

   (ii) The well is hydrologically separated from the horizontal limits of construction and demolition debris placement.

   (iii) The well is at least three hundred feet upgradient from the horizontal limits of construction and demolition debris placement and division (D) of this section does not prohibit the issuance of the permit to install.

(4) Within five hundred feet of a park created or operated pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 of the Revised Code, a state park established or dedicated under Chapter 1546. of the Revised Code, a state park purchase area established under section 1546.06 of the Revised Code, a national recreation area, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in this state, or any area located in this state that is recommended by the secretary for study for potential inclusion in the national park system in accordance with "The Act of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended;
(5) Within five hundred feet of a natural area, any area established by the department of natural resources as a state wildlife area under Chapter 1531. of the Revised Code and rules adopted under it, any area that is formally dedicated as a nature preserve under section 1517.05 of the Revised Code, or any area designated by the United States department of the interior as a national wildlife refuge;

(6) Within five hundred feet of a lake or reservoir of one acre or more that is hydrogeologically connected to ground water. For purposes of division (C)(6) of this section, a lake or reservoir does not include a body of water constructed and used for purposes of surface water drainage or sediment control.

(7) Within five hundred feet of a state forest purchased or otherwise acquired under Chapter 1503. of the Revised Code;

(8) Within five hundred feet of an occupied dwelling unless written permission is given by the owner of the dwelling.

(D) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the limits of construction and demolition debris placement at the new facility are proposed to have an isolation distance of less than five feet from the uppermost aquifer system that consists of material that has a maximum hydraulic conductivity of $1 \times 10^{-5}$ cm/sec and all of the geologic material comprising the isolation distance has a hydraulic conductivity equivalent to or less than $1 \times 10^{-6}$ cm/sec.

(E) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the road that is designated by the owner or operator as the main hauling road at the facility to and from the limits of construction and
demolition debris placement is proposed to be located within five 130971
hundred feet of an occupied dwelling unless written permission is 130972
given by the owner of the occupied dwelling.
130973

(F) Neither the director nor any board shall issue a permit 130974
to install under section 3714.051 of the Revised Code to establish 130975
a new construction and demolition debris facility unless the new 130976
facility will have all of the following:
130977

(1) Access roads that shall be constructed in a manner that 130978
allows use in all weather conditions and will withstand the 130979
anticipated degree of use and minimize erosion and generation of 130980
dust;
130981

(2) Surface water drainage and sediment controls that are 130982
required by the director;
130983

(3) If the facility is proposed to be located in an area in 130984
which an applicable zoning resolution allows residential 130985
construction, vegetated earthen berms or an equivalent barrier 130986
with a minimum height of six feet separating the facility from 130987
adjoining property.
130988

(G)(1) The siting criteria established in this section shall 130989
be applied to an application for a permit to install at the time 130990
that the application is submitted to the director or a board of 130991
health, as applicable. Circumstances related to the siting 130992
criteria that change after the application is submitted shall not 130993
be considered in approving or disapproving the application. 130994

(2) The siting criteria established in this section by this 130995
amendment do not apply to an expansion of a construction and 130996
demolition debris facility that was in operation prior to December 130997
22, 2005, onto property within the property boundaries identified 130998
in the application for the initial license for that facility or 130999
any subsequent license issued for that facility up to and 131000
including the license issued for that facility for calendar year 131001
2005. The siting criteria established in this section prior to December 22, 2005, apply to such an expansion.

**Sec. 3717.42.** (A) The following are not food service operations:

1. A retail food establishment licensed under this chapter, including a retail food establishment that provides the services of a food service operation pursuant to an endorsement issued under section 3717.24 of the Revised Code;

2. An entity exempt from the requirement to be licensed as a retail food establishment under division (B) of section 3717.22 of the Revised Code;

3. A business or that portion of a business that is regulated by the federal government or the department of agriculture as a food manufacturing or food processing business, including a business or that portion of a business regulated by the department of agriculture under Chapter 911., 913., 915., 917., 918., or 925. of the Revised Code.

(B) All of the following are exempt from the requirement to be licensed as a food service operation:

1. A private home in which individuals related by blood, marriage, or law reside and in which the food that is prepared or served is intended only for those individuals and their nonpaying guests;

2. A private home operated as a bed-and-breakfast that prepares and offers food to guests, if the home is owner-occupied, the number of available guest bedrooms does not exceed six, breakfast is the only meal offered, and the number of guests served does not exceed sixteen;

3. A stand operated on the premises of a private home by one or more children under the age of twelve, if the food served is
not potentially hazardous;

(4) A residential facility that accommodates not more than sixteen residents; is licensed, certified, registered, or otherwise regulated by the federal government or by the state or a political subdivision of the state; and prepares food for or serves food to only the residents of the facility, the staff of the facility, and any nonpaying guests of residents or staff;

(5) A church, school, fraternal or veterans' organization, volunteer fire organization, or volunteer emergency medical service organization preparing or serving food intended for individual portion service on its premises for not more than seven consecutive days or not more than fifty-two separate days during a licensing period. This exemption extends to any individual or group raising all of its funds during the time periods specified in division (B)(5) of this section for the benefit of the church, school, or organization by preparing or serving food intended for individual portion service under the same conditions.

(6) A common carrier that prepares or serves food, if the carrier is regulated by the federal government;

(7) A food service operation serving thirteen or fewer individuals daily;

(8) A type A or type B family day care child care home, as defined in section 5104.01 of the Revised Code, that prepares or serves food for the children receiving day care child care;

(9) A vending machine location where the only foods dispensed are foods from one or both of the following categories:

(a) Prepackaged foods that are not potentially hazardous;

(b) Nuts, panned or wrapped bulk chewing gum, or panned or wrapped bulk candies.

(10) A place servicing the vending machines at a vending
machine location described in division (B)(9) of this section;

(11) A commissary servicing vending machines that dispense only milk, milk products, or frozen desserts that are under a state or federal inspection and analysis program;

(12) A "controlled location vending machine location," which means a vending machine location at which all of the following apply:

(a) The vending machines dispense only foods that are not potentially hazardous;

(b) The machines are designed to be filled and maintained in a sanitary manner by untrained persons;

(c) Minimal protection is necessary to ensure against contamination of food and equipment.

(13) A private home that prepares and offers food to guests, if the home is owner-occupied, meals are served on the premises of that home, the number of meals served does not exceed one hundred fifteen per week, and the home displays a notice in a place conspicuous to all of its guests informing them that the home is not required to be licensed as a food service operation;

(14) An individual who prepares full meals or meal components, such as pies or baked goods, in the individual's home to be served off the premises of that home, if the number of meals or meal components prepared for that purpose does not exceed twenty in a seven-day period.

(15) The holder of an A-1-A permit issued under section 4303.021 of the Revised Code to which both of the following apply:

(a) The A-1-A permit holder has also been issued an A-1c permit under section 4303.022 of the Revised Code;

(b) The A-1-A permit holder serves only unopened commercially prepackaged meals and nonalcoholic beverages, as well as beer and
intoxicating liquor.

Sec. 3728.01. As used in this chapter:

(A) "Administer epinephrine" means to inject an individual with epinephrine using an autoinjector in a manufactured dosage form.

(B) "Prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:

(1) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code;

(2) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(3) A physician assistant who is licensed under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.

(C) "Qualified entity" means any public or private entity that is associated with a location where allergens capable of causing anaphylaxis may be present, including child care centers, colleges and universities, places of employment, restaurants, amusement parks, recreation camps, sports playing fields and arenas, and other similar locations, except that "qualified entity" does not include either of the following:

(1) A chartered or nonchartered nonpublic school; community school; science, technology, engineering, and mathematics school; or a school operated by the board of education of a city, local, exempted village, or joint vocational school district;
Sec. 3737.22. (A) The fire marshal shall do all of the following:

(1) Adopt the state fire code under sections 3737.82 to 3737.86 of the Revised Code;

(2) Enforce the state fire code;

(3) Appoint assistant fire marshals who are authorized to enforce the state fire code;

(4) Conduct investigations into the cause, origin, and circumstances of fires and explosions, and assist in the prosecution of persons believed to be guilty of arson or a similar crime;

(5) Compile statistics concerning loss due to fire and explosion as the fire marshal considers necessary, and consider the compatibility of the fire marshal's system of compilation with the systems of other state and federal agencies and fire marshals of other states;

(6) Engage in research on the cause and prevention of losses due to fire and explosion;

(7) Engage in public education and informational activities which will inform the public of fire safety information;

(8) Operate a fire training academy and forensic laboratory;

(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;

(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;

(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state
fire code, unless a building is insured against the hazard of
fire, in which case such tests may be performed by the company
insuring the building;

(12) Establish and collect fees for conducting licensing
examinations and for issuing permits, licenses, and certificates;

(13) Make available for the prosecuting attorney and an
assistant prosecuting attorney from each county of this state, in
accordance with section 3737.331 of the Revised Code, a seminar
program, attendance at which is optional, that is designed to
provide current information, data, training, and techniques
relative to the prosecution of arson cases;

(14) Administer and enforce Chapter 3743. of the Revised
Code;

(15) Develop a uniform standard for the reporting of
information required to be filed under division (E)(4) of section
2921.22 of the Revised Code, and accept the reports of the
information when they are filed.

(B) The fire marshal shall appoint a chief deputy fire
marshal, and shall employ professional and clerical assistants as
the fire marshal considers necessary. The chief deputy shall be a
competent former or current member of a fire agency and possess
five years of recent, progressively more responsible experience in
fire inspection, fire code enforcement, and fire code management.
The chief deputy, with the approval of the director of commerce,
shall temporarily assume the duties of the fire marshal when the
fire marshal is absent or temporarily unable to carry out the
duties of the office. When there is a vacancy in the office of
fire marshal, the chief deputy, with the approval of the director
of commerce, shall temporarily assume the duties of the fire
marshal until a new fire marshal is appointed under section
3737.21 of the Revised Code.
All employees, other than the fire marshal; the chief deputy fire marshal; the superintendent of the Ohio fire academy; the grants administrator; the fiscal officer; the executive secretary to the fire marshal; legal counsel; the pyrotechnics administrator, the chief of the forensic laboratory; the person appointed by the fire marshal to serve as administrator over functions concerning testing, license examinations, and the issuance of permits and certificates; and the chiefs of the bureaus of fire prevention, of fire and explosion investigation, of code enforcement, and of underground storage tanks shall be in the classified civil service. The fire marshal shall authorize the chief deputy and other employees under the fire marshal's supervision to exercise powers granted to the fire marshal by law as may be necessary to carry out the duties of the fire marshal's office.

(C) The fire marshal shall create, in and as a part of the office of fire marshal, a fire and explosion investigation bureau consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient administration of the bureau. The chief shall be experienced in the investigation of the cause, origin, and circumstances of fires, and in administration, including the supervision of subordinates. The chief, among other duties delegated to the chief by the fire marshal, shall be responsible, under the direction of the fire marshal, for the investigation of the cause, origin, and circumstances of fires and explosions in the state, and for assistance in the prosecution of persons believed to be guilty of arson or a similar crime.

(D)(1) The fire marshal shall create, as part of the office of fire marshal, a bureau of code enforcement consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient administration
The chief shall be qualified, by education or experience, in fire inspection, fire code development, fire code enforcement, or any other similar field determined by the fire marshal, and in administration, including the supervision of subordinates. The chief is responsible, under the direction of the fire marshal, for fire inspection, fire code development, fire code enforcement, and any other duties delegated to the chief by the fire marshal.

(2) The fire marshal, the chief deputy fire marshal, the chief of the bureau of code enforcement, or any assistant fire marshal under the direction of the fire marshal, the chief deputy fire marshal, or the chief of the bureau of code enforcement may cause to be conducted the inspection of all buildings, structures, and other places, the condition of which may be dangerous from a fire safety standpoint to life or property, or to property adjacent to the buildings, structures, or other places.

(E) The fire marshal shall create, as a part of the office of fire marshal, a bureau of fire prevention consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient administration of the bureau. The chief shall be qualified, by education or experience, to promote programs for rural and urban fire prevention and protection. The chief, among other duties delegated to the chief by the fire marshal, is responsible, under the direction of the fire marshal, for the promotion of rural and urban fire prevention and protection through public information and education programs.

(F) The fire marshal shall cooperate with the director of job and family services when the director adopts rules under section 5104.052 of the Revised Code regarding fire prevention and fire safety in licensed type B family day-care child care homes, as defined in section 5104.01 of the Revised Code, recommend.
procedures for inspecting type B homes to determine whether they are in compliance with those rules, and provide training and technical assistance to the director and county directors of job and family services on the procedures for determining compliance with those rules.

(G) The fire marshal, upon request of a provider of child care in a type B home that is not licensed by the director of job and family services, as a precondition of approval by the state board of education under section 3313.813 of the Revised Code for receipt of United States department of agriculture child and adult care food program funds established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall inspect the type B home to determine compliance with rules adopted under section 5104.052 of the Revised Code regarding fire prevention and fire safety in licensed type B homes. In municipal corporations and in townships where there is a certified fire safety inspector, the inspections shall be made by that inspector under the supervision of the fire marshal, according to rules adopted under section 5104.052 of the Revised Code. In townships outside municipal corporations where there is no certified fire safety inspector, inspections shall be made by the fire marshal.

Sec. 3737.83. The fire marshal shall, as part of the state fire code, adopt rules to:

(A) Establish minimum standards of performance for fire protection equipment and fire fighting equipment;

(B) Establish minimum standards of training, fix minimum qualifications, and require certificates for all persons who engage in the business for profit of installing, testing, repairing, or maintaining fire protection equipment;

(C) Provide for the issuance of certificates required under division (B) of this section and establish the fees to be charged
for such certificates. A certificate shall be granted, renewed, or revoked according to rules the fire marshal shall adopt.

(D) Establish minimum standards of flammability for consumer goods in any case where the federal government or any department or agency thereof has established, or may from time to time establish standards of flammability for consumer goods. The standards established by the fire marshal shall be identical to the minimum federal standards.

In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the fire marshal, standards previously adopted by the fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child day-care centers and in type A family day-care child care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services.

Sec. 3737.841. As used in this section and section 3737.842
of the Revised Code:

(A) "Public occupancy" means all of the following:

(1) Any state correctional institution as defined in section 2967.01 of the Revised Code and any county, multicounty, municipal, or municipal-county jail or workhouse;

(2) Any hospital as defined in section 3727.01 of the Revised Code, any hospital licensed by the department of mental health and addiction services under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department of mental health and addiction services under Chapter 5119. of the Revised Code;

(3) Any nursing home, residential care facility, or home for the aging as defined in section 3721.01 of the Revised Code and any residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;

(4) Any child care center and any type A family child care home as defined in section 5104.01 of the Revised Code;

(5) Any public auditorium or stadium;

(6) Public assembly areas of hotels and motels containing more than ten articles of seating furniture.

(B) "Sell" includes sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess for sale, or dispose of in any other commercial manner.

(C) Except as provided in division (D) of this section, "seating furniture" means any article of furniture, including children's furniture, that can be used as a support for an individual, or an individual's limbs or feet, when sitting or resting in an upright or reclining position and that either:
(1) Is made with loose or attached cushions or pillows;  
(2) Is stuffed or filled in whole or in part with any filling material;  
(3) Is or can be stuffed or filled in whole or in part with any substance or material, concealed by fabric or any other covering.

"Seating furniture" includes the cushions or pillows belonging to or forming a part of the furniture, the structural unit, and the filling material and its container or covering.

(D) "Seating furniture" does not include, except if intended for use by children or in facilities designed for the care or treatment of humans, any of the following:

(1) Cushions or pads intended solely for outdoor use;  
(2) Any article with a smooth surface that contains no more than one-half inch of filling material, if that article does not have an upholstered horizontal surface meeting an upholstered vertical surface;  
(3) Any article manufactured solely for recreational use or physical fitness purposes, including weight-lifting benches, gymnasium mats or pads, and sidehorses.

(E) "Filling material" means cotton, wool, kapok, feathers, down, hair, liquid, or any other natural or artificial material or substance that is used or can be used as stuffing in seating furniture.

Sec. 3742.01. As used in this chapter:

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.  
(B) "Child care facility" means each area of any of the
following in which child care, as defined in section 5104.01 of the Revised Code, is provided to children under six years of age:

(1) A child day-care care center, type A family day-care child care home, or type B family day-care child care home as defined in section 5104.01 of the Revised Code;

(2) A preschool program or school child program as defined in section 3301.52 of the Revised Code.

(C) "Clearance examination" means an examination to determine whether the lead hazards in a residential unit, child care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection, and analysis of environmental samples.

(D) "Clearance technician" means a person, other than a licensed lead inspector or licensed lead risk assessor, who performs a clearance examination.

(E) "Clinical laboratory" means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of substances derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease, or in the assessment or impairment of the health of human beings. "Clinical laboratory" does not include a facility that only collects or prepares specimens, or serves as a mailing service, and does not perform testing.

(F) "Encapsulation" means the coating and sealing of surfaces with durable surface coating specifically formulated to be elastic, able to withstand sharp and blunt impacts, long-lasting, and resilient, while also resistant to cracking, peeling, algae, fungus, and ultraviolet light, so as to prevent any part of lead-containing paint from becoming part of house dust or
otherwise accessible to children.

(G) "Enclosure" means the resurfacing or covering of surfaces with durable materials such as wallboard or paneling, and the sealing or caulking of edges and joints, so as to prevent or control chalking, flaking, peeling, scaling, or loose lead-containing substances from becoming part of house dust or otherwise accessible to children.

(H) "Environmental lead analytical laboratory" means a facility that analyzes air, dust, soil, water, paint, film, or other substances, other than substances derived from the human body, for the presence and concentration of lead.

(I) "HEPA" means the designation given to a product, device, or system that has been equipped with a high-efficiency particulate air filter, which is a filter capable of removing particles of 0.3 microns or larger from air at 99.97 per cent or greater efficiency.

(J) "Interim controls" means a set of measures designed to reduce temporarily human exposure or likely human exposure to lead hazards. Interim controls include specialized cleaning, repairs, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs.

(K)(1) "Lead abatement" means a measure or set of measures designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following:

(a) Removal of lead-based paint and lead-contaminated dust;

(b) Permanent enclosure or encapsulation of lead-based paint;

(c) Replacement of surfaces or fixtures painted with lead-based paint;

(d) Removal or permanent covering of lead-contaminated soil;
(e) Preparation, cleanup, and disposal activities associated with lead abatement.

(2) "Lead abatement" does not include any of the following:

(a) Residential rental unit lead-safe maintenance practices performed pursuant to sections 3742.41 and 3742.42 of the Revised Code;

(b) Implementation of interim controls;

(c) Activities performed by a property owner on a residential unit to which both of the following apply:

(i) It is a freestanding single-family home used as the property owner's private residence.

(ii) No child under six years of age who has lead poisoning resides in the unit.

(L) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project.

(M) "Lead abatement project" means one or more lead abatement activities that are conducted by a lead abatement contractor and are reasonably related to each other.

(N) "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects.

(O) "Lead abatement worker" means an individual who is responsible in a nonsupervisory capacity for the performance of lead abatement.

(P) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health, as that level is
established in rules adopted under section 3742.45 of the Revised Code.

(Q) "Lead-contaminated dust" means dust that contains an area or mass concentration of lead at or in excess of the level that is hazardous to human health, as that level is established in rules adopted under section 3742.45 of the Revised Code.

(R) "Lead-contaminated soil" means soil that contains lead at or in excess of the level that is hazardous to human health, as that level is established in rules adopted under section 3742.45 of the Revised Code.

(S) "Lead free" means no lead-based paint is present in any area referenced in division (B) of section 3742.42 of the Revised Code.

(T) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as determined by the director of health in rules adopted under section 3742.45 of the Revised Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.

(U) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. The inspection shall use a sampling or testing technique approved by the director in rules adopted under section 3742.03 of the Revised Code. A licensed lead inspector or laboratory approved under section 3742.09 of the Revised Code shall certify in writing the precise results of the inspection.

(V) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.

(W) "Lead poisoning" means the level of lead in human blood
that is hazardous to human health, as specified in rules adopted under section 3742.45 of the Revised Code.

(X) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit, child care facility, or school, including information gathering from the unit, facility, or school's current owner's knowledge regarding the age and painting history of the unit, facility, or school and occupancy by children under six years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.

(Y) "Lead risk assessor" means a person who is responsible for developing a written inspection, risk assessment, and analysis plan; conducting inspections for lead hazards in a residential unit, child care facility, or school; interpreting results of inspections and risk assessments; identifying hazard control strategies to reduce or eliminate lead exposures; and completing a risk assessment report.

(Z) "Lead-safe residential rental unit" means a residential rental unit that has undergone the residential rental unit lead-safe maintenance practices described in section 3742.42 of the Revised Code, including post-maintenance dust sampling or are registered pursuant to division (D) of section 3742.41 of the Revised Code.

(AA) "Manager" means a person, who may be the same person as the owner, responsible for the daily operation of a residential unit, child care facility, or school.

(BB) "Permanent" means an expected design life of at least twenty years.

(CC) "Replacement" means an activity that entails removing components such as windows, doors, and trim that have lead hazards
on their surfaces and installing components free of lead hazards.

(DD) "Residential unit" means a dwelling or any part of a building being used as an individual's private residence. "Residential unit" includes a residential rental unit.

(EE) "Residential rental unit" means a rental property containing a dwelling or any part of a building being used as an individual's private residence.

(FF) "School" means a public or nonpublic school in which children under six years of age receive education.

Sec. 3767.41. (A) As used in this section:

(1) "Building" means, except as otherwise provided in this division, any building or structure that is used or intended to be used for residential purposes. "Building" includes, but is not limited to, a building or structure in which any floor is used for retail stores, shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic administration activities, professional services, or similar business or civic uses, and in which the other floors are used, or designed and intended to be used, for residential purposes. "Building" does not include any building or structure that is occupied by its owner and that contains three or fewer residential units.

(2)(a) "Public nuisance" means a building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(b) "Public nuisance" as it applies to subsidized housing
means subsidized housing that fails to meet the following standards as specified in the federal rules governing each standard:

(i) Each building on the site is structurally sound, secure, habitable, and in good repair, as defined in 24 C.F.R. 5.703(b);

(ii) Each building's domestic water, electrical system, elevators, emergency power, fire protection, HVAC, and sanitary system is free of health and safety hazards, functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(c);

(iii) Each dwelling unit within the building is structurally sound, habitable, and in good repair, and all areas and aspects of the dwelling unit are free of health and safety hazards, functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(d)(1);

(iv) Where applicable, the dwelling unit has hot and cold running water, including an adequate source of potable water, as defined in 24 C.F.R. 5.703(d)(2);

(v) If the dwelling unit includes its own sanitary facility, it is in proper operating condition, usable in privacy, and adequate for personal hygiene, and the disposal of human waste, as defined in 24 C.F.R. 5.703(d)(3);

(vi) The common areas are structurally sound, secure, and functionally adequate for the purposes intended. The basement, garage, carport, restrooms, closets, utility, mechanical, community rooms, daycare child care rooms, halls, corridors, stairs, kitchens, laundry rooms, office, porch, patio, balcony, and trash collection areas are free of health and safety hazards, operable, and in good repair. All common area ceilings, doors, floors, HVAC, lighting, smoke detectors, stairs, walls, and windows, to the extent applicable, are free of health and safety hazards.
hazards, operable, and in good repair, as defined in 24 C.F.R. 5.703(e);

(vii) All areas and components of the housing are free of health and safety hazards. These areas include, but are not limited to, air quality, electrical hazards, elevators, emergency/fire exits, flammable materials, garbage and debris, handrail hazards, infestation, and lead-based paint, as defined in 24 C.F.R. 5.703(f).

(3) "Abate" or "abatement" in connection with any building means the removal or correction of any conditions that constitute a public nuisance and the making of any other improvements that are needed to effect a rehabilitation of the building that is consistent with maintaining safe and habitable conditions over its remaining useful life. "Abatement" does not include the closing or boarding up of any building that is found to be a public nuisance.

(4) "Interested party" means any owner, mortgagee, lienholder, tenant, or person that possesses an interest of record in any property that becomes subject to the jurisdiction of a court pursuant to this section, and any applicant for the appointment of a receiver pursuant to this section.

(5) "Neighbor" means any owner of property, including, but not limited to, any person who is purchasing property by land installment contract or under a duly executed purchase contract, that is located within five hundred feet of any property that becomes subject to the jurisdiction of a court pursuant to this section, and any occupant of a building that is so located.

(6) "Tenant" has the same meaning as in section 5321.01 of the Revised Code.

(7) "Subsidized housing" means a property consisting of more than four dwelling units that, in whole or in part, receives project-based assistance pursuant to a contract under any of the
following federal housing programs:

(a) The new construction or substantial rehabilitation program under section 8(b)(2) of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as that program was in effect immediately before the first day of October, 1983;

(b) The moderate rehabilitation program under section 8(e)(2) of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(e)(2);

(c) The loan management assistance program under section 8 of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f;


(8) "Project-based assistance" means the assistance is attached to the property and provides rental assistance only on behalf of tenants who reside in that property.

(9) "Landlord" has the same meaning as in section 5321.01 of the Revised Code.

(B)(1)(a) In any civil action to enforce any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, resolution, or regulation applicable to buildings, that is commenced in a court of common pleas, municipal court, housing or environmental division of a municipal court, or county court, or in any civil action for abatement commenced in a court of common pleas, municipal court, housing or environmental division of a municipal court, or county court, by a municipal corporation or township in which the building involved is located, by any neighbor, tenant, or by a nonprofit corporation that is duly organized and has as one of its goals the improvement of housing conditions in the county or municipal corporation in which the building involved is located, if a building is alleged to be a public nuisance, the municipal corporation, township, neighbor, tenant, or nonprofit corporation may apply in its complaint for an injunction or other order as described in division (C)(1) of this section, or for the relief described in division (C)(2) of this section, including, if necessary, the appointment of a receiver as described in divisions (C)(2) and (3) of this section, or for both such an injunction or other order and such relief. The municipal corporation, township, neighbor, tenant, or nonprofit corporation commencing the action is not liable for the costs, expenses, and fees of any receiver appointed pursuant to divisions (C)(2) and (3) of this section.

(b) Prior to commencing a civil action for abatement when the property alleged to be a public nuisance is subsidized housing, the municipal corporation, township, neighbor, tenant, or
nonprofit corporation commencing the action shall provide the landlord of that property with written notice that specifies one or more defective conditions that constitute a public nuisance as that term applies to subsidized housing and states that if the landlord fails to remedy the condition within sixty days of the service of the notice, a claim pursuant to this section may be brought on the basis that the property constitutes a public nuisance in subsidized housing. Any party authorized to bring an action against the landlord shall make reasonable attempts to serve the notice in the manner prescribed in the Rules of Civil Procedure to the landlord or the landlord's agent for the property at the property's management office, or at the place where the tenants normally pay or send rent. If the landlord is not the owner of record, the party bringing the action shall make a reasonable attempt to serve the owner. If the owner does not receive service the person bringing the action shall certify the attempts to serve the owner.

(2)(a) In a civil action described in division (B)(1) of this section, a copy of the complaint and a notice of the date and time of a hearing on the complaint shall be served upon the owner of the building and all other interested parties in accordance with the Rules of Civil Procedure. If certified mail service, personal service, or residence service of the complaint and notice is refused or certified mail service of the complaint and notice is not claimed, and if the municipal corporation, township, neighbor, tenant, or nonprofit corporation commencing the action makes a written request for ordinary mail service of the complaint and notice, or uses publication service, in accordance with the Rules of Civil Procedure, then a copy of the complaint and notice shall be posted in a conspicuous place on the building.

(b) The judge in a civil action described in division (B)(1) of this section shall conduct a hearing at least twenty-eight days
after the owner of the building and the other interested parties have been served with a copy of the complaint and the notice of the date and time of the hearing in accordance with division (B)(2)(a) of this section.

(c) In considering whether subsidized housing is a public nuisance, the judge shall construe the standards set forth in division (A)(2)(b) of this section in a manner consistent with department of housing and urban development and judicial interpretations of those standards. The judge shall deem that the property is not a public nuisance if during the twelve months prior to the service of the notice that division (B)(1)(b) of this section requires, the department of housing and urban development's real estate assessment center issued a score of seventy-five or higher out of a possible one hundred points pursuant to its regulations governing the physical condition of multifamily properties pursuant to 24 C.F.R. part 200, subpart P, and since the most recent inspection, there has been no significant change in the property's conditions that would create a serious threat to the health, safety, or welfare of the property's tenants.

(C)(1) If the judge in a civil action described in division (B)(1) of this section finds at the hearing required by division (B)(2) of this section that the building involved is a public nuisance, if the judge additionally determines that the owner of the building previously has not been afforded a reasonable opportunity to abate the public nuisance or has been afforded such an opportunity and has not refused or failed to abate the public nuisance, and if the complaint of the municipal corporation, township, neighbor, tenant, or nonprofit corporation commencing the action requested the issuance of an injunction as described in this division, then the judge may issue an injunction requiring the owner of the building to abate the public nuisance or issue
any other order that the judge considers necessary or appropriate
to cause the abatement of the public nuisance. If an injunction is
issued pursuant to this division, the owner of the building
involved shall be given no more than thirty days from the date of
the entry of the judge's order to comply with the injunction,
unless the judge, for good cause shown, extends the time for
compliance.

(2) If the judge in a civil action described in division
(B)(1) of this section finds at the hearing required by division
(B)(2) of this section that the building involved is a public
nuisance, if the judge additionally determines that the owner of
the building previously has been afforded a reasonable opportunity
to abate the public nuisance and has refused or failed to do so,
and if the complaint of the municipal corporation, township,
neighbor, tenant, or nonprofit corporation commencing the action
requested relief as described in this division, then the judge
shall offer any mortgagee, lienholder, or other interested party
associated with the property on which the building is located, in
the order of the priority of interest in title, the opportunity to
undertake the work and to furnish the materials necessary to abate
the public nuisance. Prior to selecting any interested party, the
judge shall require the interested party to demonstrate the
ability to promptly undertake the work and furnish the materials
required, to provide the judge with a viable financial and
construction plan for the rehabilitation of the building as
described in division (D) of this section, and to post security
for the performance of the work and the furnishing of the
materials.

If the judge determines, at the hearing, that no interested
party is willing or able to undertake the work and to furnish the
materials necessary to abate the public nuisance, or if the judge
determines, at any time after the hearing, that any party who is
undertaking corrective work pursuant to this division cannot or
will not proceed, or has not proceeded with due diligence, the
judge may appoint a receiver pursuant to division (C)(3) of this
section to take possession and control of the building.

(3)(a) The judge in a civil action described in division
(B)(1) of this section shall not appoint any person as a receiver
unless the person first has provided the judge with a viable
financial and construction plan for the rehabilitation of the
building involved as described in division (D) of this section and
has demonstrated the capacity and expertise to perform the
required work and to furnish the required materials in a
satisfactory manner. An appointed receiver may be a financial
institution that possesses an interest of record in the building
or the property on which it is located, a nonprofit corporation as
described in divisions (B)(1) and (C)(3)(b) of this section,
including, but not limited to, a nonprofit corporation that
commenced the action described in division (B)(1) of this section,
or any other qualified property manager.

(b) To be eligible for appointment as a receiver, no part of
the net earnings of a nonprofit corporation shall inure to the
benefit of any private shareholder or individual. Membership on
the board of trustees of a nonprofit corporation appointed as a
receiver does not constitute the holding of a public office or
employment within the meaning of sections 731.02 and 731.12 or any
other section of the Revised Code and does not constitute a direct
or indirect interest in a contract or expenditure of money by any
municipal corporation. A member of a board of trustees of a
nonprofit corporation appointed as a receiver shall not be
disqualified from holding any public office or employment, and
shall not forfeit any public office or employment, by reason of
membership on the board of trustees, notwithstanding any law to
the contrary.
(D) Prior to ordering any work to be undertaken, or the furnishing of any materials, to abate a public nuisance under this section, the judge in a civil action described in division (B)(1) of this section shall review the submitted financial and construction plan for the rehabilitation of the building involved and, if it specifies all of the following, shall approve that plan:

1. The estimated cost of the labor, materials, and any other development costs that are required to abate the public nuisance;
2. The estimated income and expenses of the building and the property on which it is located after the furnishing of the materials and the completion of the repairs and improvements;
3. The terms, conditions, and availability of any financing that is necessary to perform the work and to furnish the materials;
4. If repair and rehabilitation of the building are found not to be feasible, the cost of demolition of the building or of the portions of the building that constitute the public nuisance.

(E) Upon the written request of any of the interested parties to have a building, or portions of a building, that constitute a public nuisance demolished because repair and rehabilitation of the building are found not to be feasible, the judge may order the demolition. However, the demolition shall not be ordered unless the requesting interested parties have paid the costs of demolition and, if any, of the receivership, and, if any, all notes, certificates, mortgages, and fees of the receivership.

(F) Before proceeding with the duties of receiver, any receiver appointed by the judge in a civil action described in division (B)(1) of this section may be required by the judge to post a bond in an amount fixed by the judge, but not exceeding the value of the building involved as determined by the judge.
The judge may empower the receiver to do any or all of the following:

(1) Take possession and control of the building and the property on which it is located, operate and manage the building and the property, establish and collect rents and income, lease and rent the building and the property, and evict tenants;

(2) Pay all expenses of operating and conserving the building and the property, including, but not limited to, the cost of electricity, gas, water, sewerage, heating fuel, repairs and supplies, custodian services, taxes and assessments, and insurance premiums, and hire and pay reasonable compensation to a managing agent;

(3) Pay pre-receivership mortgages or installments of them and other liens;

(4) Perform or enter into contracts for the performance of all work and the furnishing of materials necessary to abate, and obtain financing for the abatement of, the public nuisance;

(5) Pursuant to court order, remove and dispose of any personal property abandoned, stored, or otherwise located in or on the building and the property that creates a dangerous or unsafe condition or that constitutes a violation of any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation;

(6) Obtain mortgage insurance for any receiver's mortgage from any agency of the federal government;

(7) Enter into any agreement and do those things necessary to maintain and preserve the building and the property and comply with all local building, housing, air pollution, sanitation, health, fire, zoning, or safety codes, ordinances, resolutions, and regulations;
(8) Give the custody of the building and the property, and
the opportunity to abate the nuisance and operate the property, to
its owner or any mortgagee or lienholder of record;

(9) Issue notes and secure them by a mortgage bearing
interest, and upon terms and conditions, that the judge approves.
When sold or transferred by the receiver in return for valuable
consideration in money, material, labor, or services, the notes or
certificates shall be freely transferable. Any mortgages granted
by the receiver shall be superior to any claims of the receiver.
Priority among the receiver's mortgages shall be determined by the
order in which they are recorded.

(G) A receiver appointed pursuant to this section is not
personally liable except for misfeasance, malfeasance, or
nonfeasance in the performance of the functions of the office of
receiver.

(H)(1) The judge in a civil action described in division
(B)(1) of this section may assess as court costs, the expenses
described in division (F)(2) of this section, and may approve
receiver's fees to the extent that they are not covered by the
income from the property. Subject to that limitation, a receiver
appointed pursuant to divisions (C)(2) and (3) of this section is
entitled to receive fees in the same manner and to the same extent
as receivers appointed in actions to foreclose mortgages.

(2)(a) Pursuant to the police powers vested in the state, all
expenditures of a mortgagee, lienholder, or other interested party
that has been selected pursuant to division (C)(2) of this section
to undertake the work and to furnish the materials necessary to
abate a public nuisance, and any expenditures in connection with
the foreclosure of the lien created by this division, is a first
lien upon the building involved and the property on which it is
located and is superior to all prior and subsequent liens or other
cencumbrances associated with the building or the property,
including, but not limited to, those for taxes and assessments, upon the occurrence of both of the following:

(i) The prior approval of the expenditures by, and the entry of a judgment to that effect by, the judge in the civil action described in division (B)(1) of this section;

(ii) The recordation of a certified copy of the judgment entry and a sufficient description of the property on which the building is located with the county recorder in the county in which the property is located within sixty days after the date of the entry of the judgment.

(b) Pursuant to the police powers vested in the state, all expenses and other amounts paid in accordance with division (F) of this section by a receiver appointed pursuant to divisions (C)(2) and (3) of this section, the amounts of any notes issued by the receiver in accordance with division (F) of this section, all mortgages granted by the receiver in accordance with that division, the fees of the receiver approved pursuant to division (H)(1) of this section, and any amounts expended in connection with the foreclosure of a mortgage granted by the receiver in accordance with division (F) of this section or with the foreclosure of the lien created by this division, are a first lien upon the building involved and the property on which it is located and are superior to all prior and subsequent liens or other encumbrances associated with the building or the property, including, but not limited to, those for taxes and assessments, upon the occurrence of both of the following:

(i) The approval of the expenses, amounts, or fees by, and the entry of a judgment to that effect by, the judge in the civil action described in division (B)(1) of this section; or the approval of the mortgages in accordance with division (F)(9) of this section by, and the entry of a judgment to that effect by, that judge;
(ii) The recordation of a certified copy of the judgment entry and a sufficient description of the property on which the building is located, or, in the case of a mortgage, the recordation of the mortgage, a certified copy of the judgment entry, and such a description, with the county recorder of the county in which the property is located within sixty days after the date of the entry of the judgment.

(c) Priority among the liens described in divisions (H)(2)(a) and (b) of this section shall be determined as described in division (I) of this section. Additionally, the creation pursuant to this section of a mortgage lien that is prior to or superior to any mortgage of record at the time the mortgage lien is so created, does not disqualify the mortgage of record as a legal investment under Chapter 1107. or any other chapter of the Revised Code.

(I)(1) If a receiver appointed pursuant to divisions (C)(2) and (3) of this section files with the judge in the civil action described in division (B)(1) of this section a report indicating that the public nuisance has been abated, if the judge confirms that the receiver has abated the public nuisance, and if the receiver or any interested party requests the judge to enter an order directing the receiver to sell the building and the property on which it is located, the judge may enter that order after holding a hearing as described in division (I)(2) of this section and otherwise complying with that division.

(2)(a) The receiver or interested party requesting an order as described in division (I)(1) of this section shall cause a notice of the date and time of a hearing on the request to be served on the owner of the building involved and all other interested parties in accordance with division (B)(2)(a) of this section. The judge in the civil action described in division (B)(1) of this section shall conduct the scheduled hearing. At the
hearing, if the owner or any interested party objects to the sale of the building and the property, the burden of proof shall be upon the objecting person to establish, by a preponderance of the evidence, that the benefits of not selling the building and the property outweigh the benefits of selling them. If the judge determines that there is no objecting person, or if the judge determines that there is one or more objecting persons but no objecting person has sustained the burden of proof specified in this division, the judge may enter an order directing the receiver to offer the building and the property for sale upon terms and conditions that the judge shall specify.

(b) In any sale of subsidized housing that is ordered pursuant to this section, the judge shall specify that the subsidized housing not be conveyed unless that conveyance complies with applicable federal law and applicable program contracts for that housing. Any such conveyance shall be subject to the condition that the purchaser enter into a contract with the department of housing and urban development or the rural housing service of the federal department of agriculture under which the property continues to be subsidized housing and the owner continues to operate that property as subsidized housing unless the secretary of housing and urban development or the administrator of the rural housing service terminates that property's contract prior to or upon the conveyance of the property.

(3) If a sale of a building and the property on which it is located is ordered pursuant to divisions (I)(1) and (2) of this section and if the sale occurs in accordance with the terms and conditions specified by the judge in the judge's order of sale, then the receiver shall distribute the proceeds of the sale and the balance of any funds that the receiver may possess, after the payment of the costs of the sale, in the following order of
priority and in the described manner:

(a) First, in satisfaction of any notes issued by the receiver pursuant to division (F) of this section, in their order of priority;

(b) Second, any unreimbursed expenses and other amounts paid in accordance with division (F) of this section by the receiver, and the fees of the receiver approved pursuant to division (H)(1) of this section;

(c) Third, all expenditures of a mortgagee, lienholder, or other interested party that has been selected pursuant to division (C)(2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance, provided that the expenditures were approved as described in division (H)(2)(a) of this section and provided that, if any such interested party subsequently became the receiver, its expenditures shall be paid prior to the expenditures of any of the other interested parties so selected;

(d) Fourth, the amount due for delinquent taxes, assessments, charges, penalties, and interest owed to this state or a political subdivision of this state, provided that, if the amount available for distribution pursuant to division (I)(3)(d) of this section is insufficient to pay the entire amount of those taxes, assessments, charges, penalties, and interest, the proceeds and remaining funds shall be paid to each claimant in proportion to the amount of those taxes, assessments, charges, penalties, and interest that each is due.

(e) The amount of any pre-receivership mortgages, liens, or other encumbrances, in their order of priority.

(4) Following a distribution in accordance with division (I)(3) of this section, the receiver shall request the judge in the civil action described in division (B)(1) of this section to...
enter an order terminating the receivership. If the judge determines that the sale of the building and the property on which it is located occurred in accordance with the terms and conditions specified by the judge in the judge's order of sale under division (I)(2) of this section and that the receiver distributed the proceeds of the sale and the balance of any funds that the receiver possessed, after the payment of the costs of the sale, in accordance with division (I)(3) of this section, and if the judge approves any final accounting required of the receiver, the judge may terminate the receivership.

(J)(1) A receiver appointed pursuant to divisions (C)(2) and (3) of this section may be discharged at any time in the discretion of the judge in the civil action described in division (B)(1) of this section. The receiver shall be discharged by the judge as provided in division (I)(4) of this section, or when all of the following have occurred:

(a) The public nuisance has been abated;

(b) All costs, expenses, and approved fees of the receivership have been paid;

(c) Either all receiver's notes issued and mortgages granted pursuant to this section have been paid, or all the holders of the notes and mortgages request that the receiver be discharged.

(2) If a judge in a civil action described in division (B)(1) of this section determines that, and enters of record a declaration that, a public nuisance has been abated by a receiver, and if, within three days after the entry of the declaration, all costs, expenses, and approved fees of the receivership have not been paid in full, then, in addition to the circumstances specified in division (I) of this section for the entry of such an order, the judge may enter an order directing the receiver to sell the building involved and the property on which it is located. Any
such order shall be entered, and the sale shall occur, only in compliance with division (I) of this section.

(K) The title in any building, and in the property on which it is located, that is sold at a sale ordered under division (I) or (J)(2) of this section shall be incontestable in the purchaser and shall be free and clear of all liens for delinquent taxes, assessments, charges, penalties, and interest owed to this state or any political subdivision of this state, that could not be satisfied from the proceeds of the sale and the remaining funds in the receiver's possession pursuant to the distribution under division (I)(3) of this section. All other liens and encumbrances with respect to the building and the property shall survive the sale, including, but not limited to, a federal tax lien notice properly filed in accordance with section 317.09 of the Revised Code prior to the time of the sale, and the easements and covenants of record running with the property that were created prior to the time of the sale.

(L)(1) Nothing in this section shall be construed as a limitation upon the powers granted to a court of common pleas, a municipal court or a housing or environmental division of a municipal court under Chapter 1901. of the Revised Code, or a county court under Chapter 1907. of the Revised Code.

(2) The monetary and other limitations specified in Chapters 1901. and 1907. of the Revised Code upon the jurisdiction of municipal and county courts, and of housing or environmental divisions of municipal courts, in civil actions do not operate as limitations upon any of the following:

(a) Expenditures of a mortgagee, lienholder, or other interested party that has been selected pursuant to division (C)(2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance;
(b) Any notes issued by a receiver pursuant to division (F) of this section;

(c) Any mortgage granted by a receiver in accordance with division (F) of this section;

(d) Expenditures in connection with the foreclosure of a mortgage granted by a receiver in accordance with division (F) of this section;

(e) The enforcement of an order of a judge entered pursuant to this section;

(f) The actions that may be taken pursuant to this section by a receiver or a mortgagee, lienholder, or other interested party that has been selected pursuant to division (C)(2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance.

(3) A judge in a civil action described in division (B)(1) of this section, or the judge's successor in office, has continuing jurisdiction to review the condition of any building that was determined to be a public nuisance pursuant to this section.

(4) Nothing in this section shall be construed to limit or prohibit a municipal corporation or township that has filed with the superintendent of insurance a certified copy of an adopted resolution, ordinance, or regulation authorizing the procedures described in divisions (C) and (D) of section 3929.86 of the Revised Code from receiving insurance proceeds under section 3929.86 of the Revised Code.

Sec. 3781.06. (A)(1) Any building that may be used as a place of resort, assembly, education, entertainment, lodging, dwelling, trade, manufacture, repair, storage, traffic, or occupancy by the public, any residential building, and all other buildings or parts and appurtenances of those buildings erected within this state,
shall be so constructed, erected, equipped, and maintained that they shall be safe and sanitary for their intended use and occupancy.

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the Revised Code shall be construed to limit the power of the division of industrial compliance of the department of commerce to adopt rules of uniform application governing manufactured home parks pursuant to section 4781.26 of the Revised Code.

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the Revised Code do not apply to any of the following:

(1) Buildings or structures that are incident to the use for agricultural purposes of the land on which the buildings or structures are located, provided those buildings or structures are not used in the business of retail trade. For purposes of this division, a building or structure is not considered used in the business of retail trade if fifty per cent or more of the gross income received from sales of products in the building or structure by the owner or operator is from sales of products produced or raised in a normal crop year on farms owned or operated by the seller.

(2) Existing single-family, two-family, and three-family detached dwelling houses for which applications have been submitted to the director of job and family services pursuant to section 5104.03 of the Revised Code for the purposes of operating type A family day-care child care homes as defined in section 5104.01 of the Revised Code;

(3) A mobile computing unit. As used in this division, "mobile computing unit" means an assembly that meets all of the following criteria:

(a) Its purpose is to house and operate computers as defined
in section 2913.01 of the Revised Code.

(b) Its exterior is integral to the protection or cooling, or both, of the computers housed within it.

(c) It is not attached to a permanent foundation.

(d) It is not accessible to the public.

(e) It is not designed for regular occupancy, but rather limited access for service and maintenance.

(f) It can be moved or transported as a single integrated unit.

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code:

(1) "Agricultural purposes" include agriculture, farming, dairying, pasturage, apiculture, algaculture meaning the farming of algae, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal and poultry husbandry.

(2) "Building" means any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances.

(3) "Industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined by division (C)(4) of this section or a mobile home as defined by division (O) of section
4501.01 of the Revised Code.

(4) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

(5) "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the division of industrial compliance of the department of commerce pursuant to Chapter 4781. of the Revised Code, to which a manufactured or mobile home may be affixed.

(6) "Permanently sited manufactured home" means a manufactured home that meets all of the following criteria:

(a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;

(b) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet;

(c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;

(d) The structure was manufactured after January 1, 1995;

(e) The structure is not located in a manufactured home park as defined by section 4781.01 of the Revised Code.
(7) "Safe," with respect to a building, means it is free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it, or of the public and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the methods or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise.

(8) "Sanitary," with respect to a building, means it is free from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein, for the purpose of lighting, heating, ventilating, or plumbing.

(9) "Residential building" means a one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house. "Residential building" includes a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house. "Residential building" does not include an industrialized unit as defined by division (C)(3) of this section, a manufactured home as defined by division (C)(4) of this section, or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(10) "Nonresidential building" means any building that is not a residential building or a manufactured or mobile home.

(11) "Accessory structure" means a structure that is attached to a residential building and serves the principal use of the residential building. "Accessory structure" includes, but is not limited to, a garage, porch, or screened-in patio.

Sec. 3781.10. (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction,
repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of the Revised Code is enforceable. The rules governing residential buildings are uniform requirements for residential buildings in any area with a building department certified to enforce the state residential building code. In no case shall any local code or regulation differ from the state residential building code unless that code or regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to section 3781.01 of the Revised Code.

(3) The rules adopted pursuant to this section are complete, lawful alternatives to any requirements specified for buildings or industrialized units in any section of the Revised Code. Except as otherwise provided in division (I) of this section, the board shall, on its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, formulate, propose, adopt, modify, amend, or repeal the rules to the extent necessary or desirable to effectuate the purposes of sections 3781.06 to 3781.18 of the Revised Code.

(B) The board shall report to the general assembly proposals
for amendments to existing statutes relating to the purposes declared in section 3781.06 of the Revised Code that public health and safety and the development of the arts require and shall recommend any additional legislation to assist in carrying out fully, in statutory form, the purposes declared in that section. The board shall prepare and submit to the general assembly a summary report of the number, nature, and disposition of the petitions filed under sections 3781.13 and 3781.14 of the Revised Code.

(C) On its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, and after thorough testing and evaluation, the board shall determine by rule that any particular fixture, device, material, process of manufacture, manufactured unit or component, method of manufacture, system, or method of construction complies with performance standards adopted pursuant to section 3781.11 of the Revised Code. The board shall make its determination with regard to adaptability for safe and sanitary erection, use, or construction, to that described in any section of the Revised Code, wherever the use of a fixture, device, material, method of manufacture, system, or method of construction described in that section of the Revised Code is permitted by law. The board shall amend or annul any rule or issue an authorization for the use of a new material or manufactured unit on any like application. No department, officer, board, or commission of the state other than the board of building standards or the board of building appeals shall permit the use of any fixture, device, material, method of manufacture, newly designed product, system, or method of construction at variance with what is described in any rule the board of building standards adopts or issues or that is authorized by any section of the Revised Code. Nothing in this section shall be construed as requiring approval, by rule, of plans for an industrialized unit that conforms with the rules the board of building standards adopts pursuant to
section 3781.11 of the Revised Code.

(D) The board shall recommend rules, codes, and standards to help carry out the purposes of section 3781.06 of the Revised Code and to help secure uniformity of state administrative rulings and local legislation and administrative action to the bureau of workers' compensation, the director of commerce, any other department, officer, board, or commission of the state, and to legislative authorities and building departments of counties, townships, and municipal corporations, and shall recommend that they audit those recommended rules, codes, and standards by any appropriate action that they are allowed pursuant to law or the constitution.

(E)(1) The board shall certify municipal, township, and county building departments, the personnel of those building departments, persons described in division (E)(7) of this section, and employees of individuals, firms, the state, or corporations described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. Any department, personnel, or person may enforce only the type of building code for which certified.

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential
and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the council of American building officials, national model code organizations, and agencies or entities the board recognizes are acceptable for purposes of this division. The rules shall specify requirements that are consistent with the provisions of section 5903.12 of the Revised Code relating to active duty military service and are compatible, to the extent possible, with requirements the council of American building officials and national model code organizations establish.

(4) The board shall establish and collect a certification and renewal fee for building department personnel, and persons and employees of persons, firms, or corporations as described in this section, who are certified pursuant to this division.

(5) Any individual certified pursuant to this division shall complete the number of hours of continuing building code education that the board requires or, for failure to do so, forfeit certification.

(6) This division does not require or authorize the board to certify personnel of municipal, township, and county building departments, and persons and employees of persons, firms, or corporations as described in this section, whose responsibilities do not include the exercise of enforcement authority, the approval of plans and specifications, or making inspections under the state
(7) Enforcement authority for approval of plans and specifications and enforcement authority for inspections may be exercised, and plans and specifications may be approved and inspections may be made on behalf of a municipal corporation, township, or county, by any of the following who the board of building standards certifies:

(a) Officers or employees of the municipal corporation, township, or county;

(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to
exercise that authority and conduct those activities, as applicable.

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;

(e) The proposed budget for the operation of the building department.

(11) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of buildings.
of a building or the preparation of working drawings or 132425
specifications for work within the jurisdictional area of the 132426
department. The department shall provide other similarly qualified 132427
personnel to enforce the residential and nonresidential building 132428
codes as they pertain to that work.

(b) The minimum services to be provided by a certified 132430
building department.

(12) The board of building standards may revoke or suspend 132432
certification to enforce the residential and nonresidential 132433
building codes, on petition to the board by any person affected by 132434
that enforcement or approval of plans, or by the board on its own 132435
motion. Hearings shall be held and appeals permitted on any 132436
proceedings for certification or revocation or suspension of 132437
certification in the same manner as provided in section 3781.101 132438
of the Revised Code for other proceedings of the board of building 132439
standards.

(13) Upon certification, and until that authority is revoked, 132441
any county or township building department shall enforce the 132442
residential and nonresidential building codes for which it is 132443
certified without regard to limitation upon the authority of 132444
boards of county commissioners under Chapter 307. of the Revised 132445
Code or boards of township trustees under Chapter 505. of the 132446
Revised Code.

(F) In addition to hearings sections 3781.06 to 3781.18 and 132448
3791.04 of the Revised Code require, the board of building 132449
standards shall make investigations and tests, and require from 132450
other state departments, officers, boards, and commissions 132451
information the board considers necessary or desirable to assist 132452
it in the discharge of any duty or the exercise of any power 132453
mentioned in this section or in sections 3781.06 to 3781.18, 132454
3791.04, and 4104.43 of the Revised Code.
(G) The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product of a manufacturing process. The fee shall bear some reasonable relationship to the cost of the review or testing of the materials, assembly, or products and for the notification of approval or disapproval as provided in section 3781.12 of the Revised Code.

(H) The residential construction advisory committee shall provide the board with a proposal for a state residential building code that the committee recommends pursuant to division (D)(1) of section 4740.14 of the Revised Code. Upon receiving a recommendation from the committee that is acceptable to the board, the board shall adopt rules establishing that code as the state residential building code.

(I)(1) The committee may provide the board with proposed rules to update or amend the state residential building code that the committee recommends pursuant to division (E) of section 4740.14 of the Revised Code.

(2) If the board receives a proposed rule to update or amend the state residential building code as provided in division (I)(1) of this section, the board either may accept or reject the proposed rule for incorporation into the residential building code. If the board does not act to either accept or reject the proposed rule within ninety days after receiving the proposed rule from the committee as described in division (I)(1) of this section, the proposed rule shall become part of the residential building code.

(J) The board shall cooperate with the director of job and family services when the director promulgates rules pursuant to section 5104.05 of the Revised Code regarding safety and sanitation in type A family day-care child care homes.
(K) The board shall adopt rules to implement the requirements of section 3781.108 of the Revised Code.

Sec. 3796.30. (A) Except as provided in division (B) of this section, no medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana shall be located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park.

If the relocation of a cultivator, processor, retail dispensary, or laboratory licensed under this chapter results in the cultivator, processor, retail dispensary, or laboratory being located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park, the department of commerce or state board of pharmacy shall revoke the license it previously issued to the cultivator, processor, retail dispensary, or laboratory.

(B) This section does not apply to research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

(C) As used in this section and sections 3796.04 and 3796.12 of the Revised Code:

"Church" has the meaning defined in section 1710.01 of the Revised Code.

"Public library" means a library provided for under Chapter 3375. of the Revised Code.

"Public park" means a park established by the state or a political subdivision of the state including a county, township,
municipal corporation, or park district.

"Public playground" means a playground established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"School" means a child day-care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school.

Sec. 3797.06. (A) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general requires by rule adopted under section 3797.08 of the Revised Code the notice described in division (B) of this section to be given to the persons identified in divisions (A)(1) to (9) of this section. If a court enters a declaratory judgment against a registrant under section 2721.21 of the Revised Code, the sheriff with whom the registrant has most recently registered under section 3797.02 or 3797.03 of the Revised Code and the sheriff to whom the registrant most recently sent a notice of intent to reside under section 3797.03 of the Revised Code shall provide within the period of time specified in division (C) of this section a written notice containing the information set forth in division (B) of this section to all of the persons described in divisions (A)(1) to (9) of this section. If the sheriff has sent a notice to the persons described in those divisions as a result of receiving a notice of intent to reside and if the registrant registers a residence address that is the same residence address described in the notice of intent to reside, the sheriff is not required to send an additional notice when the registrant registers. The sheriff shall provide the notice to all of the following persons:

(1)(a) Any occupant of each residential unit that is located
within one thousand feet of the registrant's residential premises, that is located within the county served by the sheriff, and that is not located in a multi-unit building. Division (D)(3) of this section applies regarding notices required under this division.

(b) If the registrant resides in a multi-unit building, any occupant of each residential unit that is located in that multi-unit building and that shares a common hallway with the registrant. For purposes of this division, an occupant's unit shares a common hallway with the registrant if the entrance door into the occupant's unit is located on the same floor and opens into the same hallway as the entrance door to the unit the registrant occupies. Division (D)(3) of this section applies regarding notices required under this division.

(c) The building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within one thousand feet of the registrant's residential premises, including a multi-unit building in which the registrant resides, and that is located within the county served by the sheriff. In addition to notifying the building manager or the person authorized to exercise management and control in the multi-unit building under this division, the sheriff shall post a copy of the notice prominently in each common entryway in the building and any other location in the building the sheriff determines appropriate. The manager or person exercising management and control of the building shall permit the sheriff to post copies of the notice under this division as the sheriff determines appropriate. In lieu of posting copies of the notice as described in this division, a sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact. If the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to
the building. Division (D)(3) of this section applies regarding notices required under this division.

(d) All additional persons who are within any category of neighbors of the registrant that the attorney general by rule adopted under section 3797.08 of the Revised Code requires to be provided the notice and who reside within the county served by the sheriff.

(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;

(3) The superintendent of each board of education of a school district that has schools within the specified geographical notification area and that is located within the county served by the sheriff;

(4) The appointing or hiring officer of each nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A)(3) of this section;

(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff;

(6) The administrator of each child day-care center or type A family day-care child care home that is located within the specified geographical notification area and within the county served by the sheriff, and each holder of a license to operate a
type B family day-care child care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in this division, "child day-care care center," "type A family day-care child care home," and "type B family day-care child care home" have the same meanings as in section 5104.01 of the Revised Code.

(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff and the chief law enforcement officer of any state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code that serves that institution;

(8) The sheriff of each county that includes any portion of the specified geographical notification area;

(9) If the registrant resides within the county served by the sheriff, the chief of police, marshal, or other chief law enforcement officer of the municipal corporation in which the registrant resides or, if the registrant resides in an unincorporated area, the constable or chief of the police department or police district police force of the township in which the registrant resides.

(B) The notice required under division (A) of this section shall include the registrant's name, residence or employment address, as applicable, and a statement that the registrant has been found liable for childhood sexual abuse in a civil action and is listed on the civil registry established by the attorney general pursuant to section 3797.08 of the Revised Code.

(C) If a sheriff with whom a registrant registers under section 3797.02 or 3797.03 of the Revised Code or to whom the
registrant most recently sent a notice of intent to reside under section 3797.03 of the Revised Code is required by division (A) of this section to provide notices regarding a registrant and if the sheriff provides a notice pursuant to that requirement the sheriff provides a notice to a sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided notice under division (A)(8) of this section shall provide the notices described in divisions (A)(1) to (7) and (A)(9) of this section to each person or entity identified within those divisions that is located within the specified geographical notification area and within the county served by the sheriff in question.

(D)(1) A sheriff required by division (A) or (C) of this section to provide notices regarding a registrant shall provide the notice to the neighbors that are described in division (A)(1) of this section and the notices to law enforcement personnel that are described in divisions (A)(8) and (9) of this section as soon as practicable, but not later than five days after the registrant sends the notice of intent to reside to the sheriff, and again not later than five days after the registrant registers with the sheriff or, if the sheriff is required by division (C) to provide the notices, not later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

A sheriff required by division (A) or (C) of this section to provide notices regarding a registrant shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) of this section as soon as practicable, but not later than seven days after the registrant registers with the sheriff, or, if the sheriff is required by division (C) to provide the notices, not later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

(2) If a registrant in relation to whom division (A) of this
section applies verifies the registrant's current residence
address with a sheriff pursuant to section 3797.04 of the Revised
Code, the sheriff may provide a written notice containing the
information set forth in division (B) of this section to the
persons identified in divisions (A)(1) to (9) of this section. If
a sheriff provides a notice pursuant to this division to the
sheriff of one or more other counties in accordance with division
(A)(8) of this section, the sheriff of each of the other counties
who is provided the notice under division (A)(8) of this section
may provide, but is not required to provide, a written notice
containing the information set forth in division (B) of this
section to the persons identified in divisions (A)(1) to (7) and
(A)(9) of this section.

(3) A sheriff may provide notice under division (A)(1)(a) or
(b) of this section, and may provide notice under division
(A)(1)(c) of this section to a building manager or person
authorized to exercise management and control of a building, by
mail, by personal contact, or by leaving the notice at or under
the entry door to a residential unit. For purposes of divisions
(A)(1)(a) and (b) of this section and of the portion of division
(A)(1)(c) of this section relating to the provision of notice to
occupants of a multi-unit building by mail or personal contact,
the provision of one written notice per unit is deemed providing
notice to all occupants of that unit.

(E) All information that a sheriff possesses regarding a
registrant that is described in division (B) of this section and
that must be provided in a notice required under division (A) or
(C) of this section or that may be provided in a notice authorized
under division (D)(2) of this section is a public record that is
open to inspection under section 149.43 of the Revised Code.

(F) A sheriff required by division (A) or (C) of this
section, or authorized by division (D)(2) of this section, to

provide notices regarding a registrant may request the department of job and family services, department of education, or Ohio board of regents higher education, by telephone, in registrant, or by mail, to provide the sheriff with the names, addresses, and telephone numbers of the appropriate persons and entities to whom the notices described in divisions (A)(2) to (7) of this section are to be provided. Upon receipt of a request, the department or board shall provide the requesting sheriff with the names, addresses, and telephone numbers of the appropriate persons and entities to whom those notices are to be provided.

(G)(1) Upon the motion of the registrant or the judge that entered a declaratory judgment pursuant to section 2721.21 of the Revised Code or that judge's successor in office, the judge may schedule a hearing to determine whether the interests of justice would be served by suspending the community notification requirement under this section in relation to the registrant. The judge may dismiss the motion without a hearing but may not issue an order suspending the community notification requirement without a hearing. At the hearing, all parties are entitled to be heard. If, at the conclusion of the hearing, the judge finds that the registrant has proven by clear and convincing evidence that the registrant is unlikely to commit childhood sexual abuse in the future and that suspending the community notification requirement is in the interests of justice, the judge may issue an order suspending the application of this section in relation to the registrant. The order shall contain both of these findings.

The judge promptly shall serve a copy of the order upon the sheriff with whom the registrant most recently registered a residence address and the sheriff with whom the registrant most recently registered an employment address under section 3797.02 of the Revised Code.

An order suspending the community notification requirement
does not suspend or otherwise alter a registrant's duties to 
comply with sections 3797.02, 3797.03, and 3797.04 of the Revised 
Code.

(2) A registrant has the right to appeal an order denying a 
motion made under division (G)(1) of this section.

Sec. 3905.064. As used in sections 3905.064 to 3905.0611 of 
the Revised Code:

(A) "Aggregator site" means a web site that provides access 
to information regarding insurance products from more than one 
insurer, including product and insurer information, for use in 
comparison shopping.

(B) "Blanket travel insurance" means a policy of travel 
insurance issued to any eligible group providing coverage for 
specific classes of persons defined in the policy with coverage 
provided to all members of the eligible group without a separate 
charge to individual members of the eligible group.

(C) "Cancellation fee waiver" means a contractual agreement 
between a supplier of travel services and its customer to waive 
some or all of the nonrefundable cancellation fee provisions of 
the supplier's underlying travel contract, with or without regard 
to the reason for the cancellation or form of reimbursement.

(D) "Eligible group" means, solely for the purposes of travel 
insurance, two or more persons who are engaged in a common 
enterprise, or have an economic, educational, or social affinity 
or relationship. "Eligible group" includes any of the following:

(1) Any entity engaged in the business of providing travel or 
travel services, including all of the following:

(a) Tour operators;

(b) Lodging providers;
(c) Vacation property owners;

(d) Hotels and resorts;

(e) Travel clubs;

(f) Travel agencies;

(g) Property managers;

(h) Cultural exchange programs;

(i) Common carriers or the operator, owner, or lessor of a means of transportation of passengers, including airlines, cruise lines, railroads, steamship companies, and public bus carriers, that, with regard to any particular travel or type of travel or travelers, subjects all members or customers of the group to a common exposure to risk attendant to such travel;

(2) Any college, school, or other institution of learning, obtaining travel insurance covering students, teachers, employees, or volunteers;

(3) Any employer obtaining travel insurance coverage for any group of employees, volunteers, contractors, board of directors, dependents, or guests;

(4) Any sports team, camp, or sponsor thereof, obtaining travel insurance coverage for participants, members, campers, employees, officials, supervisors, or volunteers;

(5) Any religious, charitable, recreational, educational, or civic organization, or branch thereof, obtaining travel insurance coverage for any group of members, participants, or volunteers;

(6) Any financial institution or financial institution vendor, or parent holding company, trustee, or agent of, or designated by, one or more financial institutions or financial institution vendors, including account holders, credit card holders, debtors, guarantors, or purchasers;
(7) Any incorporated or unincorporated association, including labor unions, that have a common interest, constitution, and bylaws, and that are organized and maintained in good faith for purposes other than obtaining insurance for members or participants of such association covering its members;

(8) Any trust or the trustees of a fund established, created, or maintained for the benefit of and covering members, employees, or customers of one or more associations meeting the requirements of division (D)(7) of this section, subject to the superintendent's permitting the use of a trust and the state's premium tax provisions in section 3905.068 of the Revised Code;

(9) Any entertainment production company obtaining travel insurance coverage for any group of participants, volunteers, audience members, contestants, or workers;

(10) Any volunteer fire department, ambulance, rescue, police, or court, or any first aid, civil defense, or other such volunteer group;

(11) Preschools, child care centers, adult day-care institutions for children or adults, and senior citizen clubs;

(12) Any automobile or truck rental or leasing company obtaining travel insurance coverage for a group of individuals who may become renters, lessees, or passengers, defined by their travel status, on the rented or leased vehicles;

(13) Any other group whose members the superintendent has determined are engaged in a common enterprise, or that have an economic, educational, or social affinity or relationship, if the superintendent also determines that issuance of the travel insurance policy would not be contrary to the public interest.

(E) "Fulfillment materials" means documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan's coverage and assistance.
details.

(F) "Group travel insurance" means travel insurance issued to any eligible group.

(G) "Limited lines travel insurance agent" means an individual or business entity licensed to sell, solicit, or negotiate travel insurance under section 3905.065 of the Revised Code. "Limited lines travel insurance agent" includes a licensed insurance agent and a travel administrator.

(H) "Offer and sell" means providing general information, including a description of the coverage and price, as well as processing the application and collecting premiums.

(I) "Primary certificate holder" means an individual person who elects and purchases travel insurance under a group policy.

(J) "Primary policyholder" means an individual person who elects and purchases individual travel insurance.

(K) "Travel administrator" means a person who directly or indirectly underwrites, collects charges, collateral, or premiums from, or adjusts or settles claims on residents of this state, in connection with travel insurance. The following persons shall not be considered a travel administrator if they engage in no other activities that would cause them to be considered a travel administrator:

(1) A person working for a travel administrator to the extent that the person's activities are subject to the supervision and control of the travel administrator;

(2) An insurance agent selling insurance or engaged in administrative and claims-related activities within the scope of the agent's license;

(3) A travel retailer offering and selling travel insurance and registered under the license of a limited-lines travel
insurance agent in accordance with sections 3905.065 and 3905.066 of the Revised Code;

(4) An individual adjusting or settling claims in the normal course of that individual's practice or employment as an attorney at law and who does not collect charges or premiums in connection with insurance coverage;

(5) A business entity affiliated with a licensed insurer while that insurer is acting as a travel administrator for the direct and assumed insurance business of a separate affiliated insurer.

(L) "Travel assistance services" means noninsurance services for which the consumer is not indemnified based on a fortuitous event, and where providing the service does not result in transfer or shifting of risk that would constitute the business of insurance. "Travel assistance services" include all of the following:

(1) Security advisories;
(2) Destination information;
(3) Vaccination and immunization information services;
(4) Travel reservation services;
(5) Entertainment;
(6) Activity and event planning;
(7) Translation assistance;
(8) Emergency messaging;
(9) International legal and medical referrals;
(10) Medical case monitoring;
(11) Coordination of transportation arrangements;
(12) Emergency cash transfer assistance;
(13) Medical prescription replacement assistance; 132886
(14) Passport and travel document replacement assistance; 132887
(15) Lost luggage assistance; 132888
(16) Concierge services; 132889
(17) Any other service that is furnished in connection with planned travel. 132890

(M)(1) "Travel insurance" means insurance coverage for personal risks incident to planned travel, including all of the following:

(a) Interruption or cancellation of a trip or event; 132895
(b) Loss of baggage or personal effects; 132896
(c) Damages to accommodations or rental vehicles; 132897
(d) Sickness, accident, disability, or death occurring during travel;
(e) Emergency evacuation;
(f) Repatriation of remains;
(g) Any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the superintendent of insurance.

(2) "Travel insurance" does not include any of the following:
(a) Major medical plans that provide comprehensive medical protection for a traveler with a trip lasting six months or longer, including a plan covering a person working overseas as an expatriate or in a deployed military unit;
(b) Any other product that requires a specific insurance agent license;
(c) Travel assistance services;
(d) Cancellation fee waivers.
(N) "Travel insurer" means an insurer, as defined in section 3901.32 of the Revised Code, that provides travel insurance.

(O) "Travel protection plan" means a plan that provides one or more of the following: travel insurance, travel assistance services, and cancellation fee waivers.

(P) "Travel retailer" means a business entity that makes, arranges, or offers travel services, and that may offer or sell travel insurance as a service to its customers on behalf of, and under the direction of, a limited lines travel insurance agent in conjunction with the making, arranging, or offering of travel services.

Sec. 4510.021. (A) Unless expressly prohibited by section 2919.22, section 4510.13, or any other section of the Revised Code, a court may grant limited driving privileges for any purpose described in division (A) of this section during any suspension imposed by the court. In granting the privileges, the court shall specify the purposes, times, and places of the privileges and may impose any other reasonable conditions on the person's driving of a motor vehicle. The privileges shall be for any of the following limited purposes:

(1) Occupational, educational, vocational, or medical purposes;

(2) Taking the driver's or commercial driver's license examination;

(3) Attending court-ordered treatment;

(4) Attending any court proceeding related to the offense for which the offender's suspension was imposed;

(5) Transporting a minor to a child care provider, day care, child care, preschool, school, or to any other location for purposes of receiving child care;
(6) Any other purpose the court determines to be appropriate.

(B) Unless expressly authorized by a section of the Revised Code, a court may not grant limited driving privileges during any suspension imposed by the bureau of motor vehicles. To obtain limited driving privileges during a suspension imposed by the bureau, the person under suspension may file a petition in a court of record in the county in which the person resides. A person who is not a resident of this state shall file any petition for privileges either in the Franklin county municipal court or in the municipal or county court located in the county where the offense occurred. If the person who is not a resident of this state is a minor, the person may file the petition either in the Franklin county juvenile court or in the juvenile court with jurisdiction over the offense. If a court grants limited driving privileges as described in this division, the privileges shall be for any of the limited purposes identified in division (A) of this section.

(C) When the use of an immobilizing or disabling device is not otherwise required by law, the court, as a condition of granting limited driving privileges, may require that the person's vehicle be equipped with an immobilizing or disabling device, except as provided in division (C) of section 4510.43 of the Revised Code. When the use of restricted license plates issued under section 4503.231 of the Revised Code is not otherwise required by law, the court, as a condition of granting limited driving privileges, may require that the person's vehicle be equipped with restricted license plates of that nature, except as provided in division (B) of that section.

(D) When the court grants limited driving privileges under section 4510.31 of the Revised Code or any other provision of law during the suspension of the temporary instruction permit or probationary driver's license of a person who is under eighteen years of age, the court may include as a purpose of the privilege
the person's practicing of driving with the person's parent, guardi

If the court grants limited driving privileges for this purpose, the court, in addition to all other conditions it imposes, shall impose as a condition that the person exercise the privilege only when a parent, guardian, or custodian of the person who holds a current valid driver's or commercial driver's license issued by this state actually occupies the seat beside the person in the vehicle the person is operating.

(E) Before granting limited driving privileges under this section, the court shall require the offender to provide proof of financial responsibility pursuant to section 4509.45 of the Revised Code.

**Sec. 4511.01.** As used in this chapter and in Chapter 4513. of
the Revised Code:

(A) "Vehicle" means every device, including a motorized bicycle and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device as defined in section 4511.513 of the Revised Code, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.

(B) "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation,
hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

(C) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed motorcycle," or "motorcycle" without regard to weight or brake horsepower.

(D) "Emergency vehicle" means emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the director of public safety, or local authorities, and motor vehicles when commandeered by a police officer.

(E) "Public safety vehicle" means any of the following:

1. Ambulances, including private ambulance companies under contract to a municipal corporation, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under section 4503.49 of the Revised Code;

2. Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;

3. Any motor vehicle when properly identified as required by the director of public safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire
department, and who is on duty pursuant to the rules or directives of that service. The state fire marshal shall be designated by the director of public safety as the certifying agency for all public safety vehicles described in division (E)(3) of this section.

(4) Vehicles used by fire departments, including motor vehicles when used by volunteer fire fighters responding to emergency calls in the fire department service when identified as required by the director of public safety.

Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital.

(5) Vehicles used by the motor carrier enforcement unit for the enforcement of orders and rules of the public utilities commission as specified in section 5503.34 of the Revised Code.

(F) "School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function, provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, nor a common passenger carrier certified by the public utilities commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and "school bus" does not include a van or bus used by a licensed...
child day-care care center or type A family day-care child care home to transport children from the child day-care care center or type A family day-care child care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time.

(G) "Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than fourteen inches in diameter.

(H) "Motorized bicycle" or "moped" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled, and that is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces not more than one brake horsepower and is capable of propelling the vehicle at a speed of not greater than twenty miles per hour on a level surface. "Motorized bicycle" or "moped" does not include an electric bicycle.

(I) "Commercial tractor" means every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or load thereon, or both.

(J) "Agricultural tractor" means every self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes.

(K) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property.

(L) "Bus" means every motor vehicle designed for carrying
more than nine passengers and used for the transportation of persons other than in a ridesharing arrangement, and every motor vehicle, automobile for hire, or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation.

(M) "Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a "semitrailer" and a vehicle of the dolly type, such as that commonly known as a "trailer dolly," a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than twenty-five miles per hour, and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour.

(N) "Semitrailer" means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

(O) "Pole trailer" means every trailer or semitrailer attached to the towing vehicle by means of a reach, pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(P) "Railroad" means a carrier of persons or property operating upon rails placed principally on a private right-of-way.

(Q) "Railroad train" means a steam engine or an electric or...
other motor, with or without cars coupled thereto, operated by a railroad.

(R) "Streetcar" means a car, other than a railroad train, for transporting persons or property, operated upon rails principally within a street or highway.

(S) "Trackless trolley" means every car that collects its power from overhead electric trolley wires and that is not operated upon rails or tracks.

(T) "Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature, or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb, or property by fire, by friction, by concussion, by percussion, or by a detonator, such as fixed ammunition for small arms, firecrackers, or safety fuse matches.

(U) "Flammable liquid" means any liquid that has a flash point of seventy degrees fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.

(V) "Gross weight" means the weight of a vehicle plus the weight of any load thereon.

(W) "Person" means every natural person, firm, co-partnership, association, or corporation.
(X) "Pedestrian" means any natural person afoot. "Pedestrian" includes a personal delivery device as defined in section 4511.513 of the Revised Code unless the context clearly suggests otherwise.

(Y) "Driver or operator" means every person who drives or is in actual physical control of a vehicle, trackless trolley, or streetcar.

(Z) "Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

(AA) "Local authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state.

(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.

(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

(EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways the term "roadway" means any such roadway separately but not all such roadways collectively.
"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

"Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

"Through highway" means every street or highway as provided in section 4511.65 of the Revised Code.

"State highway" means a highway under the jurisdiction of the department of transportation, outside the limits of municipal corporations, provided that the authority conferred upon the director of transportation in section 5511.01 of the Revised Code to erect state highway route markers and signs directing traffic shall not be modified by sections 4511.01 to 4511.79 and 4511.99 of the Revised Code.

"State route" means every highway that is designated with an official state route number and so marked.

"Intersection" means:

1. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.

2. If a highway includes two roadways that are thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways
thirty feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.

(3) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in division (KK)(2) of this section:

(a) If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.

(b) Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.

(c) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

(LL) "Crosswalk" means:

(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(3) Notwithstanding divisions (LL)(1) and (2) of this section, there shall not be a crosswalk where local authorities have placed signs indicating no crossing.

(MM) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be
plainly visible at all times.

(NN) "Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections within municipal corporations where fifty per cent or more of the frontage between such successive intersections is occupied by buildings in use for business, or within or outside municipal corporations where fifty per cent or more of the frontage for a distance of three hundred feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices.

(OO) "Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business.

(PP) "Urban district" means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices.

(QQ) "Traffic control device" means a flagger, sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

(RR) "Traffic control signal" means any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.
(SS) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(TT) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, trackless trolleys, and other devices, either singly or together, while using for purposes of travel any highway or private road open to public travel.

(UU) "Right-of-way" means either of the following, as the context requires:

(1) The right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property, or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

(VV) "Rural mail delivery vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

(WW) "Funeral escort vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

(XX) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley"
by the legislative authority of the municipal corporation in which such street or highway is located.

(YY) "Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.

(ZZ) "Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty per cent of all crossroads separated in grade.

(AAA) "Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

(BBB) "Stop intersection" means any intersection at one or more entrances of which stop signs are erected.

(CCC) "Arterial street" means any United States or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

(DDD) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

(EEE) "Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a person with a disability and that is incapable of a speed in excess of eight miles per hour.

(FFF) "Child day-care care center" and "type A family day-care child care home" have the same meanings as in section 5104.01 of the Revised Code.

(GGG) "Multi-wheel agricultural tractor" means a type of agricultural tractor that has two or more wheels or tires on each
side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes.

(III) "Predicate motor vehicle or traffic offense" means any of the following:

(1) A violation of section 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code;

(2) A violation of division (A)(2) of section 4511.17, divisions (A) to (D) of section 4511.51, or division (A) of section 4511.74 of the Revised Code;

(3) A violation of any provision of sections 4511.01 to 4511.76 of the Revised Code for which no penalty otherwise is provided in the section that contains the provision violated;

(4) A violation of section 4511.214 of the Revised Code;

(5) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in division (III)(1), (2), (3), or (4) of this section.
(Jjj) "Road service vehicle" means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights.

(Kkk) "Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode.

(LLL) "Hybrid beacon" means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications.

(Mmm) "Highway traffic signal" means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp.

(Nnn) "Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection.

(Ooo) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing.
(PPP) "Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use.

(QQQ) "Highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striping, road sweeping, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.

(RRR) "Waste collection vehicle" means a vehicle used in the collection of garbage, refuse, trash, or recyclable materials.

(SSS) "Electric bicycle" means a "class 1 electric bicycle," a "class 2 electric bicycle," or a "class 3 electric bicycle" as defined in this section.

(TTT) "Class 1 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour.

(UUU) "Class 2 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of twenty
miles per hour.

(VVV) "Class 3 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour.

(WWW) "Low-speed micromobility device" means a device weighing less than one hundred pounds that has handlebars, is propelled by an electric motor or human power, and has an attainable speed on a paved level surface of not more than twenty miles per hour when propelled by the electric motor.

Sec. 4511.81. (A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

(1) A child who is less than four years of age;

(2) A child who weighs less than forty pounds.

(B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased, or otherwise under the control of a nursery school or day-care child care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:
standards:

(1) A child who is less than four years of age;

(2) A child who weighs less than forty pounds.

(C) When any child who is less than eight years of age and
less than four feet nine inches in height, who is not required by
division (A) or (B) of this section to be secured in a child
restraint system, is being transported in a motor vehicle, other
than a taxicab or public safety vehicle as defined in section
4511.01 of the Revised Code or a vehicle that is regulated under
section 5104.015 of the Revised Code, that is required by the
United States department of transportation to be equipped with
seat belts at the time of manufacture or assembly, the operator of
the motor vehicle shall have the child properly secured in
accordance with the manufacturer's instructions on a booster seat
that meets federal motor vehicle safety standards.

(D) When any child who is at least eight years of age but not
older than fifteen years of age, and who is not otherwise required
by division (A), (B), or (C) of this section to be secured in a
child restraint system or booster seat, is being transported in a
motor vehicle, other than a taxicab or public safety vehicle as
defined in section 4511.01 of the Revised Code, that is required
by the United States department of transportation to be equipped
with seat belts at the time of manufacture or assembly, the
operator of the motor vehicle shall have the child properly
restrained either in accordance with the manufacturer's
instructions in a child restraint system that meets federal motor
vehicle safety standards or in an occupant restraining device as
defined in section 4513.263 of the Revised Code.

(E) Notwithstanding any provision of law to the contrary, no
law enforcement officer shall cause an operator of a motor vehicle
being operated on any street or highway to stop the motor vehicle
for the sole purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of division (C) or (D) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (C) or (D) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed.

(F) The director of public safety shall adopt such rules as are necessary to carry out this section.

(G) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat, or an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(H) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this state under Chapter 4731. of the Revised Code or a chiropractor licensed to practice in this state under Chapter
4734. of the Revised Code that states that the child who otherwise
would be required to be restrained under this section has a
physical impairment that makes use of a child restraint system,
booster seat, or an occupant restraining device impossible or
impractical, provided that the person operating the vehicle has
safely and appropriately restrained the child in accordance with
any recommendations of the physician or chiropractor as noted on
the affidavit.

(I) There is hereby created in the state treasury the child
highway safety fund, consisting of fines imposed pursuant to
division (K)(1)(L)(1) of this section for violations of divisions
(A), (B), (C), and (D) of this section. The money in the fund
shall be used by the department of health only to defray the cost
of designating hospitals as pediatric trauma centers under section
3727.081 of the Revised Code and to establish and administer a
child highway safety program. The purpose of the program shall be
to educate the public about child restraint systems and booster
seats and the importance of their proper use. The program also
shall include a process for providing child restraint systems and
booster seats to persons who meet the eligibility criteria
established by the department, and a toll-free telephone number
the public may utilize to obtain information about child restraint
systems and booster seats, and their proper use.

(J) The director of health, in accordance with Chapter 119.
of the Revised Code, shall adopt any rules necessary to carry out
this section, including rules establishing the criteria a person
must meet in order to receive a child restraint system or booster
seat under the department's child highway safety program; provided
that rules relating to the verification of pediatric trauma
centers shall not be adopted under this section.

(K) Nothing in this section shall be construed to require any
person to carry with the person the birth certificate of a child
to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation, or summons issued for violating this section.

(L)(1) Whoever violates division (A), (B), (C), or (D) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

(a) Except as otherwise provided in division (L)(1)(b) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars nor more than seventy-five dollars.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), (C), or (D) of this section or of a municipal ordinance that is substantially similar to any of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(2) All fines imposed pursuant to division (L)(1) of this section shall be forwarded to the treasurer of state for deposit in the child highway safety fund created by division (I) of this section.

Sec. 4513.182. (A) No person shall operate any motor vehicle owned, leased, or hired by a nursery school, kindergarten, or day-care child care center, while transporting preschool children to or from such an institution unless the motor vehicle is equipped with and displaying two amber flashing lights mounted on a bar attached to the top of the vehicle, and a sign bearing the designation "caution--children," which shall be attached to the
bar carrying the amber flashing lights in such a manner as to be legible to persons both in front of and behind the vehicle. The lights and sign shall meet standards and specifications adopted by the director of public safety. The director, subject to Chapter 119. of the Revised Code, shall adopt standards and specifications for the lights and sign, which shall include, but are not limited to, requirements for the color and size of lettering to be used on the sign, the type of material to be used for the sign, and the method of mounting the lights and sign so that they can be removed from a motor vehicle being used for purposes other than those specified in this section.

(B) No person shall operate a motor vehicle displaying the lights and sign required by this section for any purpose other than the transportation of preschool children as provided in this section.

(C) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code.

Sec. 4715.36. As used in this section and sections 4715.361 to 4715.374 of the Revised Code:

(A) "Accredited dental hygiene school" means a dental hygiene school accredited by the American dental association commission on dental accreditation or a dental hygiene school whose educational standards are recognized by the American dental association commission on dental accreditation and approved by the state dental board.

(B) "Authorizing dentist" means a dentist who authorizes a dental hygienist to perform dental hygiene services under section 4715.365 of the Revised Code.

(C) "Clinical evaluation" means a diagnosis and treatment plan formulated for an individual patient by a dentist.
(D) "Dentist" means an individual licensed under this chapter to practice dentistry.

(E) "Dental hygienist" means an individual licensed under this chapter to practice as a dental hygienist.

(F) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to dental hygienists, except for procedures while a patient is anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, and the procedures specified in rules adopted by the board as described in division (C)(3) of section 4715.22 of the Revised Code.

(G) "Facility" means any of the following:

(1) A health care facility, as defined in section 4715.22 of the Revised Code;

(2) A state correctional institution, as defined in section 2967.01 of the Revised Code;

(3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child care center;

(4) A residential facility licensed under section 5123.19 of the Revised Code;

(5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;

(6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;
(7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;

(8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code;

(9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;

(10) A foster home, as defined in section 5103.02 of the Revised Code;

(11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;

(12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section 3740.11 of the Revised Code;

(13) A dispensary;

(14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;

(15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;

(16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;

(17) A women, infants, and children clinic;

(18) A mobile dental facility, as defined in section 4715.70 of the Revised Code, located at any location listed in divisions (G)(1) to (17) of this section;

(19) Any other location, as specified by the state dental
board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.

Sec. 5101.29. When contained in a record held by the department of job and family services or a county agency, the following are not public records for purposes of section 149.43 of the Revised Code:

(A) Names and other identifying information regarding children enrolled in or attending a child day-care care center or home subject to licensure or registration under Chapter 5104. of the Revised Code;

(B) Names and other identifying information regarding children placed with an institution or association certified under section 5103.03 of the Revised Code;

(C) Names and other identifying information regarding a person who makes an oral or written complaint regarding an institution, association, child day-care care center, or home subject to licensure or registration to the department or other state or county entity responsible for enforcing Chapter 5103. or 5104. of the Revised Code;

(D)(1) Except as otherwise provided in division (D)(2) of this section, names, documentation, and other identifying information regarding a foster caregiver or a prospective foster caregiver, including the foster caregiver application for certification under section 5103.03 of the Revised Code and the home study conducted pursuant to section 5103.0324 of the Revised Code.
(2) Notwithstanding division (D)(1) of this section, the following are public records for the purposes of section 149.43 of the Revised Code, when contained in a record held by the department of job and family services, a county agency, or other governmental entity:

   (a) All of the following information regarding a currently certified foster caregiver who has had a foster care certificate revoked pursuant to Chapter 5103. of the Revised Code or, after receiving a current or current renewed certificate has been convicted of, pleaded guilty to, or indicted or otherwise charged with any offense described in division (C)(1) of section 2151.86 of the Revised Code:

      (i) The foster caregiver's name, date of birth, and county of residence;

      (ii) The date of the foster caregiver's certification;

      (iii) The date of each placement of a foster child into the foster caregiver's home;

      (iv) If applicable, the date of the removal of a foster child from the foster caregiver's home and the reason for the foster child's removal unless release of such information would be detrimental to the foster child or other children residing in the foster caregiver's home;

      (v) If applicable, the date of the foster care certificate revocation and all documents related to the revocation unless otherwise not a public record pursuant to section 149.43 of the Revised Code.

   (b) Nonidentifying foster care statistics including, but not limited to, the number of foster caregivers and foster care certificate revocations.

Sec. 5103.03. (A) The director of job and family services
shall adopt rules as necessary for the adequate and competent 
management and certification of institutions or associations. The 
director shall ensure that foster care home study rules adopted 
under this section align any home study content, time period, and 
process with any home study content, time period, and process 
required by rules adopted under section 3107.033 of the Revised 
Code.

(B)(1) Except for facilities under the control of the 
department of youth services, places of detention for children 
established and maintained pursuant to sections 2152.41 to 2152.44 
of the Revised Code, and child day-care centers subject to 
Chapter 5104. of the Revised Code, the department of job and 
family services shall pass upon the fitness of every institution 
and association that receives, or desires to receive and care for 
children, or places children in private homes, at a frequency 
established by rules adopted under division (A) of this section.

(2) When the department of job and family services is 
satisfied as to the care given such children, and that the 
requirements of the statutes and rules covering the management of 
such institutions and associations are being complied with, it 
shall issue to the institution or association a certificate to 
that effect. A certificate is valid for a length of time 
determined by rules adopted under division (A) of this section. 
When determining whether an institution or association meets a 
particular requirement for certification, the department may 
consider the institution or association to have met the 
requirement if the institution or association shows to the 
department's satisfaction that it has met a comparable requirement 
to be accredited by a nationally recognized accreditation 
organization.

(3) The department may issue a temporary certificate valid
for less than one year authorizing an institution or association
to operate until minimum requirements have been met.

(4) An institution or association that knowingly makes a
false statement that is included as a part of certification under
this section is guilty of the offense of falsification under
section 2921.13 of the Revised Code and the department shall not
certify that institution or association.

(5) The department shall not issue a certificate to a
prospective foster home or prospective specialized foster home
pursuant to this section if the prospective foster home or
prospective specialized foster home operates as a type A family
day-care child care home pursuant to Chapter 5104. of the Revised
Code. The department shall not issue a certificate to a
prospective specialized foster home if the prospective specialized
foster home operates a type B family day-care child care home
pursuant to Chapter 5104. of the Revised Code.

(C) The department may revoke a certificate if it finds that
the institution or association is in violation of law or rule. No
juvenile court shall commit a child to an association or
institution that is required to be certified under this section if
its certificate has been revoked or, if after revocation, the date
of reissue is less than fifteen months prior to the proposed
commitment.

(D) On a frequency specified by the department by rules
adopted under division (A) of this section, each institution or
association desiring certification or recertification shall submit
to the department a report showing its condition, management,
competency to care adequately for the children who have been or
may be committed to it or to whom it provides care or services,
the system of visitation it employs for children placed in private
homes, and other information the department requires.
(E) The department shall, not less than once each year, send a list of certified institutions and associations to each juvenile court and certified association or institution.

(F) No person shall receive children or receive or solicit money on behalf of such an institution or association not so certified or whose certificate has been revoked.

(G)(1) The director may delegate by rule any duties imposed on it by this section to inspect and approve family foster homes and specialized foster homes to public children services agencies, private child placing agencies, or private noncustodial agencies.

(2) The director shall adopt rules that require a foster caregiver or other individual certified to operate a foster home under this section to notify the recommending agency that the foster caregiver or other individual is licensed to operate a type B family day-care child care home under Chapter 5104. of the Revised Code.

(H) If the director of job and family services determines that an institution or association that cares for children is operating without a certificate, the director may petition the court of common pleas in the county in which the institution or association is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the institution or association is operating without a certificate.

(I) If both of the following are the case, the director of job and family services may petition the court of common pleas of any county in which an institution or association that holds a certificate under this section operates for an order, and the court may issue an order, preventing the institution or association from receiving additional children into its care or an order removing children from its care:

(1) The department has evidence that the life, health, or
safety of one or more children in the care of the institution or association is at imminent risk.

(2) The department has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or revoke the certificate of the institution or association.

Sec. 5104.01. As used in this chapter:

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.

(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following:

(1) Communicate on the owner's behalf;

(2) Submit on the owner's behalf applications for licensure or approval;

(3) Enter into on the owner's behalf provider agreements for publicly funded child care.

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act.

(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child care staff member or administrator that does both of the following:

(1) Uses a framework approved by the director of job and family services to document formal education, training,
experience, and specialized credentials and certifications;

(2) Allows the child care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.

(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the Revised Code.

(H) "Child" includes an infant, toddler, preschool-age child, or school-age child.


(J) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than twelve hours per day and no more than fifteen weeks during the summer. For purposes of this division, the maximum twelve hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.

(K) "Child care" means all of the following:

(1) Administering to the needs of infants, toddlers,
preschool-age children, and school-age children outside of school
hours;

(2) By persons other than their parents, guardians, or
custodians;

(3) For part of the twenty-four-hour day;

(4) In a place other than a child's own home, except that an
in-home aide provides child care in the child's own home;

(5) By a provider required by this chapter to be licensed or
approved by the department of job and family services, certified
by a county department of job and family services, or under
contract with the department to provide publicly funded child care
as described in section 5104.32 of the Revised Code.

(L) "Child day-care care center" and "center" mean any place
that is not the permanent residence of the licensee or
administrator in which child care or publicly funded child care is
provided for seven or more children at one time. "Child day-care
care center" and "center" do not include any of the following:

(1) A place located in and operated by a hospital, as defined
in section 3727.01 of the Revised Code, in which the needs of
children are administered to, if all the children whose needs are
being administered to are monitored under the on-site supervision
of a physician licensed under Chapter 4731. of the Revised Code or
a registered nurse licensed under Chapter 4723. of the Revised
Code, and the services are provided only for children who, in the
opinion of the child's parent, guardian, or custodian, are
exhibiting symptoms of a communicable disease or other illness or
are injured;

(2) A child day camp;

(3) A place that provides care, if all of the following
apply:
(a) An organized religious body provides the care;

(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;

(c) The care is not provided for more than thirty days a year;

(d) The care is provided only for preschool-age and school-age children.

(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.

(N) "Child care resource and referral services" means all of the following services:

(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;

(2) Provision of individualized consumer education to families seeking child care;

(3) Provision of timely referrals of available child care providers to families seeking child care;

(4) Recruitment of child care providers;

(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;

(6) Collection and analysis of data on the supply of and demand for child care in the community;

(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education.
programs;

(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;

(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;

(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;

(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care child care homes.

(O) "Child-care staff member" means an employee of a child day-care center, type A family day-care child care home, licensed type B family day-care child care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care staff member when not involved in other duties.

(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care child care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.

(Q) "Employee" means a person who either:

(1) Receives compensation for duties performed in a child day-care center, type A family day-care child care home, licensed type B family day-care child care home, or approved child
day camp;

(2) Is assigned specific working hours or duties in a child day-care center, type A family day-care child care home, licensed type B family day-care child care home, or approved child day camp.

(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center, type A family day-care child care home, licensed type B family day-care child care home, or approved child day camp subject to licensure or approval under this chapter.

(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(T) "Head start program" means a school-readiness program that satisfies all of the following:

(1) Is for children from birth to age five who are from low-income families;

(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;

(3) Is licensed as a child care program.

(U) "Homeless child care" means child care provided to a child who satisfies any of the following:

(1) Is homeless as defined in 42 U.S.C. 11302;

(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;

(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined
by a county department of job and family services to be homeless.  

(V) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

(W) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child care center's, type A family child care home's, or licensed type B family child care home's compliance with licensing requirements.

(X) "Infant" means a child who is less than eighteen months of age.

(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child care centers, type A family child care homes, and licensed type B family child care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.

(AA) "License capacity" means the maximum number in each age category of children who may be cared for in a child care center, type A family child care home, or licensed type B family child care home at one time as determined by the
director of job and family services considering building occupancy
limits established by the department of commerce, amount of
available indoor floor space and outdoor play space, and amount of
available play equipment, materials, and supplies.

(BB) "Licensed child care program" means any of the
following:

(1) A child day-care center licensed by the department
of job and family services pursuant to this chapter;

(2) A type A family day-care child care home or type B family
day-care child care home licensed by the department of job and
family services pursuant to this chapter;

(3) A licensed preschool program or licensed school child
program.

(CC) "Licensed preschool program" or "licensed school child
program" means a preschool program or school child program, as
defined in section 3301.52 of the Revised Code, that is licensed
by the department of education pursuant to sections 3301.52 to
3301.59 of the Revised Code.

(DD) "Licensed type B family day-care child care home" and
"licensed type B home" mean a type B family day-care child care
home for which there is a valid license issued by the director of
job and family services pursuant to section 5104.03 of the Revised
Code.

(EE) "Licensee" means the owner of a child day-care care
center, type A family day-care child care home, or type B family
day-care child care home that is licensed pursuant to this chapter
and who is responsible for ensuring compliance with this chapter
and rules adopted pursuant to this chapter.

(FF) "Operate a child day camp" means to operate, establish,
manage, conduct, or maintain a child day camp.
(GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.

(HH) "Parent cooperative child day-care care center," "parent cooperative center," "parent cooperative type A family day-care child care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation.

(II) "Part-time child day-care care center," "part-time center," "part-time type A family day-care child care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for not more than four hours a day for any child or not more than fifteen consecutive weeks per year, regardless of the number of hours per day.

(JJ) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

(KK) "Preschool-age child" means a child who is three years old or older but is not a school-age child.

(LL) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom all of the following apply:

(1) A case plan has been prepared and maintained for the
child pursuant to section 2151.412 of the Revised Code.

(2) The case plan indicates a need for protective care.

(3) The child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code.

(MM) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of job and family services.

(NN) "Religious activities" means any of the following: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted during or prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or programs; meals; festivals; or meetings conducted by an organized religious group.

(OO) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.

(PP) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.

(QQ) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate
expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.


(TT) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

(UU) "Type A family day-care child care home" and "type A home" mean the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care child care home" and "type A home" do not include any child day camp.

(VV) "Type B family day-care child care home" and "type B home" mean a permanent residence of the provider in which care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B
family day-care child care home" and "type B home" do not include any child day camp.

Sec. 5104.013. (A) As used in this section:

(1) "Applicant" means either of the following:

(a) A person who is under final consideration for appointment to or employment in a position with a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care care center, type A family day-care child care home, licensed type B family day-care child care home, or child day camp;

(b) A person who would serve in any position with a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care care center, type A family day-care child care home, licensed type B family day-care child care home, or child day camp pursuant to a contract with another entity.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(B)(1) At the times specified in division (B)(2)(a) of this section, the director of job and family services shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check for each of the following persons:

(a) Any owner or licensee of a child day-care care center;

(b) Any owner or licensee of a type A family day-care child care home or licensed type B family day-care child care home and any person eighteen years of age or older who resides in the home;

(c) Any owner of an approved child day camp;

(d) Any director of a licensed preschool program or licensed
school child program that provides publicly funded child care;

(e) Any in-home aide;

(f) Any applicant or employee, including an administrator, of a child care center, type A family child care home, licensed type B family child care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.

(2)(a) The director shall request a criminal records check at the following times:

(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family child care home or licensed type B family child care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter;

(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;

(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter;

(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;

(v) Except as provided in division (B)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter;

(vi) In the case of an applicant who has been determined eligible for employment after a review of a criminal records check within the past five years and who has been employed by a licensed
preschool program or licensed school child program that provides  
publicly funded child care, child day-care center, type A  
family day-care child care home, licensed type B family day-care  
child care home, or approved child day camp within the past one  
hundred eighty consecutive days, every five years after the date  
of the initial determination.

(b) A criminal records check requested at the time of initial  
application shall include a request that the superintendent of the  
bureau of criminal identification and investigation obtain  
information from the federal bureau of investigation as part of  
the criminal records check for the person, including  
fingerprint-based checks of national crime information databases  
as described in 42 U.S.C. 671 for the person subject to the  
criminal records check.

(c) A criminal records check requested at any time other than  
the time of initial application may include a request that the  
superintendent of the bureau of criminal identification and  
investigation obtain information from the federal bureau of  
investigation as part of the criminal records check for the  
person, including fingerprint-based checks of national crime  
information databases as described in 42 U.S.C. 671 for the person  
subject to the criminal records check.

(3) With respect to a criminal records check requested for a  
person described in division (B)(1) of this section, the director  
of job and family services shall do all of the following:

   (a) Provide to the person a copy of the form prescribed  
pursuant to division (C)(1) of section 109.572 of the Revised Code  
and a standard impression sheet to obtain fingerprint impressions  
prescribed pursuant to division (C)(2) of that section;

   (b) Obtain the completed form and impression sheet from the  
person;
(c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation;

(d) Review the results of the criminal records check.

(4) A person who receives from the director a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director or a county director of job and family services may consider the failure a reason to deny licensure, approval, or certification or to determine an employee ineligible for employment.

(5) Except as provided in rules adopted under division (F) of this section:

(a) The director of job and family services shall refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program, and shall revoke a license or approval, and a county director of job and family services shall not certify an in-home aide and shall revoke a certification, if a person for whom a criminal records check was required under division (B)(1)(a) to (B)(1)(e) of this section has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.

(b) The director of job and family services shall not issue a license to a type A home or type B home if a resident of the type A home or type B home is under eighteen years of age and has been
adjudicated a delinquent child for committing either a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code or an offense of another state or the United States that is substantially equivalent to an offense listed in division (A)(5) of section 109.572 of the Revised Code.

(c) The director shall determine an applicant or employee ineligible for employment if the person has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.

(6) Each child care center, type A home, type B home, approved child day camp, licensed child care program, licensed school child program, and in-home aide shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (B) of this section.

A center, home, camp, preschool program, or school child program may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount the center, home, camp, or program pays under this section. If a fee is charged, the center, home, camp, or program shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the center, home, camp, or program will not consider the applicant for employment.

(7) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (B) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code.
Code. The report shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the criminal records check.

(C)(1) At the times specified in division (C)(2) of this section, the director of job and family services shall search the uniform statewide automated child welfare information system for information concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code of which any of the following persons is a subject:

(a) Any owner or licensee of a child day-care care center;  
(b) Any owner or licensee of a type A family day-care child care home or licensed type B family day-care child care home and any person eighteen years of age or older who resides in the home;  
(c) Any owner of an approved child day camp;  
(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care;  
(e) Any in-home aide;  
(f) Any applicant or employee, including an administrator, of a child day-care care center, type A family day-care child care home, licensed type B family day-care child care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.

(2) The director shall search the information system at the following times:

(a) In the case of an owner or licensee of child day-care care center, type A family day-care child care home, licensed type B family day-care child care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.
(C)(1) In the case of an owner or licensee of a type A family child care home or licensed type B family child care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter;

(b) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;

(c) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter;

(d) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;

(e) Except as provided in division (C)(2)(a)(vi), (C)(2)(f) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter;

(f) In the case of an applicant who has been determined eligible for employment after a search of the uniform statewide automated child welfare information system within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child care center, type A family child care home, licensed type B family child care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination.

(3) The director shall consider any information discovered pursuant to division (C)(1) of this section or that is provided by a public children services agency pursuant to section 5153.175 of
the Revised Code. If the director determines that the information, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the person may directly or indirectly endanger the health, safety, or welfare of children, the director or county director of job and family services shall do any of the following:

(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program;

(b) Revoke a license or approval;

(c) Refuse to certify an in-home aide or revoke a certification;

(d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program.

(4) Any information obtained under division (C) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the search or the person's representative, the director of job and family services, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search.

(D)(1) At the times specified in division (D)(2) of this section, the director of job and family services shall inspect the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 to determine if any of the following persons is registered or
required to be registered as an offender:

(a) Any owner or licensee of a child day-care care center;

(b) Any owner or licensee of a type A family day-care child care home or licensed type B family day-care child care home and any person eighteen years of age or older who resides in the home;

(c) Any owner of an approved child day camp;

(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care;

(e) Any in-home aide;

(f) Any applicant or employee, including an administrator, of a child day-care care center, type A family day-care child care home, licensed type B family day-care child care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.

(2) The director shall inspect each registry at the following times:

(i) (a) In the case of an owner or licensee of child day-care care center or an owner or licensee of a type A family day-care child care home or type B family day-care child care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter;

(ii) (b) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;

(iii) (c) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care;

(iv) (d) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;
Except as provided in division (D)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter;

In the case of an applicant who has been determined eligible for employment after an inspection of the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child care center, type A family child care home, licensed type B family child care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination.

If the director determines that the person is registered or required to be registered on either registry, the director or county director of job and family services shall do any of the following:

(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program;

(b) Revoke a license or approval;

(c) Refuse to certify an in-home aide or revoke a certification;

(d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program.

Any information obtained under division (D) of this section is confidential and not a public record for the purposes
of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the inspection or the person's representative, the director of job and family services, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search.

(E) Whenever the director of job and family services determines a person ineligible for employment under division (B), (C), or (D) of this section, the director shall as soon as practicable notify the following of that determination: the licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care child care home, licensed type B family day-care child care home, or approved child day camp that is considering the person for appointment or employment. A licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care child care home, licensed type B family day-care child care home, or approved child day camp shall not employ a person who is determined under this section to be ineligible for employment.

(F)(1) An administrator of a child day camp, other than an approved child day camp shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check for any applicant or employee, including an administrator, of the child day camp. The request shall be made at the time of initial application for employment and every five years thereafter.

(2) A criminal records check requested at the time of initial application shall include a request that the superintendent of the
bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(3) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(4) With respect to a criminal records check requested under division (F) of this section, the administrator shall do all of the following:

(a) Provide to the applicant or employee a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and impression sheet from the applicant or employee;

(c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation;

(d) Review the results of the criminal records check.

(5) An applicant or employee who receives from the administrator a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of
fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the applicant or employee, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the administrator may consider the failure a reason to determine an applicant or employee ineligible for employment.

(6) A child day camp, other than an approved child day camp, may employ an applicant or continue to employ an employee until the criminal records check required by this section is completed and the camp receives the results of the check. Until the administrator has reviewed the results of the criminal records check and determines that the applicant or employee is eligible for employment, the camp shall not grant the applicant or employee sole responsibility for the care, custody, or control of a child. If the results indicate that the applicant or employee is ineligible for employment, the camp shall immediately release the applicant or employee from employment.

(7) Except as provided in rules adopted under this section, the administrator shall determine an applicant or employee ineligible for employment if the person has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code. If the applicant or employee is determined ineligible, the child day camp shall not employ the applicant or employee or contract with another entity for the services of the applicant or employee.

(8) Each child day camp shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (F) of this section.
camp may charge an applicant or employee a fee for the costs it incurs in obtaining a criminal records check under division (F) of this section. A fee charged under this division shall not exceed the fees the camp pays under this section. If a fee is charged, the camp shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the camp will not consider the applicant for employment.

(9) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (F) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The report shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the administrator, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of registration related to the criminal records check.

(G) The director of job and family services shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The rules shall specify exceptions to the prohibitions in division (B), (E), and (F) of this section for a person who has been convicted of or pleaded guilty to a criminal offense listed in division (A)(5) of section 109.572 of the Revised Code but who meets standards in regard to rehabilitation set by the director.

(H)(1) Whenever the director of job and family services requests a criminal records check, searches the uniform statewide automated child welfare information system, or inspects the state registry of sex offenders and child-victim offenders and national
sex offender registry as required by this section and finds that a person who is subject to the requirements of division (B), (C), or (D) of this section resided in another state during the previous five years, the director shall request the following from the other state: a criminal records check and information from the uniform statewide automated child welfare information system or state registry of sex offenders.

(2) Whenever the director receives from an agency of another state a request for a criminal records check or for information from the uniform statewide automated child welfare information system or state registry of sex offenders that is related to a child care license or the provision of publicly funded child care, the director shall provide to that other state's agency the results of the records check and information from the system and registry.

**Sec. 5104.014.** (A) As used in this section:

1. "Child" includes both of the following:
   1. An infant, toddler, or preschool age child;
   2. A school-age child who is not enrolled in a public or nonpublic school but is enrolled in a child day-care care center, type A family day-care child care home, or licensed type B family day-care child care home or receives child care from a certified in-home aide.

   "In the process of being immunized" means having received at least the first dose of an immunization sequence and complying with the immunization intervals or catch-up schedule prescribed by the director of health.

   (B) Except as provided in division (C) of this section, not later than thirty days after enrollment in a child day-care care center, type A family day-care child care home, or licensed type B
family day-care child care home and every thirteen months thereafter while enrolled in the center or home and not later than thirty days after beginning to receive child care from a certified in-home aide and every thirteen months thereafter while continuing to receive child care from the aide, each child's caretaker parent shall provide to the center, home, or in-home aide a medical statement, as described in division (D) of this section, indicating that the child has been immunized against or is in the process of being immunized against all of the following diseases:

(1) Chicken pox;

(2) Diphtheria;

(3) Haemophilus influenzae type b;

(4) Hepatitis A;

(5) Hepatitis B;

(6) Influenza;

(7) Measles;

(8) Mumps;

(9) Pertussis;

(10) Pneumococcal disease;

(11) Poliomyelitis;

(12) Rotavirus;

(13) Rubella;

(14) Tetanus.

(C)(1) A child is not required to be immunized against a disease specified in division (B) of this section if any of the following is the case:

(a) Immunization against the disease is medically contraindicated for the child;
(b) The child's parent or guardian has declined to have the child immunized against the disease for reasons of conscience, including religious convictions;

(c) Immunization against the disease is not medically appropriate for the child's age.

(2) In the case of influenza, a child is not required to be immunized against the disease if the seasonal vaccine is not available.

(D)(1) The medical statement shall include all of the following information:

(a) The dates that a child received immunizations against each of the diseases specified in division (B) of this section;

(b) Whether a child is subject to any of the exceptions specified in division (C) of this section.

(2) The medical statement shall include a component where a parent or guardian may indicate that the parent or guardian has declined to have the child immunized.

Sec. 5104.015. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the operation of child care centers, including parent cooperative centers, part-time centers, and drop-in centers. The rules shall reflect the various forms of child care and the needs of children receiving child care or publicly funded child care and shall include specific rules for school-age child care centers that are developed in consultation with the department of education. The rules shall include the following:

(A) Submission of a site plan and descriptive plan of operation to demonstrate how the center proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;
(B) Standards for ensuring that the physical surroundings of the center are safe and sanitary including the physical environment, the physical plant, and the equipment of the center;

(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the center;

(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers.

(E) Admissions policies and procedures;

(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;

(G) First aid and emergency procedures;

(H) Procedures for discipline and supervision of children;

(I) Standards for the provision of nutritious meals and snacks;

(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;

(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;

(L) Methods for encouraging parental participation in the...
center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;

(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;

(N) Procedures for record keeping, organization, and administration;

(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;

(P) Inspection procedures;

(Q) Procedures and standards for setting initial license application fees;

(R) Procedures for receiving, recording, and responding to complaints about centers;

(S) Procedures for enforcing section 5104.04 of the Revised Code;

(T) Minimum qualifications for employment as an administrator or child-care staff member;

(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;

(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;

(W) A procedure for reporting of injuries of children that occur at the center;
(X) Standards for licensing child day-care care centers for children with short-term illnesses and other temporary medical conditions;

(Y) Minimum requirements for instructional time for child day-care care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;

(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care care centers.

Sec. 5104.016. The director of job and family services, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care care centers. The rules shall include the requirements set forth in sections 5104.032 to 5104.034 of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of section 5104.032 of the Revised Code or the maximum number of children per child-care care staff member and maximum group size requirements of section 5104.033 of the Revised Code. However, the rules shall provide procedures for determining compliance with those requirements.

Sec. 5104.017. The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care child care homes, including parent cooperative type A homes, part-time type A homes, and drop-in type A homes. The rules shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:

(A) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the
requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;

(B) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including the physical environment, the physical plant, and the equipment of the type A home;

(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;

(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

(E) Admissions policies and procedures;

(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;

(G) First aid and emergency procedures;

(H) Procedures for discipline and supervision of children;

(I) Standards for the provision of nutritious meals and snacks;

(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;

(K) Procedures for screening employees, including any necessary physical examinations and immunizations;

(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities
of parents and employees are met;

(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;

(N) Procedures for record keeping, organization, and administration;

(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;

(P) Inspection procedures;

(Q) Procedures and standards for setting initial license application fees;

(R) Procedures for receiving, recording, and responding to complaints about type A homes;

(S) Procedures for enforcing section 5104.04 of the Revised Code;

(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;

(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;

(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;

(W) Standards for the maximum number of children per
child care staff member;

(X) Requirements for the amount of usable indoor floor space for each child;

(Y) Requirements for safe outdoor play space;

(Z) Qualifications and training requirements for administrators and for child care staff members;

(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;

(BB) Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;

(CC) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.

Sec. 5104.018. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day care home and shall include all of the following:

(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;

(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;

(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the
home;

(D) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

(E) Admission policies and procedures;

(F) Health care, first aid and emergency procedures;

(G) Procedures for the care of sick children;

(H) Procedures for discipline and supervision of children;

(I) Nutritional standards;

(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;

(K) Procedures for screening administrators and employees, including any necessary physical examinations and immunizations;

(L) Methods of encouraging parental participation and ensuring that the rights of children, parents, and administrators are protected and the responsibilities of parents and administrators are met;

(M) Standards for the safe transport of children when under the care of administrators;

(N) Procedures for issuing, denying, or revoking licenses;

(O) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to licensure to ensure that the home is safe and sanitary;

(P) Procedures for record keeping and evaluation;

(Q) Procedures for receiving, recording, and responding to
(R) Standards providing for the needs of children who have disabilities or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;

(S) Requirements for the amount of usable indoor floor space for each child;

(T) Requirements for safe outdoor play space;

(U) Qualification and training requirements for administrators;

(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;

(W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;

(X) Minimum requirements for instructional time for type B homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;

(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.

Sec. 5104.0111. (A) The director of job and family services shall do all of the following:

(1) Provide or make available in either paper or electronic form to each licensee notice of proposed rules governing the licensure of child day care centers, type A homes, and type B homes;

(2) Give public notice of hearings regarding the proposed
rules at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;

(3) At least thirty days before the effective date of a rule, provide, in either paper or electronic form, a copy of the adopted rule to each licensee;

(4) Send to each county director of job and family services a notice of proposed rules governing the certification of in-home aides that includes an internet web site address where the proposed rules can be viewed;

(5) Provide to each county director of job and family services an electronic copy of each adopted rule at least forty-five days prior to the rule's effective date;

(6) Review all rules adopted pursuant to this chapter at least once every seven years.

(B) The county director of job and family services shall provide or make available in either paper or electronic form to each in-home aide copies of proposed rules and shall give public notice of hearings regarding the rules to each in-home aide at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. At least thirty days before the effective date of a rule, the county director of job and family services shall provide, in either paper or electronic form, copies of the adopted rule to each in-home aide.

(C) Additional copies of proposed and adopted rules shall be made available by the director of job and family services to the public on request at no charge.

(D) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code for imposing sanctions on persons and entities that are licensed or certified under this chapter. Sanctions may be imposed only for an action or
omission that constitutes a serious risk noncompliance. The sanctions imposed shall be based on the scope and severity of the violations.

The director shall make a dispute resolution process available for the implementation of sanctions. The process may include an opportunity for appeal pursuant to Chapter 119. of the Revised Code.

(E) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code that establish standards for the training of individuals who inspect or investigate type B family day-care child care homes pursuant to section 5104.03 of the Revised Code. The department shall provide training in accordance with those standards for individuals in the categories described in this division.

Sec. 5104.02. (A) The director of job and family services is responsible for licensing child day-care care centers, type A family day-care child care homes, and type B family day-care child care homes. Each entity operating a head start program shall meet the criteria for, and be licensed as, a child day-care care center. The director is responsible for the enforcement of this chapter and of rules promulgated pursuant to this chapter.

No person, firm, organization, institution, or agency shall operate, establish, manage, conduct, or maintain a child day-care care center or type A family day-care child care home without a license issued under section 5104.03 of the Revised Code. The current license shall be posted in the center or home in a conspicuous place that is accessible to parents, custodians, or guardians and employees of the center or home at all times when the center or home is in operation.

(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the
requirements of this chapter:

(1) A program caring for children that operates for two consecutive weeks or less and not more than six weeks total in each calendar year;

(2) Caring for children in places of worship during religious activities while at least one parent, guardian, or custodian of each child is participating in such activities and is readily available;

(3) Supervised training, instruction, or activities of children in specific areas, including, but not limited to: art; drama; dance; music; athletic skills or sports; computers; or an educational subject conducted on an organized or periodic basis that a child does not attend for more than eight total hours per week;

(4) Programs in which the director determines that at least one parent, custodian, or guardian of each child who is not an employee of the facility engaged in employment duties is on the premises of the facility that offers care and is readily accessible at all times;

(5) Programs that provide care and are regulated by state departments other than the department of job and family services or the state board of education.

(6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code.

(7) Any program providing care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only:
(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five;

(c) The program is conducted in a school building;

(d) The program is operated in accordance with rules promulgated by the state board under section 3301.53 of the Revised Code.

(8) A youth development program operated outside of school hours to which all of the following apply:

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

(b) The program provides informal care, which is care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.

(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

(d) The entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3).

(9) A preschool program operated by a nonchartered, nontax-supported school if the preschool program meets all of the following conditions:

(a) The program complies with state and local health, fire, and safety laws.

(b) The program annually certifies in a report to the parents
of its pupils that the school is in compliance with division 
(B)(9)(a) of this section and files a copy of the report with the 
department of job and family services on or before the thirtieth 
day of September of each year.

(c) The program complies with all applicable reporting 
requirements in the same manner as required by the state board of 
education for nonchartered, nonpublic primary and secondary 
schools.

(d) The program is associated with a nonchartered, 
nontax-supported primary or secondary school.

(10) A program that provides activities for children who are 
five years of age or older and is operated by a county, township, 
municipal corporation, township park district created under 
section 511.18 of the Revised Code, park district created under 
section 1545.04 of the Revised Code, or joint recreation district 
established under section 755.14 of the Revised Code.

Sec. 5104.021. The director of job and family services may 
issue a child 
day-care care center or type A family day-care child 
care home license to a youth development program that is exempted 
by division (B)(8) of section 5104.02 of the Revised Code from the 
requirements of this chapter if the youth development program 
applies for and meets all of the requirements for the license.

Sec. 5104.022. In no case shall the director of job and 
family services issue a license to operate a type A family 
day-care child care home if the type A home is certified as a 
foster home or specialized foster home pursuant to Chapter 5103. 
of the Revised Code. In no case shall the director issue a license 
to operate a type B family day-care child care home if the type B 
home is certified as a specialized foster home pursuant to Chapter 
5103. of the Revised Code.
Sec. 5104.03. (A) As used in this section, "owner" has the same meaning as in section 5104.01 of the Revised Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner.

(B) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care child care home, or licensed type B family day-care child care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form.

Fees shall be set by the director pursuant to sections 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be paid at the time of application for a license to operate a center, type A home, or type B home. Fees collected under this section shall be paid into the state treasury to the credit of the general revenue fund.

(C)(1) Upon filing of the application for a license, the director shall investigate and inspect the center, type A home, or type B home to determine the license capacity for each age category of children of the center, type A home, or type B home and to determine whether the center, type A home, or type B home complies with this chapter and rules adopted pursuant to this chapter. When, after investigation and inspection, the director is satisfied that this chapter and rules adopted pursuant to it are complied with, subject to division (G) of this section, a license shall be issued as soon as practicable in such form and manner as prescribed by the director. The license shall be designated as
provisional and shall be valid for at least twelve months from the date of issuance and until the continuous license is issued or until the provisional license is revoked or suspended pursuant to section 5104.042 of the Revised Code.

(2) The director may contract with a government entity or a private nonprofit entity for the entity to inspect type A or type B family child care homes pursuant to this section. If the director contracts with a government entity or private nonprofit entity for that purpose, the entity may contract with another government entity or private nonprofit entity for the other entity to inspect type A or type B homes pursuant to this section. The director, government entity, or private nonprofit entity shall conduct an inspection prior to the issuance of a license for a type A or type B home and, as part of that inspection, ensure that the home is safe and sanitary.

(D) The director shall investigate and inspect the center, type A home, or type B home at least once during operation under a license designated as provisional. If after the investigation and inspection the director determines that the requirements of this chapter and rules adopted pursuant to this chapter are met, subject to division (G) of this section, the director shall issue a continuous license to the center or home.

(E) Each license shall state the name of the licensee, the name of the administrator, the address of the center, type A home, or licensed type B home, and the license capacity for each age category of children. The license shall include thereon, in accordance with sections 5104.015, 5104.017, and 5104.018 of the Revised Code, the toll-free telephone number to be used by persons suspecting that the center, type A home, or licensed type B home has violated a provision of this chapter or rules adopted pursuant to this chapter. A license is valid only for the licensee, administrator, address, and license capacity for each age category
of children designated on the license. The license capacity specified on the license is the maximum number of children in each age category that may be cared for in the center, type A home, or licensed type B home at one time.

A center or home licensee shall notify the director in writing when the administrator, address, or license capacity of the center or home changes. The director shall amend the current license to reflect a change in any of the following:

(1) An administrator, if the administrator meets the requirements of this chapter and rules adopted pursuant to this chapter;

(2) Address, if the new address meets the requirements of this chapter and rules adopted pursuant to this chapter;

(3) License capacity for any age category of children as determined by the director of job and family services.

(F) If the director revokes the license of a center, a type A home, or a type B home, the director shall not issue another license to the owner of the center, type A home, or type B home until five years have elapsed from the date the license is revoked.

If the director denies an application for a license, the director shall not consider another application from the applicant until five years have elapsed from the date the application is denied.

(G)(1) Except as provided in division (G)(2) of this section, all actions of the director with respect to licensing centers, type A homes, or type B homes, refusal to license, and revocation of a license shall be in accordance with Chapter 119. of the Revised Code. Except as provided in division (G)(2) of this section, any applicant who is denied a license or any owner whose license is revoked may appeal in accordance with section 119.12 of
(2) The following actions by the director are not subject to Chapter 119. of the Revised Code:

(a) The director ceases its review of an application because the owner of a center, type A home, or type B home sought a license before five years had elapsed from the date the previous license was revoked and the director does not issue the license.

(b) The director ceases its review of an application because the applicant applied for licensure before five years had elapsed from the date the previous application was denied and the director does not issue the license.

(c) The director closes a license because the director has determined that the center, type A home, or type B home is no longer operating at the address stated on the license and did not notify the director of the address change as described in division (E) of this section.

(H) In no case shall the director issue a license under this section for a center, type A home, or type B home if the director, based on documentation provided by the appropriate county department of job and family services, determines that the applicant had been certified as an in-home aide, that the county department revoked that certification within the immediately preceding five years, that the revocation was based on the applicant's refusal or inability to comply with the criteria for certification, and that the refusal or inability resulted in a risk to the health or safety of children.

(I) An owner of a type B family day-care child care home that receives a license pursuant to this section is an independent contractor and is not an employee of the department of job and family services.
Sec. 5104.032. (A) The child day-care care center shall have, for each child for whom the center is licensed, at least thirty-five square feet of usable indoor floor space wall-to-wall regularly available for the child care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by rules adopted by the board of building standards. The minimum of thirty-five square feet of usable indoor floor space shall not include hallways, kitchens, storage areas, or any other areas that are not available for the care of children, as determined by the director, in meeting the space requirement of this division, and bathrooms shall be counted in determining square footage only if they are used exclusively by children enrolled in the center, except that the exclusion of hallways, kitchens, storage areas, bathrooms not used exclusively by children enrolled in the center, and any other areas not available for the care of children from the minimum of thirty-five square feet of usable indoor floor space shall not apply to:

1. Centers licensed prior to or on September 1, 1986, that continue under licensure after that date;
2. Centers licensed prior to or on September 1, 1986, that are issued a new license after that date solely due to a change of ownership of the center.

(B) The child day-care care center shall have on the site a safe outdoor play space which is enclosed by a fence or otherwise protected from traffic or other hazards. The play space shall contain not less than sixty square feet per child using such space at any one time, and shall provide an opportunity for supervised outdoor play each day in suitable weather. The director may exempt a center from the requirement of this division, if an outdoor play space is not available and if all of the following are met:

1. The center provides an indoor recreation area that has
not less than sixty square feet per child using the space at any one time, that has a minimum of one thousand four hundred forty square feet of space, and that is separate from the indoor space required under division (A) of this section.

(2) The director has determined that there is regularly available and scheduled for use a conveniently accessible and safe park, playground, or similar outdoor play area for play or recreation.

(3) The children are closely supervised during play and while traveling to and from the area.

The director also shall exempt from the requirement of this division a child care center that was licensed prior to September 1, 1986, if the center received approval from the director prior to September 1, 1986, to use a park, playground, or similar area, not connected with the center, for play or recreation in lieu of the outdoor space requirements of this section and if the children are closely supervised both during play and while traveling to and from the area and except if the director determines upon investigation and inspection pursuant to section 5104.04 of the Revised Code and rules adopted pursuant to that section that the park, playground, or similar area, as well as access to and from the area, is unsafe for the children.

Sec. 5104.033. (A)(1) A child care center shall have at least two responsible adults available on the premises at all times when seven or more children are in the center. The center shall organize the children in the center in small groups, shall provide child care staff to give continuity of care and supervision to the children on a day-by-day basis, and shall ensure that no child is left alone or unsupervised. Except as otherwise provided in division (B) of this section, the maximum number of children per child care staff member and
Maximum group size, by age category of children, are as follows:

<table>
<thead>
<tr>
<th>Age Category of Children</th>
<th>Child-Care Child-care Group Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Infants:</td>
<td></td>
</tr>
<tr>
<td>(i) Less than twelve</td>
<td></td>
</tr>
<tr>
<td>months old</td>
<td>5:1, or 12:2 if two</td>
</tr>
<tr>
<td>(ii) At least twelve</td>
<td></td>
</tr>
<tr>
<td>months old, but</td>
<td></td>
</tr>
<tr>
<td>less than eighteen</td>
<td></td>
</tr>
<tr>
<td>months old</td>
<td>6:1</td>
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<tr>
<td>(b) Toddlers:</td>
<td></td>
</tr>
<tr>
<td>(i) At least eighteen</td>
<td></td>
</tr>
<tr>
<td>months old, but</td>
<td></td>
</tr>
<tr>
<td>less than thirty</td>
<td></td>
</tr>
<tr>
<td>months old</td>
<td>7:1</td>
</tr>
<tr>
<td>(ii) At least thirty</td>
<td></td>
</tr>
<tr>
<td>months old, but</td>
<td></td>
</tr>
<tr>
<td>three years old</td>
<td>8:1</td>
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<tr>
<td>(c) Preschool-age</td>
<td></td>
</tr>
<tr>
<td>children:</td>
<td></td>
</tr>
<tr>
<td>(i) Three years old</td>
<td>12:1</td>
</tr>
<tr>
<td>(ii) Four years old and five years old who are not school</td>
<td></td>
</tr>
</tbody>
</table>

Maximum Number of Children Per Child-Care Group Staff Member Size

135264 135265 135266 135267 135268 135269 135270 135271 135272 135273 135274 135275 135276 135277 135278 135279 135280 135281 135282 135283 135284 135285 135286 135287 135288 135289 135290 135291 135292 135293
(d) School-age children:

(i) A child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above, but is less than eleven years old

(ii) Eleven through fourteen years old

(2) Except as otherwise provided in division (B) of this section, the maximum number of children per staff member and maximum group size requirements of the younger age group shall apply when age groups are combined.

(B)(1) When age groups are combined, the maximum number of children per staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives services in a group in which all the other children are in the next older age group, the maximum number of children per staff member and maximum group size requirements of the older age group established under division (A) of this section shall apply.

(2) The maximum number of toddlers or preschool-age children per staff member in a room where children are napping shall be twice the maximum number of children per child-care staff member established under division (A) of this section if all the following criteria are met:

(a) At least one staff member is present in the room.
(b) Sufficient child-care child care staff members are on the child day-care care center premises to meet the maximum number of children per child-care child care staff member requirements established under division (A) of this section.

(c) Naptime preparations are complete and all napping children are resting or sleeping on cots.

(d) The maximum number established under division (B)(2) of this section is in effect for no more than two hours during a twenty-four-hour day.

Sec. 5104.034. Each child day-care care center shall have on the center premises and readily available at all times at least one child-care child care staff member who has completed a course in first aid, one staff member who has completed a course in prevention, recognition, and management of communicable diseases which is approved by the state department of health, and a staff member who has completed a course in child abuse recognition and prevention training which is approved by the department of job and family services.

Sec. 5104.037. (A) As used in this section:

(1) "Active tuberculosis" has the same meaning as in section 339.71 of the Revised Code.

(2) "Latent tuberculosis" means tuberculosis that has been demonstrated by a positive reaction to a tuberculosis test but has no clinical, bacteriological, or radiographic evidence of active tuberculosis.

(3) "Licensed health professional" means any of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and...
surgery;

(b) A physician assistant who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code;

(c) A certified nurse practitioner as defined in section 4723.01 of the Revised Code;

(d) A clinical nurse specialist as defined in section 4723.01 of the Revised Code.

(4) "Tuberculosis control unit" means the county tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis control unit designated pursuant to an agreement entered into by two or more boards of county commissioners under that section.

(5) "Tuberculosis test" means either of the following:

(a) A two-step Mantoux tuberculin skin test;

(b) A blood assay for m. tuberculosis.

(B) Before employing a person as an administrator or employee, for the purpose of tuberculosis screening, each child day-care center shall determine if the person has done both of the following:

(1) Resided in a country identified by the world health organization as having a high burden of tuberculosis;

(2) Arrived in the United States within the five years immediately preceding the date of application for employment.

(C) If the person meets the criteria described in division (B) of this section, the center shall require the person to undergo a tuberculosis test before employment. If the result of the test is negative, the center may employ the person.

(D) If the result of any tuberculosis test performed as
described in division (C) of this section is positive, the center shall require the person to undergo additional testing for tuberculosis, which may include a chest radiograph or the collection and examination of specimens.

(1) If additional testing indicates active tuberculosis, then until the person is no longer infectious as determined by the county tuberculosis unit, the center shall not employ the person or, if employed, shall not allow the person to be physically present at the center's location.

For purposes of this section, evidence that a person is no longer infectious shall consist of a written statement to that effect signed by a representative of the tuberculosis control unit.

(2) If additional testing indicates latent tuberculosis, then until the person submits to the program evidence that the person is receiving treatment as prescribed by a licensed health professional, the preschool program shall not employ the person or, if employed, shall not allow the person to be physically present at the program's location. Once the person submits to the program evidence that the person is in the process of completing a tuberculosis treatment regimen as prescribed by a licensed health professional, the preschool program may employ the person and allow the person to be physically present at the program's location so long as periodic evidence of compliance with the treatment regimen is submitted in accordance with rules adopted under section 3701.146 of the Revised Code.

For purposes of this section, evidence that a person is in the process of completing and is compliant with a tuberculosis treatment regimen shall consist of a written statement to that effect signed by the tuberculosis control unit that is overseeing the person's treatment.
Sec. 5104.038. The administrator of each child care center shall maintain enrollment, health, and attendance records for all children attending the center and health and employment records for all center employees. The records shall be confidential, except that they shall be disclosed by the administrator to the director upon request for the purpose of administering and enforcing this chapter and rules adopted pursuant to this chapter. Neither the center nor the licensee, administrator, or employees of the center shall be civilly or criminally liable in damages or otherwise for records disclosed to the director by the administrator pursuant to this division. It shall be a defense to any civil or criminal charge based upon records disclosed by the administrator to the director that the records were disclosed pursuant to this division.

Sec. 5104.039. (A) Any parent who is the residential parent and legal custodian of a child enrolled in a child care center and any custodian or guardian of such a child shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting their children, evaluating the care provided by the center, evaluating the premises of the center, or for other purposes approved by the director. A parent of a child enrolled in a child care center who is not the child's residential parent shall be permitted unlimited access to the center during its hours of operation for those purposes under the same terms and conditions under which the residential parent of that child is permitted access to the center for those purposes. However, the access of the parent who is not the residential parent is subject to any agreement between the parents and, to the extent described in division (B) of this section, is subject to any terms and conditions limiting the right of access of the parent who is not
the residential parent, as described in division (I) of section 3109.051 of the Revised Code, that are contained in a parenting time order or decree issued under that section, section 3109.12 of the Revised Code, or any other provision of the Revised Code.

(B) If a parent who is the residential parent of a child has presented the administrator or the administrator's designee with a copy of a parenting time order that limits the terms and conditions under which the parent who is not the residential parent is to have access to the center, as described in division (I) of section 3109.051 of the Revised Code, the parent who is not the residential parent shall be provided access to the center only to the extent authorized in the order. If the residential parent has presented such an order, the parent who is not the residential parent shall be permitted access to the center only in accordance with the most recent order that has been presented to the administrator or the administrator's designee by the residential parent or the parent who is not the residential parent.

(C) Upon entering the premises pursuant to division (A) or (B) of this section, the parent who is the residential parent and legal custodian, the parent who is not the residential parent, or the custodian or guardian shall notify the administrator or the administrator's designee of the parent's, custodian's, or guardian's presence.

**Sec. 5104.04.** (A) The department of job and family services shall establish procedures to be followed in investigating, inspecting, and licensing child care centers, type A family day-care child care homes, and licensed type B family day-care child care homes.

(B)(1)(a) The department shall, at least once during every twelve-month period of operation of a center, type A home, or
Inspections may be unannounced. No person, firm, organization, institution, or agency shall interfere with the inspection of a center, type A home, or licensed type B home by any state or local official engaged in performing duties required of the state or local official by this chapter or rules adopted pursuant to this chapter, including inspecting the center, type A home, or licensed type B home, reviewing records, or interviewing licensees, employees, children, or parents.

(b) Upon receipt of any complaint that a center, type A home or licensed type B home is out of compliance with the requirements of this chapter or rules adopted pursuant to this chapter, the department shall investigate the center or home, and both of the following apply:

(i) If the complaint alleges that a child suffered physical harm while receiving child care at the center or home or that the noncompliance alleged in the complaint involved, resulted in, or poses a substantial risk of physical harm to a child receiving child care at the center or home, the department shall inspect the center or home.

(ii) If division (B)(1)(b)(i) of this section does not apply regarding the complaint, the department may inspect the center or home.

(c) Division (B)(1)(b) of this section does not limit, restrict, or negate any duty of the department to inspect a center, type A home, or licensed type B home that otherwise is
imposed under this section, or any authority of the department to inspect a center, type A home, or licensed type B home that otherwise is granted under this section.

(2) If the department implements an instrument-based program monitoring information system, it may use an indicator checklist to comply with division (B)(1) of this section.

(C) The department may deny an application or revoke a license of a center, type A home, or licensed type B home, if the applicant knowingly submits falsified information to the department or if the center or home does not comply with the requirements of this chapter or rules adopted pursuant to this chapter.

(D) If the department finds, after notice and hearing pursuant to Chapter 119. of the Revised Code, that any applicant, person, firm, organization, institution, or agency applying for licensure or licensed under section 5104.03 of the Revised Code is in violation of any provision of this chapter or rules adopted pursuant to this chapter, the department may issue an order of denial to the applicant or an order of revocation to the center, type A home, or licensed type B home revoking the license previously issued by the department. Upon the issuance of such an order, the person whose application is denied or whose license is revoked may appeal in accordance with section 119.12 of the Revised Code.

(E) The surrender of a center, type A home, or licensed type B home license to the department or the withdrawal of an application for licensure by the owner or administrator of the center, type A home, or licensed type B home shall not prohibit the department from instituting any of the actions set forth in this section.

(F) Whenever the department receives a complaint, is advised,
or otherwise has any reason to believe that a center or type A home is providing child care without a license issued pursuant to section 5104.03 and is not exempt from licensing pursuant to section 5104.02 of the Revised Code, the department shall investigate the center or type A home and may inspect the areas children have access to or areas necessary for the care of children in the center or type A home during suspected hours of operation to determine whether the center or type A home is subject to the requirements of this chapter or rules adopted pursuant to this chapter.

(G) The department, upon determining that the center or type A home is operating without a license, shall notify the attorney general, the prosecuting attorney of the county in which the center or type A home is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the center or type A home is located, that the center or type A home is operating without a license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center or type A home is located requesting that the court grant an order enjoining the owner from operating the center or type A home in violation of section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

(H) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the
president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

Sec. 5104.041. (A) All type A family day-care child care homes and licensed type B family day-care child care homes shall procure and maintain one of the following:

(1) Liability insurance issued by an insurer authorized to do business in this state under Chapter 3905. of the Revised Code insuring the type A or type B family day-care child care home against liability arising out of, or in connection with, the operation of the family day-care child care home. The insurance procured shall cover any cause for which the type A or type B family day-care child care home would be liable, in the amount of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate.

(2) A written statement signed by the parent, guardian, or custodian of each child receiving child care from the type A or type B family day-care child care home that states all of the following:

(a) The family day-care child care home does not carry liability insurance described in division (A)(1) of this section;

(b) If the licensee of a type A family day-care child care home or a type B family day-care child care home is not the owner of the real property where the family day-care child care home is located, the liability insurance, if any, of the owner of the real property may not provide for coverage of any liability arising out of, or in connection with, the operation of the family day-care child care home.

(B) If the licensee of a type A family day-care child care home or a type B family day-care child care home is not the owner
of the real property where the family day-care child care home is located and the family day-care child care home procures liability insurance described in division (A)(1) of this section, that licensee shall name the owner of the real property as an additional insured party on the liability insurance policy if all of the following apply:

1. The owner of the real property requests the licensee or provider, in writing, to add the owner of the real property to the liability insurance policy as an additional insured party.

2. The addition of the owner of the real property does not result in cancellation or nonrenewal of the insurance policy procured by the type A or type B family day-care child care home.

3. The owner of the real property pays any additional premium assessed for coverage of the owner of the real property.

(C) Proof of insurance or written statement required under division (A) of this section shall be maintained at the type A or type B family day-care child care home and made available for review during inspection or investigation as required under this chapter.

(D) The director of job and family services shall adopt rules for the enforcement of this section.

Sec. 5104.042. (A) The department of job and family services may suspend, without a prior hearing, the license of a child day-care center, type A family day-care child care home, or licensed type B family day-care child care home if any of the following occur:

1. A child dies or suffers a serious injury while receiving child care in the center, type A home, or licensed type B home.

2. A public children services agency receives a report pursuant to section 2151.421 of the Revised Code, and the person
alleged to have inflicted abuse or neglect on the child who is the subject of the report is any of the following:

(a) The owner, licensee, or administrator of the center, type A home, or licensed type B home;

(b) An employee of the center, type A home, or licensed type B home who has not immediately been placed on administrative leave or released from employment;

(c) Any person who resides in the type A home or licensed type B home.

(3) An owner, licensee, administrator, or employee of the center, type A home, or licensed type B home, or a resident of the type A home or licensed type B home is charged by an indictment, information, or complaint with an offense relating to the abuse or neglect of a child.

(4) The department or a county department of job and family services determines that the center, type A home, or licensed type B home created a serious risk to the health or safety of a child receiving child care in the center, type A home, or licensed type B home that resulted in or could have resulted in a child's death or injury.

(5) The department determines that the owner or licensee of the center, type A home, or licensed type B home does not meet the requirements of section 5104.013 of the Revised Code.

(B) The department shall issue a written order of suspension and furnish a copy to the licensee either by certified mail or in person as described in section 119.07 of the Revised Code. The licensee may request an adjudicatory hearing before the department pursuant to sections 119.06 to 119.12 of the Revised Code.

(C) Any summary suspension imposed under this section shall remain in effect until any of the following occurs:
(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension.

(D) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension.

(E) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses.

(F) This section does not limit the authority of the department to revoke a license pursuant to section 5104.04 of the Revised Code.

Sec. 5104.043. (A) If the department of job and family services determines that an act or omission of a child day-care center, type A family day-care child care home, or licensed type B family day-care child care home constitutes a serious risk noncompliance, the licensee shall notify the caretaker parent of each child receiving care in the center or home of the department's determination.

(B) With respect to the notice required by division (A) of this section, all of the following apply:

(1) The licensee shall notify caretaker parents not later
than fifteen business days after the department informs the licensee of the department's determination. If the licensee requests a review of the department's determination, the licensee shall notify caretaker parents not later than five business days after the department has completed its review.

(2) The notice shall include a statement informing each caretaker parent of the web site maintained by the department and the location of further information regarding the determination.

(3) The licensee may provide written or electronic notice to caretaker parents.

(4) The licensee shall provide a copy of the notice to the department.

(C) The director of job and family services shall adopt rules to enforce this section.

(D) The requirements of this section do not apply if the department suspends the license of a child day-care care center, type A family day-care child care home, or licensed type B family day-care child care home pursuant to section 5104.042 of the Revised Code.

Sec. 5104.05. (A) The director of job and family services shall issue a license or provisional license for the operation of a child day-care care center, if the director finds, after investigation of the applicant and inspection of the center, that other requirements of this chapter, rules promulgated pursuant to this chapter, and the following requirements are met:

(1) The buildings in which the center is housed, subsequent to any major modification, have been approved by the department of commerce or a certified municipal, township, or county building department for the purpose of operating a child day-care care center. Any structure used for the operation of a center shall be...
constructed, equipped, repaired, altered, and maintained in accordance with applicable provisions of Chapters 3781. and 3791. of the Revised Code and with regulations adopted by the board of building standards under Chapter 3781. of the Revised Code and this division for the safety and sanitation of structures erected for this purpose.

(2) The state fire marshal or the fire chief or fire prevention officer of the municipal corporation or township in which the center is located has inspected the center annually within the preceding license period and has found the center to be in compliance with rules promulgated by the fire marshal pursuant to section 3737.83 of the Revised Code regarding fire prevention and fire safety in a child day-care care center.

(3) The center has received a food service operation license under Chapter 3717. of the Revised Code if meals are to be served to children other than children of the licensee or administrator, whether or not a consideration is received for the meals.

(B) The director of job and family services shall issue a license or provisional license for the operation of a type A family day-care child care home, if the director finds, after investigation of the applicant and inspection of the type A home, that other requirements of this chapter, rules promulgated pursuant to this chapter, and the following requirements are met:

(1) The state fire marshal or the fire chief or fire prevention officer of the municipal corporation or township in which the type A family day-care child care home is located has inspected the type A home annually within the preceding license period and has found the type A home to be in compliance with rules promulgated by the fire marshal pursuant to section 3737.83 of the Revised Code regarding fire prevention and fire safety in a type A home.
(2) The type A home is in compliance with rules set by the director of job and family services in cooperation with the director of health pursuant to section 3701.80 of the Revised Code regarding meal preparation and meal service in the home. The director of job and family services, in accordance with procedures recommended by the director of health, shall inspect each type A home to determine compliance with those rules.

(3) The type A home is in compliance with rules promulgated by the director of job and family services in cooperation with the board of building standards regarding safety and sanitation pursuant to section 3781.10 of the Revised Code.

Sec. 5104.051. (A)(1) The department of commerce is responsible for the inspections of child care centers as required by division (A)(1) of section 5104.05 of the Revised Code. Where there is a municipal, township, or county building department certified under section 3781.10 of the Revised Code to exercise enforcement authority with respect to the category of building occupancy which includes child care centers, all inspections required under division (A)(1) of section 5104.05 of the Revised Code shall be made by that department according to the standards established by the board of building standards. Inspections in areas of the state where there is no municipal, township, or county building department certified under section 3781.10 of the Revised Code to exercise enforcement authority with respect to the category of building occupancy which includes child care centers shall be made by personnel of the department of commerce. Inspections of centers shall be contingent upon payment of a fee by the applicant to the department having jurisdiction to inspect.

(2) The department of commerce is responsible for the inspections of type A family child care homes as required
by division (B)(3) of section 5104.05 of the Revised Code. Where there is a municipal, township, or county building department certified under section 3781.10 of the Revised Code to exercise enforcement authority with respect to the category of building occupancy which includes type A homes, all inspections required under division (B)(3) of section 5104.05 of the Revised Code shall be made by that department according to the standards established by the board of building standards. Inspections in areas of the state where there is no municipal, township, or county building department certified under section 3781.10 of the Revised Code to exercise enforcement authority with respect to the category of building occupancy which includes type A homes shall be made by personnel of the department of commerce. Inspections of type A homes shall be contingent upon payment of a fee by the applicant to the department having jurisdiction to inspect.

(B) The state fire marshal is responsible for the inspections required by divisions (A)(2) and (B)(1) of section 5104.05 of the Revised Code. In municipal corporations and in townships outside municipal corporations where there is a fire prevention official, the inspections shall be made by the fire chief or the fire prevention official under the supervision of and according to the standards established by the state fire marshal. In townships outside municipal corporations where there is no fire prevention official, inspections shall be made by the employees of the state fire marshal.

(C) The state fire marshal shall enforce all statutes and rules pertaining to fire safety and fire prevention in child care centers and type A family day-care child care homes. In the event of a dispute between the state fire marshal and any other responsible officer under sections 5104.05 and 5104.051 of the Revised Code with respect to the interpretation or application of a specific fire safety statute or rule, the interpretation of
the state fire marshal shall prevail.

(D) As used in this division, "licensor" has the same meaning as in section 3717.01 of the Revised Code.

The licensor for food service operations in the city or general health district in which the center is located is responsible for the inspections required under Chapter 3717. of the Revised Code.

(E) Any moneys collected by the department of commerce under this section shall be paid into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

Sec. 5104.052. The director of job and family services, in cooperation with the fire marshal pursuant to section 3737.22 of the Revised Code, shall adopt rules regarding fire prevention and fire safety in licensed type B family child care homes. In accordance with those rules, the director shall inspect each type B home that applies to be licensed that is providing or is to provide publicly funded child care.

Sec. 5104.053. As a precondition of approval by the state board of education pursuant to section 3313.813 of the Revised Code for receipt of United States department of agriculture child and adult care food program funds established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, the provider of child care in a type B family child care home that is not licensed by the director of job and family services shall request an inspection of the type B home by the fire marshal, who shall inspect the type B home pursuant to section 3737.22 of the Revised Code to determine that it is in compliance with rules established pursuant to section 5104.052 of the Revised Code for licensed type B homes.
Sec. 5104.054. Any type B family day-care child care home, whether licensed or not licensed by the director of job and family services, shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. No municipal, county, or township zoning regulations shall require a conditional use permit or any other special exception certification for any such type B family day-care child care home.

Sec. 5104.06. (A) The director of job and family services shall provide consultation, technical assistance, and training to child care centers, type A family day-care child care homes, and type B family day-care child care homes to improve programs and facilities providing child care. As part of these activities, the director shall provide assistance in meeting the requirements of this chapter and rules adopted pursuant to this chapter and shall furnish information regarding child abuse identification and reporting of child abuse.

(B) The director of job and family services shall provide consultation and technical assistance to county departments of job and family services to assist the departments with the implementation of certification of in-home aides.

Sec. 5104.07. (A) The director of job and family services may prescribe additional requirements for licensing child day-care care centers or type A family day-care child care homes that provide publicly funded child care pursuant to this chapter and any rules adopted under it. The director shall develop standards as required by federal laws and regulations for child care programs supported by federal funds.

(B)(1) On or before February 28, 1992, the department of job
and family services shall develop a statewide plan for child care  
resource and referral services. The plan shall be based upon the  
experiences of other states with respect to child care resource  
and referral services, the experiences of communities in this  
state that have child care resource and referral service  
organizations, and the needs of communities in this state that do  
not have child care resource and referral service organizations.  
The plan shall be designed to ensure that child care resource and  
referral services are available in each county in the state to  
families who need child care. The department shall consider the  
special needs of migrant workers when it develops the plan and  
shall include in the plan procedures designed to accommodate the  
needs of migrant workers.

(2) In addition to the requirements described in division  
(B)(1) of this section, the plan shall include all of the  
following:

(a) A description of the services that a child care resource  
and referral service organization is required to provide to  
families who need child care;

(b) The qualifications for a child care resource and referral  
service organization;

(c) A description of the procedures for providing federal and  
state funding for county or multicounty child care resource and  
referral service organizations;

(d) A timetable for providing child care resource and  
referral services to all communities in the state;

(e) Uniform information gathering and reporting procedures  
that are designed to be used in compatible computer systems;

(f) Procedures for establishing statewide nonprofit technical  
assistance services to coordinate uniform data collection and to  
publish reports on child care supply, demand, and cost and to
provide technical assistance to communities that do not have child care resource and referral service organizations and to existing child care resource and referral service organizations;

(g) Requirements governing contracts entered into under division (C) of this section, which may include limits on the percentage of funds distributed by the department that may be used for the contracts.

(C) Child care resource and referral service organizations receiving funds distributed by the department may enter into contracts with local governmental entities, nonprofit organizations including nonprofit organizations that provide child care, and individuals under which the entities, organizations, or individuals may provide child care resource and referral services in the community with those funds, if the contracts are submitted to and approved by the department prior to execution.

Sec. 5104.08. (A) There is hereby created in the department of job and family services a child care advisory council to advise and assist the department in the administration of this chapter and in the development of child care. The council shall consist of twenty-two voting members appointed by the director of job and family services with the approval of the governor. The director of job and family services, the director of developmental disabilities, the director of mental health and addiction services, the superintendent of public instruction, the director of health, the director of commerce, and the state fire marshal shall serve as nonvoting members of the council.

Six members shall be representatives of child care centers subject to licensing, the members to represent a variety of centers, including nonprofit and proprietary, from different geographical areas of the state. At least three members shall be parents, guardians, or custodians of children receiving child care.
or publicly funded child care in the child's own home, a center, a type A home, a head start program, a licensed type B home, or a type B home at the time of appointment. Three members shall be representatives of in-home aides, type A homes, licensed type B homes, or type B homes or head start programs. At least six members shall represent county departments of job and family services. The remaining members shall be representatives of the teaching, child development, and health professions, and other individuals interested in the welfare of children. At least six members of the council shall not be employees or licensees of a child care center, head start program, or type A home, or providers operating a licensed type B home or type B home, or in-home aides.

Appointments shall be for three-year terms. Vacancies shall be filled for the unexpired terms. A member of the council is subject to removal by the director of job and family services for a willful and flagrant exercise of authority or power that is not authorized by law, for a refusal or willful neglect to perform any official duty as a member of the council imposed by law, or for being guilty of misfeasance, malfeasance, nonfeasance, or gross neglect of duty as a member of the council.

There shall be two co-chairpersons of the council. One co-chairperson shall be the director of job and family services or the director's designee, and one co-chairperson shall be elected by the members of the council. The council shall meet as often as is necessary to perform its duties, provided that it shall meet at least once in each quarter of each calendar year and at the call of the co-chairpersons. The co-chairpersons or their designee shall send to each member a written notice of the date, time, and place of each meeting.

Members of the council shall serve without compensation, but shall be reimbursed for necessary expenses.
(B) The child care advisory council shall advise the director on matters affecting the licensing of centers, type A homes, and type B homes and the certification of in-home aides. The council shall make an annual report to the director of job and family services that addresses the availability, affordability, accessibility, and quality of child care and that summarizes the recommendations and plans of action that the council has proposed to the director during the preceding fiscal year. The director of job and family services shall provide copies of the report to the governor, speaker and minority leader of the house of representatives, and the president and minority leader of the senate and, on request, shall make copies available to the public.

(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

**Sec. 5104.09.** No administrator, employee, licensee, or child-care staff member shall discriminate in the enrollment of children in a child care center, type A home, licensed type B home, or approved child day camp upon the basis of race, color, religion, sex, disability, or national origin.

**Sec. 5104.13.** The department of job and family services shall prepare a guide describing the state statutes and rules governing the licensure of type B family child care homes. The department may publish the guide electronically or otherwise and shall do so in a manner that the guide is accessible to the public, including type B home providers.

**Sec. 5104.14.** All materials that are supplied by the department of job and family services to type A family child care home providers, type B family child care home providers, and approved child care centers.
providers, in-home aides, persons seeking to be type A family

day-care child care home providers, type B family day-care child

care home providers, or in-home aides, and caretaker parents shall
be written at no higher than the sixth grade reading level. The
department may employ a readability expert to verify its
compliance with this section.

Sec. 5104.25. (A) Except as otherwise provided in division
(C) of this section, no child day-care care center shall permit
any person to smoke in any indoor or outdoor space that is part of
the center.

The administrator of a child day-care care center shall post
in a conspicuous place at the main entrance of the center a notice
stating that smoking is prohibited in any indoor or outdoor space
that is part of the center, except under the conditions described
in division (C) of this section.

(B) Except as otherwise provided in division (C) of this
section, no type A family day-care child care home or licensed
type B family day-care child care home shall permit any person to
smoke in any indoor or outdoor space that is part of the home
during the hours the home is in operation. Smoking may be
permitted during hours other than the hours of operation if the
administrator of the home has provided to a parent, custodian, or
guardian of each child receiving child care at the home notice
that smoking occurs or may occur at the home when it is not in
operation.

The administrator of a type A family day-care child care home
or a licensed type B family day-care child care home shall post in
a conspicuous place at the main entrance of the home a notice
specifying the hours the home is in operation and stating that
smoking is prohibited during those hours in any indoor or outdoor
space that is part of the home, except under the conditions described in division (C) of this section.

(C) A child day-care care center, type A family day-care child care home, or licensed type B family child care home may allow persons to smoke at the center or home during its hours of operation if those persons cannot be seen smoking by the children being cared for and if they smoke in either of the following:

(1) An indoor area that is separately ventilated from the rest of the center or home;

(2) An outdoor area that is so far removed from the children being cared for that they cannot inhale any smoke.

(D) The director of job and family services, in consultation with the director of health, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the requirements of this section. These rules may prohibit smoking in a child day-care care center, type A family day-care child care home, or licensed type B family child care home if its design and structure do not allow persons to smoke under the conditions described in division (C) of this section or if repeated violations of division (A) or (B) of this section have occurred there.

Sec. 5104.30. (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following:

(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code;

(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code;

(3) Individuals who would be participating in the Ohio works
first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;

(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty percent of the federal poverty line;

(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.

The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special needs of migrant workers when it administers and coordinates publicly funded child care and shall develop appropriate procedures for accommodating the needs of migrant workers for publicly funded child care.

(B) The department of job and family services shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care.

(C) In the use of federal funds available under the child care block grant act, all of the following apply:
(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care.

(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for administrative costs.

(3) The department shall allocate and use at least four per cent of the federal funds for the following:

(a) Activities designed to provide comprehensive consumer education to parents and the public;

(b) Activities that increase parental choice;

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care;

(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code.

(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means.

(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the
special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter into interagency agreements with the department of education, the chancellor of higher education, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of job and family services to fulfill its duties and responsibilities under this chapter.

The department shall develop and maintain a registry of persons providing child care. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and requirements for the registry's administration.

(E)(1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing both of the following:

(a) Reimbursement rates for providers of publicly funded child care not later than the first day of July in each odd-numbered year;

(b) A procedure for reimbursing and paying providers of publicly funded child care.

(2) In establishing reimbursement rates under division (E)(1)(a) of this section, the director shall do all of the following:

(a) Use the information obtained in accordance with 45 C.F.R. 98.45;

(b) Establish an enhanced reimbursement rate for providers who provide child care for caretaker parents who work nontraditional hours;
(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, establish enhanced reimbursement rates for child day-care care providers that participate in the program.

(3) In establishing reimbursement rates under division (E)(1)(a) of this section, the director may establish different reimbursement rates based on any of the following:

(a) Geographic location of the provider;

(b) Type of care provided;

(c) Age of the child served;

(d) Special needs of the child served;

(e) Whether the expanded hours of service are provided;

(f) Whether weekend service is provided;

(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;

(h) Any other factors the director considers appropriate.

Sec. 5104.301. A county department of job and family services may establish a program to encourage the organization of parent cooperative child day-care care centers and parent cooperative type A family day-care child care homes for recipients of publicly funded child care. A program established under this section may include any of the following:

(A) Recruitment of parents interested in organizing a parent cooperative child day-care care center or parent cooperative type A family day-care child care home;

(B) Provision of technical assistance in organizing a parent cooperative child day-care care center or parent cooperative type A family day-care child care home;
(C) Assistance in the developing, conducting, and disseminating training for parents interested in organizing a parent cooperative child day-care care center or parent cooperative type A family day-care child care home.

A county department that implements a program under this section shall receive from funds available under the child care block grant act a five thousand dollar incentive payment for each parent cooperative child day-care care center or parent cooperative type A family day-care child care home organized pursuant to this section.

Parents of children enrolled in a parent cooperative child day-care care center or parent cooperative type A family day-care child care home pursuant to this section shall be required to work in the center or home a minimum of four hours per week.

The director of job and family services shall adopt rules governing the establishment and operation of programs under this section.

Sec. 5104.31. (A) Publicly funded child care may be provided only by the following:

(1) Any of the following licensed by the department of job and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code:

(a) A child day-care care center, including a parent cooperative child day-care care center;

(b) A type A family day-care child care home, including a parent cooperative type A family day-care child care home;

(c) A licensed type B family day-care child care home.

(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12
of the Revised Code;

(3) A child day camp approved pursuant to section 5104.22 of the Revised Code;

(4) A licensed preschool program;

(5) A licensed school child program;

(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.

(B) Publicly funded day-care care may be provided in a child's own home only by an in-home aide.

(C)(1) Except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care only if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code.

(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program:

(a) A program that operates only during the summer and for not more than fifteen consecutive weeks;

(b) A program that operates only during school breaks;

(c) A program that operates only on weekday evenings, weekends, or both;

(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;

(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;
(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked;

(g) A program that provides publicly funded child care to less than twenty-five per cent of the program's license capacity;

(h) A program that is a type A family child care home or licensed type B family child care home.

Sec. 5104.32. (A) All purchases of publicly funded child care shall be made under a contract entered into by a licensed child care center, licensed type A family child care home, licensed type B family child care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job and family services. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds, all contracts for publicly funded child care shall be entered into in accordance with the provisions of this chapter and are exempt from any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds.

(B) Each contract for publicly funded child care shall specify at least the following:

(1) That the provider of publicly funded child care agrees to be paid for rendering services at the lower of the rate
customarily charged by the provider for children enrolled for 136268
child care or the reimbursement rate of payment established 136269
pursuant to section 5104.30 of the Revised Code; 136270

(2) That, if a provider provides child care to an individual 136271
potentially eligible for publicly funded child care who is 136272
subsequently determined to be eligible, the department agrees to 136273
pay for all child care provided between the date the county 136274
department of job and family services receives the individual's 136275
completed application and the date the individual's eligibility is 136276
determined;

(3) Whether the county department of job and family services, 136277
the provider, or a child care resource and referral service 136278
organization will make eligibility determinations, whether the 136279
provider or a child care resource and referral service 136280
organization will be required to collect information to be used by 136281
the county department to make eligibility determinations, and the 136282
time period within which the provider or child care resource and 136283
referral service organization is required to complete required 136284
eligibility determinations or to transmit to the county department 136285
any information collected for the purpose of making eligibility 136286
determinations;

(4) That the provider, other than a border state child care 136287
provider, shall continue to be licensed, approved, or certified 136288
pursuant to this chapter and shall comply with all standards and 136289
other requirements in this chapter and in rules adopted pursuant 136290
to this chapter for maintaining the provider's license, approval, 136291
or certification;

(5) That, in the case of a border state child care provider, 136292
the provider shall continue to be licensed, certified, or 136293
otherwise approved by the state in which the provider is located 136294
and shall comply with all standards and other requirements 136295
established by that state for maintaining the provider's license,
certificate, or other approval;

(6) Whether the provider will be paid by the state department of job and family services or in some other manner as prescribed by rules adopted under section 5104.42 of the Revised Code;

(7) That the contract is subject to the availability of state and federal funds.

(C)(1) The department shall establish an automated child care system to track attendance and calculate payments for publicly funded child care.

(2) Each eligible provider that provides publicly funded child care shall participate in the automated child care system. A provider participating in the system shall not do any of the following:

(a) Use or have possession of a personal identification number or password issued to a caretaker parent under the automated child care system;

(b) Falsify attendance records;

(c) Knowingly seek or accept payment for publicly funded child care that was not provided or for which the provider was not eligible;

(d) Knowingly seek or accept payment for child care provided to a child who resides in the provider's own home.

(D) The department may withhold any money due under this chapter and may recover through any appropriate method any money erroneously paid under this chapter if evidence demonstrates that a provider of publicly funded child care failed to comply with either of the following:

(1) The terms of the contract entered into under this section;

(2) This chapter or any rules adopted under it.
(E) If the department has evidence that a provider has employed an individual who is ineligible for employment under section 5104.013 of the Revised Code and the provider has not released the individual from employment upon notice that the individual is ineligible, the department may terminate immediately the contract entered into under this section to provide publicly funded child care.

(F) Any decision by the department concerning publicly funded child care, including the recovery of funds, overpayment determinations, and contract terminations is final and is not subject to appeal, hearing, or further review under Chapter 119. of the Revised Code.

Sec. 5104.35. (A) Each county department of job and family services shall do all of the following:

(1) Accept any gift, grant, or other funds from either public or private sources offered unconditionally or under conditions which are, in the judgment of the department, proper and consistent with this chapter and deposit the funds in the county public assistance fund established by section 5101.161 of the Revised Code;

(2) Recruit individuals and groups interested in certification as in-home aides or in developing and operating suitable licensed child day-care centers, type A family day-care child care homes, or licensed type B family day-care child care homes, especially in areas with high concentrations of recipients of public assistance, and for that purpose provide consultation to interested individuals and groups on request;

(3) Inform clients of the availability of child care services.

(B) A county department of job and family services may, to
the extent permitted by federal law, use public child care funds
to extend the hours of operation of the county department to
accommodate the needs of working caretaker parents and enable
those parents to apply for publicly funded child care.

**Sec. 5104.36.** The licensee or administrator of a child
care center, type A family child care home, or
licensed type B family child care home, an in-home aide
providing child care services, the director or administrator of an
approved child day camp, and a border state child care provider
shall keep a record for each eligible child, to be made available
to the county department of job and family services or the
department of job and family services on request. The record shall
include all of the following:

(A) The name and date of birth of the child;

(B) The name and address of the child's caretaker parent;

(C) The name and address of the caretaker parent's place of
employment or program of education or training;

(D) The hours for which child care services have been
provided for the child;

(E) Any other information required by the county department
of job and family services or the state department of job and
family services.

**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the
Revised Code shall be punished as follows:

(1) For each offense, the offender shall be fined not less
than one hundred dollars nor more than five hundred dollars
multiplied by the number of children receiving child care at the
child care center or type A family child care home that either exceeds the number of children to which a type B
family day-care home may provide child care or, if the offender is a licensed type A family day-care child care home that is operating as a child day-care care center without being licensed as a center, exceeds the license capacity of the type A home.

(2) In addition to the fine specified in division (A)(1) of this section, all of the following apply:

(a) Except as provided in divisions (A)(2)(b), (c), and (d) of this section, the court shall order the offender to reduce the number of children to which it provides child care to a number that does not exceed either the number of children to which a type B family day-care child care home may provide child care or, if the offender is a licensed type A family day-care child care home that is operating as a child day-care care center without being licensed as a center, the license capacity of the type A home.

(b) If the offender previously has been convicted of or pleaded guilty to one violation of section 5104.02 of the Revised Code, the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care care center license or a type A family day-care child care home license, as appropriate, under section 5104.03 of the Revised Code.

(c) If the offender previously has been convicted of or pleaded guilty to two violations of section 5104.02 of the Revised Code, the offender is guilty of a misdemeanor of the first degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care care center license or a type A family day-care child care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a misdemeanor of the first degree.
under section 2929.28 of the Revised Code.

(d) If the offender previously has been convicted of or pleaded guilty to three or more violations of section 5104.02 of the Revised Code, the offender is guilty of a felony of the fifth degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care child care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a felony of the fifth degree under section 2929.18 of the Revised Code.

(B) Whoever violates section 5104.09 of the Revised Code is guilty of a misdemeanor of the third degree.

Sec. 5107.60. In accordance with Title IV-A, federal regulations, state law, the Title IV-A state plan prepared under section 5101.80 of the Revised Code, and amendments to the plan, county departments of job and family services shall establish and administer the following work activities, in addition to the work activities established under sections 5107.50, 5107.52, 5107.54, and 5107.58 of the Revised Code, for minor heads of households and adults participating in Ohio works first:

(A) Unsubsidized employment activities, including activities a county department determines are legitimate entrepreneurial activities;

(B) On-the-job training activities, including training to become an employee of a child day-care center or type A family day-care child care home, administrator of a licensed type B family day-care child care home, or in-home aide;
(C) Community service activities including a program under which a participant of Ohio works first who is the parent, guardian, custodian, or specified relative responsible for the care of a minor child enrolled in grade twelve or lower is involved in the minor child's education on a regular basis;

(D) Vocational educational training activities;

(E) Jobs skills training activities that are directly related to employment;

(F) Education activities that are directly related to employment for participants who have not earned a high school diploma or certificate of high school equivalence;

(G) Education activities for participants who have not completed secondary school or received a certificate of high school equivalence under which the participants attend a secondary school or a course of study leading to a certificate of high school equivalence, including LEAP participation by a minor head of household;

(H) Child-care service activities aiding another participant assigned to a community service activity or other work activity. A county department may provide for a participant assigned to this work activity to receive training necessary to provide child-care services.

Sec. 5119.37. (A)(1)(a) Except as provided in division (A)(1)(b) of this section, no person or government entity shall operate an opioid treatment program requiring certification, as certification is defined in 42 C.F.R. 8.2, unless the person or government entity is a community addiction services provider and the program is licensed under this section.

(b) Division (A)(1)(a) of this section does not apply to a program operated by the United States department of veterans
affairs.

(2) No community addiction services provider licensed under this section shall operate an opioid treatment program in a manner inconsistent with this section and the rules adopted under it.

(B) A community addiction services provider seeking a license to operate an opioid treatment program shall apply to the department of mental health and addiction services. The department shall review all applications received.

(C) The department may issue a license to operate an opioid treatment program to a community addiction services provider only if all of the following apply:

(1) During the three-year period immediately preceding the date of application, the provider or any owner, sponsor, medical director, administrator, or principal of the provider has been in good standing to operate an opioid treatment program in all other locations where the provider or such other person has been operating a similar program, as evidenced by both of the following:

(a) Not having been denied a license, certificate, or similar approval to operate an opioid treatment program by this state or another jurisdiction;

(b) Not having been the subject of any of the following in this state or another jurisdiction:

(i) An action that resulted in the suspension or revocation of the license, certificate, or similar approval of the provider or other person;

(ii) A voluntary relinquishment, withdrawal, or other action taken by the provider or other person to avoid suspension or revocation of the license, certificate, or similar approval;

(iii) A disciplinary action that was based, in whole or in
part, on the provider or other person engaging in the
inappropriate prescribing, dispensing, administering, personally
furnishing, diverting, storing, supplying, compounding, or selling
of a controlled substance or other dangerous drug.

(2) It affirmatively appears to the department that the
provider is adequately staffed and equipped to operate an opioid
treatment program.

(3) It affirmatively appears to the department that the
provider will operate an opioid treatment program in strict
compliance with all laws relating to drug abuse and the rules
adopted by the department.

(4) Except as provided in division (D) of this section and
section 5119.371 of the Revised Code, if the provider is seeking
an initial license for a particular location, the proposed opioid
treatment program is not located on a parcel of real estate that
is within a radius of five hundred linear feet of the boundaries
of a parcel of real estate having situated on it a public or
private school, child care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by
the department under this chapter.

(5) The provider meets any additional requirements
established by the department in rules adopted under division (F)
of this section.

(D) The department may waive the requirement of division
(C)(4) of this section if it receives, from each public or private
school, child care center, or child-serving agency that
is within the five hundred linear feet radius described in that
division, a letter of support for the location. The department
shall determine whether a letter of support is satisfactory for
purposes of waiving the requirement.

(E)(1) Except as provided in division (E)(2) of this section,
a license to operate an opioid treatment program shall expire two 136542
years from the date of issuance. Licenses may be renewed. 136543

(2) In circumstances in which the director of mental health 136544
and addiction services has concerns regarding compliance of a 136545
community addiction services provider licensed as an opioid 136546
treatment program, the department shall notify the provider of 136547
those concerns and stipulate that the provider's license expires 136548
annually on a date determined by the department. 136549

(F) The department shall establish procedures and adopt rules 136550
for licensing, inspection, and supervision of community addiction 136551
services providers that operate an opioid treatment program. The 136552
rules shall establish standards for the control, storage, 136553
furnishing, use, dispensing, and administering of medications used 136554
in medication-assisted treatment; prescribe minimum standards for 136555
the operation of the opioid treatment program component of the 136556
provider's operations; and comply with federal laws and 136557
regulations. 136558

All rules adopted under this division shall be adopted in 136559
accordance with Chapter 119. of the Revised Code. All actions 136560
taken by the department regarding the licensing of providers to 136561
operate opioid treatment programs shall be conducted in accordance 136562
with Chapter 119. of the Revised Code, except as provided in 136563
division (L) of this section. 136564

(G)(1) The department shall inspect all community addiction 136565
services providers licensed to operate an opioid treatment 136566
program. Inspections shall be conducted at least biennially and 136567
may be conducted more frequently. 136568

In addition, the department may inspect any provider or other 136569
person that it reasonably believes to be operating an opioid 136570
treatment program without a license issued under this section. 136571

(2) When conducting an inspection, the department may do both 136572
of the following:

(a) Examine and copy all records, accounts, and other documents relating to the provider's or other person's operations, including records pertaining to patients or clients;

(b) Conduct interviews with any individual employed by or contracted or otherwise associated with the provider or person, including an administrator, staff person, patient, or client.

(3) No person or government entity shall interfere with a state or local government official acting on behalf of the department while conducting an inspection.

(H) A community addiction services provider shall not administer or dispense methadone in a tablet, powder, or intravenous form. Methadone shall be administered or dispensed only in a liquid form intended for ingestion.

A community addiction services provider shall not administer or dispense a medication used in medication-assisted treatment for pain or other medical reasons.

(I) As used in this division, "program sponsor" means a person who assumes responsibility for the operation and employees of the opioid treatment program component of a community addiction services provider's operations.

A provider shall not permit an individual to act as a program sponsor, medical director, or director of the provider if the individual is receiving a medication used in medication-assisted treatment from any community addiction services provider.

(J) The department may issue orders to ensure compliance with all laws relating to drug abuse and the rules adopted under this section. Subject to section 5119.27 of the Revised Code, the department may hold hearings, require the production of relevant matter, compel testimony, issue subpoenas, and make adjudications.
Upon failure of a person without lawful excuse to obey a subpoena or to produce relevant matter, the department may apply to a court of common pleas for an order compelling compliance.

(K) The department may refuse to issue, or may withdraw or revoke, a license to operate an opioid treatment program. A license may be refused if a community addiction services provider does not meet the requirements of division (C) of this section. A license may be withdrawn at any time the department determines that the provider no longer meets the requirements for receiving the license. A license may be revoked in accordance with division (L) of this section.

Once a license is issued under this section, the department shall not consider the requirement of division (C)(4) of this section in determining whether to renew, withdraw, or revoke the license or whether to reissue the license as a result of a change in ownership.

(L) If the department finds reasonable cause to believe that a community addiction services provider licensed under this section is in violation of any state or federal law or rule relating to drug abuse, the department may issue an order immediately revoking the license, subject to division (M) of this section. The department shall set a date not more than fifteen days later than the date of the order of revocation for a hearing on the continuation or cancellation of the revocation. For good cause, the department may continue the hearing on application of any interested party. In conducting hearings, the department has all the authority and power set forth in division (J) of this section. Following the hearing, the department shall either confirm or cancel the revocation. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code, except that the provider shall not be permitted to operate an opioid treatment program pending the hearing or pending any appeal from an
adjudication made as a result of the hearing. Notwithstanding any provision of Chapter 119. of the Revised Code to the contrary, a court shall not stay or suspend any order of revocation issued by the department under this division pending judicial appeal.

(M) The department shall not revoke a license to operate an opioid treatment program unless all clients receiving medication used in medication-assisted treatment from the community addiction services provider are provided adequate substitute medication or treatment. For purposes of this division, the department may transfer the clients to other providers licensed to operate opioid treatment programs or replace any or all of the administrators and staff of the provider with representatives of the department who shall continue on a provisional basis the opioid treatment component of the provider's operations.

(N) Each time the department receives an application from a community addiction services provider for a license to operate an opioid treatment program, issues or refuses to issue a license, or withdraws or revokes a license, the department shall notify the board of alcohol, drug addiction, and mental health services of each alcohol, drug addiction, and mental health service district in which the provider operates.

(O) Whenever it appears to the department from files, upon complaint, or otherwise, that a community addiction services provider has engaged in any practice declared to be illegal or prohibited by section 3719.61 of the Revised Code, or any other state or federal laws or regulations relating to drug abuse, or when the department believes it to be in the best interest of the public and necessary for the protection of the citizens of the state, the department may request criminal proceedings by laying before the prosecuting attorney of the proper county any evidence of criminality which may come to its knowledge.

(P) The department shall maintain a current list of community
addiction services providers licensed by the department under this 136667
section and shall provide a copy of the current list to a judge of 136668
a court of common pleas who requests a copy for the use of the 136669
judge under division (H) of section 2925.03 of the Revised Code. 136670
The list of licensed community addiction services providers shall 136671
identify each licensed provider by its name, its address, and the 136672
county in which it is located.

Sec. 5119.371. (A) On application by a community addiction 136674
services provider that has purchased or leased real property to be 136675
used as the location of an opioid treatment program subject to 136676
licensure under section 5119.37 of the Revised Code, the 136677
department of mental health and addiction services shall determine 136678
whether the location of the proposed program complies with the 136679
requirements of division (C)(4) of section 5119.37 of the Revised Code by not being located on a parcel of real estate that is 136680
within a radius of five hundred linear feet of the boundaries of a 136681
parcel of real estate having situated on it a public or private day-care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by the department under this chapter.

If the department determines that the location is in 136687
compliance with division (C)(4) of section 5119.37 of the Revised Code, the department shall issue a declaration stating that the location is in compliance. The declaration is valid for two years from the date of issuance.

The department shall provide to the provider either a copy of 136692
the declaration or a notice that the department has determined 136693
that the location is not in compliance with division (C)(4) of section 5119.37 of the Revised Code.

If, before expiration of the declaration, a community 136696
addiction services provider applies for a license to operate an 136697
opioid treatment program, the department shall not consider the
requirement of division (C)(4) of section 5119.37 of the Revised
Code in determining whether to issue the license.

(B) A community addiction services provider seeking to
relocate an opioid treatment program licensed under section
5119.37 of the Revised Code may apply for and be granted a
declaration under division (A) of this section. If, before
expiration of the declaration, the provider applies for issuance
of a license due to relocation, the department shall not consider
the requirement of division (C)(4) of section 5119.37 of the
Revised Code in determining whether to reissue the license due to
relocation.

Sec. 5153.175. (A) Notwithstanding division (I)(1) of section
2151.421, section 5153.17, and any other section of the Revised
Code pertaining to confidentiality, when a public children
services agency has determined that child abuse or neglect
occurred and that abuse or neglect involves a person who has
applied for licensure as a type A family day-care child care home
or type B family day-care child care home, the agency shall
promptly provide to the department of job and family services any
information the agency determines to be relevant for the purpose
of evaluating the fitness of the person, including, but not
limited to, both of the following:

(1) A summary report of the chronology of abuse and neglect
reports made pursuant to section 2151.421 of the Revised Code of
which the person is the subject where the agency determined that
abuse or neglect occurred and the final disposition of the
investigation of the reports or, if the investigations have not
been completed, the status of the investigations;

(2) Any underlying documentation concerning those reports.

(B) The agency shall not include in the information provided
to the department under division (A) of this section the name of 136729
the person or entity that made the report or participated in the 136730
making of the report of child abuse or neglect.

(C) Upon provision of information under division (A) of this 136732
section, the agency shall notify the department of both of the 136733
following:

(1) That the information is confidential;

(2) That unauthorized dissemination of the information is a 136736
violation of division (I)(2) of section 2151.421 of the Revised 136737
Code and any person who permits or encourages unauthorized 136738
dissemination of the information is guilty of a misdemeanor of the 136739
fourth degree pursuant to section 2151.99 of the Revised Code.

Sec. 5321.01. As used in this chapter:

(A) "Tenant" means a person entitled under a rental agreement 136741
to the use and occupancy of residential premises to the exclusion 136742
of others.

(B) "Landlord" means the owner, lessor, or sublessor of 136744
residential premises, the agent of the owner, lessor, or 136745
sublessor, or any person authorized by the owner, lessor, or 136746
sublessor to manage the premises or to receive rent from a tenant 136747
under a rental agreement.

(C) "Residential premises" means a dwelling unit for 136750
residential use and occupancy and the structure of which it is a 136751
part, the facilities and appurtenances in it, and the grounds, 136752
areas, and facilities for the use of tenants generally or the use 136753
of which is promised the tenant. "Residential premises" includes a 136754
dwelling unit that is owned or operated by a college or 136755
university. "Residential premises" does not include any of the 136756
following:

(1) Prisons, jails, workhouses, and other places of 136758
incarceration or correction, including, but not limited to, halfway houses or residential arrangements that are used or occupied as a requirement of a community control sanction, a post-release control sanction, or parole;

(2) Hospitals and similar institutions with the primary purpose of providing medical services, and homes licensed pursuant to Chapter 3721. of the Revised Code;

(3) Tourist homes, hotels, motels, recreational vehicle parks, recreation camps, combined park-camps, temporary park-camps, and other similar facilities where circumstances indicate a transient occupancy;

(4) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition;

(5) Orphanages and similar institutions;

(6) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants;

(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code;

(8) Occupancy by an owner of a condominium unit;

(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:

(a) The occupancy is for a period of less than sixty days.

(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable
organization pursuant to a contract with the facility, to provide either of the following:

(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of persons with mental illnesses, persons with developmental disabilities, adults or juveniles convicted of criminal offenses, or persons experiencing substance abuse;

(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons.


(D) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, amount of rent charged or paid, or any other provisions concerning the use and occupancy of residential premises by one of the parties.

(E) "Security deposit" means any deposit of money or property to secure performance by the tenant under a rental agreement.

(F) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

(G) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(H) "Student tenant" means a person who occupies a dwelling unit owned or operated by the college or university at which the
person is a student, and who has a rental agreement that is contingent upon the person's status as a student.

(I) "Recreational vehicle park," "recreation camp," "combined park-camp," and "temporary park-camp" have the same meanings as in section 3729.01 of the Revised Code.

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

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

(L) "School premises" has the same meaning as in section 2925.01 of the Revised Code.

(M) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

(N) "Preschool or child care center premises" has the same meaning as in section 2950.034 of the Revised Code.

(O) "Rent control" means requiring below-market rents for residential premises or controlling rental rates for residential premises in any manner, including by prohibiting rent increases, regulating rental rate changes between tenancies, limiting rental rate increases, regulating the rental rates of residential premises based on income or wealth of tenants, and other forms of restraint or limitation of rental rates.

(P) "Rent stabilization" means allowing rent increases for residential premises of a fixed amount or on a fixed schedule as set by a political subdivision.

(Q) "Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.
Sec. 5321.03. (A) Notwithstanding section 5321.02 of the Revised Code, a landlord may bring an action under Chapter 1923 of the Revised Code for possession of the premises if:

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

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

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

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

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

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

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

(B) The maintenance of an action by the landlord under this

...
section does not prevent the tenant from recovering damages for any violation by the landlord of the rental agreement or of section 5321.04 of the Revised Code.

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

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

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

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

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

(2) If a tenant allows occupancy in violation of this section or a person establishes a residence or occupies residential premises in violation of section 2950.034 of the Revised Code, the landlord for the residential premises that are the subject of the rental agreement or other tenancy may terminate the rental agreement or other tenancy of the tenant and all other occupants.
(B) If a landlord is authorized to terminate a rental agreement or other tenancy pursuant to division (A) of this section but does not so terminate the rental agreement or other tenancy, the landlord is not liable in a tort or other civil action in damages for any injury, death, or loss to person or property that allegedly results from that decision.

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

Sec. 5709.65. (A) An enterprise issued a certificate under section 5709.64 of the Revised Code shall be entitled to the following tax incentives:

(1) With the exception of improvements to land or tangible personal property constituting or used in the retail portion, if any, of a facility, any improvement to land or tangible personal property at a facility for which a certificate is issued, first used in business at the facility as the result of a project, shall not be considered an asset of a corporate enterprise in determining the value of its issued and outstanding stock under division (A) of section 5733.05 of the Revised Code at the end of the taxable year that includes the certificate's date of issuance.

(2) With the exception of the original cost of improvements to land or tangible personal property constituting or used in the retail portion, if any, of a facility, the original cost of any improvement to land or tangible personal property at the facility for which the certificate is issued, first used in business at the facility as a result of a project, shall be excluded from the numerator upon computation of the property factor of a corporate enterprise under division (B)(2)(a) of section 5733.05 of the Revised Code, or of a noncorporate enterprise under division (A) of section 5747.21 of the Revised Code, for the taxable year that
includes the certificate's date of issuance.

As used in divisions (A)(1) and (2) of this section, the "retail portion" of a facility is that part of a facility used primarily for making retail sales as defined in division (O) of section 5739.01 of the Revised Code.

(3) Compensation paid to new employees described under divisions (A)(2)(a) to (e) of section 5709.64 of the Revised Code at the facility for which the certificate is issued, who are hired as a result of a project, shall be excluded from the numerator upon computation of the payroll factor of a corporate enterprise under division (B)(2)(b) of section 5733.05 of the Revised Code, or of a noncorporate enterprise under division (B) of section 5747.21 of the Revised Code, for the taxable year that includes the certificate's date of issuance.

(4) An enterprise that reimburses its new employees described under divisions (A)(2)(a) to (e) of section 5709.64 of the Revised Code for all or part of the cost of day-care child care services necessary to enable them to be employed at a facility for which a certificate is issued shall be entitled to a credit equal to the amounts so reimbursed, up to a maximum of three hundred dollars for each child or dependent receiving the services, for the taxable year in which reimbursement is made, against the tax imposed by section 5733.06 of the Revised Code on a corporate enterprise, or against the aggregate amount of tax imposed on the owners of a noncorporate enterprise under section 5747.02 of the Revised Code, for the taxable year that includes the certificate's date of issuance. Only reimbursements of amounts paid by new employees to day-care child care centers licensed by the department of job and family services for day-care child care services provided during the first twenty-four months of employment as a new employee may be applied toward the credit provided under this division. Any enterprise claiming this credit
shall maintain records verifying that the credit is claimed only for reimbursement of amounts expended by new employees for such services.

(5) For each new employee described in divisions (A)(2)(a) to (e) of section 5709.64 of the Revised Code who completes a training program and is subsequently employed by an enterprise for at least ninety days, if the enterprise pays or reimburses all or part of the cost of the employee's participation in the training program, it may claim a credit equal to the amount paid or reimbursed or one thousand dollars, whichever is less, in the taxable year in which the employee completes the ninety days of subsequent employment, against the tax imposed on a corporate enterprise by section 5733.06 of the Revised Code, or against the aggregate amount of tax imposed on the owners of a noncorporate enterprise under section 5747.02 of the Revised Code. Only one credit shall be allowed with respect to any individual. Attendance at a qualified training program under this section does not bar an otherwise eligible individual from receipt of benefits under Chapter 4141. of the Revised Code.

(B) None of the items set forth in divisions (A)(2) and (3) of this section shall be considered in making any allocation or apportionment under division (B)(2)(d) of section 5733.05 or division (D) of section 5747.21 of the Revised Code.

(C) All credits provided under this section to a noncorporate enterprise shall be divided pro rata among the owners of the enterprise subject to the tax imposed by section 5747.02 of the Revised Code, based upon their proportionate ownership interests in the enterprise. The enterprise shall file with the tax commissioner, on a form prescribed by the commissioner, a statement showing the total available credit and the portion thereof attributed to each owner. The statement shall identify each owner by name and social security number and shall be filed
with the tax commissioner by the date prescribed by the commissioner, which shall be no earlier than the fifteenth day of the month following the close of the enterprise's taxable year for which the credit is claimed.

(D) All state income tax or corporation franchise tax credits provided under this section shall be claimed in the order required under section 5733.98 or 5747.98 of the Revised Code. The credits, to the extent they exceed the taxpayer's aggregate tax liability for the taxable year after allowance for any other credits that precede the credits under this section in that order, shall be carried forward to the next succeeding taxable year or years until fully utilized.

**Sec. 5733.36.** This section applies only to tax years 1999, 2000, 2001, 2002, and 2003.

A nonrefundable credit is allowed against the tax imposed by sections 5733.06, 5733.065, and 5733.066 of the Revised Code for a taxpayer that enters into an agreement with a child day-care center pursuant to this section. Under the terms of the agreement, the taxpayer must make one or more support payments to the day-care center on a periodic basis, and the center must agree to serve a child of an employee of the taxpayer for the period covered by each support payment. The center must be licensed under section 5104.03 of the Revised Code. The amount of the support payment must be set forth in the agreement, and cannot exceed a reasonable charge for a child to attend a day-care center in the vicinity of the taxpayer's worksite. The agreement must specify that an employee has the option of refusing to place the employee's child in a day-care center that receives support payments from the taxpayer.

The amount of the credit equals fifty per cent of the total amount of support payments made by the taxpayer during the taxable
year. The taxpayer shall not count toward the credit any amount it paid directly or indirectly in connection with a plan or program described in section 125 of the Internal Revenue Code or under section 5733.38 of the Revised Code. The taxpayer shall claim the credit in the order required under section 5733.98 of the Revised Code.

Sec. 5733.37. (A) A nonrefundable credit is allowed against the tax imposed by sections 5733.06, 5733.065, and 5733.066 of the Revised Code equal to the lesser of one hundred thousand dollars, or fifty per cent of the amount incurred by a taxpayer for equipment, supplies, labor, and real property, including renovation of real property, used exclusively to establish a child day-care center. The credit is allowed only for the tax year immediately following the taxable year in which the child day-care center begins operations. The credit may be claimed only for tax year 1999, 2000, 2001, 2002, or 2003, but may be carried forward pursuant to division (B) of this section.

The center must be licensed under section 5104.03 of the Revised Code, used exclusively by employees of the taxpayer, and located at the employees' worksite. Amounts incurred for supplies that are to be used after the center begins operations may be included only with regard to supplies that are expected to last more than one year under normal usage. To be eligible for the credit, the taxpayer must specify that an employee has the option of refusing to place the employee's child in the child day-care center established by the taxpayer.

(B) The taxpayer shall claim the credit in the order required under section 5733.98 of the Revised Code. The taxpayer may carry forward any credit amount in excess of its tax due after allowing for any other credits that precede the credit under this section in the order required under section 5733.98 of the Revised Code,
and shall deduct the amount of the excess credit allowed in any such year from the balance carried forward to the next taxable year. The credit may be carried forward for five tax years following the tax year for which the credit is claimed under division (A) of this section. However, if the taxpayer disposes of the day-care center or ceases to operate it at any time during the five-year period, it shall not claim or carry forward any credit in connection with that property in the taxable year of disposal or cessation of operation or in any ensuing taxable year.


A nonrefundable credit is allowed against the tax imposed by sections 5733.06, 5733.065, and 5733.066 of the Revised Code equal to fifty per cent of the amount incurred by a taxpayer during the taxable year immediately preceding the tax year to reimburse employees of the taxpayer for child care expenses. The amount of the credit for a tax year shall not exceed seven hundred fifty dollars per child.

The taxpayer shall count toward the credit only reimbursements it pays to or for the benefit of employees for amounts paid by those employees for child care provided to dependents of the employees at child day-care centers licensed under section 5104.03 of the Revised Code. The taxpayer shall not count toward the credit any amount it paid directly or indirectly in connection with a plan or program described in section 125 of the Internal Revenue Code or under section 5733.36 of the Revised Code. The taxpayer shall claim the credit in the order required under section 5733.98 of the Revised Code.

Sec. 6109.121. (A) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised
Code that do all of the following:

(1) Require the owner or operator of a community or nontransient noncommunity water system to conduct sampling of the system for lead and copper;

(2) Establish a schedule for lead and copper sampling applicable to the owner or operator of a community or nontransient noncommunity water system that, at a minimum, does both of the following:

   (a) Allows the director, in establishing the schedule, to consider the following factors when determining if a community or nontransient noncommunity water system must conduct sampling at least once annually:

      (i) The age of the water system;

      (ii) Whether corrosion control requirements are met;

      (iii) Any other relevant risk factors, as determined by the director, including aging infrastructure likely to contain lead service lines.

   (b) Requires the owner or operator of a system where such risk factors are identified to conduct sampling at least once annually until the risk factors are mitigated in accordance with rules.

(3) Require the owner or operator of a community or nontransient noncommunity water system to provide collected samples to a certified laboratory for analysis;

(4) Authorize the director to require additional sampling for pH level and other water quality parameters to determine if corrosion control requirements are met;

(5) Authorize the director to establish corrosion control requirements for community and nontransient noncommunity water.
systems;

(6) Require the owner or operator of a community or nontransient noncommunity water system to conduct a new or updated corrosion control treatment study and submit a new or updated corrosion control treatment plan not later than eighteen months after any of the following events:

(a) The system changes or adds a source from which water is obtained.

(b) The system makes a substantial change in water treatment.

(c) The system operates outside of acceptable ranges for lead, copper, pH, or other corrosion indicators, as determined by the director.

(d) Any other event determined by the director to have the potential to impact the water quality or corrosiveness of water in the system.

(7) Authorize the director to waive the requirement to conduct a new or updated corrosion control study established in rules adopted under division (A)(6) of this section in appropriate circumstances;

(8) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to complete the study and submit the plan to the director for approval even if sampling results conducted subsequent to the initiation of the study and plan do not exceed the lead action level established in rules adopted under this chapter;

(9) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to complete the study and submit the plan to the director for approval even if sampling results conducted subsequent to the initiation of the study and plan do not exceed the lead action level established in rules adopted under this chapter;
control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to submit to the director an interim status report of actions taken to implement the corrosion control study six months and twelve months from the date of initiation of the corrosion control study requirement;

(10) Establish a lead threshold for individual taps;

(11) Establish and revise content for public education materials;

(12) Authorize the director to develop procedures and requirements to document that notices were provided by the owner or operator of a community or nontransient noncommunity water system as required under the rules adopted under division (A)(15) of this section;

(13) Authorize the director to assess administrative penalties in accordance with section 6109.23 of the Revised Code for violations of the notice requirements established in rules adopted under divisions (A)(15)(b) and (c)(i) of this section;

(14) Require a laboratory that receives a lead or copper tap water sample from a community or nontransient noncommunity water system to do both of the following:

(a) Complete a lead or copper analysis of the sample, as applicable, not later than thirty business days after the receipt of the sample;

(b) Not later than the end of the next business day following the day the analysis of the sample is completed, report the results of the analysis and all identifying information about where the sample was collected to the community or nontransient noncommunity water system and the director.

(15) Require the owner or operator of a community or
nontransient noncommunity water system to do all of the following, as applicable, with regard to laboratory results received under rules adopted under division (A)(14) of this section:

(a) If the laboratory results show that a sample from an individual tap is below the applicable lead threshold as established in rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than thirty business days after the receipt of the laboratory results;

(b) If the results show that a sample from an individual tap is above the applicable lead threshold as established under rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than two business days after the receipt of the laboratory results, and do all of the following, as applicable:

(i) For the owner or operator of a nontransient noncommunity water system, immediately remove from service all fixtures identified as contributing to elevated lead levels;

(ii) For the owner or operator of a community water system, include in the system's annual consumer confidence report the lead or copper laboratory results, an explanation of the associated health risks, what actions consumers of the system can take to reduce health risks, and the actions the system is taking to reduce public exposure;

(iii) Not later than two business days after the receipt of the laboratory results, provide information on the availability of health screening and blood lead level testing to the owner and
persons served at the residence or other structure where the sample was collected and provide notice of the laboratory results to the applicable local board of health.

(c) If the laboratory results show that the community or nontransient noncommunity water system exceeds the lead action level established in rules adopted under this chapter, do all of the following, as applicable:

(i) Not later than two business days after the receipt of the laboratory results, provide notice to all of the system's water consumers that the system exceeds the lead action level. The owner or operator shall provide the notice in a form specified by the director.

(ii) Not later than five business days after the receipt of the laboratory results by the owner or operator of a community water system, provide information on the availability of tap water testing for lead to all consumers served by the system who are known or likely to have lead service lines, lead pipes, or lead solder as identified in the map required to be completed by rules adopted under division (A)(18) of this section;

(iii) Not later than thirty business days after the receipt of the laboratory results, make an analysis of laboratory results available to all consumers served by the system, comply with public education requirements established in rules adopted under this chapter that apply when a public water system exceeds the lead action level, and provide information to consumers served by the system about the availability of health screenings and blood lead level testing in the area served by the water system;

(iv) Subject to rules adopted under division (A)(7) of this section, perform a corrosion control treatment study and submit a corrosion control treatment plan to the director not later than eighteen months after the date on which laboratory results were
received by the owner or operator indicating that the system exceeded the lead action level.

(16) Require that not later than five business days after the receipt of the laboratory results, the owner or operator shall certify to the director that the owner or operator has complied with the requirements of rules adopted under divisions (A)(15)(b), (A)(15)(c)(i), and (A)(15)(c)(ii) of this section, as applicable.

(17) Require that if the owner or operator of a community or nontransient noncommunity water system fails to provide the notices required under rules adopted under division (A)(15)(b) or (c)(i) of this section, the director shall provide those notices beginning ten business days from the date that the director receives laboratory results under the rules adopted under division (A)(14) of this section.

(18) Require the owner or operator of a community or nontransient noncommunity water system to submit a map to the director showing areas of the system that are known or are likely to contain lead service lines and identifying characteristics of buildings served by the system that may contain lead piping, solder, or fixtures. The rules shall, at a minimum, require the owner or operator to do all of the following:

(a) Submit a copy of the applicable map to the department of health and the department of job and family services;

(b) Submit a report to the director containing at least the applicable map and a list of sampling locations that are tier I sites used to collect samples as required by rules adopted under this chapter, including contact information for the owner and occupant of each sampling site;

(c) Update and resubmit the information required by divisions (A)(18)(a) and (b) of this section according to a schedule determined by the director, but not less frequently than required
under the Safe Drinking Water Act.

(B) The director shall post information on the environmental protection agency's web site about sources of funding that are available to assist communities with lead service line identification and replacement and schools with fountain and water-service fixture replacement.

(C) As required by the director, an owner or operator of a nontransient noncommunity water system that is a school or child care center shall collect additional tap water samples in buildings identified in the map required to be completed by rules adopted under division (A)(18) of this section.

(D) As used in this section:

(1) "Child care center" has the same meaning as in section 5104.01 of the Revised Code.

(2) "School" means a school operated by the board of education of a city, local, exempted village, or joint vocational school district, the governing board of an educational service center, the governing authority of a community school established under Chapter 3314. of the Revised Code, the governing body of a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, the board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code, or the governing authority of a chartered or nonchartered nonpublic school.

(3) "Local board of health" means the applicable board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

Section 130.21. That existing sections 109.57, 349.01, 921.06, 1923.01, 1923.02, 2151.011, 2151.421, 2151.86, 2919.223,
2919.224, 2919.225, 2919.226, 2923.124, 2923.126, 2950.034,
2950.11, 2950.13, 3109.051, 3301.52, 3301.53, 3321.01, 3321.05,
3325.07, 3325.071, 3701.63, 3701.80, 3714.03, 3717.42, 3728.01,
3737.22, 3737.83, 3737.841, 3742.01, 3767.41, 3781.06, 3781.10,
3796.30, 3797.06, 3905.064, 4510.021, 4511.01, 4511.81, 4513.182,
4715.36, 5101.29, 5103.03, 5104.01, 5104.013, 5104.014, 5104.015,
5104.016, 5104.017, 5104.018, 5104.0111, 5104.02, 5104.021,
5104.022, 5104.03, 5104.032, 5104.033, 5104.034, 5104.037,
5104.038, 5104.039, 5104.04, 5104.041, 5104.042, 5104.043,
5104.05, 5104.051, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07,
5104.08, 5104.09, 5104.13, 5104.14, 5104.25, 5104.30, 5104.301,
5104.31, 5104.32, 5104.35, 5104.36, 5104.99, 5107.60, 5119.37,
5119.371, 5153.175, 5321.01, 5321.03, 5321.051, 5709.65, 5733.36,
5733.37, 5733.38, and 6109.121 of the Revised Code are hereby
repealed.

Section 130.22. The General Assembly, applying the principle
stated in division (B) of section 1.52 of the Revised Code that
amendments are to be harmonized if reasonably capable of
simultaneous operation, finds that the following sections,
presented in this act as composites of the resulting versions of
the sections in effect prior to the effective date of the sections
as presented in this act:

Section 109.57 of the Revised Code as amended by both H.B.
405 and S.B. 288 of the 134th General Assembly.

Section 4510.021 of the Revised Code as amended by both H.B.
300 and S.B. 204 of the 131st General Assembly.

Section 5104.017 of the Revised Code as amended by both H.B.
110 and H.B. 281 of the 134th General Assembly.

Section 5321.01 of the Revised Code amended by both H.B. 281
and H.B. 430 of the 134th General Assembly.
Section 130.23. That the version of section 3701.63 of the Revised Code that is scheduled to take effect September 30, 2024, be amended to read as follows:

Sec. 3701.63. (A) As used in this section and sections 3701.64, 3701.66, and 3701.67 of the Revised Code:

1. "Child care center," "type A family day-care child care home," and "licensed type B family day-care child care home" have the same meanings as in section 5104.01 of the Revised Code.

2. "Child care facility" means a child care center, a type A family day-care child care home, or a licensed type B family day-care child care home.

3. "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

4. "Freestanding birthing center" has the same meaning as in section 3701.503 of the Revised Code.

5. "Hospital" has the same meaning as in section 3722.01 of the Revised Code to which either of the following applies:

   a. The hospital has a maternity unit.

   b. The hospital receives for care infants who have been transferred to it from other facilities and who have never been discharged to their residences following birth.

6. "Infant" means a child who is less than one year of age.

7. "Maternity unit" means the distinct portion of a hospital in which maternity services are provided.

8. "Other person responsible for the infant" includes a foster caregiver.

9. "Parent" means either parent, unless the parents are...
separated or divorced or their marriage has been dissolved or
annulled, in which case "parent" means the parent who is the
residential parent and legal custodian of the child. "Parent" also
means a prospective adoptive parent with whom a child is placed.

(10) "Shaken baby syndrome" means signs and symptoms,
including, but not limited to, retinal hemorrhages in one or both
eyes, subdural hematoma, or brain swelling, resulting from the
violent shaking or the shaking and impacting of the head of an
infant or small child.

(B) The director of health shall establish the shaken baby
syndrome education program by doing all of the following:

(1) Developing educational materials that present readily
comprehensible information on shaken baby syndrome;

(2) Making available on the department of health web site in
an easily accessible format the educational materials developed
under division (B)(1) of this section;

(3) Annually assessing the effectiveness of the shaken baby
syndrome education program by doing all of the following:

(a) Evaluating the reports received pursuant to section
5101.135 of the Revised Code;

(b) Reviewing the content of the educational materials to
determine if updates or improvements should be made;

(c) Reviewing the manner in which the educational materials
are distributed, as described in section 3701.64 of the Revised
Code, to determine if modifications to that manner should be made.

(C) In meeting the requirements under division (B) of this
section, the director shall develop educational materials that, to
the extent possible, minimize administrative or financial burdens
on any of the entities or persons listed in section 3701.64 of the
Revised Code.
Section 130.24. That the existing version of section 3701.63 of the Revised Code that is scheduled to take effect September 30, 2024, is hereby repealed.

Section 130.25. Sections 130.23 and 130.24 of this act take effect September 30, 2024.

Section 130.26. That the versions of sections 921.06, 3737.83, and 3781.10 of the Revised Code that are scheduled to take effect December 29, 2023, be amended to read as follows:

Sec. 921.06. (A)(1) No individual shall do any of the following without having a commercial applicator license issued by the director of agriculture:

(a) Apply pesticides for a pesticide business without direct supervision;

(b) Apply pesticides as part of the individual's duties while acting as an employee of the United States government, a state, county, township, or municipal corporation, or a park district, port authority, or sanitary district created under Chapter 1545., 4582., or 6115. of the Revised Code, respectively;

(c) Apply restricted use pesticides. Division (A)(1)(c) of this section does not apply to a private applicator or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.

(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:

(i) Food service operations that are licensed under Chapter
3717. of the Revised Code;

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;

(iii) Golf courses;

(iv) Rental properties of more than four apartment units at one location;

(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;

(vi) Child care centers or licensed school child care centers programs as defined in section 5104.01 of the Revised Code;

(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;

(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;

(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;

(x) Any other site designated by rule.
(e) Conduct authorized diagnostic inspections.

(2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.

(3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The fee for each such license shall be established by rule. If a license is not issued or renewed, the application fee shall be retained by the state as payment for the reasonable expense of processing the application. The director shall by rule classify by pesticide-use category licenses to be issued under this section. A single license may include more than one pesticide-use category. No individual shall be required to pay an additional license fee if the individual is licensed for more than one category.

The fee for each license or renewal does not apply to an applicant who is an employee of the department of agriculture whose job duties require licensure as a commercial applicator as a condition of employment.

(B) Application for a commercial applicator license shall be made on a form prescribed by the director. Each application for a license shall state the pesticide-use category or categories of license for which the applicant is applying and other information that the director determines essential to the administration of this chapter.

(C)(1) Except as provided in division (C)(2) of this section, if the director finds that the applicant is competent to apply pesticides and conduct diagnostic inspections and that the applicant has passed both the general examination and each applicable pesticide-use category examination as required under division (A) of section 921.12 of the Revised Code, the director
shall issue a commercial applicator license limited to the pesticide-use category or categories for which the applicant is found to be competent. If the director rejects an application, the director may explain why the application was rejected, describe the additional requirements necessary for the applicant to obtain a license, and return the application. The applicant may resubmit the application without payment of any additional fee.

(2) The director shall issue a commercial applicator license in accordance with Chapter 4796. of the Revised Code to an individual if either of the following applies:

(a) The individual holds a commercial applicator license in another state.

(b) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a commercial applicator in a state that does not issue that license.

A license issued under this division shall be limited to the pesticide-use category or categories for which the applicant is licensed in another state or has satisfactory work experience, a government certification, or a private certification in that state.

(D)(1) A person who is a commercial applicator shall be deemed to hold a private applicator's license for purposes of applying pesticides on agricultural commodities that are produced by the commercial applicator.

(2) A commercial applicator shall apply pesticides only in the pesticide-use category or categories in which the applicator is licensed under this chapter.

(E) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.
Sec. 3737.83. The state fire marshal shall, as part of the state fire code, adopt rules to:

(A) Establish minimum standards of performance for fire protection equipment and fire fighting equipment;

(B) Establish minimum standards of training, fix minimum qualifications, and require certificates for all persons who engage in the business for profit of installing, testing, repairing, or maintaining fire protection equipment;

(C) Provide for the issuance of certificates required under division (B) of this section and establish the fees to be charged for such certificates. A certificate shall be granted, renewed, or revoked according to rules the state fire marshal shall adopt, except that the state fire marshal shall grant a certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a person engaged in the business of installing, testing, repairing, or maintaining fire protection equipment in a state that does not issue that certificate.

(D) Establish minimum standards of flammability for consumer goods in any case where the federal government or any department or agency thereof has established, or may from time to time establish standards of flammability for consumer goods. The standards established by the state fire marshal shall be identical to the minimum federal standards.

In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods.
goods subsequent to the adoption of a flammability standard by the state fire marshal, standards previously adopted by the state fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child care centers and in type A family child care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The state fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services.

**Sec. 3781.10.** (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the
lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of the Revised Code is enforceable. The rules governing residential buildings are uniform requirements for residential buildings in any area with a building department certified to enforce the state residential building code. In no case shall any local code or regulation differ from the state residential building code unless that code or regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to section 3781.01 of the Revised Code.

(3) The rules adopted pursuant to this section are complete, lawful alternatives to any requirements specified for buildings or industrialized units in any section of the Revised Code. Except as otherwise provided in division (I) of this section, the board shall, on its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, formulate, propose, adopt, modify, amend, or repeal the rules to the extent necessary or desirable to effectuate the purposes of sections 3781.06 to 3781.18 of the Revised Code.

(B) The board shall report to the general assembly proposals for amendments to existing statutes relating to the purposes declared in section 3781.06 of the Revised Code that public health and safety and the development of the arts require and shall recommend any additional legislation to assist in carrying out fully, in statutory form, the purposes declared in that section. The board shall prepare and submit to the general assembly a summary report of the number, nature, and disposition of the petitions filed under sections 3781.13 and 3781.14 of the Revised Code.

(C) On its own motion or on application made under sections
3781.12 and 3781.13 of the Revised Code, and after thorough testing and evaluation, the board shall determine by rule that any particular fixture, device, material, process of manufacture, manufactured unit or component, method of manufacture, system, or method of construction complies with performance standards adopted pursuant to section 3781.11 of the Revised Code. The board shall make its determination with regard to adaptability for safe and sanitary erection, use, or construction, to that described in any section of the Revised Code, wherever the use of a fixture, device, material, method of manufacture, system, or method of construction described in that section of the Revised Code is permitted by law. The board shall amend or annul any rule or issue an authorization for the use of a new material or manufactured unit on any like application. No department, officer, board, or commission of the state other than the board of building standards or the board of building appeals shall permit the use of any fixture, device, material, method of manufacture, newly designed product, system, or method of construction at variance with what is described in any rule the board of building standards adopts or issues or that is authorized by any section of the Revised Code. Nothing in this section shall be construed as requiring approval, by rule, of plans for an industrialized unit that conforms with the rules the board of building standards adopts pursuant to section 3781.11 of the Revised Code.

(D) The board shall recommend rules, codes, and standards to help carry out the purposes of section 3781.06 of the Revised Code and to help secure uniformity of state administrative rulings and local legislation and administrative action to the bureau of workers' compensation, the director of commerce, any other department, officer, board, or commission of the state, and to legislative authorities and building departments of counties, townships, and municipal corporations, and shall recommend that they audit those recommended rules, codes, and standards by any...
appropriate action that they are allowed pursuant to law or the
constitution.

(E)(1) The board shall certify municipal, township, and
county building departments, the personnel of those building
departments, persons described in division (E)(7) of this section,
and employees of individuals, firms, the state, or corporations
described in division (E)(7) of this section to exercise
enforcement authority, to accept and approve plans and
specifications, and to make inspections, pursuant to sections
3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and
persons to enforce the state residential building code, to enforce
the nonresidential building code, or to enforce both the
residential and the nonresidential building codes. Any department,
personnel, or person may enforce only the type of building code
for which certified.

(3) The board shall not require a building department, its
personnel, or any persons that it employs to be certified for
residential building code enforcement if that building department
does not enforce the state residential building code. The board
shall specify, in rules adopted pursuant to Chapter 119. of the
Revised Code, the requirements for certification for residential
and nonresidential building code enforcement, which shall be
consistent with this division. The requirements for residential
and nonresidential certification may differ. Except as otherwise
provided in this division, the requirements shall include, but are
not limited to, the satisfactory completion of an initial
examination and, to remain certified, the completion of a
specified number of hours of continuing building code education
within each three-year period following the date of certification
which shall be not less than thirty hours. The rules shall provide
that continuing education credits and certification issued by the
council of American building officials, national model code organizations, and agencies or entities the board recognizes are acceptable for purposes of this division. The rules shall specify requirements that are consistent with the provisions of section 5903.12 of the Revised Code relating to active duty military service and are compatible, to the extent possible, with requirements the council of American building officials and national model code organizations establish.

(4) The board shall establish and collect a certification and renewal fee for building department personnel, and persons and employees of persons, firms, or corporations as described in this section, who are certified pursuant to this division.

(5) Any individual certified pursuant to this division shall complete the number of hours of continuing building code education that the board requires or, for failure to do so, forfeit certification.

(6) This division does not require or authorize the board to certify personnel of municipal, township, and county building departments, and persons and employees of persons, firms, or corporations as described in this section, whose responsibilities do not include the exercise of enforcement authority, the approval of plans and specifications, or making inspections under the state residential and nonresidential building codes.

(7) Enforcement authority for approval of plans and specifications and enforcement authority for inspections may be exercised, and plans and specifications may be approved and inspections may be made on behalf of a municipal corporation, township, or county, by any of the following who the board of building standards certifies:

(a) Officers or employees of the municipal corporation, township, or county;
(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as applicable.

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the
building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;

(e) The proposed budget for the operation of the building department.

(11) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work.

(b) The minimum services to be provided by a certified building department.

(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by
that enforcement or approval of plans, or by the board on its own
motion. Hearings shall be held and appeals permitted on any
proceedings for certification or revocation or suspension of
certification in the same manner as provided in section 3781.101
of the Revised Code for other proceedings of the board of building
standards.

(13) Upon certification, and until that authority is revoked,
any county or township building department shall enforce the
residential and nonresidential building codes for which it is
certified without regard to limitation upon the authority of
boards of county commissioners under Chapter 307. of the Revised
Code or boards of township trustees under Chapter 505. of the
Revised Code.

(14) The board shall certify a person to exercise enforcement
authority, to accept and approve plans and specifications, or to
make inspections in this state in accordance with Chapter 4796. of
the Revised Code if either of the following applies:

(a) The person holds a license or certificate in another
state.

(b) The person has satisfactory work experience, a government
certification, or a private certification as described in that
chapter in the same profession, occupation, or occupational
activity as the profession, occupation, or occupational activity
for which the certificate is required in this state in a state
that does not issue that license or certificate.

(F) In addition to hearings sections 3781.06 to 3781.18 and
3791.04 of the Revised Code require, the board of building
standards shall make investigations and tests, and require from
other state departments, officers, boards, and commissions
information the board considers necessary or desirable to assist
it in the discharge of any duty or the exercise of any power.
mentioned in this section or in sections 3781.06 to 3781.18, 3791.04, and 4104.43 of the Revised Code.

(G) The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product of a manufacturing process. The fee shall bear some reasonable relationship to the cost of the review or testing of the materials, assembly, or products and for the notification of approval or disapproval as provided in section 3781.12 of the Revised Code.

(H) The residential construction advisory committee shall provide the board with a proposal for a state residential building code that the committee recommends pursuant to division (D)(1) of section 4740.14 of the Revised Code. Upon receiving a recommendation from the committee that is acceptable to the board, the board shall adopt rules establishing that code as the state residential building code.

(I)(1) The committee may provide the board with proposed rules to update or amend the state residential building code that the committee recommends pursuant to division (E) of section 4740.14 of the Revised Code.

(2) If the board receives a proposed rule to update or amend the state residential building code as provided in division (I)(1) of this section, the board either may accept or reject the proposed rule for incorporation into the residential building code. If the board does not act to either accept or reject the proposed rule within ninety days after receiving the proposed rule from the committee as described in division (I)(1) of this section, the proposed rule shall become part of the residential building code.

(J) The board shall cooperate with the director of job and
family services when the director promulgates rules pursuant to
section 5104.05 of the Revised Code regarding safety and
sanitation in type A family day-care child care homes.

(K) The board shall adopt rules to implement the requirements
of section 3781.108 of the Revised Code.

Section 130.27. That the existing versions of sections 921.06, 3737.83, and 3781.10 of the Revised Code that are
scheduled to take effect December 29, 2023, are hereby repealed.

Section 130.28. Sections 130.26 and 130.27 of this act take
effect December 29, 2023.

Section 130.30. That sections 127.15, 173.03, 753.19,
1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 1571.05,
1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 1707.04,
1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 3111.23,
3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 3319.081,
3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 3704.03,
3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 3772.04,
3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 3781.25,
3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 4125.03,
4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 4507.081,
4508.021, 4509.101, 4510.41, 4735.13, 4735.14, 5107.161, 5120.14,
5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 5525.01,
5703.37, 5709.83, 5736.041, and 5751.40 be amended and sections
1509.031 and 3745.019 of the Revised Code be enacted to read as
follows:

Sec. 127.15. The controlling board may authorize any state
agency for which an appropriation is made, in any act making
appropriations for capital improvements, to expend the moneys
appropriated otherwise than in accordance with the items set
forth, and for such purpose may authorize transfers among items or create new items and authorize transfers thereto, provided that prior to such transfers the agency seeking the same shall notify by mail or electronic mail the elected representatives to the general assembly from the counties affected by such transfers, stating the time and place of the hearing on the proposed transfers thereto. Such transfers among items shall not alter in total the appropriation to any state agency except as otherwise provided by the general assembly. The board may not authorize the transfer of a capital appropriation item of any state agency for use by such agency for operating expenses, except as otherwise provided by the general assembly.

Sec. 173.03. (A) There is hereby created the Ohio advisory council for the aging, which shall consist of twelve members to be appointed by the governor with the advice and consent of the senate. Two ex officio members of the council shall be members of the house of representatives appointed by the speaker of the house of representatives and shall be members of two different political parties. Two ex officio members of the council shall be members of the senate appointed by the president of the senate and shall be members of two different political parties. The medicaid director and directors of mental health and addiction services, developmental disabilities, health, and job and family services, or their designees, shall serve as ex officio members of the council. The council shall carry out its role as defined under the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended.

At the first meeting of the council, and annually thereafter, the members shall select one of their members to serve as chairperson and one of their members to serve as vice-chairperson. The council may form a quorum and take votes at meetings conducted by interactive electronic medium if provisions are made for public
attendance through the interactive electronic meeting.

(B) Members of the council shall be appointed for a term of three years, except that for the first appointment members of the Ohio commission on aging who were serving on the commission immediately prior to July 26, 1984, shall become members of the council for the remainder of their unexpired terms. Thereafter, appointment to the council shall be for a three-year term by the governor. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. No member shall continue in office subsequent to the expiration date of the member's term unless reappointed under the provisions of this section, and no member shall serve more than three consecutive terms on the council.

(C) Membership of the council shall represent all areas of Ohio and shall be as follows:

1. A majority of members of the council shall have attained the age of fifty and have a knowledge of and continuing interest in the affairs and welfare of the older citizens of Ohio. The fields of business, labor, health, law, and human services shall be represented in the membership.

2. No more than seven members shall be of the same political party.

(D) Any member of the council may be removed from office by the governor for neglect of duty, misconduct, or malfeasance in office after being informed in writing of the charges and afforded an opportunity for a hearing. Two consecutive unexcused absences from regularly scheduled meetings constitute neglect of duty.

(E) The director of aging may reimburse a member for actual
and necessary traveling and other expenses incurred in the discharge of official duties. But reimbursement shall be made in the manner and at rates that do not exceed those prescribed by the director of budget and management for any officer, member, or employee of, or consultant to, any state agency.

(F) Council members are not limited as to the number of terms they may serve.

(G)(1) The department of aging may award grants to or enter into contracts with a member of the advisory council or an entity that the member represents if any of the following apply:

(a) The department determines that the member or the entity the member represents is capable of providing the goods or services specified under the terms of the grant or contract.

(b) The member has not taken part in any discussion or vote of the council related to whether the council should recommend that the department of aging award the grant to or enter into the contract with the member of the advisory council or the entity that the member represents.

(2) A member of the advisory council is not in violation of Chapter 102. or section 2921.42 of the Revised Code with regard to receiving a grant or entering into a contract under this section if the conditions of division (G)(1)(a) and (b) of this section have been met.

Sec. 753.19. (A) If a person who was convicted of or pleaded guilty to an offense or was indicted or otherwise charged with the commission of an offense escapes from a jail or workhouse of a municipal corporation or otherwise escapes from the custody of a municipal corporation, the chief of police or other chief law enforcement officer of that municipal corporation immediately after the escape shall report the escape, by telephone and in
writing, to all local law enforcement agencies with jurisdiction
over the place where the person escaped from custody, to the state
highway patrol, to the department of rehabilitation and correction
if the escaped person is a prisoner under the custody of the
department who is in the jail or workhouse, to the prosecuting
attorney of the county, and to a newspaper of general circulation
in the municipal corporation in a newspaper of general circulation
in each county in which part of the municipal corporation is
located. The written notice may be by either facsimile
transmission, electronic mail, or mail. A failure to comply with
this requirement is a violation of section 2921.22 of the Revised
Code.

(B) Upon the apprehension of the escaped person, the chief
law enforcement officer shall give notice of the apprehension of
the escaped person by telephone and in writing to the persons
notified under division (A) of this section.

Sec. 1121.38. (A)(1) An administrative hearing provided for
in section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised
Code shall be held in the county in which the principal place of
business of the bank or trust company or residence of the
regulated person is located, unless the bank, trust company, or
regulated person requesting the hearing consents to another place.
Within ninety days after the hearing, the superintendent of
financial institutions shall render a decision, which shall
include findings of fact upon which the decision is predicated,
and shall issue and serve on the bank, trust company, or regulated
person the decision and an order consistent with the decision.
Judicial review of the order is exclusively as provided in
division (B) of this section. Unless a notice of appeal is filed
in a court of common pleas within thirty days after service of the
superintendent's order as provided in division (B) of this
section, and until the record of the administrative hearing has
been filed, the superintendent may, at anytime, upon the notice and in the manner the superintendent considers proper, modify, terminate, or set aside the superintendent's order. After filing the record, the superintendent may modify, terminate, or set aside the superintendent's order with permission of the court.

(a) A hearing provided for in section 1121.32, 1121.35, or 1121.41 of the Revised Code shall be confidential, unless the superintendent determines that holding an open hearing would be in the public interest. Within twenty days after service of the notice of a hearing, a respondent may file a written request for a public hearing with the superintendent. A respondent's failure to file such a request constitutes a waiver of any objections to a confidential hearing.

(b) A hearing provided for in section 1121.33 of the Revised Code shall be an open hearing. Within twenty days after service of the notice of a hearing, a respondent may file a written request for a confidential hearing with the superintendent. If such a request is received by the superintendent, the hearing shall be confidential unless the superintendent determines that holding an open hearing would be in the public interest.

(2) In the course of, or in connection with, an administrative hearing governed by this section, the superintendent, or a person designated by the superintendent to conduct the hearing, may administer oaths and affirmations, take or cause depositions to be taken, and issue, revoke, quash, or modify subpoenas and subpoenas duces tecum. At any administrative hearing required by section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised Code, the record of which may be the basis of an appeal to court, a stenographic record of the testimony and other evidence submitted shall be taken at the expense of the division of financial institutions. The record shall include all of the testimony and other evidence, and any rulings on the admissibility.
thereof, presented at the hearing. The superintendent may adopt
rules regarding these hearings. The attendance of witnesses and
the production of documents provided for in this section may be
required from any place within or outside the state. A party to a
hearing governed by this section may apply to the court of common
pleas of Franklin county, or the court of common pleas of the
county in which the hearing is being conducted or the witness
resides or carries on business, for enforcement of a subpoena or
subpoena duces tecum issued pursuant to this section, and the
courts have jurisdiction and power to order and require compliance
with the subpoena. Witnesses subpoenaed under this section shall
be paid the fees and mileage provided for under section 119.094 of
the Revised Code.

As used in this division, "stenographic record" means a
record provided by stenographic means or by the use of audio
electronic recording devices, as the division of financial
institutions determines.

(B)(1) A bank, trust company, or regulated person against
whom the superintendent issues an order upon the record of a
hearing under the authority of section 1121.32, 1121.33, 1121.35,
or 1121.41 of the Revised Code may obtain a review of the order by
filing a notice of appeal in the court of common pleas in the
county in which the principal place of business of the bank, trust
company, or regulated person, or residence of the regulated
person, is located, or in the court of common pleas of Franklin
county, within thirty days after the date of service of the
superintendent's order. The clerk of the court shall promptly
transmit a copy of the notice of appeal to the superintendent.
Within thirty days after receiving the notice of appeal, the
superintendent shall file a certified copy of the record of the
administrative hearing with the clerk of the court. In the event
of a private hearing, the record of the administrative hearing
shall be filed under seal with the clerk of the court. Upon the filing of the notice of appeal, the court has jurisdiction, which upon the filing of the record of the administrative hearing is exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the superintendent's order.

(2) The commencement of proceedings for judicial review pursuant to division (B) of this section does not, unless specifically ordered by the court, operate as a stay of any order issued by the superintendent. If it appears to the court an unusual hardship to the appellant bank, trust company, or regulated person will result from the execution of the superintendent's order pending determination of the appeal, and the interests of depositors and the public will not be threatened by a stay of the order, the court may grant a stay and fix its terms.

(C) The superintendent may, in the sole discretion of the superintendent, apply to the court of common pleas of the county in which the principal place of business of the bank, trust company, or regulated person, or residence of the regulated person, is located, or the court of common pleas of Franklin county, for the enforcement of an effective and outstanding superintendent's order issued under section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code, and the court has jurisdiction and power to order and require compliance with the superintendent's order. In an action by the superintendent pursuant to this division to enforce an order assessing a civil penalty issued under section 1121.35 of the Revised Code, the validity and appropriateness of the civil penalty is not subject to review.

(D) No court has jurisdiction to affect, by injunction or otherwise, the issuance or enforcement of an order issued under section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code.
Revised Code or to review, modify, suspend, terminate, or set aside an order issued under section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code, except as provided in this section, in division (G) of section 1121.32 of the Revised Code for an order issued pursuant to division (C)(3) or (4) of section 1121.32 of the Revised Code, or in division (A)(3) of section 1121.34 of the Revised Code for an order issued pursuant to division (A)(1) of section 1121.34 of the Revised Code.

(E) Nothing in this section or in any other section of the Revised Code or rules implementing this or any other section of the Revised Code shall prohibit or limit the superintendent from doing any of the following:

(1) Issuing orders pursuant to section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code;

(2) Individually or contemporaneously taking any other action provided by law or rule with respect to a bank, trust company, or regulated person;

(3) Taking any action provided by law or rule with respect to a bank, trust company, or regulated person, whether alone or in conjunction with another regulatory agency or authority.

**Sec. 1509.031.** (A) Notwithstanding any other provision of law to the contrary and other than a statement of production, the chief of the division of oil and gas resources management may require the electronic submission of any application, report, test result, fee, or document that is required to be submitted under this chapter. The chief shall require the submission of statements of production to be made electronically regardless of well type and the number of wells owned.

(B) For good cause, a person may request to be excluded from any requirement to make an electronic submission under division...
(A) of this section other than the requirement to submit a
statement of production electronically. The chief shall establish the procedure and form by which a person may request such exclusion.

Sec. 1509.06. (A) An application for a permit to drill a new
well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply, including associated production operations, shall be filed with the chief of the division of oil and gas resources management upon such form as the chief prescribes and shall contain each of the following that is applicable:

(1) The name and address of the owner and, if a corporation, the name and address of the statutory agent;

(2) The signature of the owner or the owner's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as such agent.

(3) The names and addresses of all persons holding the royalty interest in the tract upon which the well is located or is to be drilled or within a proposed drilling unit;

(4) The location of the tract or drilling unit on which the well is located or is to be drilled identified by section or lot number, city, village, township, and county;

(5) Designation of the well by name and number;

(6)(a) The geological formation to be tested or used and the proposed total depth of the well;

(b) If the well is for the injection of a liquid, identity of the geological formation to be used as the injection zone and the composition of the liquid to be injected.

(7) The type of drilling equipment to be used;
(8) (a) An identification, to the best of the owner's knowledge, of each proposed source of ground water and surface water that will be used in the production operations of the well. The identification of each proposed source of water shall indicate if the water will be withdrawn from the Lake Erie watershed or the Ohio river watershed. In addition, the owner shall provide, to the best of the owner's knowledge, the proposed estimated rate and volume of the water withdrawal for the production operations. If recycled water will be used in the production operations, the owner shall provide the estimated volume of recycled water to be used. The owner shall submit to the chief an update of any of the information that is required by division (A)(8)(a) of this section if any of that information changes before the chief issues a permit for the application.

(b) Except as provided in division (A)(8)(c) of this section, for an application for a permit to drill a new well within an urbanized area, the results of sampling of water wells within three hundred feet of the proposed well prior to commencement of drilling. In addition, the owner shall include a list that identifies the location of each water well where the owner of the property on which the water well is located denied the owner access to sample the water well. The sampling shall be conducted in accordance with the guidelines established in "Best Management Practices For Pre-drilling Water Sampling" in effect at the time that the application is submitted. The division shall furnish those guidelines upon request and shall make them available on the division's web site. If the chief determines that conditions at the proposed well site warrant a revision, the chief may revise the distance established in this division for purposes of pre-drilling water sampling.

(c) For an application for a permit to drill a new horizontal well, the results of sampling of water wells within one thousand
five hundred feet of the proposed horizontal wellhead prior to commencement of drilling. In addition, the owner shall include a list that identifies the location of each water well where the owner of the property on which the water well is located denied the owner access to sample the water well. The sampling shall be conducted in accordance with the guidelines established in "Best Management Practices For Pre-drilling Water Sampling" in effect at the time that the application is submitted. The division shall furnish those guidelines upon request and shall make them available on the division's web site. If the chief determines that conditions at the proposed well site warrant a revision, the chief may revise the distance established in this division for purposes of pre-drilling water sampling.

(9) For an application for a permit to drill a new well within an urbanized area, a sworn statement that the applicant has provided notice by regular mail of the application to the owner of each parcel of real property that is located within five hundred feet of the surface location of the well and to the executive authority of the municipal corporation or the board of township trustees of the township, as applicable, in which the well is to be located. In addition, the notice shall contain a statement that informs an owner of real property who is required to receive the notice under division (A)(9) of this section that within five days of receipt of the notice, the owner is required to provide notice under section 1509.60 of the Revised Code to each residence in an occupied dwelling that is located on the owner's parcel of real property. The notice shall contain a statement that an application has been filed with the division of oil and gas resources management, identify the name of the applicant and the proposed well location, include the name and address of the division, and contain a statement that comments regarding the application may be sent to the division. The notice may be provided by hand delivery or regular mail. The identity of the owners of parcels of real
property shall be determined using the tax records of the municipal corporation or county in which a parcel of real property is located as of the date of the notice.

(10) A plan for restoration of the land surface disturbed by drilling operations. The plan shall provide for compliance with the restoration requirements of division (A) of section 1509.072 of the Revised Code and any rules adopted by the chief pertaining to that restoration.

(11)(a) A description by name or number of the county, township, and municipal corporation roads, streets, and highways that the applicant anticipates will be used for access to and egress from the well site;

(b) For an application for a permit for a horizontal well, a copy of an agreement concerning maintenance and safe use of the roads, streets, and highways described in division (A)(11)(a) of this section entered into on reasonable terms with the public official that has the legal authority to enter into such maintenance and use agreements for each county, township, and municipal corporation, as applicable, in which any such road, street, or highway is located or an affidavit on a form prescribed by the chief attesting that the owner attempted in good faith to enter into an agreement under division (A)(11)(b) of this section with the applicable public official of each such county, township, or municipal corporation, but that no agreement was executed.

(12) Such other relevant information as the chief prescribes by rule.

Each application shall be accompanied by a map, on a scale not smaller than four hundred feet to the inch, prepared by an Ohio registered surveyor, showing the location of the well and containing such other data as may be prescribed by the chief. If the well is or is to be located within the excavations and...
workings of a mine, the map also shall include the location of the mine, the name of the mine, and the name of the person operating the mine.

(B) The chief shall cause a copy of the weekly circular prepared by the division to be provided to the county engineer of each county that contains active or proposed drilling activity. The weekly circular shall contain, in the manner prescribed by the chief, the names of all applicants for permits, the location of each well or proposed well, the information required by division (A)(11) of this section, and any additional information the chief prescribes. In addition, the chief promptly shall transfer an electronic copy or facsimile, or if those methods are not available to a municipal corporation or township, a copy via regular mail, of a drilling permit application to the clerk of the legislative authority of the municipal corporation or to the clerk of the township in which the well or proposed well is or is to be located if the legislative authority of the municipal corporation or the board of township trustees has asked to receive copies of such applications and the appropriate clerk has provided the chief an accurate, current electronic mailing address or facsimile number, as applicable.

(C)(1) Except as provided in division (C)(2) of this section, the chief shall not issue a permit for at least ten days after the date of filing of the application for the permit unless, upon reasonable cause shown, the chief waives that period or a request for expedited review is filed under this section. However, the chief shall issue a permit within twenty-one days of the filing of the application unless the chief denies the application by order.

(2) If the location of a well or proposed well will be or is within an urbanized area, the chief shall not issue a permit for at least eighteen days after the date of filing of the application for the permit unless, upon reasonable cause shown, the chief.
waives that period or the chief at the chief's discretion grants a request for an expedited review. However, the chief shall issue a permit for a well or proposed well within an urbanized area within thirty days of the filing of the application unless the chief denies the application by order.

(D) An applicant may file a request with the chief for expedited review of a permit application if the well is not or is not to be located in a gas storage reservoir or reservoir protective area, as "reservoir protective area" is defined in section 1571.01 of the Revised Code. If the well is or is to be located in a coal bearing township, the application shall be accompanied by the affidavit of the landowner prescribed in section 1509.08 of the Revised Code.

In addition to a complete application for a permit that meets the requirements of this section and the permit fee prescribed by this section, a request for expedited review shall be accompanied by a separate nonrefundable filing fee of two hundred fifty dollars. Upon the filing of a request for expedited review, the chief shall cause the county engineer of the county in which the well is or is to be located to be notified of the filing of the permit application and the request for expedited review by telephone or other means that in the judgment of the chief will provide timely notice of the application and request. The chief shall issue a permit within seven days of the filing of the request unless the chief denies the application by order. Notwithstanding the provisions of this section governing expedited review of permit applications, the chief may refuse to accept requests for expedited review if, in the chief's judgment, the acceptance of the requests would prevent the issuance, within twenty-one days of their filing, of permits for which applications are pending.

(E) A well shall be drilled and operated in accordance with
the plans, sworn statements, and other information submitted in

the approved application.

(F) The chief shall issue an order denying a permit if the chief finds that there is a substantial risk that the operation will result in violations of this chapter or rules adopted under it that will present an imminent danger to public health or safety or damage to the environment, provided that where the chief finds that terms or conditions to the permit can reasonably be expected to prevent such violations, the chief shall issue the permit subject to those terms or conditions, including, if applicable, terms and conditions regarding subjects identified in rules adopted under section 1509.03 of the Revised Code. The issuance of a permit shall not be considered an order of the chief.

The chief shall post notice of each permit that has been approved under this section on the division's web site not later than two business days after the application for a permit has been approved.

(G) Each application for a permit required by section 1509.05 of the Revised Code, except an application for a well drilled or reopened for purposes of section 1509.22 of the Revised Code, also shall be accompanied by a nonrefundable fee as follows:

(1) Five hundred dollars for a permit to conduct activities in a township with a population of fewer than ten thousand;

(2) Seven hundred fifty dollars for a permit to conduct activities in a township with a population of ten thousand or more, but fewer than fifteen thousand;

(3) One thousand dollars for a permit to conduct activities in either of the following:

(a) A township with a population of fifteen thousand or more;

(b) A municipal corporation regardless of population.
(4) If the application is for a permit that requires mandatory pooling, an additional five thousand dollars.

For purposes of calculating fee amounts, populations shall be determined using the most recent federal decennial census.

Each application for the revision or reissuance of a permit shall be accompanied by a nonrefundable fee of two hundred fifty dollars.

(H)(1) Prior to the commencement of well pad construction and prior to the issuance of a permit to drill a proposed horizontal well or a proposed well that is to be located in an urbanized area, the division shall conduct a site review to identify and evaluate any site-specific terms and conditions that may be attached to the permit. At the site review, a representative of the division shall consider fencing, screening, and landscaping requirements, if any, for similar structures in the community in which the well is proposed to be located. The terms and conditions that are attached to the permit shall include the establishment of fencing, screening, and landscaping requirements for the surface facilities of the proposed well, including a tank battery of the well.

(2) Prior to the issuance of a permit to drill a proposed well, the division shall conduct a review to identify and evaluate any site-specific terms and conditions that may be attached to the permit if the proposed well will be located in a one-hundred-year floodplain or within the five-year time of travel associated with a public drinking water supply.

(I) A permit shall be issued by the chief in accordance with this chapter. A permit issued under this section for a well that is or is to be located in an urbanized area shall be valid for twelve months, and all other permits issued under this section shall be valid for twenty-four months.
(J) An applicant or a permittee, as applicable, shall submit to the chief an update of the information that is required under division (A)(8)(a) of this section if any of that information changes prior to commencement of production operations.

(K) A permittee or a permittee's authorized representative shall notify an inspector from the division at least twenty-four hours, or another time period agreed to by the chief's authorized representative, prior to the commencement of well pad construction and of drilling, reopening, converting, well stimulation, or plugback operations.

Sec. 1513.071. (A) Simultaneously with the filing of an application for a permit or significant revision of an existing permit under section 1513.07 of the Revised Code, the applicant shall submit to the chief of the division of mineral resources management a copy of the applicant's advertisement of the ownership, precise location, and boundaries of the land to be affected. At the time of submission, the advertisement shall be placed by the applicant in a newspaper of general circulation in the locality of the proposed coal mine at least once a week for four consecutive weeks. The chief shall notify, in each county or part of a county in which a proposed area to be permitted is located, the board of county commissioners, the board of township trustees, the legislative authorities of municipal corporations, private water companies, regional councils of governments, and the boards of directors of conservancy districts informing them of the operator's intention to conduct a coal mining operation on a particularly described tract of land and indicating the permit application number and where a copy of the proposed mining and reclamation plan may be inspected. The chief shall also notify the planning commissions with jurisdiction over all or part of the area to be permitted. These agencies, authorities, or companies may submit written comments on the application with respect to the
effects of the proposed operation on the environment that are
within their area of responsibility in quadruplicate to the chief
within thirty days after notification by the chief of receipt of
the application. The chief shall immediately transmit these
comments to the applicant and make them available to the public at
the same locations at which the mining application is available
for inspection.

(B) A person having an interest that is or may be adversely
affected or the officer or head of any federal, state, or local
governmental agency or authority may file written objections to
the proposed initial or revised application for a coal mining and
reclamation permit with the chief within thirty days after the
last publication of the notice required by division (A) of this
section. The objections shall immediately be transmitted to the
applicant by the chief and shall be made available to the public.
If written objections are filed and an informal conference
requested, the chief or the chief's representative shall then hold
an informal conference on the application for a permit within a
reasonable time in the county where the largest area of the area
to be permitted is located. The date, time, and location of the
informal conference shall be advertised by the chief in a
newspaper of general circulation in the locality at least two
weeks prior to the scheduled conference date. The chief may
arrange with the applicant, upon request by any objecting party,
access to the proposed mining area for the purpose of gathering
information relevant to the proceeding. An electronic or
stenographic record shall be made of the conference proceeding
unless waived by all parties. The record shall be maintained and
shall be accessible to the parties until final release of the
applicant's performance security. If all parties requesting the
informal conference stipulate agreement prior to the requested
informal conference and withdraw their request, the informal
cconference need not be held.
Sec. 1513.08. (A) After a coal mining and reclamation permit application has been approved, the applicant shall file with the chief of the division of mineral resources management, on a form prescribed and furnished by the chief, the performance security required under this section that shall be payable to the state and conditioned on the faithful performance of all the requirements of this chapter and rules adopted under it and the terms and conditions of the permit.

(B) Using the information contained in the permit application; the requirements contained in the approved permit and reclamation plan; and, after considering the topography, geology, hydrology, and revegetation potential of the area of the approved permit, the probable difficulty of reclamation; the chief shall determine the estimated cost of reclamation under the initial term of the permit if the reclamation has to be performed by the division of mineral resources management in the event of forfeiture of the performance security by the applicant. The chief shall send either written notice by certified mail or electronic notice with acknowledgment of receipt of the amount of the estimated cost of reclamation by certified mail to the applicant. The applicant shall send either written notice or electronic notice with acknowledgment of receipt to the chief indicating the method by which the applicant will provide the performance security pursuant to division (C) of this section.

(C) The applicant shall provide the performance security in an amount using one of the following:

(1) If the applicant elects to provide performance security without reliance on the reclamation forfeiture fund created in section 1513.18 of the Revised Code, the amount of the estimated cost of reclamation as determined by the chief under division (B) of this section for the increments of land on which the operator
will conduct a coal mining and reclamation operation under the initial term of the permit as indicated in the application;

(2) If the applicant elects to provide performance security together with reliance on the reclamation forfeiture fund through payment of the additional tax on the severance of coal that is levied under division (A)(8) of section 5749.02 of the Revised Code, an amount of twenty-five hundred dollars per acre of land on which the operator will conduct coal mining and reclamation under the initial term of the permit as indicated in the application. In order for an applicant to be eligible to provide performance security in accordance with division (C)(2) of this section, the applicant, an owner and controller of the applicant, or an affiliate of the applicant shall have held a permit issued under this chapter for any coal mining and reclamation operation for a period of not less than five years.

If a permit is transferred, assigned, or sold, the transferee is not eligible to provide performance security under division (C)(2) of this section if the transferee has not held a permit issued under this chapter for any coal mining and reclamation operation for a period of not less than five years. This restriction applies even if the status or name of the permittee otherwise remains the same after the transfer, assignment, or sale.

In the event of forfeiture of performance security that was provided in accordance with division (C)(2) of this section, the difference between the amount of that performance security and the estimated cost of reclamation as determined by the chief under division (B) of this section shall be obtained from money in the reclamation forfeiture fund as needed to complete the reclamation.

The performance security provided under division (C) of this section for the entire area to be mined under one permit issued under this chapter shall not be less than ten thousand dollars.
The performance security shall cover areas of land affected by mining within or immediately adjacent to the permitted area, so long as the total number of acres does not exceed the number of acres for which the performance security is provided. However, the authority for the performance security to cover areas of land immediately adjacent to the permitted area does not authorize a permittee to mine areas outside an approved permit area. As succeeding increments of coal mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file with the chief additional performance security to cover the increments in accordance with this section. If a permittee intends to mine areas outside the approved permit area, the permittee shall provide additional performance security in accordance with this section to cover the areas to be mined.

If an applicant or permittee is not eligible to provide performance security in accordance with division (C)(2) of this section, the applicant or permittee shall provide performance security in accordance with division (C)(1) of this section in the full amount of the estimated cost of reclamation as determined by the chief for a permitted coal preparation plant or coal refuse disposal area that is not located within a permitted area of a mine. If an applicant for a permit for a coal preparation plant or coal refuse disposal area or a permittee of a permitted coal preparation plant or coal refuse disposal area that is not located within a permitted area of a mine has held a permit issued under this chapter for any coal mining and reclamation operation for a period of five years or more, the applicant or permittee may provide performance security for the coal preparation plant or coal refuse disposal area either in accordance with division (C)(1) of this section in the full amount of the estimated cost of reclamation as determined by the chief or in accordance with division (C)(2) of this section in an amount of twenty-five hundred dollars per acre of land with reliance on the reclamation...
forfeiture fund. If a permittee has previously provided performance security under division (C)(1) of this section for a coal preparation plant or coal refuse disposal area that is not located within a permitted area of a mine and elects to provide performance security in accordance with division (C)(2) of this section, the permittee shall submit written notice to the chief indicating that the permittee elects to provide performance security in accordance with division (C)(2) of this section. Upon receipt of such a written notice, the chief shall release to the permittee the amount of the performance security previously provided under division (C)(1) of this section that exceeds the amount of performance security that is required to be provided under division (C)(2) of this section.

(D) A permittee's liability under the performance security shall be limited to the obligations established under the permit, which include completion of the reclamation plan in order to make the land capable of supporting the postmining land use that was approved in the permit. The period of liability under the performance security shall be for the duration of the coal mining and reclamation operation and for a period coincident with the operator's responsibility for revegetation requirements under section 1513.16 of the Revised Code.

(E) The amount of the estimated cost of reclamation determined under division (B) of this section and the amount of a permittee's performance security provided in accordance with division (C)(1) of this section shall be adjusted by the chief as the land that is affected by mining increases or decreases or if the cost of reclamation increases or decreases. If the performance security was provided in accordance with division (C)(2) of this section and the chief has issued a cessation order under division (D)(2) of section 1513.02 of the Revised Code for failure to abate a violation of the contemporaneous reclamation requirement under.
division (A)(15) of section 1513.16 of the Revised Code, the chief may require the permittee to increase the amount of performance security from twenty-five hundred dollars per acre of land to five thousand dollars per acre of land.

The chief shall notify the permittee, each surety, and any person who has a property interest in the performance security and who has requested to be notified of any proposed adjustment to the performance security. The permittee may request an informal conference with the chief concerning the proposed adjustment, and the chief shall provide such an informal conference.

If the chief increases the amount of performance security under this division, the permittee shall provide additional performance security in an amount determined by the chief. If the chief decreases the amount of performance security under this division, the chief shall determine the amount of the reduction of the performance security and send either written notice or electronic notice with acknowledgment of receipt of the amount of reduction to the permittee. The permittee may reduce the amount of the performance security in the amount determined by the chief.

(F) A permittee may request a reduction in the amount of the performance security by submitting to the chief documentation proving that the amount of the performance security provided by the permittee exceeds the estimated cost of reclamation if the reclamation would have to be performed by the division in the event of forfeiture of the performance security. The chief shall examine the documentation and determine whether the permittee's performance security exceeds the estimated cost of reclamation. If the chief determines that the performance security exceeds that estimated cost, the chief shall determine the amount of the reduction of the performance security and send either written notice or electronic notice with acknowledgment of receipt of the amount to the permittee. The permittee may reduce the amount of
the performance security in the amount determined by the chief. Adjustments in the amount of performance security under this division shall not be considered release of performance security and are not subject to section 1513.16 of the Revised Code.

(G) If the performance security is a bond, it shall be executed by the operator and a corporate surety licensed to do business in this state. If the performance security is a cash deposit or negotiable certificates of deposit of a bank or savings and loan association, the bank or savings and loan association shall be licensed and operating in this state. The cash deposit or market value of the securities shall be equal to or greater than the amount of the performance security required under this section. The chief shall review any documents pertaining to the performance security and approve or disapprove the documents. The chief shall notify the applicant of the chief's determination.

(H) If the performance security is a bond, the chief may accept the bond of the applicant itself without separate surety when the applicant demonstrates to the satisfaction of the chief the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self-insure or bond the amount.

(I) Performance security provided under this section may be held in trust, provided that the state is the primary beneficiary of the trust and the custodian of the performance security held in trust is a bank, trust company, or other financial institution that is licensed and operating in this state. The chief shall review the trust document and approve or disapprove the document. The chief shall notify the applicant of the chief's determination.

(J) If a surety, bank, savings and loan association, trust company, or other financial institution that holds the performance security required under this section becomes insolvent, the permittee shall notify the chief of the insolvency, and the chief
shall order the permittee to submit a plan for replacement performance security within thirty days after receipt of notice from the chief. If the permittee provided performance security in accordance with division (C)(1) of this section, the permittee shall provide the replacement performance security within ninety days after receipt of notice from the chief. If the permittee provided performance security in accordance with division (C)(2) of this section, the permittee shall provide the replacement performance security within one year after receipt of notice from the chief, and, for a period of one year after the permittee's receipt of notice from the chief or until the permittee provides the replacement performance security, whichever occurs first, money in the reclamation forfeiture fund shall be the permittee's replacement performance security in an amount not to exceed the estimated cost of reclamation as determined by the chief.

(K) If a permittee provided performance security in accordance with division (C)(1) of this section, the permittee's responsibility for repairing material damage and replacement of water supply resulting from subsidence shall be satisfied by either of the following:

(1) The purchase prior to mining of a noncancelable premium-prepaid liability insurance policy in lieu of the permittee's performance security for subsidence damage. The insurance policy shall contain terms and conditions that specifically provide coverage for repairing material damage and replacement of water supply resulting from subsidence.

(2) The provision of additional performance security in the amount of the estimated cost to the division of mineral resources management to repair material damage and replace water supplies resulting from subsidence until the repair or replacement is completed. However, if such repair or replacement is completed, or compensation for structures that have been damaged by subsidence
is provided, by the permittee within ninety days of the occurrence of the subsidence, additional performance security is not required. In addition, the chief may extend the ninety-day period for a period not to exceed one year if the chief determines that the permittee has demonstrated in writing that subsidence is not complete and that probable subsidence-related damage likely will occur and, as a result, the completion of repairs of subsidence-related material damage to lands or protected structures or the replacement of water supply within ninety days of the occurrence of the subsidence would be unreasonable.

(L) If the performance security provided in accordance with this section exceeds the estimated cost of reclamation, the chief may authorize the amount of the performance security that exceeds the estimated cost of reclamation together with any interest or other earnings on the performance security to be paid to the permittee.

(M) A permittee that held a valid coal mining and reclamation permit immediately prior to April 6, 2007, shall provide, not later than a date established by the chief, performance security in accordance with division (C)(1) or (2) of this section, rather than in accordance with the law as it existed prior to that date, by filing it with the chief on a form that the chief prescribes and furnishes. Accordingly, for purposes of this section, "applicant" is deemed to include such a permittee.

(N) As used in this section:

(1) "Affiliate of the applicant" means an entity that has a parent entity in common with the applicant.

(2) "Owner and controller of the applicant" means a person that has any relationship with the applicant that gives the person authority to determine directly or indirectly the manner in which the applicant conducts coal mining operations.
Sec. 1513.16. (A) Any permit issued under this chapter to conduct coal mining operations shall require that the operations meet all applicable performance standards of this chapter and such other requirements as the chief of the division of mineral resources management shall adopt by rule. General performance standards shall apply to all coal mining and reclamation operations and shall require the operator at a minimum to do all of the following:

(1) Conduct coal mining operations so as to maximize the utilization and conservation of the solid fuel resource being recovered so that reaffecting the land in the future through coal mining can be minimized;

(2) Restore the land affected to a condition capable of supporting the uses that it was capable of supporting prior to any mining, or higher or better uses of which there is reasonable likelihood, so long as the uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of diminution or pollution of the waters of the state, and the permit applicants' declared proposed land uses following reclamation are not considered to be impractical or unreasonable, to be inconsistent with applicable land use policies and plans, to involve unreasonable delay in implementation, or to violate federal, state, or local law;

(3) Except as provided in division (B) of this section, with respect to all coal mining operations, backfill, compact where advisable to ensure stability or to prevent leaching of toxic materials, and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles, and depressions eliminated unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this chapter, provided that if the operator
demonstrates that due to volumetric expansion the amount of overburden and the spoil and waste materials removed in the course of the mining operation are more than sufficient to restore the approximate original contour, the operator shall backfill, grade, and compact the excess overburden and other spoil and waste materials to attain the lowest grade, but not more than the angle of repose, and to cover all acid-forming and other toxic materials in order to achieve an ecologically sound land use compatible with the surrounding region in accordance with the approved mining plan. The overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water pollution and shall be revegetated in accordance with this chapter.

(4) Stabilize and protect all surface areas, including spoil piles affected by the coal mining and reclamation operation, to control erosion and attendant air and water pollution effectively;

(5) Remove the topsoil from the land in a separate layer, replace it on the backfill area, or, if not utilized immediately, segregate it in a separate pile from the spoil, and when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick-growing plants or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of any contamination by acid or other toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation. If the topsoil is of insufficient quantity or of poor quality for sustaining vegetation or if other strata can be shown to be more suitable for vegetation requirements, the operator shall remove, segregate, and preserve in a like manner such other strata as are best able to support vegetation.

(6) Restore the topsoil or the best available subsoil that is best able to support vegetation;
(7) For all prime farmlands as identified in division (B)(1)(p) of section 1513.07 of the Revised Code to be mined and reclaimed, perform soil removal, storage, replacement, and reconstruction in accordance with specifications established by the secretary of the United States department of agriculture under the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be required to do all of the following:

(a) Segregate the A horizon of the natural soil, except where it can be shown that other available soil materials will create a final soil having a greater productive capacity, and, if not utilized immediately, stockpile this material separately from the spoil and provide needed protection from wind and water erosion or contamination by acid or other toxic material;

(b) Segregate the B horizon of the natural soil, or underlying C horizons or other strata, or a combination of such horizons or other strata that are shown to be both texturally and chemically suitable for plant growth and that can be shown to be equally or more favorable for plant growth than the B horizon, in sufficient quantities to create in the regraded final soil a root zone of comparable depth and quality to that which existed in the natural soil, and, if not utilized immediately, stockpile this material separately from the spoil and provide needed protection from wind and water erosion or contamination by acid or other toxic material;

(c) Replace and regrade the root zone material described in division (A)(7)(b) of this section with proper compaction and uniform depth over the regraded spoil material;

(d) Redistribute and grade in a uniform manner the surface soil horizon described in division (A)(7)(a) of this section.

(8) Create, if authorized in the approved mining and
reclamation plan and permit, permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated by the operator that all of the following conditions will be met:

(a) The size of the impoundment is adequate for its intended purposes.

(b) The impoundment dam construction will be so designed as to achieve necessary stability with an adequate margin of safety compatible with that of structures constructed under the "Watershed Protection and Flood Prevention Act," 68 Stat. 666 (1954), 16 U.S.C. 1001, as amended.

(c) The quality of impounded water will be suitable on a permanent basis for its intended use and discharges from the impoundment will not degrade the water quality below water quality standards established pursuant to applicable federal and state law in the receiving stream.

(d) The level of water will be reasonably stable.

(e) Final grading will provide adequate safety and access for proposed water users.

(f) The water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.

(9) Conduct any augering operation associated with strip mining in a manner to maximize recoverability of mineral reserves remaining after the operation and reclamation are complete and seal all auger holes with an impervious and noncombustible material in order to prevent drainage, except where the chief determines that the resulting impoundment of water in such auger holes may create a hazard to the environment or the public health or safety. The chief may prohibit augering if necessary to
maximize the utilization, recoverability, or conservation of the solid fuel resources or to protect against adverse water quality impacts.

(10) Minimize the disturbances to the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after coal mining operations and during reclamation by doing all of the following:

(a) Avoiding acid or other toxic mine drainage by such measures as, but not limited to:

(i) Preventing or removing water from contact with toxic producing deposits;

(ii) Treating drainage to reduce toxic content that adversely affects downstream water upon being released to water courses in accordance with rules adopted by the chief in accordance with section 1513.02 of the Revised Code;

(iii) Casing, sealing, or otherwise managing boreholes, shafts, and wells, and keeping acid or other toxic drainage from entering ground and surface waters.

(b)(i) Conducting coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area, but in no event shall contributions be in excess of requirements set by applicable state or federal laws;

(ii) Constructing any siltation structures pursuant to division (A)(10)(b)(i) of this section prior to commencement of coal mining operations. The structures shall be certified by persons approved by the chief to be constructed as designed and as approved in the reclamation plan.
(c) Cleaning out and removing temporary or large settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized, and depositing the silt and debris at a site and in a manner approved by the chief;

(d) Restoring recharge capacity of the mined area to approximate premining conditions;

(e) Avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(f) Such other actions as the chief may prescribe.

(11) With respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine working areas or excavations, stabilize all waste piles in designated areas through construction in compacted layers, including the use of noncombustible and impervious materials if necessary, and ensure that the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to this chapter;

(12) Refrain from coal mining within five hundred feet of active and abandoned underground mines in order to prevent breakthroughs and to protect the health or safety of miners. The chief shall permit an operator to mine near, through, or partially through an abandoned underground mine or closer than five hundred feet to an active underground mine if both of the following conditions are met:

(a) The nature, timing, and sequencing of the approximate coincidence of specific strip mine activities with specific underground mine activities are approved by the chief.

(b) The operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public.
(13) Design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon, in accordance with the standards and criteria developed pursuant to rules adopted by the chief, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes, and used either temporarily or permanently as dams or embankments;

(14) Ensure that all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a manner designed to prevent contamination of ground or surface waters and that contingency plans are developed to prevent sustained combustion;

(15) Ensure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the coal mining operations, except that where the applicant proposes to combine strip mining operations with underground mining operations to ensure maximum practical recovery of the mineral resources, the chief may grant a variance for specific areas within the reclamation plan from the requirement that reclamation efforts proceed as contemporaneously as practicable to permit underground mining operations prior to reclamation if:

(a) The chief finds in writing that:

(i) The applicant has presented, as part of the permit application, specific, feasible plans for the proposed underground mining operations.

(ii) The proposed underground mining operations are necessary or desirable to ensure maximum practical recovery of the mineral resource and will avoid multiple disturbance of the surface.

(iii) The applicant has satisfactorily demonstrated that the plan for the underground mining operations conforms to
requirements for underground mining in this state and that permits
necessary for the underground mining operations have been issued
by the appropriate authority.

(iv) The areas proposed for the variance have been shown by
the applicant to be necessary for the implementing of the proposed
underground mining operations.

(v) No substantial adverse environmental damage, either
on-site or off-site, will result from the delay in completion of
reclamation as required by this chapter.

(vi) Provisions for the off-site storage of spoil will comply
with division (A)(21) of this section.

(b) The chief has adopted specific rules to govern the
granting of such variances in accordance with this division and
has imposed such additional requirements as the chief considers
necessary.

(c) Variances granted under this division shall be reviewed
by the chief not more than three years from the date of issuance
of the permit.

(d) Liability under the performance security filed by the
applicant with the chief pursuant to section 1513.08 of the
Revised Code shall be for the duration of the underground mining
operations and until the requirements of this section and section
1513.08 of the Revised Code have been fully complied with.

(16) Ensure that the construction, maintenance, and
postmining conditions of access roads into and across the site of
operations will control or prevent erosion and siltation,
pollution of water, and damage to fish or wildlife or their
habitat, or to public or private property;

(17) Refrain from the construction of roads or other access
ways up a stream bed or drainage channel or in such proximity to
the channel as to seriously alter the normal flow of water;

(18) Establish, on the regraded areas and all other lands affected, a diverse, effective, and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area, except that introduced species may be used in the revegetation process where desirable and necessary to achieve the approved postmining land use plan;

(19)(a) Assume the responsibility for successful revegetation, as required by division (A)(18) of this section, for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to ensure compliance with that division, except that when the chief approves a long-term intensive agricultural postmining land use, the applicable five-year period of responsibility for revegetation shall commence at the date of initial planting for that long-term intensive agricultural postmining land use, and except that when the chief issues a written finding approving a long-term intensive agricultural postmining land use as part of the mining and reclamation plan, the chief may grant an exception to division (A)(18) of this section;

(b) On lands eligible for remining, assume the responsibility for successful revegetation, as required by division (A)(18) of this section, for a period of two full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to ensure compliance with that division.

(20) Protect off-site areas from slides or damage occurring during the coal mining and reclamation operations and not deposit spoil material or locate any part of the operations or waste accumulations outside the permit area;
(21) Place all excess spoil material resulting from coal mining and reclamation operations in such a manner that all of the following apply:

(a) Spoil is transported and placed in a controlled manner in position for concurrent compaction and in such a way as to ensure mass stability and to prevent mass movement.

(b) The areas of disposal are within the permit areas for which performance security has been provided. All organic matter shall be removed immediately prior to spoil placement except in the zoned concept method.

(c) Appropriate surface and internal drainage systems and diversion ditches are used so as to prevent spoil erosion and mass movement.

(d) The disposal area does not contain springs, natural watercourses, or wet weather seeps unless lateral drains are constructed from the wet areas to the main underdrains in such a manner that filtration of the water into the spoil pile will be prevented unless the zoned concept method is used.

(e) If placed on a slope, the spoil is placed upon the most moderate slope among those slopes upon which, in the judgment of the chief, the spoil could be placed in compliance with all the requirements of this chapter and is placed, where possible, upon, or above, a natural terrace, bench, or berm if that placement provides additional stability and prevents mass movement.

(f) Where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient size to prevent mass movement is constructed.

(g) The final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses.

(h) Design of the spoil disposal area is certified by a
qualified registered professional engineer in conformance with professional standards.

(i) All other provisions of this chapter are met.

(22) Meet such other criteria as are necessary to achieve reclamation in accordance with the purpose of this chapter, taking into consideration the physical, climatological, and other characteristics of the site;

(23) To the extent possible, using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable;

(24) Provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the chief shall determine to be retained in place as a barrier to slides and erosion;

(25) Restore on the permit area streams and wetlands affected by mining operations unless the chief approves restoration off the permit area without a permit required by section 1513.07 or 1513.074 of the Revised Code, instead of restoration on the permit area, of a stream or wetland or a portion of a stream or wetland, provided that the chief first makes all of the following written determinations:

(a) A hydrologic and engineering assessment of the affected lands, submitted by the operator, demonstrates that restoration on the permit area is not possible.

(b) The proposed mitigation plan under which mitigation activities described in division (A)(25)(c) of this section will be conducted is limited to a stream or wetland, or a portion of a stream or wetland, for which restoration on the permit area is not possible.
(c) Mitigation activities off the permit area, including mitigation banking and payment of in-lieu mitigation fees, will be performed pursuant to a permit issued under sections 401 and 404 of the "Federal Water Pollution Control Act" as defined in section 6111.01 of the Revised Code or an isolated wetland permit issued under Chapter 6111. of the Revised Code or pursuant to a no-cost reclamation contract for the restoration of water resources affected by past mining activities pursuant to section 1513.37 of the Revised Code.

(d) The proposed mitigation plan and mitigation activities comply with the standards established in this section.

If the chief approves restoration off the permit area in accordance with this division, the operator shall complete all mitigation construction or other activities required by the mitigation plan.

Performance security for reclamation activities on the permit area shall be released pursuant to division (F) of this section, except that the release of the remaining portion of performance security under division (F)(3)(c) of this section shall not be approved prior to the construction of required mitigation activities off the permit area.

(B)(1) The chief may permit mining operations for the purposes set forth in division (B)(3) of this section.

(2) When an applicant meets the requirements of divisions (B)(3) and (4) of this section, a permit without regard to the requirement to restore to approximate original contour known as mountain top removal set forth in divisions (A)(3) or (C)(2) and (3) of this section may be granted for the mining of coal where the mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill, except as provided in division (B)(4)(a) of this section, by
removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, and capable of supporting postmining uses in accordance with this division.

(3) In cases where an industrial, commercial, agricultural, residential, or public facility use, including recreational facilities, is proposed for the postmining use of the affected land, the chief may grant a permit for a mining operation of the nature described in division (B)(2) of this section when all of the following apply:

(a) After consultation with the appropriate land use planning agencies, if any, the proposed postmining land use is considered to constitute an equal or better economic or public use of the affected land, as compared with premining use.

(b) The applicant presents specific plans for the proposed postmining land use and appropriate assurances that the use will be all of the following:

(i) Compatible with adjacent land uses;

(ii) Obtainable according to data regarding expected need and market;

(iii) Assured of investment in necessary public facilities;

(iv) Supported by commitments from public agencies where appropriate;

(v) Practicable with respect to private financial capability for completion of the proposed use;

(vi) Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use;

(vii) Designed by a registered engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the
(c) The proposed use is consistent with adjacent land uses and existing state and local land use plans and programs.

(d) The chief provides the governing body of the unit of general-purpose local government in which the land is located, and any state or federal agency that the chief, in the chief's discretion, determines to have an interest in the proposed use, an opportunity of not more than sixty days to review and comment on the proposed use.

(e) All other requirements of this chapter will be met.

(4) In granting a permit pursuant to this division, the chief shall require that each of the following is met:

(a) The toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion.

(b) The reclaimed area is stable.

(c) The resulting plateau or rolling contour drains inward from the outslopes except at specified points.

(d) No damage will be done to natural watercourses.

(e) Spoil will be placed on the mountaintop bench as is necessary to achieve the planned postmining land use, except that all excess spoil material not retained on the mountaintop bench shall be placed in accordance with division (A)(21) of this section.

(f) Stability of the spoil retained on the mountaintop bench is ensured and the other requirements of this chapter are met.

(5) The chief shall adopt specific rules to govern the granting of permits in accordance with divisions (B)(1) to (4) of this section and may impose such additional requirements as the chief considers necessary.
(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.

(C) All of the following performance standards apply to steep-slope coal mining and are in addition to those general performance standards required by this section, except that this division does not apply to those situations in which an operator is mining on flat or gently rolling terrain on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area, or where an operator is in compliance with division (B) of this section:

(1) The operator shall ensure that when performing coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter is placed on the downslope below the bench or mining cut. Spoil material in excess of that required for the reconstruction of the approximate original contour under division (A)(3) or (C)(2) of this section shall be permanently stored pursuant to division (A)(21) of this section.

(2) The operator shall complete backfilling with spoil material to cover completely the highwall and return the site to the approximate original contour, which material will maintain stability following mining and reclamation.

(3) The operator shall not disturb land above the top of the highwall unless the chief finds that the disturbance will facilitate compliance with the environmental protection standards of this section, except that any such disturbance involving land above the highwall shall be limited to that amount of land necessary to facilitate compliance.
(D)(1) The chief may permit variances for the purposes set forth in division (D)(3) of this section, provided that the watershed control of the area is improved and that complete backfilling with spoil material shall be required to cover completely the highwall, which material will maintain stability following mining and reclamation.

(2) Where an applicant meets the requirements of divisions (D)(3) and (4) of this section, a variance from the requirement to restore to approximate original contour set forth in division (C)(2) of this section may be granted for the mining of coal when the owner of the surface knowingly requests in writing, as a part of the permit application, that such a variance be granted so as to render the land, after reclamation, suitable for an industrial, commercial, residential, or public use, including recreational facilities, in accordance with divisions (D)(3) and (4) of this section.

(3) A variance pursuant to division (D)(2) of this section may be granted if:

(a) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is considered to constitute an equal or better economic or public use.

(b) The postmining land condition is designed and certified by a registered professional engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site.

(c) After approval of the appropriate state environmental agencies, the watershed of the affected land is considered to be improved.

(4) In granting a variance pursuant to division (D) of this
section, the chief shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned postmining land use, ensure stability of the spoil retained on the bench, and meet all other requirements of this chapter. All spoil placement off the mine bench shall comply with division (A)(21) of this section.

(5) The chief shall adopt specific rules to govern the granting of variances under division (D) of this section and may impose such additional requirements as the chief considers necessary.

(6) All variances granted under division (D) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan.

(E) The chief shall establish standards and criteria regulating the design, location, construction, operation, maintenance, enlargement, modification, removal, and abandonment of new and existing coal mine waste piles referred to in division (A)(13) of this section and division (A)(5) of section 1513.35 of the Revised Code. The standards and criteria shall conform to the standards and criteria used by the chief of the United States army corps of engineers to ensure that flood control structures are safe and effectively perform their intended function. In addition to engineering and other technical specifications, the standards and criteria developed pursuant to this division shall include provisions for review and approval of plans and specifications prior to construction, enlargement, modification, removal, or abandonment; performance of periodic inspections during construction; issuance of certificates of approval upon completion of construction; performance of periodic safety inspections; and issuance of notices for required remedial or maintenance work.
(F)(1) The permittee may file a request with the chief for release of a part of a performance security under division (F)(3) of this section. Within thirty days after any request for performance security release under this section has been filed with the chief, the operator shall submit a copy of an advertisement placed at least once a week for four successive weeks in a newspaper of general circulation in the locality of the coal mining operation. The advertisement shall be considered part of any performance security release application and shall contain a notification of the precise location of the land affected, the number of acres, the permit number and the date approved, the amount of the performance security filed and the portion sought to be released, the type and appropriate dates of reclamation work performed, and a description of the results achieved as they relate to the operator's approved reclamation plan and, if applicable, the operator's pollution abatement plan. In addition, as part of any performance security release application, the applicant shall submit copies of the letters sent to adjoining property owners, local governmental bodies, planning agencies, and sewage and water treatment authorities or water companies in the locality in which the coal mining and reclamation activities took place, notifying them of the applicant's intention to seek release from the performance security.

(2) Upon receipt of a copy of the advertisement and request for release of a performance security under division (F)(3)(c) of this section, the chief, within thirty days, shall conduct an inspection and evaluation of the reclamation work involved. The evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuation or future occurrence of the pollution, and the estimated cost of abating the pollution. The chief shall notify the permittee in writing of the decision to release or not...
to release all or part of the performance security within sixty
days after the filing of the request if no public hearing is held
pursuant to division (F)(6) of this section or, if there has been
a public hearing held pursuant to division (F)(6) of this section,
within thirty days thereafter.

(3) The chief may release the performance security if the
reclamation covered by the performance security or portion thereof
has been accomplished as required by this chapter and rules
adopted under it according to the following schedule:

(a) When the operator completes the backfilling, regrading,
and drainage control of an area for which performance security has
been provided in accordance with the approved reclamation plan,
and, if the area covered by the performance security is one for
which an authorization was made under division (E)(7) of section
1513.07 of the Revised Code, the operator has complied with the
approved pollution abatement plan and all additional requirements
established by the chief in rules adopted under section 1513.02 of
the Revised Code governing coal mining and reclamation operations
on pollution abatement areas, the chief shall grant a release of
fifty per cent of the performance security for the applicable
permit area.

(b) After resoiling and revegetation have been established on
the regraded mined lands in accordance with the approved
reclamation plan, the chief shall grant a release in an amount not
exceeding thirty-five per cent of the original performance
security for all or part of the affected area under the permit.
When determining the amount of performance security to be released
after successful revegetation has been established, the chief
shall retain that amount of performance security for the
revegetated area that would be sufficient for a third party to
cover the cost of reestablishing revegetation for the period
specified for operator responsibility in this section for
reestablishing revegetation. No part of the performance security shall be released under this division so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area in excess of the requirements of this section or until soil productivity for prime farmlands has returned to equivalent levels of yield as nonmined land of the same soil type in the surrounding area under equivalent management practices as determined from the soil survey performed pursuant to section 1513.07 of the Revised Code. If the area covered by the performance security is one for which an authorization was made under division (E)(7) of section 1513.07 of the Revised Code, no part of the performance security shall be released under this division until the operator has complied with the approved pollution abatement plan and all additional requirements established by the chief in rules adopted under section 1513.02 of the Revised Code governing coal mining and reclamation operations on pollution abatement areas. Where a silt dam is to be retained as a permanent impoundment pursuant to division (A)(10) of this section, the portion of performance security may be released under this division so long as provisions for sound future maintenance by the operator or the landowner have been made with the chief.

(c) When the operator has completed successfully all coal mining and reclamation activities, including, if applicable, all additional requirements established in the pollution abatement plan approved under division (E)(7) of section 1513.07 of the Revised Code and all additional requirements established by the chief in rules adopted under section 1513.02 of the Revised Code governing coal mining and reclamation operations on pollution abatement areas, the chief shall release all or any of the remaining portion of the performance security for all or part of the affected area under a permit, but not before the expiration of the period specified for operator responsibility in this section,
except that the chief may adopt rules for a variance to the
operator period of responsibility considering vegetation success and probability of continued growth and consent of the landowner, provided that no performance security shall be fully released until all reclamation requirements of this chapter are fully met.

(4) If the chief disapproves the application for release of the performance security or portion thereof, the chief shall notify the permittee, in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure the release, and allowing the opportunity for a public adjudicatory hearing.

(5) When any application for total or partial performance security release is filed with the chief under this section, the chief shall notify the municipal corporation in which the coal mining operation is located by certified mail at least thirty days prior to the release of all or a portion of the performance security.

(6) A person with a valid legal interest that might be adversely affected by release of a performance security under this section or the responsible officer or head of any federal, state, or local government agency that has jurisdiction by law or special expertise with respect to any environmental, social, or economic impact involved in the operation or is authorized to develop and enforce environmental standards with respect to such operations may file written objections to the proposed release from the performance security with the chief within thirty days after the last publication of the notice required by division (F)(1) of this section. If written objections are filed and an informal conference is requested, the chief shall inform all interested parties of the time and place of the conference. The date, time, and location of the informal conference shall be advertised by the chief in a newspaper of general circulation in the locality of the
coal mining operation proposed for performance security release for at least once a week for two consecutive weeks. The informal conference shall be held in the locality of the coal mining operation proposed for performance security release or in Franklin county, at the option of the objector, within thirty days after the request for the conference. An electronic or stenographic record shall be made of the conference proceeding unless waived by all parties. The record shall be maintained and shall be accessible to the parties until final release of the performance security at issue. In the event all parties requesting the informal conference stipulate agreement prior to the requested informal conference and withdraw their request, the informal conference need not be held.

(7) If an informal conference has been held pursuant to division (F)(6) of this section, the chief shall issue and furnish the applicant and persons who participated in the conference with the written decision regarding the release within sixty days after the conference. Within thirty days after notification of the final decision of the chief regarding the performance security release, the applicant or any person with an interest that is or may be adversely affected by the decision may appeal the decision to the reclamation commission pursuant to section 1513.13 of the Revised Code.

(8)(a) If the chief determines that a permittee is responsible for mine drainage that requires water treatment after reclamation is completed under the terms of the permit or that a permittee must provide an alternative water supply after reclamation is completed under the terms of the permit, the permittee shall provide alternative financial security in an amount determined by the chief prior to the release of the remaining portion of performance security under division (F)(3)(c) of this section. The alternative financial security shall be in an
amount that is equal to or greater than the present value of the estimated cost over time to develop and implement mine drainage plans and provide water treatment or in an amount that is necessary to provide and maintain an alternative water supply, as applicable. The alternative financial security shall include a contract, trust, or other agreement or mechanism that is enforceable under law to provide long-term water treatment or a long-term alternative water supply, or both. The contract, trust, or other agreement or mechanism included with the alternative financial security may provide for the funding of the alternative financial security incrementally over a period of time, not to exceed five years, with reliance on guarantees or other collateral provided by the permittee and approved by the chief for the balance of the alternative financial security required until the alternative financial security has been fully funded by the permittee.

(b) The chief shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of division (F)(8)(a) of this section.

(c) If the chief determines that a permittee must provide alternative financial security under division (F)(8)(a) of this section and the performance security for the permit was provided under division (C)(2) of section 1513.08 of the Revised Code, the permittee may fund the alternative financial security incrementally over a period of time, not to exceed five years, with reliance on the reclamation forfeiture fund created in section 1513.18 of the Revised Code for the balance of the alternative financial security required until the alternative financial security has been fully funded by the permittee. The permittee semiannually shall pay to the division of mineral resources management a fee that is equal to seven and one-half percent of the average balance of the alternative financial security.
that is being provided by reliance on the reclamation forfeiture fund over the previous six months. All money received from the fee shall be credited to the reclamation forfeiture fund.

(9) Final release of the performance security in accordance with division (F)(3)(c) of this section terminates the jurisdiction of the chief under this chapter over the reclaimed site of a surface coal mining and reclamation operation or applicable portion of an operation. However, the chief shall reassert jurisdiction over such a site if the release was based on fraud, collusion, or misrepresentation of a material fact and the chief, in writing, demonstrates evidence of the fraud, collusion, or misrepresentation. Any person with an interest that is or may be adversely affected by the chief's determination may appeal the determination to the reclamation commission in accordance with section 1513.13 of the Revised Code.

(G) The chief shall adopt rules governing the criteria for forfeiture of performance security, the method of determining the forfeited amount, and the procedures to be followed in the event of forfeiture. Cash received as the result of such forfeiture is the property of the state.

Sec. 1565.12. When a loss of life is occasioned by accident in any mine, the operator thereof shall forthwith give notice thereof to the chief of the division of mineral resources management, and to the deputy mine inspector in charge of the district. Such notice shall be given by telephone or electronic format. The operator of such mine shall, within twenty-four hours after such accident causing loss of life, send a written report of the accident to the chief. Such written report shall specify the character and cause of the accident, the names of the persons killed, and the nature of the injuries that caused death. In the case of injury thereafter resulting in death, the
operator shall send a written notice thereof to the chief, and to the deputy mine inspector of such district, at such time as such death comes to the operator's knowledge.

No operator of a mine shall refuse or neglect to comply with this section.

Sec. 1571.05. (A) Whenever any part of a gas storage reservoir or any part of its protective area underlies any part of a coal mine, or is, or within nine months is expected or intended to be, within two thousand linear feet of the boundary of a coal mine that is operating in a coal seam any part of which extends over any part of the storage reservoir or its protective area, the operator of the reservoir, if the reservoir operator or some other reservoir operator has not theretofore done so, shall:

(1) Use every known method that is reasonable under the circumstance for discovering and locating all wells drilled within the area of the reservoir or its protective area that underlie any part of the coal mine or its protective area;

(2) Plug or recondition all known wells drilled within the area of the reservoir or its protective area that underlie any part of the coal mine.

(B) Whenever an operator of a gas storage reservoir is notified by the operator of a coal mine, as provided in division (B) of section 1571.03 of the Revised Code, that the coal mine operator believes that part of the boundary of the mine is within two thousand linear feet of a well that is drilled through the horizon of the coal mine and into or through the storage stratum or strata of the reservoir within the boundary of the reservoir or within its protective area, the reservoir operator shall plug or recondition the well as in this section prescribed, unless it is agreed in a conference or is ordered by the chief of the division of oil and gas resources management after a hearing, as provided
in section 1571.10 of the Revised Code, that the well referred to in the notice is not such a well as is described in division (B) of section 1571.03 of the Revised Code.

Whenever an operator of a gas storage reservoir is notified by the operator of a coal mine as provided in division (C) or (D) of section 1571.03 of the Revised Code, that part of the boundary of the mine is, or within nine months is intended or expected to be, within two thousand linear feet of a well that is drilled through the horizon of the mine and into or through the storage stratum or strata of the reservoir within the boundary of the reservoir or within its protective area, the reservoir operator shall plug or recondition the well as in this section prescribed.

Whenever the operator of a coal mine considers that the use of a well such as in this section described, if used for injecting gas into, or storing gas in, or removing gas from, a gas storage reservoir, would be hazardous to the safety of persons or property on or in the vicinity of the premises of the coal mine or the reservoir or well, the coal mine operator may file with the division objections to the use of the well for such purposes, and a request that a conference be held as provided in section 1571.10 of the Revised Code, to discuss and endeavor to resolve by mutual agreement whether or not the well shall or shall not be used for such purposes, and whether or not the well shall be reconditioned, inactivated, or plugged. The request shall set forth the mine operator's reasons for such objections. If no approved agreement is reached in the conference, the gas storage well inspector shall within ten days after the termination of the conference, file with the chief a request that the chief hear and determine the matters considered at the conference as provided in section 1571.10 of the Revised Code. Upon conclusion of the hearing, the chief shall find and determine whether or not the safety of persons or of the property on or in the vicinity of the premises of the coal mine,
or the reservoir, or the well requires that the well be reconditioned, inactivated, or plugged, and shall make an order consistent with that determination, provided that the chief shall not order a well plugged unless the chief first finds that there is underground leakage of gas therefrom.

The plugging or reconditioning of each well described in a notice from a coal mine operator to a reservoir operator as provided in division (B) of section 1571.03 of the Revised Code, which must be plugged or reconditioned, shall be completed within such time as the gas storage well inspector may fix in the case of each such well. The plugging or reconditioning of each well described in a notice from a coal mine operator to a reservoir operator as provided in division (C) of section 1571.03 of the Revised Code, which must be plugged or reconditioned, shall be completed by the time the well, by reason of the extension of the boundary of the coal mine, is within two thousand linear feet of any part of the boundary of the mine. The plugging or reconditioning of each well described in a notice from a coal mine operator to a reservoir operator, as provided in division (D) of section 1571.03 of the Revised Code, which must be plugged or reconditioned, shall be completed by the time the well, by reason of the opening of the new mine, is within two thousand linear feet of any part of the boundary of the new mine. A reservoir operator who is required to complete the plugging or reconditioning of a well within a period of time fixed as in this division prescribed, may prior to the end of that period of time, notify the division and the mine operator from whom the reservoir operator received a notice as provided in division (B), (C), or (D) of section 1571.03 of the Revised Code, in writing by registered certified mail or electronic format, that the completion of the plugging or reconditioning of the well referred to in the notice will be delayed beyond the end of the period of time fixed therefor as in this section provided, and that the reservoir operator requests
that a conference be held for the purpose of endeavoring to reach an agreement establishing a date subsequent to the end of that period of time, on or before which the reservoir operator may complete the plugging or reconditioning without incurring any penalties for failure to do so as provided in this chapter. If such a reservoir operator sends to such a mine operator and to the division a notice and request for a conference as in this division provided, the reservoir operator shall not incur any penalties for failure to complete the plugging or reconditioning of the well within the period of time fixed as in this division prescribed, unless the reservoir operator fails to complete the plugging or reconditioning of the well within the period of time fixed by an approved agreement reached in the conference, or fixed by an order by the chief upon a hearing held in the matter in the event of failure to reach an approved agreement in the conference.

Whenever, in compliance with this division, a well is to be plugged by a reservoir operator, the operator shall give to the division notice thereof, as many days in advance as will be necessary for the gas storage well inspector or a deputy mine inspector to be present at the plugging. The notification shall be made on blanks furnished by the division and shall show the following information:

1. Name and address of the applicant;
2. The location of the well identified by section or lot number, city or village, and township and county;
3. The well name and number of each well to be plugged.

(C) The operator shall give written notice at the same time to the owner of the land upon which the well is located, the owners or agents of the adjoining land, and adjoining well owners or agents of the operator's intention to abandon the well, and of the time when the operator will be prepared to commence plugging.
and filling the same. In addition to giving such notices, the reservoir operator shall also at the same time send a copy of the notice by registered or certified mail or electronic format to the coal mine operator, if any, who sent to the reservoir operator the notice as provided in division (B), (C), or (D) of section 1571.03 of the Revised Code, in order that the coal mine operator or the coal mine operator's designated representative may attend and observe the manner in which the plugging of the well is done.

If the reservoir operator plugs the well without the gas storage well inspector or a deputy mine inspector being present to supervise the plugging, the reservoir operator shall send to the division and to the coal mine operator a copy of the report of the plugging of the well, including in the report:

(1) The date of abandonment;

(2) The name of the owner or operator of the well at the time of abandonment and the well owner's or operator's post office address;

(3) The location of the well as to township and county and the name of the owner of the surface upon which the well is drilled, with the address thereof;

(4) The date of the permit to drill;

(5) The date when drilled;

(6) Whether the well has been mapped;

(7) The depth of the well;

(8) The depth of the top of the sand to which the well was drilled;

(9) The depth of each seam of coal drilled through;

(10) A detailed report as to how the well was plugged, giving in particular the manner in which the coal and various sands were plugged, and the date of the plugging of the well, including
therein the names of those who witnessed the plugging of the well.

The report shall be signed by the operator or the operator's agent who plugged the well and verified by the oath of the party so signing. For the purposes of this section, a deputy mine inspector may take acknowledgements and administer oaths to the parties signing the report.

Whenever, in compliance with this division, a well is to be reconditioned by a reservoir operator, the operator shall give to the division notice thereof as many days before the reconditioning is begun as will be necessary for the gas storage well inspector, or a deputy mine inspector, to be present at the reconditioning. No well shall be reconditioned if an inspector of the division is not present unless permission to do so has been granted by the chief. The reservoir operator, at the time of giving notice to the division as in this section required, also shall send a copy of the notice by registered certified mail or electronic format to the coal mine operator, if any, who sent to the reservoir operator the notice as provided in division (B), (C), or (D) of section 1571.03 of the Revised Code, in order that the coal mine operator or the coal mine operator's designated representative may attend and observe the manner in which the reconditioning of the well is done.

If the reservoir operator reconditions the well when the gas storage well inspector or a deputy mine inspector is not present to supervise the reconditioning, the reservoir operator shall make written report to the division describing the manner in which the reconditioning was done, and shall send to the coal mine operator a copy of the report by registered certified mail or electronic format.

(D) Wells that are required by this section to be plugged shall be plugged in the manner specified in sections 1509.13 to 1509.17 of the Revised Code, and the operator shall give the
notifications and reports required by divisions (B) and (C) of this section. No such well shall be plugged or abandoned without the written approval of the division, and no such well shall be mudded, plugged, or abandoned without the gas storage well inspector or a deputy mine inspector present unless written permission has been granted by the chief or the gas storage well inspector. For purposes of this section, the chief of the division of mineral resources management has the authority given the chief of the division of oil and gas resources management in sections 1509.15 and 1509.17 of the Revised Code. If such a well has been plugged prior to the time plugging thereof is required by this section, and, on the basis of the data, information, and other evidence available it is determined that the plugging was done in the manner required by this section, or was done in accordance with statutes prescribing the manner of plugging wells in effect at the time the plugging was done, and that there is no evidence of leakage of gas from the well either at or below the surface, and that the plugging is sufficiently effective to prevent the leakage of gas from the well, the obligations imposed upon the reservoir operator by this section as to plugging the well shall be considered fully satisfied. The operator of a coal mine any part of the boundary of which is, or within nine months is expected or intended to be, within two thousand linear feet of the well may at any time raise a question as to whether the plugging of the well is sufficiently effective to prevent the leakage of gas therefrom, and the issue so made shall be determined by a conference or hearing as provided in section 1571.10 of the Revised Code.

(E) Wells that are to be reconditioned as required by this section shall be, or shall be made to be:

(1) Cased in accordance with the statutes of this state in effect at the time the wells were drilled, with the casing being,
or made to be, sufficiently effective in that there is no evidence of any leakage of gas therefrom;

(2) Equipped with a producing string and well head composed of new pipe, or pipe as good as new, and fittings designed to operate with safety and to contain the stored gas at maximum pressures contemplated.

When a well that is to be reconditioned as required by this section has been reconditioned for use in the operation of the reservoir prior to the time prescribed in this section, and on the basis of the data, information, and other evidence available it is determined that at the time the well was so reconditioned the requirements prescribed in this division were met, and that there is no evidence of underground leakage of gas from the well, and that the reconditioning is sufficiently effective to prevent underground leakage from the well, the obligations imposed upon the reservoir operator by this section as to reconditioning the well shall be considered fully satisfied. Any operator of a coal mine any part of the boundary of which is, or within nine months is expected or intended to be, within two thousand linear feet of the well may at any time raise a question as to whether the reconditioning of the well is sufficiently effective to prevent underground leakage of gas therefrom, and the issue so made shall be determined by a conference or hearing as provided in section 1571.10 of the Revised Code.

If the gas storage well inspector at any time finds that a well that is drilled through the horizon of a coal mine and into or through the storage stratum or strata of a reservoir within the boundary of the reservoir or within its protective area is located within the boundary of the coal mine or within two thousand linear feet of the mine boundary, and was drilled prior to the time the statutes of this state required that wells be cased, and that the well fails to meet the casing and equipping requirements
prescribed in this division, the gas storage well inspector shall promptly notify the operator of the reservoir thereof in writing, and the reservoir operator upon receipt of the notice shall promptly recondition the well in the manner prescribed in this division for reconditioning wells, unless, in a conference or hearing as provided in section 1571.10 of the Revised Code, a different course of action is agreed upon or ordered.

(F)(1) When a well within the boundary of a gas storage reservoir or within the reservoir's protective area penetrates the storage stratum or strata of the reservoir, but does not penetrate the coal seam within the boundary of a coal mine, the gas storage well inspector may, upon application of the operator of the storage reservoir, exempt the well from the requirements of this section. Either party affected by the action of the gas storage well inspector may request a conference and hearing with respect to the exemption.

(2) When a well located within the boundary of a storage reservoir or a reservoir's protective area is a producing well in a stratum above or below the storage stratum, the obligations imposed by this section shall not begin until the well ceases to be a producing well.

(G) When retreat mining reaches a point in a coal mine when the operator of the mine expects that within ninety days retreat work will be at the location of a pillar surrounding an active storage reservoir well, the operator of the mine shall promptly send by registered certified mail or electronic format notice to that effect to the operator of the reservoir. Thereupon the operators may by agreement determine whether it is necessary or advisable to temporarily inactivate the well. If inactivated, the well shall not be reactivated until a reasonable period of time has elapsed, such period of time to be determined by agreement by the operators. In the event that the parties cannot agree upon
either of the foregoing matters, the question shall be submitted to the gas storage well inspector for a conference in accordance with section 1571.10 of the Revised Code.

(H)(1) The provisions of this section that require the plugging or reconditioning of wells shall not apply to such wells as are used to inject gas into, store gas in, or remove gas from a gas storage reservoir when the sole purpose of the injection, storage, or removal is testing. The operator of a gas storage reservoir who injects gas into, stores gas in, or removes gas from a reservoir for the sole purpose of testing shall be subject to all other provisions of this chapter that are applicable to operators of reservoirs.

(2) If the injection of gas into, or storage of gas in, a gas storage reservoir any part of which, or of the protective area of which, is within the boundary of a coal mine is begun after September 9, 1957, and if the injection or storage of gas is for the sole purpose of testing, the operator of the reservoir shall send by registered certified mail or electronic format to the operator of the coal mine, the division of oil and gas resources management, and the division of mineral resources management at least sixty days' notice of the date upon which the testing will be begun.

If at any time within the period of time during which testing of a reservoir is in progress, any part of the reservoir or of its protective area comes within any part of the boundary of a coal mine, the operator of the reservoir shall promptly send notice to that effect by registered certified mail or electronic format to the operator of the mine, the division of oil and gas resources management, and the division of mineral resources management.

(3) Any coal mine operator who receives a notice as provided for in division (H)(2) of this section may within thirty days of the receipt thereof file with the division objections to the
testing. The gas storage well inspector also may, within the time
within which a coal mine operator may file an objection, place in
the files of the division objections to the testing. The reservoir
operator shall comply throughout the period of the testing
operations with all conditions and requirements agreed upon and
approved in the conference on such objections conducted as
provided in section 1571.10 of the Revised Code, or in an order
made by the chief following a hearing in the matter as provided in
section 1571.10 of the Revised Code. If in complying with the
agreement or order either the reservoir operator or the coal mine
operator encounters or discovers conditions that were not known to
exist at the time of the conference or hearing and that materially
affect the agreement or order, or the ability of the reservoir
operator to comply therewith, either operator may apply for a
rehearing or modification of the order.

(I) In addition to complying with all other provisions of
this chapter and any lawful orders issued thereunder, the operator
of each gas storage reservoir shall keep all wells drilled into or
through the storage stratum or strata within the boundary of the
operator's reservoir or within the reservoir's protective area in
such condition, and operate the same in such manner, as to prevent
the escape of gas therefrom into any coal mine, and shall operate
and maintain the storage reservoir and its facilities in such
manner and at such pressures as will prevent gas from escaping
from the reservoir or its facilities into any coal mine.

Sec. 1571.08. (A) Whenever in this chapter, the method or
material to be used in discharging any obligations imposed by this
chapter is specified, an alternative method or material may be
used if approved by the gas storage well inspector or the chief of
the division of oil and gas resources management. A person
desiring to use such alternative method or material shall file
with the division of oil and gas resources management an
application for permission to do so. Such application shall describe such alternative method or material in reasonable detail. The gas storage well inspector shall promptly send by registered certified mail or electronic format notice of the filing of such application to any coal mine operator or reservoir operator whose mine or reservoir may be directly affected thereby. Any such coal mine operator or reservoir operator may within ten days following receipt of such notice, file with the division objections to such application. The gas storage well inspector may also file with the division an objection to such application at any time during which coal mine operators or reservoir operators are permitted to file objections. If no objections are filed within the ten-day period of time, the gas storage well inspector shall thereupon issue a permit approving the use of such alternative method or material. If any such objections are filed by any coal mine operator or reservoir operator, or by the gas storage well inspector, the question as to whether or not the use of such alternative method or material, or a modification thereof is approved, shall be determined by a conference or hearing as provided in section 1571.10 of the Revised Code.

(B) Whenever in this chapter, provision is made for the filing of objections with the division, such objections shall be in writing and shall state as definitely as is reasonably possible the reasons for such objections. Upon the filing of any such objection the gas storage well inspector shall promptly fix the time and place for holding a conference for the purpose of discussing and endeavoring to resolve by mutual agreement the issue raised by such objection. The gas storage well inspector shall send written notice thereof by registered certified mail or electronic format to each person having a direct interest therein. Thereupon the issue made by such objection shall be determined by a conference or hearing in accordance with the procedures for conferences and hearings as provided in section 1571.10 of the Revised Code.
Sec. 1571.10. (A) The gas storage well inspector or any person having a direct interest in the administration of this chapter may at any time file with the division of oil and gas resources management a written request that a conference be held for the purpose of discussing and endeavoring to resolve by mutual agreement any question or issue relating to the administration of this chapter, or to compliance with its provisions, or to any violation thereof. Such request shall describe the matter concerning which the conference is requested. Thereupon the gas storage well inspector shall promptly fix the time and place for the holding of such conference and shall send written notice thereof to each person having a direct interest therein. At such conference the gas storage well inspector or a representative of the division designated by the gas storage well inspector shall be in attendance, and shall preside at the conference, and the gas storage well inspector or designated representative may make such recommendations as the gas storage well inspector or designated representative deems proper. Any agreement reached at such conference shall be consistent with the requirements of this chapter and, if approved by the gas storage well inspector, it shall be reduced to writing and shall be effective. Any such agreement approved by the gas storage well inspector shall be kept on file in the division and a copy thereof shall be furnished to each of the persons having a direct interest therein. The conference shall be deemed terminated as of the date an approved agreement is reached or when any person having a direct interest therein refuses to confer thereafter. Such a conference shall be held in all cases prior to the holding of a hearing as provided in this section.

(B) Within ten days after the termination of a conference at which no approved agreement is reached, any person who
participated in such conference and who has a direct interest in
the subject matter thereof, or the gas storage well inspector, may
file with the chief of the division of oil and gas resources
management a request that the chief hear and determine the matter
or matters, or any part thereof considered at the conference.
Thereupon the chief shall promptly fix the time and place for the
holding of such hearing and shall send written notice thereof to
each person having a direct interest therein. The form of the
request for such hearing and the conduct of the hearing shall be
in accordance with rules that the chief adopts under section
1571.11 of the Revised Code. Consistent with the requirement for
reasonable notice each such hearing shall be held promptly after
the filing of the request therefor. Any person having a direct
interest in the matter to be heard shall be entitled to appear and
be heard in person or by attorney. The division may present at
such hearing any evidence that is material to the matter being
heard and that has come to the division's attention in any
investigation or inspection made pursuant to this chapter.

(C) For the purpose of conducting such a hearing the chief
may require the attendance of witnesses and the production of
books, records, and papers, and the chief may, and at the request
of any person having a direct interest in the matter being heard,
the chief shall, issue subpoenas for witnesses or subpoenas duces
tecum to compel the production of any books, records, or papers,
directed to the sheriffs of the counties where such witnesses are
found, which subpoenas shall be served and returned in the same
manner as subpoenas in criminal cases are served and returned. The
fees of sheriffs shall be the same as those allowed by the court
of common pleas in criminal cases. Witnesses shall be paid the
fees and mileage provided for under section 119.094 of the Revised
Code. Such fee and mileage expenses shall be paid in advance by
the persons at whose request they are incurred, and the remainder
of such expenses shall be paid out of funds appropriated for the
expenses of the division.

In case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matter regarding which the witness may be lawfully interrogated, the court of common pleas of the county in which such disobedience, neglect, or refusal occurs, or any judge thereof, on application of the chief, shall compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Witnesses at such hearings shall testify under oath, and the chief may administer oaths or affirmations to persons who so testify.

(D) With the consent of the chief, the testimony of any witness may be taken by deposition at the instance of a party to any hearing before the chief at any time after hearing has been formally commenced. The chief may, of the chief's own motion, order testimony to be taken by deposition at any stage in any hearing, proceeding, or investigation pending before the chief. Such deposition shall be taken in the manner prescribed by the laws of this state for taking depositions in civil cases in courts of record.

(E) After the conclusion of a hearing the chief shall make a determination and finding of facts. Every adjudication, determination, or finding by the chief shall be made by written order and shall contain a written finding by the chief of the facts upon which the adjudication, determination, or finding is based. Notice of the making of such order shall be given to the persons whose rights, duties, or privileges are affected thereby, by sending a certified copy thereof by registered certified mail or electronic format to each of such persons.

Adjudications, determinations, findings, and orders made by the chief shall not be governed by, or be subject to, Chapter 119 of the Revised Code.
Sec. 1571.14. Any person claiming to be aggrieved or adversely affected by an order of the chief of the division of oil and gas resources management made as provided in section 1571.10 or 1571.16 of the Revised Code may appeal to the director of natural resources for an order vacating or modifying such order. Upon receipt of the appeal, the director shall appoint an individual who has knowledge of the laws and rules regarding the underground storage of gas and who shall act as a hearing officer in accordance with Chapter 119. of the Revised Code in hearing the appeal.

The person appealing to the director shall be known as appellant and the chief shall be known as appellee. The appellant and the appellee shall be deemed parties to the appeal.

The appeal shall be in writing and shall set forth the order complained of and the grounds upon which the appeal is based. The appeal shall be filed with the director within thirty days after the date upon which appellant received notice by registered certified mail or electronic format of the making of the order complained of, as required by section 1571.10 of the Revised Code. Notice of the filing of such appeal shall be delivered by appellant to the chief within three days after the appeal is filed with the director.

Within seven days after receipt of the notice of appeal the chief shall prepare and certify to the director at the expense of appellant a complete transcript of the proceedings out of which the appeal arises, including a transcript of the testimony submitted to the chief.

Upon the filing of the appeal the director shall fix the time and place at which the hearing on the appeal will be held, and shall give appellant and the chief at least ten days' written notice thereof by mail. The director may postpone or continue any
hearing upon the director's own motion or upon application of
appellant or of the chief.

The filing of an appeal provided for in this section does not
automatically suspend or stay execution of the order appealed
from, but upon application by the appellant the director may
suspend or stay such execution pending determination of the appeal
upon such terms as the director deems proper.

The hearing officer appointed by the director shall hear the
appeal de novo, and either party to the appeal may submit such
evidence as the hearing officer deems admissible.

For the purpose of conducting a hearing on an appeal, the
hearing officer may require the attendance of witnesses and the
production of books, records, and papers, and may, and at the
request of any party shall, issue subpoenas for witnesses or
subpoenas duces tecum to compel the production of any books,
records, or papers, directed to the sheriffs of the counties where
such witnesses are found, which subpoenas shall be served and
returned in the same manner as subpoenas in criminal cases are
served and returned. The fees of sheriffs shall be the same as
those allowed by the court of common pleas in criminal cases.
Witnesses shall be paid the fees and mileage provided for under
section 119.094 of the Revised Code. Such fee and mileage expenses
incurred at the request of appellant shall be paid in advance by
appellant, and the remainder of such expenses shall be paid out of
funds appropriated for the expenses of the division of oil and gas
resources management.

In case of disobedience or neglect of any subpoena served on
any person, or the refusal of any witness to testify to any matter
regarding which the witness may be lawfully interrogated, the
court of common pleas of the county in which such disobedience,
neglect, or refusal occurs, or any judge thereof, on application
of the director, shall compel obedience by attachment proceedings
for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Witnesses at such hearings shall testify under oath, and the hearing officer may administer oaths or affirmations to persons who so testify.

At the request of any party to the appeal, a record of the testimony and other evidence submitted shall be taken by an official court reporter at the expense of the party making the request for the record. The record shall include all of the testimony and other evidence and the rulings on the admissibility thereof presented at the hearing. The hearing officer shall pass upon the admissibility of evidence, but any party may at the time object to the admission of any evidence and except to the ruling of the hearing officer thereon, and if the hearing officer refuses to admit evidence, the party offering same may make a proffer thereof, and such proffer shall be made a part of the record of such hearing.

If upon completion of the hearing the hearing officer finds that the order appealed from was lawful and reasonable, the hearing officer shall make a written order affirming the order appealed from. If the hearing officer finds that such order was unreasonable or unlawful, the hearing officer shall make a written order vacating the order appealed from and making the order that it finds the chief should have made. Every order made by the hearing officer shall contain a written finding by the hearing officer of the facts upon which the order is based. Notice of the making of such order shall be given forthwith to each party to the appeal by mailing a certified copy thereof to each such party by registered certified mail or electronic format.

Sec. 1571.15. Any party adversely affected by an order of the hearing officer under section 1571.14 of the Revised Code may
appeal to the court of common pleas of any county in which the
well, or part of the gas storage reservoir, or part of the coal
mine, involved in the order of the hearing officer which is being
appealed, is located. Any party desiring to so appeal shall file
with the director of natural resources a notice of appeal
designating the order appealed from and stating whether the appeal
is taken on questions of law or questions of law and fact. A copy
of such notice shall also be filed by appellant with the court and
shall be mailed or otherwise delivered to appellee. The notice
shall be filed and mailed or otherwise delivered within thirty
days after the date upon which appellant received notice from the
hearing officer by registered certified mail or electronic format
of the making of the order appealed from. No appeal bond shall be
required to make either an appeal on questions of law or an appeal
on questions of law and fact effective.

The filing of a notice of appeal shall not automatically
operate as a suspension of the order of the hearing officer. If it
appears to the court that an unjust hardship to the appellant will
result from the execution of the hearing officer's order pending
determination of the appeal, the court may grant a suspension of
such order and fix its terms.

Within fifteen days after receipt of the notice of appeal the
hearing officer shall prepare and file in the court the complete
record of proceedings out of which the appeal arises, including a
transcript of the testimony and other evidence which has been
submitted before him the hearing officer. The expense of preparing
and transcribing such record shall be taxed as a part of the costs
of the appeal. Appellant shall provide security for costs
satisfactory to the court. Upon demand by a party the director
shall furnish at the cost of the party requesting the same a copy
of such record. In the event such complete record is not filed in
the court within the time provided for in this section either
party may apply to the court to have the case docketed, and the court shall order such record filed.

Appeals taken on questions of law shall be heard upon assignments of error filed in the cause or set out in the briefs of the appellant before the hearing. Errors not argued by brief may be disregarded, but the court may consider and decide errors which are not assigned or argued. Failure to file such briefs and assignments of error within the time prescribed by the court's rules shall be a cause for dismissal of such appeal.

In appeals taken on questions of law and fact, the hearing in the court shall be a hearing de novo of the appeal heard by the hearing officer in which the order appealed from was made. In such hearings any party may offer as evidence any part of the record of the proceedings out of which the appeal arises, certified to the court as provided for in this section, and any other evidence which the court deems admissible.

If the court finds that the order of the hearing officer appealed from was lawful and reasonable, it shall affirm such order. If the court finds that such order was unreasonable or unlawful, it shall vacate such order and make the order which it finds the hearing officer should have made. The judgment of the court is final unless reversed, vacated, or modified on appeal as in civil actions.

Sec. 1571.16. (A) The gas storage well inspector or any person having a direct interest in the subject matter of this chapter may file with the division of oil and gas resources management a complaint in writing stating that a person is violating, or is about to violate, a provision or provisions of this chapter, or has done, or is about to do, an act, matter, or thing therein prohibited or declared to be unlawful, or has failed, omitted, neglected, or refused, or is about to fail, omit,
neglect, or refuse, to perform a duty enjoined upon the person by this chapter. Upon the filing of such a complaint, the chief of the division of oil and gas resources management shall promptly fix the time for the holding of a hearing on such complaint and shall send by registered certified mail or electronic format to the person so complained of, a copy of such complaint together with at least five days' notice of the time and place at which such hearing will be held. Such notice of such hearing shall also be given to all persons having a direct interest in the matters complained of in such complaint. Such hearing shall be conducted in the same manner, and the chief and persons having a direct interest in the matter being heard, shall have the same powers, rights, and duties as provided in divisions (B), (C), (D), and (E) of section 1571.10 of the Revised Code, in connection with hearings by the chief, provided that if after conclusion of the hearing the chief finds that the charges against the person complained of, as stated in such complaint, have not been sustained by a preponderance of evidence, the chief shall make an order dismissing the complaint, and if the chief finds that the charges have been so sustained, the chief shall by appropriate order require compliance with those provisions.

(B) Whenever the chief is of the opinion that any person is violating, or is about to violate, any provision of this chapter, or has done, or is about to do, any act, matter, or thing therein prohibited or declared to be unlawful, or has failed, omitted, neglected, or refused, or is about to fail, omit, neglect, or refuse, to perform any duty enjoined upon the person by this chapter, or has failed, omitted, neglected, or refused, or is about to fail, omit, neglect, or refuse, to obey any lawful requirement or order made by the chief, or any final judgment, order, or decree made by any court pursuant to this chapter, then and in every such case, the chief may institute in a court of competent jurisdiction of the county or counties wherein the
operation is situated, an action to enjoin or restrain such
violations or to enforce obedience with law or the orders of the
chief. No injunction bond shall be required to be filed in any
such proceeding. Such persons or corporations as the court may
demn necessary or proper to be joined as parties in order to make
its judgment, order, or writ effective may be joined as parties.
An appeal may be taken as in other civil actions.

(C) In addition to the other remedies as provided in
divisions (A) and (B) of this section, any reservoir operator or
coal mine operator affected by this chapter may proceed by
injunction or other appropriate remedy to restrain violations or
threatened violations of this chapter or of orders of the chief,
or of the hearing officer appointed under section 1571.14 of the
Revised Code, or the judgments, orders, or decrees of any court or
to enforce obedience therewith.

(D) Each remedy prescribed in divisions (A), (B), and (C) of
this section is deemed concurrent or contemporaneous with each
other remedy prescribed therein, and the existence or exercise of
any one such remedy shall not prevent the exercise of any other
such remedy.

(E) The provisions of this chapter providing for conferences,
hearings by the chief, appeals to the hearing officer from orders
of the chief, and appeals to the court of common pleas from orders
of the hearing officer, and the remedies prescribed in divisions
(A), (B), (C), and (D) of this section, do not constitute the
exclusive procedure that a person, who deems the person's rights
to be unlawfully affected by any official action taken thereunder,
must pursue in order to protect and preserve such rights, nor does
this chapter constitute a procedure that such a person must pursue
before the person may lawfully proceed by other actions, legal or
equitable, to protect and preserve such rights.
Sec. 1707.02. (A) "Exempt," as used in this section, means exempt from sections 1707.08 to 1707.11 and 1707.39 of the Revised Code.

(B)(1) Except as provided in division (B)(2) of this section, the following securities are exempt, if the issuer or guarantor has the power of taxation or assessment for the purpose of paying the obligation represented by the security, or is in specific terms empowered by the laws of the state of issuance to issue securities payable as to principal or interest, or as to both, out of revenues collected or administered by such issuer:

(a) Any security issued or guaranteed by the United States;

(b) Any security issued or guaranteed by, and recognized, at the time of sale, as its valid obligation by, any foreign government with which the United States is, at the time of sale, maintaining diplomatic relations;

(c) Any security issued or guaranteed, and recognized as its valid obligation, by any political subdivision or any governmental or other public body, corporation, or agency in or of the United States, any state, territory, or possession of the United States, or any foreign government with which the United States is, at the time of sale, maintaining diplomatic relations.

(2) If a security described in division (B)(1) of this section is not payable out of the proceeds of a general tax, the security is exempt only if, at the time of its first sale in this state, there is no default in the payment of any of the interest or principal of the security, and there are no adjudications or pending suits adversely affecting its validity.

(C) Any security issued or guaranteed by a state or nationally chartered bank, savings and loan association, savings bank, or credit union, or a governmental corporation or agency.
created by or under the laws of the United States or of Canada is exempt, if it is under the supervision of or subject to regulation by the government or state under whose laws it was organized.

(D) Any interim certificate is exempt, if the securities to be delivered therefor are themselves exempt, are the subject matter of an exempt transaction, have been registered by description or registered by qualification, or are the subject matter of a transaction which has been registered by description.

(E)(1) A security is exempt if it meets any of the following requirements:

(a) The security is listed, or authorized for listing, on the New York stock exchange, the American stock exchange, or the national market system of the NASDAQ stock market, or any successor to such entities.

(b) The security is listed, or authorized for listing, on a national securities exchange or system, or on a tier or segment of such exchange or system, designated by the securities and exchange commission in rule 146(b) promulgated under section 18(b)(1) of the Securities Act of 1933.

(c) The security is listed, or authorized for listing, on a national securities exchange or system, or on a tier or segment of such exchange or system, that has listing standards that the division of securities, on its own initiative or on the basis of an application, determines by rule are substantially similar to the listing standards applicable to securities described in division (E)(1)(a) of this section.

(d) The security is a security of the same issuer that is equal in seniority or that is a senior security to a security described in division (E)(1)(a), (b), or (c) of this section.

(2) Application for approval of a stock exchange or system not approved in this section may be made by any organized stock
exchange or system, or by any dealer who is a member of such exchange, in such manner and upon such forms as are prescribed by the division, accompanied by payment of an approval fee of two hundred dollars, and the division shall make such investigation and may hold such hearings as it deems necessary to determine the propriety of giving approval. The cost of such investigation shall be borne by the applicant. The division may enter an order of approval, and if it does so, it shall notify the applicant of such approval.

(3) The division may revoke the approval of an exchange or system enumerated in division (E)(1) of this section, provided that the exchange or system is not listed in section 18(b)(1) of the Securities Act of 1933 or any rule promulgated thereunder. The division may effect a revocation after due notice, investigation, a hearing, and a finding that the practices or requirements of such exchange or system have been so changed or modified, or are, in their actual operation, such that the contemplated protection is no longer afforded. The principles of res adjudicata ordinarily applicable in civil matters shall not be applicable to this matter, which is hereby declared to be administrative rather than judicial. Notice of the hearing may be given by certified electronic mail at least ten days before such hearing.

(4) The division may suspend the exemption of any security described in division (E)(1) of this section, provided that the security is listed or authorized for listing on an exchange or system that is not listed in section 18(b)(1) of the Securities Act of 1933 or any rule promulgated thereunder. The division may effect a suspension by giving notice, by certified electronic mail, to that effect to the exchange or system upon which such security is listed or designated and to the issuer of such security. After notice and hearing, the division may revoke such exemption if it appears to it that sales of such security have
been fraudulent or that future sales of it would be fraudulent.  

The division shall set such hearing not later than ten days from the date of the order of suspension, but may for good cause continue such hearing upon application of the exchange or system upon which such security is listed or designated or upon application of the issuer of such security.

(F) Any security, issued or guaranteed as to principal, interest, or dividend or distribution by a corporation owning or operating any public utility, is exempt, if such corporation is, as to its rates and charges or as to the issuance and guaranteeing of securities, under the supervision of or regulated by a public commission, board, or officer of the United States, or of Canada, or of any state, province, or municipal corporation in either of such countries. Equipment-trust securities based on chattel mortgages, leases, or agreements for conditional sale, of cars, locomotives, motor trucks, or other rolling stock or of motor vehicles mortgaged, leased, or sold to, or finished for the use of, a public utility, are exempt; and so are equipment securities where the ownership or title of such equipment is pledged or retained, in accordance with the laws of the United States or of any state, or of Canada or any province thereof, to secure the payment of such securities.

(G) Commercial paper and promissory notes are exempt when they are not offered directly or indirectly for sale to the public.

(H) Any security issued or guaranteed by an insurance company, except as provided in section 1707.32 of the Revised Code, is exempt if such company is under the supervision of, and the issuance or guaranty of such security is regulated by, a state.

(I) Any security, except notes, bonds, debentures, or other evidences of indebtedness or of promises or agreements to pay
money, which is issued by a person, corporation, or association organized not for profit, including persons, corporations, and associations organized exclusively for conducting county fairs, or for religious, educational, social, recreational, athletic, benevolent, fraternal, charitable, or reformatory purposes, and agricultural cooperatives as defined in section 1729.01 of the Revised Code, is exempt, if no part of the net earnings of such issuer inures to the benefit of any shareholder or member of such issuer or of any individual, and if the total commission, remuneration, expense, or discount in connection with the sale of such securities does not exceed two per cent of the total sale price thereof plus five hundred dollars.

(J)(1) Any securities outstanding for a period of not less than five years, on which there has occurred no default in payment of principal, interest, or dividend or distribution for the five years immediately preceding the sale, are exempt.

(2) For the purpose of division (J) of this section, the dividend, distribution, or interest rate on securities in which no such rate is specified shall be at the rate of at least four per cent annually on the aggregate of the price at which such securities are to be sold.

(K) All bonds issued under authority of Chapter 165. or 761., or section 4582.06 or 4582.31 of the Revised Code are exempt.

Sec. 1707.04. (A) The division of securities may consider and conduct hearings upon any plan of reorganization, recapitalization, or refinancing of a corporation organized under the laws of this state, or having its principal place of business within this state, when such plan is proposed by such corporation or by any of its shareholders or creditors and contains a proposal to issue securities in exchange for one or more bona fide outstanding securities, claims, or property interests, or partly
in such exchange or partly for cash. The division may also approve the terms of such issuance and exchange and the fairness of such terms, after a hearing upon such fairness at which all persons to whom it is proposed to issue securities in such exchange have the right to appear, if application for such a hearing is made by such corporation, by the holders of a majority in amount of its debts, or by the holders of a majority in amount of any outstanding class of securities issued by it. Notice in person or by electronic or regular mail of the time and place of such hearing shall be given to all persons to whom it is proposed to issue such securities, and evidence satisfactory to the division that such notice has been given shall be filed with the division. Securities issued in accordance with a plan so approved by the division are exempt from sections 1707.01 to 1707.50 of the Revised Code, relating to registration or qualification of securities or the registration of transactions therein.

(B) "Reorganization," "recapitalization," and "refinancing," as used in this section, include the following:

1. A readjustment by modification of the terms of securities by agreement;

2. A readjustment by the exchange of securities by the issuer for others of its securities;

3. The exchange of securities by the issuer for securities of another issuer;

4. The acquisition of assets of a person, directly or indirectly, partly or wholly in consideration for securities distributed or to be distributed as part of the same transaction, directly or indirectly, to holders of securities issued by such person or secured by assets of such person;

5. A merger or consolidation.
Upon filing an application with the division under this section, the applicant shall pay to the division a filing fee of one hundred dollars and shall deposit with the division such sum, not in excess of one thousand dollars, as the division requires for the purpose of defraying the costs of the hearing provided for in this section and of any investigation which the division may make in connection herewith.

Sec. 1707.042. (A) No person who makes or opposes a control bid to offerees in this state shall knowingly do any of the following:

(1) Make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;

(2) Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any such offeree;

(3) Engage in any manipulative act or practice.

(B) Any person who makes or opposes a control bid to offerees in this state, or who realizes any profit which inures to and is recoverable by a corporation, formed in this state, pursuant to section 1707.043 of the Revised Code, is conclusively presumed to have designated the secretary of state as its agent for the service of process in any action or proceeding under this chapter. Upon receipt of any such process, together with an affidavit showing the last known address of the person who made or opposed the control bid or who realized such profit, the secretary of state shall forthwith give notice by telegraph of the fact of the service of process and forward a copy of such process to such address by certified mail, return receipt requested. This section does not affect any right to serve process in any other manner.
permitted by law.

(C) Any person who makes or opposes a control bid is subject to the liabilities and penalties applicable to a seller, and an offeree is entitled to the remedies applicable to a purchaser, as set forth in sections 1707.41 to 1707.50 of the Revised Code.

(D) In case any provision or application of any provision of this section is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect any legal and valid provision or application of this section.

Sec. 1707.091. (A) Any security for which a registration statement has been filed pursuant to Section 6 of the Securities Act of 1933 or for which a notification form and offering circular has been filed pursuant to regulation A of the general rules and regulations of the securities and exchange commission, 17 C.F.R. sections 230.251 to 230.256 and 230.258 to 230.263, as amended before or after the effective date of this section, in connection with the same offering may be registered by coordination.

(B) A registration statement filed by or on behalf of the issuer under this section with the division of securities shall contain the following information and be accompanied by the following items in addition to the consent to service of process required by section 1707.11 of the Revised Code:

(1) One copy of the latest form of prospectus or offering circular and notification filed with the securities and exchange commission;

(2) If the division of securities by rule or otherwise requires, a copy of the articles of incorporation and code of regulations or bylaws, or their substantial equivalents, as currently in effect, a copy of any agreements with or among underwriters, a copy of any indenture or other instrument
governing the issuance of the security to be registered, and a
specimen or copy of the security;

(3) If the division of securities requests, any other
information, or copies of any other documents, filed with the
securities and exchange commission;

(4) An undertaking by the issuer to forward to the division,
promptly and in any event not later than the first business day
after the day they are forwarded to or thereafter are filed with
the securities and exchange commission, whichever occurs first,
all amendments to the federal prospectus, offering circular,
notification form, or other documents filed with the securities
and exchange commission, other than an amendment that merely
delays the effective date;

(5) A filing fee of one hundred dollars.

(C) A registration statement filed under this section becomes
effective either at the moment the federal registration statement
becomes effective or at the time the offering may otherwise be
commenced in accordance with the rules, regulations, or orders of
the securities and exchange commission, if all of the following
conditions are satisfied:

(1) No stop order is in effect, no proceeding is pending
under section 1707.13 of the Revised Code, and no cease and desist
order has been issued pursuant to section 1707.23 of the Revised
Code;

(2) The registration statement has been on file with the
division for at least fifteen days or for such shorter period as
the division by rule or otherwise permits; provided, that if the
registration statement is not filed with the division within five
days of the initial filing with the securities and exchange
commission, the registration statement must be on file with the
division for thirty days or for such shorter period as the
division by rule or otherwise permits.

(3) A statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file with the division for two full business days or for such shorter period as the division by rule or otherwise permits and the offering is made within those limitations;

(4) The division has received a registration fee of one-tenth of one per cent of the aggregate price at which the securities are to be sold to the public in this state, which fee, however, shall in no case be less than one hundred or more than one thousand dollars.

(D) The issuer shall promptly notify the division by telephone or telegram of the date and time when the federal registration statement became effective, or when the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, and of the contents of the price amendment, if any, and shall promptly file the price amendment.

"Price amendment" for the purpose of this division, means the final federal registration statement amendment that includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices, and other matters dependent upon the offering price.

If the division fails to receive the required notice and required copies of the price amendment, the division may enter a provisional stop order retroactively denying effectiveness to the registration statement or suspending its effectiveness until there is compliance with this division, provided the division promptly notifies the issuer or its representative by telephone or telegram, and promptly confirms by letter or telegram when it notifies by telephone, of the entry of the order. If the issuer or
its representative proves compliance with the requirements of this division as to notice and price amendment filing, the stop order is void as of the time of its entry. The division may by rule or otherwise waive either or both of the conditions specified in divisions (C)(2) and (3) of this section. If the federal registration statement becomes effective, or if the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, before all of the conditions specified in divisions (C) and (D) of this section are satisfied and they are not waived by the division the registration statement becomes effective as soon as all of the conditions are satisfied.

If the issuer advises the division of the date when the federal registration statement is expected to become effective, or when the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, the division shall promptly advise the issuer or its representative by telephone or telegram, at the issuer's expense, whether all of the conditions have been satisfied or whether the division then contemplates the institution of a proceeding under section 1707.13 or 1707.23 of the Revised Code, but such advice does not preclude the institution of such a proceeding at any time.

Sec. 1707.11. (A) Each person that is not organized under the laws of this state, that is not licensed under section 1703.03 of the Revised Code, or that does not have its principal place of business in this state, shall submit to the division of securities an irrevocable consent to service of process, as described in division (B) of this section, in connection with any of the following:

(1) Filings to claim any of the exemptions enumerated in
division (Q), (W), or (Y) of section 1707.03 of the Revised Code;

(2) Applications for registration by description, qualification, or coordination;

(3) Notice filings pursuant to section 1707.092 of the Revised Code.

(B) The irrevocable written consent shall be executed and acknowledged by an individual duly authorized to give the consent and shall do all of the following:

(1) Designate the secretary of state as agent for service of process or pleadings;

(2) State that actions growing out of the sale of such securities, the giving of investment advice, or fraud committed by a person on whose behalf the consent is submitted may be commenced against the person, in the proper court of any county in this state in which a cause of action may arise or in which the plaintiff in the action may reside, by serving on the secretary of state any proper process or pleading authorized by the laws of this state;

(3) Stipulate that service of process or pleading on the secretary of state shall be taken in all courts to be as valid and binding as if service had been made upon the person on whose behalf the consent is submitted.

(C) Notwithstanding any application, form, or other material filed with or submitted to the division that purports to appoint as agent for service of process a person other than the secretary of state, the application, form, or other material shall be considered to appoint the secretary of state as agent for service of process.

(D) Service of any process or pleadings may be made on the secretary of state by duplicate copies, of which one shall be
filed in the office of the secretary of state, and the other immediately forwarded by the secretary of state by certified mail to the principal place of business of the person on whose behalf the consent is submitted or to the last known address as shown on the filing made with the division. However, failure to mail such copy does not invalidate the service.

(E) Notwithstanding any provision of this chapter, or of any rule adopted by the division of securities under this chapter, that requires the submission of a consent to service of process, the division may provide by rule for the electronic filing or submission of a consent to service of process.

Sec. 1707.43. (A) Subject to divisions (B) and (C) of this section, every sale or contract for sale made in violation of Chapter 1707. of the Revised Code, is voidable at the election of the purchaser. The person making such sale or contract for sale, and every person that has participated in or aided the seller in any way in making such sale or contract for sale, are jointly and severally liable to the purchaser, in an action at law in any court of competent jurisdiction, upon tender to the seller in person or in open court of the securities sold or of the contract made, for the full amount paid by the purchaser and for all taxable court costs, unless the court determines that the violation did not materially affect the protection contemplated by the violated provision.

(B) No action for the recovery of the purchase price as provided for in this section, and no other action for any recovery based upon or arising out of a sale or contract for sale made in violation of Chapter 1707. of the Revised Code, shall be brought more than two years after the plaintiff knew, or had reason to know, of the facts by reason of which the actions of the person or director were unlawful, or more than five years from the date of
such sale or contract for sale, whichever is the shorter period.  

(C) No purchaser is entitled to the benefit of this section who has failed to accept, within thirty days from the date of such offer, an offer in writing made after two weeks from the date of the sale or contract of sale, by the seller or by any person that has participated in or aided the seller in any way in making the sale or contract of sale, to take back the security in question and to refund the full amount paid by the purchaser.

Sec. 1733.16. Unless otherwise provided in the articles, regulations, or bylaws, and subject to the exceptions applicable during an emergency, as that term is defined in section 1733.01 of the Revised Code:

(A) Meetings of the directors may be called by the chairperson, vice-chairperson, president, or any vice-president of the board or any two directors.

(B) Regularly scheduled meetings of the directors shall be held in the manner prescribed by the credit union's code of regulations, but not less frequently than quarterly.

(C) Meetings of the directors may be held within or without the state. Unless the articles or regulations prohibit participation by directors at a meeting by means of communication equipment, meetings of the directors may be held through any communication equipment if all the persons participating can hear each other, and participation in the meeting pursuant to this division constitutes presence at the meeting.

(D) Notice of the place, if any, and time of each meeting of the directors shall be given to each director either by personal delivery or by mail, telegram, cablegram, overnight delivery service, or any other means of communication authorized by the board of directors at least two days before the meeting,
unless otherwise specified in the regulations or bylaws. The notice described in this division need not specify the purpose of the meeting.

(E) Notice of adjournment of a meeting need not be given, if the time and place to which it is adjourned are fixed and announced at the meeting.

Sec. 2941.401. When a person has entered upon a term of imprisonment in a correctional institution of this state, and when during the continuance of the term of imprisonment there is pending in this state any untried indictment, information, or complaint against the prisoner, he the prisoner shall be brought to trial within one hundred eighty days after he the prisoner causes to be delivered to the prosecuting attorney and the appropriate court in which the matter is pending, written notice of the place of his the prisoner's imprisonment and a request for a final disposition to be made of the matter, except that for good cause shown in open court, with the prisoner or his the prisoner's counsel present, the court may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the warden or superintendent having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time served and remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the adult parole authority relating to the prisoner.

The written notice and request for final disposition shall be given or sent by the prisoner to the warden or superintendent having custody of him the prisoner, who shall promptly forward it with the certificate to the appropriate prosecuting attorney and court by registered or certified mail, return receipt requested.
of the prisoner have previously agreed, then the written notice, request, and certificate may be sent by electronic mail or facsimile, in lieu of registered mail or certified mail.

The warden or superintendent having custody of the prisoner shall promptly inform him the prisoner in writing of the source and contents of any untried indictment, information, or complaint against him the prisoner, concerning which the warden or superintendent has knowledge, and of his the prisoner's right to make a request for final disposition thereof.

Escape from custody by the prisoner, subsequent to his the prisoner's execution of the request for final disposition, voids the request.

If the action is not brought to trial within the time provided, subject to continuance allowed pursuant to this section, no court any longer has jurisdiction thereof, the indictment, information, or complaint is void, and the court shall enter an order dismissing the action with prejudice.

This section does not apply to any person adjudged to be mentally ill or who is under sentence of life imprisonment or death, or to any prisoner under sentence of death.

Sec. 3111.23. The natural mother, the man acknowledging he is the natural father, or the other custodian or guardian of a child, a child support enforcement agency pursuant to section 3111.22 of the Revised Code, a local registrar of vital statistics pursuant to section 3705.091 of the Revised Code, or a hospital staff person pursuant to section 3727.17 of the Revised Code, in person or by mail, may file an acknowledgment of paternity with the office of child support in the department of job and family services, acknowledging that the child is the child of the man who signed the acknowledgment. The acknowledgment of paternity shall be made on the affidavit prepared pursuant to section 3111.31 of
the Revised Code, shall be signed by the natural mother and the 140622
man acknowledging that he is the natural father, and each 140623
signature shall be notarized. The mother and man may sign and have 140624
the signature notarized outside of each other's presence. An 140625
acknowledgment shall be sent to the office no later than ten days 140626
after it has been signed and notarized. If a person knows a man is 140627
presumed under section 3111.03 of the Revised Code to be the 140628
father of the child described in this section and that the 140629
presumed father is not the man who signed an acknowledgment with 140630
respect to the child, the person shall not notarize or file the 140631
acknowledgment pursuant to this section.

Sec. 3301.05. A majority of the voting members of the state 140633
board of education shall constitute a quorum for the transaction 140634
of business. Official actions of the state board, including the 140635
making and adoption of motions and resolutions, shall be 140636
transacted only at public meetings open to the public. The 140637
superintendent of public instruction, or a designated subordinate 140638
designated by him, shall record all official actions taken at each 140639
meeting of the board in a book provided for that purpose, which 140640
shall be a public record. The record of the proceedings of each 140641
meeting of the board shall be read at its next succeeding meeting 140642
and corrected and approved, which approval shall be noted in the 140643
proceedings. The president shall sign the record and the 140644
superintendent of public instruction or his a designated 140645
subordinate attest it. The president's signature of the record and 140646
the attestation of the superintendent or designated subordinate 140647
may be made electronically.

Sec. 3302.04. As used in divisions (A), (C), and (D) of this 140649
section, for the 2014-2015 school year, and for each school year 140650
thereafter, when a provision refers to a school district or school 140651
building in a state of academic emergency, it shall mean a district or building rated "F"; when a provision refers to a school district or school building under an academic watch, it shall mean a district or building rated "D"; and when a provision refers to a school district or school building in need of continuous improvement, it shall mean a district or building rated "C" as those letter grade ratings for overall performance are assigned under division (C)(3) of section 3302.03 of the Revised Code, as it exists on or after March 22, 2013.

(A) The department of education shall establish a system of intensive, ongoing support for the improvement of school districts and school buildings. In accordance with the model of differentiated accountability described in section 3302.041 of the Revised Code, the system shall give priority to the following:

(1) For any school year prior to the 2012-2013 school year, districts and buildings that have been declared to be under an academic watch or in a state of academic emergency under section 3302.03 of the Revised Code;

(2) For the 2012-2013 school year, and for each school year thereafter, districts and buildings in the manner prescribed by any agreement currently in force between the department and the United States department of education. The department shall endeavor to include schools and buildings that receive grades or performance ratings under section 3302.03 of the Revised Code that the department considers to be low performing.

The system shall include services provided to districts and buildings through regional service providers, such as educational service centers. The system may include the appointment of an improvement coordinator for any of the lowest performing districts, as determined by the department, to coordinate the district's academic improvement efforts and to build support among the community for those efforts.
(B) This division does not apply to any school district after June 30, 2008.

When a school district has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or a building within the district has failed to make adequate yearly progress for two consecutive school years, the district shall develop a three-year continuous improvement plan for the district or building containing each of the following:

1. An analysis of the reasons for the failure of the district or building to meet any of the applicable performance indicators established under section 3302.02 of the Revised Code that it did not meet and an analysis of the reasons for its failure to make adequate yearly progress;

2. Specific strategies that the district or building will use to address the problems in academic achievement identified in division (B)(1) of this section;

3. Identification of the resources that the district will allocate toward improving the academic achievement of the district or building;

4. A description of any progress that the district or building made in the preceding year toward improving its academic achievement;

5. An analysis of how the district is utilizing the professional development standards adopted by the state board pursuant to section 3319.61 of the Revised Code;

6. Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public
hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.

   (C)(1) For any school year prior to the school year that begins on July 1, 2012, when a school district or building has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.

   (2) For the 2012-2013 school year, and for each school year thereafter, a district or building that meets the conditions for intervention prescribed by the agreement described in division (A)(2) of this section shall be subject to any rules establishing such intervention.

   (D)(1) For any school year prior to the 2012-2013 school year, within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.

   (2) For the 2012-2013 school year, and for each school year thereafter, the department may initiate a site evaluation of a building or school district that meets the conditions for a site evaluation prescribed by the agreement described in division (A)(2) of this section.

   (3) Division (D)(3) of this section does not apply to any school district after June 30, 2008.

   If any school district that is declared to be in a state of
academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three-year continuous improvement plan under rules established by the state board of education, the department shall conduct a site evaluation of the school district or applicable buildings to determine whether the school district is in compliance with minimum standards established by law or rule.

(4) Division (D)(4) of this section does not apply to any school district after June 30, 2008. Site evaluations conducted under divisions (D)(1), (2), and (3) of this section shall include, but not be limited to, the following:

(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;

(b) Determining pupil-teacher ratios;

(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;

(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;

(e) Examination of whether the teacher and principal evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;

(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.
(E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D)(2) of section 3313.97 of the Revised Code.

(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following:

(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year.

(b) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall spend an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under this division, unless the district can satisfy all demand for transportation with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation,
the district shall grant priority over all other students to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code in providing transportation. Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under this division.

(2) For any school building that fails to make adequate yearly progress for three consecutive school years, the district shall do both of the following:

   (a) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, provide all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall provide transportation for students who enroll in alternative buildings under this division to the extent required under division (E)(2) of this section.

   (b) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, offer supplemental educational services to students who are enrolled in the building and who are in the subgroup described in division (B)(3) of section 3302.01 of the Revised Code.

The district shall spend a combined total of an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in
alternative buildings under division (E)(1)(b) or (E)(2)(a) of this section and to pay the costs of the supplemental educational services provided to students under division (E)(2)(b) of this section, unless the district can satisfy all demand for transportation and pay the costs of supplemental educational services for those students who request them with a lesser amount.

In allocating funds between the requirements of divisions (E)(1)(b) and (E)(2)(a) and (b) of this section, the district shall spend at least an amount equal to five per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under division (E)(1)(b) or (E)(2)(a) of this section, unless the district can satisfy all demand for transportation with a lesser amount, and at least an amount equal to five per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the supplemental educational services provided to students under division (E)(2)(b) of this section, unless the district can pay the costs of such services for all students requesting them with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay the costs of all of the supplemental educational services provided to students under division (E)(2)(b) of this section, the district shall grant priority over all other students in providing transportation and in paying the costs of supplemental educational services to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code.

Any district that does not receive funds under Title I, Part
A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under division (E)(2)(a) of this section or to pay the costs of supplemental educational services provided to any student under division (E)(2)(b) of this section.

No student who enrolls in an alternative building under division (E)(2)(a) of this section shall be eligible for supplemental educational services under division (E)(2)(b) of this section.

(3) For any school building that fails to make adequate yearly progress for four consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall implement at least one of the following options with respect to the building:

(a) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;

(b) Decrease the degree of authority the building has to manage its internal operations;

(c) Appoint an outside expert to make recommendations for improving the academic performance of the building. The district may request the department to establish a state intervention team for this purpose pursuant to division (G) of this section.

(d) Extend the length of the school day or year;

(e) Replace the building principal or other key personnel;

(f) Reorganize the administrative structure of the building.

(4) For any school building that fails to make adequate yearly progress for five consecutive school years, the district shall continue to comply with division (E)(2) of this section and
shall develop a plan during the next succeeding school year to improve the academic performance of the building, which shall include at least one of the following options:

- (a) Reopen the school as a community school under Chapter 3314. of the Revised Code;
- (b) Replace personnel;
- (c) Contract with a nonprofit or for-profit entity to operate the building;
- (d) Turn operation of the building over to the department;
- (e) Other significant restructuring of the building's governance.

For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall implement the plan developed pursuant to division (E)(4) of this section.

A district shall continue to comply with division (E)(1)(b) or (E)(2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years.

This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.

If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district
does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district.

(2) If a school district has been identified for improvement for two consecutive school years, the district shall continue to implement the continuous improvement plan developed by the district pursuant to division (B) or (F)(1) of this section.

(3) If a school district has been identified for improvement for three consecutive school years, the department shall take at least one of the following corrective actions with respect to the district:

   (a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339;

   (b) Direct the district to replace key district personnel;

   (c) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;

   (d) Establish alternative forms of governance for individual school buildings within the district;

   (e) Appoint a trustee to manage the district in place of the district superintendent and board of education.

   The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department.

(4) If a school district has been identified for improvement for four consecutive school years, the department shall continue to monitor implementation of the corrective action taken under division (F)(3) of this section with respect to the district.
(5) If a school district has been identified for improvement for five consecutive school years, the department shall take at least one of the corrective actions identified in division (F)(3) of this section with respect to the district, provided that the corrective action the department takes is different from the corrective action previously taken under division (F)(3) of this section with respect to the district.

(G) The department may establish a state intervention team to evaluate all aspects of a school district or building, including management, curriculum, instructional methods, resource allocation, and scheduling. Any such intervention team shall be appointed by the department and shall include teachers and administrators recognized as outstanding in their fields. The intervention team shall make recommendations regarding methods for improving the performance of the district or building.

The department shall not approve a district's request for an intervention team under division (E)(3) of this section if the department cannot adequately fund the work of the team, unless the district agrees to pay for the expenses of the team.

(H) The department shall conduct individual audits of a sampling of community schools established under Chapter 3314. of the Revised Code to determine compliance with this section.

(I) A school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code shall report the use of funding for tutorial assistance grants under that program in the district's three-year continuous improvement plan under this section in a manner approved by the department.

(J) The state board shall adopt rules for implementing this section.
Sec. 3310.521. (A) As a condition of receiving payments for a scholarship, each eligible applicant shall attest to receipt of the profile prescribed by division (B) of this section. Such attestation shall be made and submitted to the department of education in the form and manner as required by the department.

(B) The alternative public provider or registered private provider that enrolls a qualified special education child shall submit in writing to the eligible applicant to whom a scholarship is awarded on behalf of that child a profile of the provider's special education program, in a form as prescribed by the department, that shall contain the following:

(1) Methods of instruction that will be utilized by the provider to provide services to the qualified special education child;

(2) Qualifications of teachers, instructors, and other persons who will be engaged by the provider to provide services to the qualified special education child.

The form required under division (B) of this section may be submitted electronically.

Sec. 3313.41. (A) Except as provided in divisions (C), (D), and (F) of this section and in sections 3313.412 and 3313.413 of the Revised Code, when a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it shall sell the property at public auction, after giving at least thirty days' notice of the auction by publication in a newspaper of general circulation in the school district, by publication as provided in section 7.16 of the Revised Code, or by posting notices in five of the most public places in the school district in which the property, if it is real property, is situated, or, if it is
personal property, in the school district of the board of education that owns the property. The board may offer real property for sale as an entire tract or in parcels.

(B) When the board of education has offered real or personal property for sale at public auction at least once pursuant to division (A) of this section, and the property has not been sold, the board may sell it at a private sale. Regardless of how it was offered at public auction, at a private sale, the board shall, as it considers best, sell real property as an entire tract or in parcels, and personal property in a single lot or in several lots.

(C) If a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it may sell the property to the adjutant general; to any subdivision or taxing authority as respectively defined in section 5705.01 of the Revised Code, township park district, board of park commissioners established under Chapter 755. of the Revised Code, or park district established under Chapter 1545. of the Revised Code; to a wholly or partially tax-supported university, university branch, or college; to a nonprofit institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code; to the governing authority of a chartered nonpublic school; or to the board of trustees of a school district library, upon such terms as are agreed upon. The sale of real or personal property to the board of trustees of a school district library is limited, in the case of real property, to a school district library within whose boundaries the real property is situated, or, in the case of personal property, to a school district library whose boundaries lie in whole or in part within the school district of the selling board of education.

(D) When a board of education decides to trade as a part or
an entire consideration, an item of personal property on the purchase price of an item of similar personal property, it may trade the same upon such terms as are agreed upon by the parties to the trade.

(E) The president and the treasurer of the board of education shall execute and deliver deeds or other necessary instruments of conveyance to complete any sale or trade under this section.

(F) When a board of education has identified a parcel of real property that it determines is needed for school purposes, the board may, upon a majority vote of the members of the board, acquire that property by exchanging real property that the board owns in its corporate capacity for the identified real property or by using real property that the board owns in its corporate capacity as part or an entire consideration for the purchase price of the identified real property. Any exchange or acquisition made pursuant to this division shall be made by a conveyance executed by the president and the treasurer of the board.

(G) When a school district board of education has property that the board, by resolution, finds is not needed for school district use, is obsolete, or is unfit for the use for which it was acquired, the board may donate that property in accordance with this division if the fair market value of the property is, in the opinion of the board, two thousand five hundred dollars or less.

The property may be donated to an eligible nonprofit organization that is located in this state and is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating any property under this division, the board shall adopt a resolution expressing its intent to make unneeded, obsolete, or unfit-for-use school district property available to these organizations. The resolution shall include guidelines and procedures the board considers to be necessary to implement the
donation program and shall indicate whether the school district will conduct the donation program or the board will contract with a representative to conduct it. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.

The resolution shall include within its procedures a requirement that any nonprofit organization desiring to obtain donated property under this division shall submit a written notice to the board or its representative. The written notice shall include evidence that the organization is a nonprofit organization that is located in this state and is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of the organization's primary purpose; a description of the type or types of property the organization needs; and the name, address, and telephone number of a person designated by the organization's governing board to receive donated property and to serve as its agent. The written notice may be submitted electronically to the board or its representative.

After adoption of the resolution, the board shall publish, in a newspaper of general circulation in the school district or as provided in section 7.16 of the Revised Code, notice of its intent to donate unneeded, obsolete, or unfit for use school district property to eligible nonprofit organizations. The notice shall include a summary of the information provided in the resolution and shall be published twice. The second notice shall be published not less than ten nor more than twenty days after the previous notice. A similar notice also shall be posted continually in the board's office notice of its intent to donate school district property that is unneeded, obsolete, or unfit for use to eligible nonprofit organizations. If the school district maintains a web site on the internet, the notice shall be posted continually at
that web site.

The board or its representatives shall maintain a list of all nonprofit organizations that notify the board or its representative of their desire to obtain donated property under this division and that the board or its representative determines to be eligible, in accordance with the requirements set forth in this section and in the donation program's guidelines and procedures, to receive donated property.

The board or its representative also shall maintain a list of all school district property the board finds to be unneeded, obsolete, or unfit for use and to be available for donation under this division. The list shall be posted continually in a conspicuous location in the board's office, and, if the school district maintains a web site on the internet, the list shall be posted continually at that web site. An item of property on the list shall be donated to the eligible nonprofit organization that first declares to the board or its representative its desire to obtain the item unless the board previously has established, by resolution, a list of eligible nonprofit organizations that shall be given priority with respect to the item's donation. Priority may be given on the basis that the purposes of a nonprofit organization have a direct relationship to specific school district purposes of programs provided or administered by the board. A resolution giving priority to certain nonprofit organizations with respect to the donation of an item of property shall specify the reasons why the organizations are given that priority.

Members of the board shall consult with the Ohio ethics commission, and comply with Chapters 102. and 2921. of the Revised Code, with respect to any donation under this division to a nonprofit organization of which a board member, any member of a board member's family, or any business associate of a board member.
is a trustee, officer, board member, or employee.

Sec. 3313.818. (A)(1) The department of education shall establish a program under which public schools that meet the conditions prescribed in this section shall offer breakfast to all students either before or during the school day. Each of the following shall apply:

(a) In the first 2020-2021 school year after the effective date of this section, the program shall apply to any public school in which seventy per cent or more of the students enrolled in the school during the previous school year were eligible under federal requirements for free or reduced-price breakfasts or lunches.

(b) In the second 2021-2022 school year after the effective date of this section, the program shall apply to any public school in which sixty per cent or more of the students enrolled in the school during the previous school year were eligible under federal requirements for free or reduced-price breakfasts or lunches.

(c) In the third 2022-2023 school year after the enactment date of this section and every school year thereafter, the program shall apply to any public school in which fifty per cent or more of the students enrolled in the school during the previous school year were eligible under federal requirements for free or reduced-price breakfasts or lunches.

(2) The district superintendent or building principal, in consultation with the building staff, shall determine the model for serving breakfast under the program. Each breakfast served under the program shall comply with federal meal patterns and nutritional standards and with section 3313.814 of the Revised Code. A school district board of education may make a charge in accordance with federal requirements for each meal to cover all or part of the costs incurred in operating the program.
The department shall publish a list of public schools that meet the conditions of division (A) of this section. The department shall offer technical assistance to school districts and schools regarding the implementation of a school breakfast program that complies with this section and the submission of claims for reimbursement under the federal school breakfast program.

(C)(1) The department shall monitor each school participating in the program and ensure that each participating school complies with the requirements of this section.

(2) If the board of education of a school district determines that, for financial reasons, a school under the board's control cannot comply with the requirements of this section or the board already has a successful breakfast program or partnership in place, the district board may choose not to comply with those requirements.

(D) Not later than the thirty-first day of December of each school year, the department shall provide statistical reports on its web site that specify the number and percentage of students participating in school breakfast programs disaggregated by school district and individual schools, including community schools, established under Chapter 3314. of the Revised Code, and STEM schools, established under Chapter 3326. of the Revised Code.

(E) Not later than the thirty-first day of December of each school year, the department shall prepare a report on the implementation and effectiveness of the program established under this section and submit the report to the general assembly, in accordance with section 101.68 of the Revised Code, and to the governor. The report may be submitted electronically. The report shall include:

(1) The number of students and participation rates in the
free and reduced-price breakfast programs under this section for each school building;

(2) The type of breakfast model used by each school building participating in the breakfast program;

(3) The number of students and participation rates in free or reduced-price lunch for each school building.

Sec. 3314.21. (A) As used in this section:

(1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code.

(2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been construed by the supreme court of this state.

(3) "Teacher of record" means a teacher who is responsible for the overall academic development and achievement of a student and not merely the student's instruction in any single subject.

(B)(1) It is the intent of the general assembly that teachers employed by internet- or computer-based community schools conduct visits with their students in person throughout the school year.

(2) Each internet- or computer-based community school shall retain an affiliation with at least one full-time teacher of record licensed in accordance with division (A)(10) of section 3314.03 of the Revised Code.

(3) Each student enrolled in an internet- or computer-based community school shall be assigned to at least one teacher of record. No teacher of record shall be primarily responsible for the academic development and achievement of more than one hundred twenty-five students enrolled in the internet- or computer-based community school that has retained that teacher.

(C) For any internet- or computer-based community school, the
contract between the sponsor and the governing authority of the school described in section 3314.03 of the Revised Code shall specify each of the following:

(1) A requirement that the school use a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use. The school shall provide such device or software at no cost to any student who works primarily from the student's residence on a computer obtained from a source other than the school.

(2) A plan for fulfilling the intent of the general assembly specified in division (B)(1) of this section. The plan shall indicate the number of times teachers will visit each student throughout the school year and the manner in which those visits will be conducted. **The visits may be conducted electronically.**

(3) That the school will set up a central base of operation and the sponsor will maintain a representative within fifty miles of that base of operation to provide monitoring and assistance.

(D)(1) Annually, each internet- or computer-based community school shall prepare and submit to the department of education, in a time and manner prescribed by the department, a report that contains information about all of the following:

(a) Classroom size;

(b) The ratio of teachers to students per classroom;

(c) The number of student-teacher meetings conducted in person or by video conference;

(d) Any other information determined necessary by the department.

(2) The department annually shall prepare and submit to the state board of education a report that contains the information
received under division (D)(1) of this section.

Sec. 3319.081. Except as otherwise provided in division (G) of this section, in all school districts wherein the provisions of Chapter 124. of the Revised Code do not apply, the following employment contract system shall control for employees whose contracts of employment are not otherwise provided by law:

(A) Newly hired regular nonteaching school employees, including regular hourly rate and per diem employees, shall enter into written contracts for their employment which shall be for a period of not more than one year. If such employees are rehired, their three subsequent contracts shall be for a period of two years each.

(B) After the termination of the third two-year contract provided in division (A) of this section, if the contract of a nonteaching employee is renewed, the employee shall be continued in employment, and the salary provided in the contract may be increased but not reduced unless such reduction is a part of a uniform plan affecting the nonteaching employees of the entire district.

(C) The contracts as provided for in this section may be terminated by a majority vote of the board of education. Except as provided in sections 3319.0810 and 3319.172 of the Revised Code, the contracts may be terminated only for violation of written rules and regulations as set forth by the board of education or for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any other acts of misfeasance, malfeasance, or nonfeasance. In addition to the right of the board of education to terminate the contract of an employee, the board may suspend an employee for a definite period of time or demote the employee for the reasons set forth in this division. The action of the board of
education terminating the contract of an employee or suspending or
demoting the employee shall be served upon the employee by
certified mail, regular mail with a certificate of mailing, or
other form of delivery with proof of delivery, including
electronic delivery with electronic proof of delivery. Within ten
days following the receipt of such notice by the employee, the
employee may file an appeal, in writing, with the court of common
pleas of the county in which such school board is situated. After
hearing the appeal the common pleas court may affirm, disaffirm,
or modify the action of the school board.

A violation of division (A)(7) of section 2907.03 of the
Revised Code is grounds for termination of employment of a
nonteaching employee under this division.

(D) All employees who have been employed by a school district
where the provisions of Chapter 124. of the Revised Code do not
apply, for a period of at least three years on November 24, 1967,
shall hold continuing contracts of employment pursuant to this
section.

(E) Any nonteaching school employee may terminate the
nonteaching school employee's contract of employment thirty days
subsequent to the filing of a written notice of such termination
with the treasurer of the board.

(F) A person hired exclusively for the purpose of replacing a
nonteaching school employee while such employee is on leave of
absence granted under section 3319.13 of the Revised Code is not a
regular nonteaching school employee under this section.

(G) All nonteaching employees employed pursuant to this
section and Chapter 124. of the Revised Code shall be paid for all
time lost when the schools in which they are employed are closed
owing to an epidemic or other public calamity. Nothing in this
division shall be construed as requiring payment in excess of an
employee's regular wage rate or salary for any time worked while
the school in which the employee is employed is officially closed
for the reasons set forth in this division.

Sec. 3319.11. (A) As used in this section:

(1) "Evaluation procedures" means the procedures required by
the policy adopted pursuant to division (A) of section 3319.111 of
the Revised Code.

(2) "Limited contract" means a limited contract, as described
in section 3319.08 of the Revised Code, that a school district
board of education or governing board of an educational service
center enters into with a teacher who is not eligible for
continuing service status.

(3) "Extended limited contract" means a limited contract, as
described in section 3319.08 of the Revised Code, that a board of
education or governing board enters into with a teacher who is
eligible for continuing service status.

(B) Teachers eligible for continuing service status in any
city, exempted village, local, or joint vocational school district
or educational service center shall be those teachers qualified as
described in division (D) of section 3319.08 of the Revised Code,
who within the last five years have taught for at least three
years in the district or center, and those teachers who, having
attained continuing contract status elsewhere, have served two
years in the district or center, but the board, upon the
recommendation of the superintendent, may at the time of
employment or at any time within such two-year period, declare any
of the latter teachers eligible.

(1) Upon the recommendation of the superintendent that a
teacher eligible for continuing service status be reemployed, a
continuing contract shall be entered into between the board and
the teacher unless the board by a three-fourths vote of its full membership rejects the recommendation of the superintendent. If the board rejects by a three-fourths vote of its full membership the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed and the superintendent makes no recommendation to the board pursuant to division (C) of this section, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the first day of June of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the fifteenth day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of the teacher only a continuing contract may be entered into.

(2) If the superintendent recommends that a teacher eligible for continuing service status not be reemployed, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the first day of June of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule.
The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the fifteenth day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of a teacher only a continuing contract may be entered into.

(3) Any teacher receiving written notice of the intention of a board not to reemploy such teacher pursuant to this division is entitled to the hearing provisions of division (G) of this section.

(C)(1) If a board rejects the recommendation of the superintendent for reemployment of a teacher pursuant to division (B)(1) of this section, the superintendent may recommend reemployment of the teacher, if continuing service status has not previously been attained elsewhere, under an extended limited contract for a term not to exceed two years, provided that written notice of the superintendent's intention to make such recommendation has been given to the teacher with reasons directed at the professional improvement of the teacher on or before the first day of June. Upon subsequent reemployment of the teacher only a continuing contract may be entered into.

(2) If a board of education takes affirmative action on a superintendent's recommendation, made pursuant to division (C)(1) of this section, of an extended limited contract for a term not to exceed two years but the board does not give the teacher written notice of its affirmative action on the superintendent's recommendation of an extended limited contract on or before the first day of June, the teacher is deemed reemployed under a continuing contract at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under such continuing contract unless such teacher
notifies the board in writing to the contrary on or before the fifteenth day of June, and a continuing contract shall be executed accordingly.

(3) A board shall not reject a superintendent's recommendation, made pursuant to division (C)(1) of this section, of an extended limited contract for a term not to exceed two years except by a three-fourths vote of its full membership. If a board rejects by a three-fourths vote of its full membership the recommendation of the superintendent of an extended limited contract for a term not to exceed two years, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or if the board does not give the teacher written notice on or before the first day of June of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the fifteenth day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of the teacher only a continuing contract may be entered into.

Any teacher receiving written notice of the intention of a board not to reemploy such teacher pursuant to this division is entitled to the hearing provisions of division (G) of this section.

(D) A teacher eligible for continuing contract status employed under an extended limited contract pursuant to division
(B) or (C) of this section, is, at the expiration of such extended limited contract, deemed reemployed under a continuing contract at the same salary plus any increment granted by the salary schedule, unless evaluation procedures have been complied with pursuant to section 3319.111 of the Revised Code and the employing board, acting on the superintendent's recommendation that the teacher not be reemployed, gives the teacher written notice on or before the first day of June of its intention not to reemploy such teacher. A teacher who does not have evaluation procedures applied in compliance with section 3319.111 of the Revised Code or who does not receive notice on or before the first day of June of the intention of the board not to reemploy such teacher is presumed to have accepted employment under a continuing contract unless such teacher notifies the board in writing to the contrary on or before the fifteenth day of June, and a continuing contract shall be executed accordingly.

Any teacher receiving a written notice of the intention of a board not to reemploy such teacher pursuant to this division is entitled to the hearing provisions of division (G) of this section.

(E) The board shall enter into a limited contract with each teacher employed by the board who is not eligible to be considered for a continuing contract.

Any teacher employed under a limited contract, and not eligible to be considered for a continuing contract, is, at the expiration of such limited contract, considered reemployed under the provisions of this division at the same salary plus any increment provided by the salary schedule unless evaluation procedures have been complied with pursuant to section 3319.111 of the Revised Code and the employing board, acting upon the superintendent's written recommendation that the teacher not be reemployed, gives such teacher written notice of its intention not
to reemploy such teacher on or before the first day of June. A teacher who does not have evaluation procedures applied in compliance with section 3319.111 of the Revised Code or who does not receive notice of the intention of the board not to reemploy such teacher on or before the first day of June is presumed to have accepted such employment unless such teacher notifies the board in writing to the contrary on or before the fifteenth day of June, and a written contract for the succeeding school year shall be executed accordingly.

Any teacher receiving a written notice of the intention of a board not to reemploy such teacher pursuant to this division is entitled to the hearing provisions of division (G) of this section.

(F) The failure of a superintendent to make a recommendation to the board under any of the conditions set forth in divisions (B) to (E) of this section, or the failure of the board to give such teacher a written notice pursuant to divisions (C) to (E) of this section shall not prejudice or prevent a teacher from being deemed reemployed under either a limited or continuing contract as the case may be under the provisions of this section. A failure of the parties to execute a written contract shall not void any automatic reemployment provisions of this section.

(G)(1) Any teacher receiving written notice of the intention of a board of education not to reemploy such teacher pursuant to division (B), (C)(3), (D), or (E) of this section may, within ten days of the date of receipt of the notice, file with the treasurer of the board a written demand for a written statement describing the circumstances that led to the board's intention not to reemploy the teacher.

(2) The treasurer of a board, on behalf of the board, shall, within ten days of the date of receipt of a written demand for a written statement pursuant to division (G)(1) of this section,
provide to the teacher a written statement describing the circumstances that led to the board's intention not to reemploy the teacher.

(3) Any teacher receiving a written statement describing the circumstances that led to the board's intention not to reemploy the teacher pursuant to division (G)(2) of this section may, within five days of the date of receipt of the statement, file with the treasurer of the board a written demand for a hearing before the board pursuant to divisions (G)(4) to (6) of this section.

(4) The treasurer of a board, on behalf of the board, shall, within ten days of the date of receipt of a written demand for a hearing pursuant to division (G)(3) of this section, provide to the teacher a written notice setting forth the time, date, and place of the hearing. The board shall schedule and conclude the hearing within forty days of the date on which the treasurer of the board receives a written demand for a hearing pursuant to division (G)(3) of this section.

(5) Any hearing conducted pursuant to this division shall be conducted by a majority of the members of the board. The hearing shall be held in executive session of the board unless the board and the teacher agree to hold the hearing in public. The superintendent, assistant superintendent, the teacher, and any person designated by either party to take a record of the hearing may be present at the hearing. The board may be represented by counsel and the teacher may be represented by counsel or a designee. A record of the hearing may be taken by either party at the expense of the party taking the record.

(6) Within ten days of the conclusion of a hearing conducted pursuant to this division, the board shall issue to the teacher a written decision containing an order affirming the intention of the board not to reemploy the teacher reported in the notice given.
to the teacher pursuant to division (B), (C)(3), (D), or (E) of this section or an order vacating the intention not to reemploy and expunging any record of the intention, notice of the intention, and the hearing conducted pursuant to this division.

(7) A teacher may appeal an order affirming the intention of the board not to reemploy the teacher to the court of common pleas of the county in which the largest portion of the territory of the school district or service center is located, within thirty days of the date on which the teacher receives the written decision, on the grounds that the board has not complied with this section or section 3319.111 of the Revised Code.

Notwithstanding section 2506.04 of the Revised Code, the court in an appeal under this division is limited to the determination of procedural errors and to ordering the correction of procedural errors and shall have no jurisdiction to order a board to reemploy a teacher, except that the court may order a board to reemploy a teacher in compliance with the requirements of division (B), (C)(3), (D), or (E) of this section when the court determines that evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board has not given the teacher written notice on or before the first day of June of its intention not to reemploy the teacher pursuant to division (B), (C)(3), (D), or (E) of this section. Otherwise, the determination whether to reemploy or not reemploy a teacher is solely a board's determination and not a proper subject of judicial review and, except as provided in this division, no decision of a board whether to reemploy or not reemploy a teacher shall be invalidated by the court on any basis, including that the decision was not warranted by the results of any evaluation or was not warranted by any statement given pursuant to division (G)(2) of this section.

No appeal of an order of a board may be made except as
specified in this division.

(H)(1) In giving a teacher any notice required by division (B), (C), (D), or (E) of this section, the board or the superintendent shall do either of the following:

(a) Deliver the notice by personal service upon the teacher;
(b) Deliver the notice by certified mail, return receipt requested, regular mail with a certificate of mailing, or other form of delivery with proof of delivery, addressed to the teacher at the teacher's place of employment and deliver a copy of the notice by certified mail, return receipt requested, regular mail with a certificate of mailing, or other form of delivery with proof of delivery, addressed to the teacher at the teacher's place of residence. Delivery of the notice required under division (H)(1)(b) of this section may be satisfied by electronic delivery with electronic proof of delivery.

(2) In giving a board any notice required by division (B), (C), (D), or (E) of this section, the teacher shall do either of the following:

(a) Deliver the notice by personal delivery to the office of the superintendent during regular business hours;
(b) Deliver the notice by certified mail, return receipt requested, regular mail with a certificate of mailing, or other form of delivery with proof of delivery, addressed to the office of the superintendent and deliver a copy of the notice by certified mail, return receipt requested, regular mail with a certificate of mailing, or other form of delivery with proof of delivery, addressed to the president of the board at the president's place of residence. Delivery of the notice required under division (H)(2)(b) of this section may be satisfied by electronic delivery with electronic proof of delivery.

(3) When any notice and copy of the notice are mailed
pursuant to division (H)(1)(b) or (2)(b) of this section, the notice or copy of the notice with the earlier date of receipt shall constitute the notice for the purposes of division (B), (C), (D), or (E) of this section.

(I) The provisions of this section shall not apply to any supplemental written contracts entered into pursuant to section 3319.08 of the Revised Code.

(J) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the dates set forth in this section as "on or before the first day of June" or "on or before the fifteenth day of June" prevail over any conflicting provisions of a collective bargaining agreement entered into on or after the effective date of this amendment March 22, 2013.

Sec. 3319.16. The contract of any teacher employed by the board of education of any city, exempted village, local, county, or joint vocational school district may not be terminated except for good and just cause. Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the provisions of this section relating to the grounds for termination of the contract of a teacher prevail over any conflicting provisions of a collective bargaining agreement entered into after the effective date of this amendment October 16, 2009.

Before terminating any contract, the employing board shall furnish the teacher a written notice signed by its treasurer of its intention to consider the termination of the teacher's contract with full specification of the grounds for such consideration. The board shall not proceed with formal action to terminate the contract until after the tenth day after receipt of the notice by the teacher. Within ten days after receipt of the notice from the treasurer of the board, the teacher may file with the treasurer a written demand for a hearing before the board or
before a referee, and the board shall set a time for the hearing which shall be within thirty days from the date of receipt of the written demand, and the treasurer shall give the teacher at least twenty days' notice in writing of the time and place of the hearing. If a referee is demanded by either the teacher or board, the treasurer also shall give twenty days' notice to the superintendent of public instruction. No hearing shall be held during the summer vacation without the teacher's consent. The hearing shall be private unless the teacher requests a public hearing. The hearing shall be conducted by a referee appointed pursuant to section 3319.161 of the Revised Code, if demanded; otherwise, it shall be conducted by a majority of the members of the board and shall be confined to the grounds given for the termination. The board shall provide for a complete stenographic record of the proceedings, a copy of the record to be furnished to the teacher. The board may suspend a teacher pending final action to terminate the teacher's contract if, in its judgment, the character of the charges warrants such action.

Both parties may be present at such hearing, be represented by counsel, require witnesses to be under oath, cross-examine witnesses, take a record of the proceedings, and require the presence of witnesses in their behalf upon subpoena to be issued by the treasurer of the board. In case of the failure of any person to comply with a subpoena, a judge of the court of common pleas of the county in which the person resides, upon application of any interested party, shall compel attendance of the person by attachment proceedings as for contempt. Any member of the board or the referee may administer oaths to witnesses. After a hearing by a referee, the referee shall file a report within ten days after the termination of the hearing. After consideration of the referee's report, the board, by a majority vote, may accept or reject the referee's recommendation on the termination of the teacher's contract. After a hearing by the board, the board, by
majority vote, may enter its determination upon its minutes. Any order of termination of a contract shall state the grounds for termination. If the decision, after hearing, is against termination of the contract, the charges and the record of the hearing shall be physically expunged from the minutes, and, if the teacher has suffered any loss of salary by reason of being suspended, the teacher shall be paid the teacher's full salary for the period of such suspension.

Any teacher affected by an order of termination of contract may appeal to the court of common pleas of the county in which the school is located within thirty days after receipt of notice of the entry of such order. The appeal shall be an original action in the court and shall be commenced by the filing of a complaint against the board, in which complaint the facts shall be alleged upon which the teacher relies for a reversal or modification of such order of termination of contract. Upon service or waiver of summons in that appeal, the board immediately shall transmit to the clerk of the court for filing a transcript of the original papers filed with the board, a certified copy of the minutes of the board into which the termination finding was entered, and a certified transcript of all evidence adduced at the hearing or hearings before the board or a certified transcript of all evidence adduced at the hearing or hearings before the referee, whereupon the cause shall be at issue without further pleading and shall be advanced and heard without delay. The court shall examine the transcript and record of the hearing and shall hold such additional hearings as it considers advisable, at which it may consider other evidence in addition to the transcript and record.

Upon final hearing, the court shall grant or deny the relief prayed for in the complaint as may be proper in accordance with the evidence adduced in the hearing. Such an action is a special proceeding, and either the teacher or the board may appeal from it.
the decision of the court of common pleas pursuant to the Rules of Appellate Procedure and, to the extent not in conflict with those rules, Chapter 2505. of the Revised Code.

In any court action, the board may utilize the services of the prosecuting attorney, village solicitor, city director of law, or other chief legal officer of a municipal corporation as authorized by section 3313.35 of the Revised Code, or may employ other legal counsel.

A violation of division (A)(7) of section 2907.03 of the Revised Code is grounds for termination of a teacher contract under this section.

Sec. 3319.291. (A) The state board of education shall require each of the following persons, at the times prescribed by division (A) of this section, to undergo a criminal records check, unless the person has undergone a records check under this section or a former version of this section less than five years prior to that time.

(1) Any person initially applying for any certificate, license, or permit described in this chapter or in division (B) of section 3301.071 or in section 3301.074 of the Revised Code at the time that application is made;

(2) Any person applying for renewal of any certificate, license, or permit described in division (A)(1) of this section at the time that application is made;

(3) Any person who is teaching under a professional teaching certificate issued under former section 3319.222 of the Revised Code upon a date prescribed by the state board;

(4) Any person who is teaching under a permanent teaching certificate issued under former section 3319.22 as it existed prior to October 29, 1996, or under former section 3319.222 of the
Revised Code upon a date prescribed by the state board and every five years thereafter.

(B)(1) Except as otherwise provided in division (B)(2) of this section, the state board shall require each person subject to a criminal records check under this section to submit two complete sets of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation pursuant to division (F) of section 109.57 of the Revised Code and that authorizes that bureau to forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person.

(2) If both of the following conditions apply to a person subject to a criminal records check under this section, the state board shall require the person to submit one complete set of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation so that bureau may forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person:

(a) Under this section or any former version of this section, the state board or the superintendent of public instruction previously requested the superintendent of the bureau of criminal identification and investigation to determine whether the bureau has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.
(C) Except as provided in division (D) of this section, prior to issuing or renewing any certificate, license, or permit for a person described in division (A)(1) or (2) of this section who is subject to a criminal records check and in the case of a person described in division (A)(3) or (4) of this section who is subject to a criminal records check, the state board or the superintendent of public instruction shall do one of the following:

(1) If the person is required to submit fingerprints and written permission under division (B)(1) of this section, request the superintendent of the bureau of criminal identification and investigation to determine whether the bureau has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, pertaining to the person and to obtain any criminal records that the federal bureau of investigation has on the person.

(2) If the person is required to submit fingerprints and written permission under division (B)(2) of this section, request the superintendent of the bureau of criminal identification and investigation to obtain any criminal records that the federal bureau of investigation has on the person.

(D) The state board or the superintendent of public instruction may choose not to request any information about a person required by division (C) of this section if the person provides proof that a criminal records check that satisfies the requirements of that division was conducted on the person as a condition of employment pursuant to section 3319.39 of the Revised Code within the immediately preceding year. The state board or the superintendent of public instruction may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by the person in lieu of requesting that information under division (C) of this section if the records were issued by the bureau within the immediately preceding year.
(E)(1) If a person described in division (A)(3) or (4) of this section who is subject to a criminal records check fails to submit fingerprints and written permission by the date specified in the applicable division, and the state board or the superintendent of public instruction does not apply division (D) of this section to the person, or if a person who is subject to division (G) of this section fails to submit fingerprints and written permission by the date prescribed under that division, the superintendent shall prepare a written notice to be sent to the person by mail or electronically stating that if the person does not submit the fingerprints and written permission within fifteen days after the date the notice was mailed or sent electronically, the person's application will be rejected or the person's professional or permanent teaching certificate or license will be inactivated. The superintendent shall send the notification by regular mail to the person's last known residence address or last known place of employment, as indicated in the department of education's records, or both. If the notice is sent electronically, the notification shall be sent via electronic mail to the person's last known electronic mail address.

If the person fails to submit the fingerprints and written permission within fifteen days after the date the notice was mailed, the superintendent of public instruction, on behalf of the state board, shall issue a written order rejecting the application or inactivating the person's professional or permanent teaching certificate or license. The rejection or inactivation shall remain in effect until the person submits the fingerprints and written permission. The superintendent shall send the order by regular mail or electronic mail to the person's last known residence address, last known electronic mail address, or last known place of employment, as indicated in the department's records, or both. The order shall state the reason for the rejection or inactivation and shall explain that the rejection or inactivation remains in effect until the person submits the fingerprints and written permission.
effect until the person submits the fingerprints and written
permission.

The rejection or inactivation of a professional or permanent
teaching certificate or license under division (E)(1) of this
section does not constitute a suspension or revocation of the
certificate or license by the state board under section 3319.31 of
the Revised Code and the state board and the superintendent of
duration need not provide the person with an opportunity
for a hearing with respect to the rejection or inactivation.

(2) If a person whose professional or permanent teaching
certificate or license has been rejected or inactivated under
division (E)(1) of this section submits fingerprints and written
permission as required by division (B) or (G) of this section, the
superintendent of public instruction, on behalf of the state
board, shall issue a written order issuing or reactivating the
certificate or license. The superintendent shall send the order to
the person by regular mail or electronic mail.

(F) Notwithstanding divisions (A) to (C) of this section, if
a person holds more than one certificate, license, or permit
described in division (A)(1) of this section, the following shall
apply:

(1) If the certificates, licenses, or permits are of
different durations, the person shall be subject to divisions (A)
to (C) of this section only when applying for renewal of the
certificate, license, or permit that is of the longest duration.
Prior to renewing any certificate, license, or permit with a
shorter duration, the state board or the superintendent of public
instruction shall determine whether the department of education
has received any information about the person pursuant to section
109.5721 of the Revised Code, but the person shall not be subject
to divisions (A) to (C) of this section as long as the person's
certificate, license, or permit with the longest duration is
valid.

(2) If the certificates, licenses, or permits are of the same duration but do not expire in the same year, the person shall designate one of the certificates, licenses, or permits as the person's primary certificate, license, or permit and shall notify the department of that designation. The person shall be subject to divisions (A) to (C) of this section only when applying for renewal of the person's primary certificate, license, or permit. Prior to renewing any certificate, license, or permit that is not the person's primary certificate, license, or permit, the state board or the superintendent of public instruction shall determine whether the department has received any information about the person pursuant to section 109.5721 of the Revised Code, but the person shall not be subject to divisions (A) to (C) of this section as long as the person's primary certificate, license, or permit is valid.

(3) If the certificates, licenses, or permits are of the same duration and expire in the same year and the person applies for renewal of the certificates, licenses, or permits at the same time, the state board or the superintendent of public instruction shall request only one criminal records check of the person under division (C) of this section.

(G) If the department is unable to enroll a person who has submitted an application for licensure, or to whom the state board has issued a license, in the retained applicant fingerprint database established under section 109.5721 of the Revised Code because the person has not satisfied the requirements for enrollment, the department shall require the person to satisfy the requirements for enrollment, including requiring the person to submit, by a date prescribed by the department, one complete set of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints.
to the bureau of criminal identification and investigation for the purpose of enrolling the person in the database. If the person fails to comply by the prescribed date, the department shall reject the application or shall take action to inactivate the person's license in accordance with division (E) of this section.

Sec. 3319.311. (A)(1) The state board of education, or the superintendent of public instruction on behalf of the board, may investigate any information received about a person that reasonably appears to be a basis for action under section 3319.31 of the Revised Code, including information received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, or 5153.176 of the Revised Code. Except as provided in division (A)(2) of this section, the board shall contract with the office of the Ohio attorney general to conduct any investigation of that nature. The board shall pay for the costs of the contract only from moneys in the state board of education licensure fund established under section 3319.51 of the Revised Code. Except as provided in division (A)(2) of this section, all information received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, or 5153.176 of the Revised Code, and all information obtained during an investigation is confidential and is not a public record under section 149.43 of the Revised Code. If an investigation is conducted under this division regarding information received about a person and no action is taken against the person under this section or section 3319.31 of the Revised Code within two years of the completion of the investigation, all records of the investigation shall be expunged.

(2) In the case of a person about whom the board has learned of a plea of guilty to, finding of guilt by a jury or court of, or a conviction of an offense listed in division (C) of section 3319.31 of the Revised Code, or substantially comparable conduct occurring in a jurisdiction outside this state, the board or the
superintendent of public instruction need not conduct any further investigation and shall take the action required by division (C) or (F) of that section. Except as provided in division (G) of this section, all information obtained by the board or the superintendent of public instruction pertaining to the action is a public record under section 149.43 of the Revised Code.

(B) The superintendent of public instruction shall review the results of each investigation of a person conducted under division (A)(1) of this section and shall determine, on behalf of the state board, whether the results warrant initiating action under division (B) of section 3319.31 of the Revised Code. The superintendent shall advise the board of such determination at a meeting of the board. Within fourteen days of the next meeting of the board, any member of the board may ask that the question of initiating action under section 3319.31 of the Revised Code be placed on the board's agenda for that next meeting. Prior to initiating that action against any person, the person's name and any other personally identifiable information shall remain confidential.

(C) The board shall take no action against a person under division (B) of section 3319.31 of the Revised Code without providing the person with written notice of the charges and with an opportunity for a hearing in accordance with Chapter 119. of the Revised Code.

(D) For purposes of an investigation under division (A)(1) of this section or a hearing under division (C) of this section or under division (E)(2) of section 3319.31 of the Revised Code, the board, or the superintendent on behalf of the board, may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony. The issuance of subpoenas under this division may be by
certified mail, regular mail with a certificate of mailing, or other form of delivery with proof of delivery, including electronic delivery with electronic proof of delivery, or personal delivery to the person.

(E) The superintendent, on behalf of the board, may enter into a consent agreement with a person against whom action is being taken under division (B) of section 3319.31 of the Revised Code. The board may adopt rules governing the superintendent's action under this division.

(F) No surrender of a license shall be effective until the board takes action to accept the surrender unless the surrender is pursuant to a consent agreement entered into under division (E) of this section.

(G) The name of any person who is not required to report information under section 3314.40, 3319.313, 3326.24, 3328.19, 5126.253, or 5153.176 of the Revised Code, but who in good faith provides information to the state board or superintendent of public instruction about alleged misconduct committed by a person who holds a license or has applied for issuance or renewal of a license, shall be confidential and shall not be released. Any such person shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the provision of that information.

(H) (1) No person shall knowingly make a false report to the superintendent of public instruction or the state board of education alleging misconduct by an employee of a public or chartered nonpublic school or an employee of the operator of a community school established under Chapter 3314. or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(2)(a) In any civil action brought against a person in which
it is alleged and proved that the person violated division (H)(1) of this section, the court shall award the prevailing party reasonable attorney's fees and costs that the prevailing party incurred in the civil action or as a result of the false report that was the basis of the violation.

(b) If a person is convicted of or pleads guilty to a violation of division (H)(1) of this section, if the subject of the false report that was the basis of the violation was charged with any violation of a law or ordinance as a result of the false report, and if the subject of the false report is found not to be guilty of the charges brought against the subject as a result of the false report or those charges are dismissed, the court that sentences the person for the violation of division (H)(1) of this section, as part of the sentence, shall order the person to pay restitution to the subject of the false report, in an amount equal to reasonable attorney's fees and costs that the subject of the false report incurred as a result of or in relation to the charges.

Sec. 3321.13. (A) Whenever any child of compulsory school age withdraws from school the teacher of that child shall ascertain the reason for withdrawal. The fact of the withdrawal and the reason for it shall be immediately transmitted by the teacher to the superintendent of the city, local, or exempted village school district. If the child who has withdrawn from school has done so because of change of residence, the next residence shall be ascertained and shall be included in the notice thus transmitted. The superintendent shall thereupon forward a card showing the essential facts regarding the child and stating the place of the child's new residence to the superintendent of schools of the district to which the child has moved.

The superintendent of public instruction may prescribe the
forms to be used in the operation of this division.

(B)(1) Upon receipt of information that a child of compulsory school age has withdrawn from school for a reason other than because of change of residence and is not enrolled in and attending in accordance with school policy an approved program to obtain a diploma or its equivalent, the superintendent shall notify the registrar of motor vehicles and the juvenile judge of the county in which the district is located of the withdrawal and failure to enroll in and attend an approved program to obtain a diploma or its equivalent. A notification to the registrar required by this division shall be given in the manner the registrar by rule requires and a notification to the juvenile judge required by this division shall be given in writing. Each notification shall be given within two weeks after the withdrawal and failure to enroll in and attend an approved program or its equivalent.

(2) The board of education of a school district may adopt a resolution providing that the provisions of division (B)(2) of this section apply within the district. The provisions of division (B)(2) of this section do not apply within any school district, and no superintendent of a school district shall send a notification of the type described in division (B)(2) of this section to the registrar of motor vehicles or the juvenile judge of the county in which the district is located, unless the board of education of the district has adopted such a resolution. If the board of education of a school district adopts a resolution providing that the provisions of division (B)(2) of this section apply within the district, and if the superintendent of schools of that district receives information that, during any semester or term, a child of compulsory school age has been absent without legitimate excuse from the school the child is supposed to attend for more than sixty consecutive hours in a single month or for at
least ninety hours in a school year, the superintendent shall notify the child and the child's parent, guardian, or custodian, in writing, that the information has been provided to the superintendent, that as a result of that information the child's temporary instruction permit or driver's license will be suspended or the opportunity to obtain such a permit or license will be denied, and that the child and the child's parent, guardian, or custodian may appear in person participate in a hearing at a scheduled date, time, and place before conducted by the superintendent or a designee to challenge the information provided to the superintendent. The hearing may be conducted by electronic means.

The notification to the child and the child's parent, guardian, or custodian required by division (B)(2) of this section shall set forth the information received by the superintendent and shall inform the child and the child's parent, guardian, or custodian of the scheduled date, time, and place participation method of the appearance that they may have hearing before the superintendent or a designee. The date scheduled for the appearance hearing shall be no earlier than three and no later than five days after the notification is given, provided that an extension may be granted upon request of the child or the child's parent, guardian, or custodian. If an extension is granted, the superintendent shall schedule a new date, time, and place method for the appearance hearing and shall inform the child and the child's parent, guardian, or custodian of the new date, time, and place method.

If the child and the child's parent, guardian, or custodian do not appear before the superintendent or a designee on the scheduled date and at for the scheduled time and place hearing, or if the child and the child's parent, guardian, or custodian appear before the superintendent or a designee on the scheduled date and
at the scheduled time and place but the superintendent or a designee determines that the information the superintendent received indicating that, during the semester or term, the child had been absent without legitimate excuse from the school the child was supposed to attend for more than sixty consecutive hours or for at least ninety total hours, the superintendent shall notify the registrar of motor vehicles and the juvenile judge of the county in which the district is located that the child has been absent for that period of time and that the child does not have any legitimate excuse for the habitual absence. A notification to the registrar required by this division shall be given in the manner the registrar by rule requires and a notification to the juvenile judge required by this division shall be given in writing. Each notification shall be given within two weeks after the receipt of the information of the habitual absence from school without legitimate excuse, or, if the child and the child's parent, guardian, or custodian appear before the superintendent or a designee to challenge the information, within two weeks after the appearance hearing.

For purposes of division (B)(2) of this section, a legitimate excuse for absence from school includes, but is not limited to, the fact that the child in question has enrolled in another school or school district in this or another state, the fact that the child in question was excused from attendance for any of the reasons specified in section 3321.04 of the Revised Code, or the fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

(3) Whenever a pupil is suspended or expelled from school pursuant to section 3313.66 of the Revised Code and the reason for the suspension or expulsion is the use or possession of alcohol, a drug of abuse, or alcohol and a drug of abuse, the superintendent
of schools of that district may notify the registrar and the juvenile judge of the county in which the district is located of such suspension or expulsion. Any such notification of suspension or expulsion shall be given to the registrar, in the manner the registrar by rule requires and shall be given to the juvenile judge in writing. The notifications shall be given within two weeks after the suspension or expulsion.

(4) Whenever a pupil is suspended, expelled, removed, or permanently excluded from a school for misconduct included in a policy that the board of education of a city, exempted village, or local school district has adopted under division (A) of section 3313.661 of the Revised Code, and the misconduct involves a firearm or a knife or other weapon as defined in that policy, the superintendent of schools of that district shall notify the registrar and the juvenile judge of the county in which the district is located of the suspension, expulsion, removal, or permanent exclusion. The notification shall be given to the registrar in the manner the registrar, by rule, requires and shall be given to the juvenile judge in writing. The notifications shall be given within two weeks after the suspension, expulsion, removal, or permanent exclusion.

(C) A notification of withdrawal, habitual absence without legitimate excuse, suspension, or expulsion given to the registrar or a juvenile judge under division (B)(1), (2), (3), or (4) of this section shall contain the name, address, date of birth, school, and school district of the child. If the superintendent finds, after giving a notification of withdrawal, habitual absence without legitimate excuse, suspension, or expulsion to the registrar and the juvenile judge under division (B)(1), (2), (3), or (4) of this section, that the notification was given in error, the superintendent immediately shall notify the registrar and the juvenile judge of that fact.
Sec. 3321.21. A notice under section 3321.19 or 3321.20 of the Revised Code, sent by registered mail, regular mail with a certificate of mailing, or other form of delivery with proof of delivery, including electronic delivery and electronic proof of delivery, is a legal notice.

Sec. 3704.03. The director of environmental protection may do any of the following:

(A) Develop programs for the prevention, control, and abatement of air pollution;

(B) Advise, consult, contract, and cooperate with any governmental or private agency in the furtherance of the purposes of this chapter;

(C) Encourage, participate in, or conduct studies, investigations, and research relating to air pollution, collect and disseminate information, and conduct education and training programs relating to the causes, prevention, control, and abatement of air pollution;

(D) Adopt, modify, and rescind rules prescribing ambient air quality standards for the state as a whole or for various areas of the state that are consistent with and no more stringent than the national ambient air quality standards in effect under the federal Clean Air Act;

(E) Adopt, modify, suspend, and rescind rules for the prevention, control, and abatement of air pollution, including rules prescribing for the state as a whole or for various areas of the state emission standards for air contaminants, and other necessary rules for the purpose of achieving and maintaining compliance with ambient air quality standards in all areas within the state as expeditiously as practicable, but not later than any deadlines applicable under the federal Clean Air Act; rules for
the prevention or control of the emission of hazardous or toxic air contaminants; rules prescribing fugitive dust limitations and standards that are related, on an areawide basis, to attainment and maintenance of ambient air quality standards; rules prescribing shade, density, or opacity limitations and standards for emissions, provided that with regard to air contaminant sources for which there are particulate matter emission standards in addition to a shade, density, or opacity rule, upon demonstration by such a source of compliance with those other standards, the shade, density, or opacity rule shall provide for establishment of a shade, density, or opacity limitation for that source that does not require the source to reduce emissions below the level specified by those other standards; rules for the prevention or control of odors and air pollution nuisances; rules that prevent significant deterioration of air quality to the extent required by the federal Clean Air Act; rules for the protection of visibility as required by the federal Clean Air Act; and rules prescribing open burning limitations and standards. In adopting, modifying, suspending, or rescinding any such rules, the director, to the extent consistent with the federal Clean Air Act, shall hear and give consideration to evidence relating to all of the following:

(1) Conditions calculated to result from compliance with the rules, the overall cost within this state of compliance with the rules, and their relation to benefits to the people of the state to be derived from that compliance;

(2) The quantity and characteristics of air contaminants, the frequency and duration of their presence in the ambient air, and the dispersion and dilution of those contaminants;

(3) Topography, prevailing wind directions and velocities, physical conditions, and other factors that may or may combine to affect air pollution.
Consistent with division (K) of section 3704.036 of the Revised Code, the director shall consider alternative emission limits proposed by the owner or operator of an air contaminant source that is subject to an emission limit established in rules adopted under this division and shall accept those alternative emission limits that the director determines to be equivalent to emission limits established in rules adopted under this division.

(F)(1) Adopt, modify, suspend, and rescind rules consistent with the purposes of this chapter prohibiting the location, installation, construction, or modification of any air contaminant source or any machine, equipment, device, apparatus, or physical facility intended primarily to prevent or control the emission of air contaminants unless an installation permit therefor has been obtained from the director or the director's authorized representative.

(2)(a) Applications for installation permits shall be accompanied by plans, specifications, construction schedules, and such other pertinent information and data, including data on ambient air quality impact and a demonstration of best available technology, as the director may require. Installation permits shall be issued for a period specified by the director and are transferable. The director shall specify in each permit the applicable emission standards and that the permit is conditioned upon payment of the applicable fees as required by section 3745.11 of the Revised Code and upon the right of the director's authorized representatives to enter upon the premises of the person to whom the permit has been issued, at any reasonable time and subject to safety requirements of the person in control of the premises, for the purpose of determining compliance with such standards, this chapter, the rules adopted thereunder, and the conditions of any permit, variance, or order issued thereunder. Each proposed new or modified air contaminant source shall provide
such notice of its proposed installation or modification to other states as is required under the federal Clean Air Act.

Installation permits shall include the authorization to operate sources installed and operated in accordance with terms and conditions of the installation permits for a period not to exceed one year from commencement of operation, which authorization shall constitute an operating permit under division (G) of this section and rules adopted under it.

No installation permit shall be required for activities that are subject to and in compliance with a plant-wide applicability limit issued by the director in accordance with rules adopted under this section.

No installation permit shall be issued except in accordance with all requirements of this chapter and rules adopted thereunder. No application shall be denied or permit revoked or modified without a written order stating the findings upon which denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or permit holder by certified mail.

(b) An air contaminant source that is the subject of an installation permit shall be installed or modified in accordance with the permit not later than eighteen months after the permit's effective date at which point the permit shall terminate unless one of the following applies:

(i) The owner or operator has undertaken a continuing program of installation or modification during the eighteen-month period.

(ii) The owner or operator has entered into a binding contractual obligation to undertake and complete within a reasonable period of time a continuing program of installation or modification of the air contaminant source during the eighteen-month period.

(iii) The director has extended the date by which the air
contaminant source that is the subject of the installation permit must be installed or modified.

(iv) The installation permit is the subject of an appeal by a party other than the owner or operator of the air contaminant source that is the subject of the installation permit, in which case the date of termination of the permit is not later than eighteen months after the effective date of the permit plus the number of days between the date in which the permit was appealed and the date on which all appeals concerning the permit have been resolved.

(v) The installation permit has been superseded by a subsequent installation permit, in which case the original installation permit terminates on the effective date of the superseding installation permit.

Division (F)(2)(b) of this section applies to an installation permit that has not terminated as of the effective date of this amendment October 16, 2009.

The director may adopt rules in accordance with Chapter 119. of the Revised Code for the purpose of establishing additional requirements that are necessary for the implementation of division (F)(2)(b) of this section.

(3) Not later than two years after August 3, 2006, the director shall adopt a rule in accordance with Chapter 119. of the Revised Code specifying that a permit to install is required only for new or modified air contaminant sources that emit any of the following air contaminants:

(a) An air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act;

(b) An air contaminant for which the air contaminant source is regulated under the federal Clean Air Act;
(c) An air contaminant that presents, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects, including, but not limited to, substances that are known to be, or may reasonably be anticipated to be, carcinogenic, mutagenic, teratogenic, or neurotoxic, that cause reproductive dysfunction, or that are acutely or chronically toxic, or a threat of adverse environmental effects whether through ambient concentrations, bioaccumulation, deposition, or otherwise, and that is identified in the rule by chemical name and chemical abstract service number.

The director may modify the rule adopted under division (F)(3)(c) of this section for the purpose of adding or deleting air contaminants. For each air contaminant that is contained in or deleted from the rule adopted under division (F)(3)(c) of this section, the director shall include in a notice accompanying any proposed or final rule an explanation of the director's determination that the air contaminant meets the criteria established in that division and should be added to, or no longer meets the criteria and should be deleted from, the list of air contaminants. The explanation shall include an identification of the scientific evidence on which the director relied in making the determination. Until adoption of the rule under division (F)(3)(c) of this section, nothing shall affect the director's authority to issue, deny, modify, or revoke permits to install under this chapter and rules adopted under it.

(4)(a) Applications for permits to install new or modified air contaminant sources shall contain sufficient information regarding air contaminants for which the director may require a permit to install to determine conformity with the environmental protection agency's document entitled "Review of New Sources of Air Toxics Emissions, Option A," dated May 1986, which the director shall use to evaluate toxic emissions from new or
modified air contaminant sources. The director shall make copies of the document available to the public upon request at no cost and post the document on the environmental protection agency's website. Any inconsistency between the document and division (F)(4) of this section shall be resolved in favor of division (F)(4) of this section.

(b) The maximum acceptable ground level concentration of an air contaminant shall be calculated in accordance with the document entitled "Review of New Sources of Air Toxics Emissions, Option A." Modeling shall be conducted to determine the increase in the ground level concentration of an air contaminant beyond the facility's boundary caused by the emissions from a new or modified source that is the subject of an application for a permit to install. Modeling shall be based on the maximum hourly rate of emissions from the source using information including, but not limited to, any emission control devices or methods, operational restrictions, stack parameters, and emission dispersion devices or methods that may affect ground level concentrations, either individually or in combination. The director shall determine whether the activities for which a permit to install is sought will cause an increase in the ground level concentration of one or more relevant air contaminants beyond the facility's boundary by an amount in excess of the maximum acceptable ground level concentration. In making the determination as to whether the maximum acceptable ground level concentration will be exceeded, the director shall give consideration to the modeling conducted under division (F)(4)(b) of this section and other relevant information submitted by the applicant.

(c) If the modeling conducted under division (F)(4)(b) of this section with respect to an application for a permit to install demonstrates that the maximum ground level concentration from a new or modified source will be greater than or equal to
eighty per cent, but less than one hundred per cent of the maximum acceptable ground level concentration for an air contaminant, the director may establish terms and conditions in the permit to install for the air contaminant source that will require the owner or operator of the air contaminant source to maintain emissions of that air contaminant commensurate with the modeled level, which shall be expressed as allowable emissions per day. In order to calculate the allowable emissions per day, the director shall multiply the hourly emission rate modeled under division (F)(4)(b) of this section to determine the ground level concentration by the operating schedule that has been identified in the permit to install application. Terms and conditions imposed under division (F)(4)(c) of this section are not federally enforceable requirements and, if included in a Title V permit, shall be placed in the portion of the permit that is only enforceable by the state.

(d) If the modeling conducted under division (F)(4)(b) of this section with respect to an application for a permit to install demonstrates that the maximum ground level concentration from a new or modified source will be less than eighty per cent of the maximum acceptable ground level concentration, the owner or operator of the source annually shall report to the director, on a form prescribed by the director, whether operations of the source are consistent with the information regarding the operations that was used to conduct the modeling with regard to the permit to install application. The annual report to the director shall be in lieu of an emission limit or other permit terms and conditions imposed pursuant to division (F)(4) of this section. The director may consider any significant departure from the operations of the source described in the permit to install application that results in greater emissions than the emissions rate modeled to determine the ground level concentration as a modification and require the owner or operator to submit a permit to install application for...
the increased emissions. The requirements established in division (F)(4)(d) of this section are not federally enforceable requirements and, if included in a Title V permit, shall be placed in the portion of the permit that is only enforceable by the state.

(e) Division (F)(4) of this section and the document entitled "Review of New Sources of Air Toxics Emissions, Option A" shall not be included in the state implementation plan under section 110 of the federal Clean Air Act and do not apply to an air contaminant source that is subject to a maximum achievable control technology standard or residual risk standard under section 112 of the federal Clean Air Act, to a particular air contaminant identified under 40 C.F.R. 51.166, division (b)(23), for which the director has determined that the owner or operator of the source is required to install best available control technology for that particular air contaminant, or to a particular air contaminant for which the director has determined that the source is required to meet the lowest achievable emission rate, as defined in 40 C.F.R. part 51, Appendix S, for that particular air contaminant.

(f)(i) Division (F)(4) of this section and the document entitled "Review of New Sources of Air Toxics Emissions, Option A" do not apply to parking lots, storage piles, storage tanks, transfer operations, grain silos, grain dryers, emergency generators, gasoline dispensing operations, air contaminant sources that emit air contaminants solely from the combustion of fossil fuels, or the emission of wood dust, sand, glass dust, coal dust, silica, and grain dust.

(ii) Notwithstanding division (F)(4)(f)(i) of this section, the director may require an individual air contaminant source that is within one of the source categories identified in division (F)(4)(f)(i) of this section to submit information in an application for a permit to install a new or modified source in
order to determine the source's conformity to the document if the
director has information to conclude that the particular new or
modified source will potentially cause an increase in ground level
concentration beyond the facility's boundary that exceeds the
maximum acceptable ground level concentration as set forth in the
document.

(iii) The director may adopt rules in accordance with Chapter
119. of the Revised Code that are consistent with the purposes of
this chapter and that add to or delete from the source category
exemptions established in division (F)(4)(f)(i) of this section.

(5) Not later than one year after August 3, 2006, the
director shall adopt rules in accordance with Chapter 119. of the
Revised Code specifying activities that do not, by themselves,
constitute beginning actual construction activities related to the
installation or modification of an air contaminant source for
which a permit to install is required such as the grading and
clearing of land, on-site storage of portable parts and equipment,
and the construction of foundations or buildings that do not
themselves emit air contaminants. The rules also shall allow
specified initial activities that are part of the installation or
modification of an air contaminant source, such as the
installation of electrical and other utilities for the source,
prior to issuance of a permit to install, provided that the owner
or operator of the source has filed a complete application for a
permit to install, the director or the director's designee has
determined that the application is complete, and the owner or
operator of the source has notified the director that this
activity will be undertaken prior to the issuance of a permit to
install. Any activity that is undertaken by the source under those
rules shall be at the risk of the owner or operator. The rules
shall not apply to activities that are precluded prior to permit
issuance under section 111, section 112, Part C of Title I, and
Part D of Title I of the federal Clean Air Act.

(G) Adopt, modify, suspend, and rescind rules prohibiting the operation or other use of any new, modified, or existing air contaminant source unless an operating permit has been obtained from the director or the director's authorized representative, or the air contaminant source is being operated in compliance with the conditions of a variance issued pursuant to division (H) of this section. Applications for operating permits shall be accompanied by such plans, specifications, and other pertinent information as the director may require. Operating permits may be issued for a period determined by the director not to exceed ten years, are renewable, and are transferable. The director shall specify in each operating permit that the permit is conditioned upon payment of the applicable fees as required by section 3745.11 of the Revised Code and upon the right of the director's authorized representatives to enter upon the premises of the person to whom the permit has been issued, at any reasonable time and subject to safety requirements of the person in control of the premises, for the purpose of determining compliance with this chapter, the rules adopted thereunder, and the conditions of any permit, variance, or order issued thereunder. Operating permits may be denied or revoked for failure to comply with this chapter or the rules adopted thereunder. An operating permit shall be issued only upon a showing satisfactory to the director or the director's representative that the air contaminant source is being operated in compliance with applicable emission standards and other rules or upon submission of a schedule of compliance satisfactory to the director for a source that is not in compliance with all applicable requirements at the time of permit issuance, provided that the compliance schedule shall be consistent with and at least as stringent as that contained in any judicial consent decree or administrative order to which the air contaminant source is subject. The rules shall provide for the ...
issuance of conditional operating permits for such reasonable periods as the director may determine to allow the holder of an installation permit, who has constructed, installed, located, or modified a new air contaminant source in accordance with the provisions of an installation permit, to make adjustments or modifications necessary to enable the new air contaminant source to comply with applicable emission standards and other rules. Terms and conditions of operating permits issued pursuant to this division shall be federally enforceable for the purpose of establishing the potential to emit of a stationary source and shall be expressly designated as federally enforceable. Any such federally enforceable restrictions on a source's potential to emit shall include both an annual limit and a short-term limit of not more than thirty days for each pollutant to be restricted together with adequate methods for establishing compliance with the restrictions. In other respects, operating permits issued pursuant to this division are enforceable as state law only. No application shall be denied or permit revoked or modified without a written order stating the findings upon which denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or permit holder by certified mail.

(H) Adopt, modify, and rescind rules governing the issuance, revocation, modification, or denial of variances that authorize emissions in excess of the applicable emission standards.

No variance shall be issued except pursuant to those rules. The rules shall prescribe conditions and criteria in furtherance of the purposes of this chapter and consistent with the federal Clean Air Act governing eligibility for issuance of variances, which shall include all of the following:

(1) Provisions requiring consistency of emissions authorized by a variance with timely attainment and maintenance of ambient air quality standards;
(2) Provisions prescribing the classes and categories of air contaminants and air contaminant sources for which variances may be issued;

(3) Provisions defining the circumstances under which an applicant shall demonstrate that compliance with applicable emission standards is technically infeasible, economically unreasonable, or impossible because of conditions beyond the control of the applicant;

(4) Other provisions prescribed in furtherance of the goals of this chapter.

The rules shall prohibit the issuance of variances from any emission limitation that was applicable to a source pursuant to an installation permit and shall prohibit issuance of variances that conflict with the federal Clean Air Act.

Applications for variances shall be accompanied by such information as the director may require. In issuing variances, the director may order the person to whom a variance is issued to furnish plans and specifications and such other information and data, including interim reports, as the director may require and to proceed to take such action within such time as the director may determine to be appropriate and reasonable to prevent, control, or abate the person's existing emissions of air contaminants. The director shall specify in each variance that the variance is conditioned upon payment of the applicable fees as required by section 3745.11 of the Revised Code and upon the right of the director's authorized representatives to enter upon the premises of the person to whom the variance has been issued, at any reasonable time and subject to safety requirements of the person in control of the premises, for the purpose of determining compliance with this chapter, the rules adopted thereunder, and the conditions of any permit, variance, or order issued thereunder.
The director may hold a public hearing on an application for a variance or renewal thereof at a location in the county where the variance is sought. The director shall give not less than twenty days' notice of the hearing to the applicant by certified mail or another type of mail accompanied by a receipt and. The director also shall cause at least one publication of notice in a newspaper with general circulation in the county where the variance is sought or may instead provide public notice by publication on the environmental protection agency's web site. The director shall keep available for public inspection at the principal office of the environmental protection agency a current schedule of pending applications for variances and a current schedule of pending variance hearings. The director shall make a complete stenographic record or electronic record of testimony and other evidence submitted at the hearing. The director shall make a written determination to issue, renew, or deny the variance and shall enter the determination and the basis therefor into the record of the hearing. The director shall issue, renew, or deny an application for a variance or renewal thereof, or issue a proposed action upon the application pursuant to section 3745.07 of the Revised Code, within six months of the date upon which the director receives a complete application with all pertinent information and data required by the director.

Any variance granted pursuant to rules adopted under this division shall be for a period specified by the director, not to exceed three years, and may be renewed from time to time on such terms and for such periods, not to exceed three years each, as the director determines to be appropriate. A variance may be revoked, or renewal denied, for failure to comply with conditions specified in the variance. No variance shall be issued, denied, revoked, or modified without a written order stating the findings upon which the issuance, denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or variance holder by
certified mail.

(I) Require the owner or operator of an air contaminant source to install, employ, maintain, and operate such emissions, ambient air quality, meteorological, or other monitoring devices or methods as the director shall prescribe; to sample those emissions at such locations, at such intervals, and in such manner as the director prescribes; to maintain records and file periodic reports with the director containing information as to location, size, and height of emission outlets, rate, duration, and composition of emissions, and any other pertinent information the director prescribes; and to provide such written notice to other states as the director shall prescribe. In requiring monitoring devices, records, and reports, the director, to the extent consistent with the federal Clean Air Act, shall give consideration to technical feasibility and economic reasonableness and allow reasonable time for compliance. For sources where a specific monitoring, record-keeping, or reporting requirement is specified for a particular air contaminant from a particular air contaminant source in an applicable regulation adopted by the United States environmental protection agency under the federal Clean Air Act or in an applicable rule adopted by the director, the director shall not impose an additional requirement in a permit that is a different monitoring, record-keeping, or reporting requirement other than the requirement specified in the applicable regulation or rule for that air contaminant except as otherwise agreed to by the owner or operator of the air contaminant source and the director. If two or more regulations or rules impose different monitoring, record-keeping, or reporting requirements for the same air contaminant from the same air contaminant source, the director may impose permit terms and conditions that consolidate or streamline the monitoring, record-keeping, or reporting requirements in a manner that conforms with each applicable requirement. To the extent
consistent with the federal Clean Air Act and except as otherwise agreed to by the owner or operator of an air contaminant source and the director, the director shall not require an operating restriction that has the practical effect of increasing the stringency of an existing applicable emission limitation or standard.

(J) Establish, operate, and maintain monitoring stations and other devices designed to measure air pollution and enter into contracts with any public or private agency for the establishment, operation, or maintenance of such stations and devices;

(K) By rule adopt procedures for giving reasonable public notice and conducting public hearings on any plans for the prevention, control, and abatement of air pollution that the director is required to submit to the federal government;

(L) Through any employee, agent, or authorized representative of the director or the environmental protection agency, enter upon private or public property, including improvements thereon, at any reasonable time, to make inspections, take samples, conduct tests, and examine records or reports pertaining to any emission of air contaminants and any monitoring equipment or methods and to determine if there are any actual or potential emissions from such premises and, if so, to determine the sources, amounts, contents, and extent of those emissions, or to ascertain whether there is compliance with this chapter, any orders issued or rules adopted thereunder, or any other determination of the director. The director, at reasonable times, may have access to and copy any such records. If entry or inspection authorized by this division is refused, hindered, or thwarted, the director or the director's authorized representative may by affidavit apply for, and any judge of a court of record may issue, an appropriate inspection warrant necessary to achieve the purposes of this chapter within the court's territorial jurisdiction.
(M) Accept and administer gifts or grants from the federal government and from any other source, public or private, for carrying out any of the functions under this chapter;

(N) Obtain necessary scientific, technical, and laboratory services;

(O) Establish advisory boards in accordance with section 121.13 of the Revised Code;

(P) Delegate to any city or general health district or political subdivision of the state any of the director's enforcement and monitoring powers and duties, other than rule-making powers, as the director elects to delegate, and in addition employ, compensate, and prescribe the powers and duties of such officers, employees, and consultants as are necessary to enable the director to exercise the authority and perform duties imposed upon the director by law. Technical and other services shall be performed, insofar as practical, by personnel of the environmental protection agency.

(Q) Certify to the government of the United States or any agency thereof that an industrial air pollution facility is in conformity with the state program or requirements for control of air pollution whenever such certificate is required for a taxpayer pursuant to any federal law or requirements;

(R) Issue, modify, or revoke orders requiring abatement of or prohibiting emissions that violate applicable emission standards or other requirements of this chapter and rules adopted thereunder, or requiring emission control devices or measures in order to comply with applicable emission standards or other requirements of this chapter and rules adopted thereunder. Any such order shall require compliance with applicable emission standards by a specified date and shall not conflict with any requirement of the federal Clean Air Act. In the making of such
orders, the director, to the extent consistent with the federal Clean Air Act, shall give consideration to, and base the determination on, evidence relating to the technical feasibility and economic reasonableness of compliance with such orders and their relation to benefits to the people of the state to be derived from such compliance. If, under the federal Clean Air Act, any such order shall provide for the posting of a bond or surety to secure compliance with the order as a condition of issuance of the order, the order shall so provide, but only to the extent required by the federal Clean Air Act.

(S) To the extent provided by the federal Clean Air Act, adopt, modify, and rescind rules providing for the administrative assessment and collection of monetary penalties, not in excess of those required pursuant to the federal Clean Air Act, for failure to comply with any emission limitation or standard, compliance schedule, or other requirement of any rule, order, permit, or variance issued or adopted under this chapter or required under the applicable implementation plan whether or not the source is subject to a federal or state consent decree. The director may require the submission of compliance schedules, calculations of penalties for noncompliance, and related information. Any orders, payments, sanctions, or other requirements imposed pursuant to rules adopted under this division shall be in addition to any other permits, orders, payments, sanctions, or other requirements established under this chapter and shall not affect any civil or criminal enforcement proceedings brought under any provision of this chapter or any other provision of state or local law. This division does not apply to any requirement of this chapter regarding the prevention or abatement of odors.

(T) Require new or modified air contaminant sources to install best available technology, but only in accordance with this division. With respect to permits issued pursuant to division
(F) of this section beginning three years after August 3, 2006, best available technology for air contaminant sources and air contaminants emitted by those sources that are subject to standards adopted under section 112, Part C of Title I, and Part D of Title I of the federal Clean Air Act shall be equivalent to and no more stringent than those standards. For an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act, best available technology only shall be required to the extent required by rules adopted under Chapter 119. of the Revised Code for permit to install applications filed three or more years after August 3, 2006.

Best available technology requirements established in rules adopted under this division shall be expressed only in one of the following ways that is most appropriate for the applicable source or source categories:

   (1) Work practices;

   (2) Source design characteristics or design efficiency of applicable air contaminant control devices;

   (3) Raw material specifications or throughput limitations averaged over a twelve-month rolling period;

   (4) Monthly allowable emissions averaged over a twelve-month rolling period.

Best available technology requirements shall not apply to an air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, less than ten tons per year of emissions of an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act. In addition, best available technology requirements established in rules adopted under this division shall not apply to any existing,
new, or modified air contaminant source that is subject to a plant-wide applicability limit that has been approved by the director. Further, best available technology requirements established in rules adopted under this division shall not apply to general permits issued prior to January 1, 2006, under rules adopted under this chapter.

For permits to install issued three or more years after August 3, 2006, any new or modified air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, ten or more tons per year of volatile organic compounds or nitrogen oxides shall meet, at a minimum, the requirements of any applicable reasonably available control technology rule in effect as of January 1, 2006, regardless of the location of the source.

(U) Consistent with section 507 of the federal Clean Air Act, adopt, modify, suspend, and rescind rules for the establishment of a small business stationary source technical and environmental compliance assistance program as provided in section 3704.18 of the Revised Code;

(V) Provide for emissions trading, marketable permits, auctions of emission rights, and economic incentives that would reduce the cost or increase the efficiency of achieving a specified level of environmental protection;

(W) Provide for the construction of an air contaminant source prior to obtaining a permit to install pursuant to division (F) of this section if the applicant demonstrates that the source will be installed to comply with all applicable emission limits and will not adversely affect public health or safety or the environment and if the director determines that such an action will avoid an unreasonable hardship on the owner or operator of the source. Any such determination shall be consistent with the federal Clean Air Act.
(X) Exercise all incidental powers, including adoption of rules, required to carry out this chapter.

The environmental protection agency shall develop a plan to control air pollution resulting from state-operated facilities and property.

Sec. 3734.02. (A) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend, suspend, or rescind rules having uniform application throughout the state governing solid waste facilities and the inspections of and issuance of permits and licenses for all solid waste facilities in order to ensure that the facilities will be located, maintained, and operated, and will undergo closure and post-closure care, in a sanitary manner so as not to create a nuisance, cause or contribute to water pollution, create a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 257.3-8, as amended. The rules may include, without limitation, financial assurance requirements for closure and post-closure care and corrective action and requirements for taking corrective action in the event of the surface or subsurface discharge or migration of explosive gases or leachate from a solid waste facility, or of ground water contamination resulting from the transfer or disposal of solid wastes at a facility, beyond the boundaries of any area within a facility that is operating or is undergoing closure or post-closure care where solid wastes were disposed of or are being disposed of. The rules shall not concern or relate to personnel policies, salaries, wages, fringe benefits, or other conditions of employment of employees of persons owning or operating solid waste facilities. The director, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend, suspend, or rescind rules governing the issuance, modification, revocation, suspension, or denial of variances from the director's solid waste rules, including, without limitation, rules adopted...
under this chapter governing the management of scrap tires.

Variances shall be issued, modified, revoked, suspended, or rescinded in accordance with this division, rules adopted under it, and Chapter 3745. of the Revised Code. The director may order the person to whom a variance is issued to take such action within such time as the director may determine to be appropriate and reasonable to prevent the creation of a nuisance or a hazard to the public health or safety or the environment. Applications for variances shall contain such detail plans, specifications, and information regarding objectives, procedures, controls, and other pertinent data as the director may require. The director shall grant a variance only if the applicant demonstrates to the director's satisfaction that construction and operation of the solid waste facility in the manner allowed by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or a hazard to the public health or safety or the environment. In granting any variance, the director shall state the specific provision or provisions whose terms are to be varied and also shall state specific terms or conditions imposed upon the applicant in place of the provision or provisions.

The director may hold a public hearing on an application for a variance or renewal of a variance at a location in the county where the operations that are the subject of the application for the variance are conducted. The director shall give not less than twenty days' notice of the hearing to the applicant by certified mail or by another type of mail accompanied by a receipt and. The director shall publish at least one notice of the hearing in a newspaper with general circulation in the county where the hearing is to be held or may instead provide public notice by publication on the environmental protection agency's web site. The director shall make available for public inspection at the principal office of the environmental protection agency a current list of pending
applications for variances and a current schedule of pending variance hearings. The director shall make a complete stenographic record or electronic record of testimony and other evidence submitted at the hearing.

Within ten days after the hearing, the director shall make a written determination to issue, renew, or deny the variance and shall enter the determination and the basis for it into the record of the hearing. The director shall issue, renew, or deny an application for a variance or renewal of a variance within six months of the date upon which the director receives a complete application with all pertinent information and data required. No variance shall be issued, revoked, modified, or denied until the director has considered the relative interests of the applicant, other persons and property affected by the variance, and the general public. Any variance granted under this division shall be for a period specified by the director and may be renewed from time to time on such terms and for such periods as the director determines to be appropriate. No application shall be denied and no variance shall be revoked or modified without a written order stating the findings upon which the denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or variance holder by certified mail or by another type of mail accompanied by a receipt.

(B) The director shall prescribe and furnish the forms necessary to administer and enforce this chapter. The director may cooperate with and enter into agreements with other state, local, or federal agencies to carry out the purposes of this chapter. The director may exercise all incidental powers necessary to carry out the purposes of this chapter.

(C) Except as provided in this division and divisions (N)(2) and (3) of this section, no person shall establish a new solid waste facility or infectious waste treatment facility, or modify
an existing solid waste facility or infectious waste treatment facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director, except that no permit shall be required under this division to install or operate a solid waste facility for sewage sludge treatment or disposal when the treatment or disposal is authorized by a current permit issued under Chapter 3704. or 6111. of the Revised Code.

No person shall continue to operate a solid waste facility for which the director has disapproved plans and specifications required to be filed by an order issued under division (A)(3) of section 3734.05 of the Revised Code, after the date prescribed for commencement of closure of the facility in the order issued under division (A)(4) of that section denying the permit application or approval.

On and after the effective date of the rules adopted under division (A) of this section and division (D) of section 3734.12 of the Revised Code governing solid waste transfer facilities, no person shall establish a new, or modify an existing, solid waste transfer facility without first submitting an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation to the director and receiving a permit issued by the director.

No person shall establish a new compost facility or continue to operate an existing compost facility that accepts exclusively source separated yard wastes without submitting a completed registration for the facility to the director in accordance with rules adopted under divisions (A) and (N)(3) of this section.

This division does not apply to a generator of infectious wastes that does any of the following:
(1) Treats, by methods, techniques, and practices established by rules adopted under division (B)(2)(a) of section 3734.021 of the Revised Code, any of the following:

(a) Infectious wastes that are generated on any premises that are owned or operated by the generator;

(b) Infectious wastes that are generated by a generator who has staff privileges at a hospital as defined in section 3727.01 of the Revised Code;

(c) Infectious wastes that are generated in providing care to a patient by an emergency medical services organization as defined in section 4765.01 of the Revised Code.

(2) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code;

(3) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:


(b) Chapter 918. of the Revised Code;

(c) Chapter 953. of the Revised Code.

(D) Neither this chapter nor any rules adopted under it apply to single-family residential premises; to infectious wastes generated by individuals for purposes of their own care or treatment; to the temporary storage of solid wastes, other than scrap tires, prior to their collection for disposal; to the storage of one hundred or fewer scrap tires unless they are stored in such a manner that, in the judgment of the director or the board of health of the health district in which the scrap tires are stored, the storage causes a nuisance, a hazard to public health or safety, or a fire hazard; or to the collection of solid
wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.

(E)(1) As used in this division:

(a) "On-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated on the premises of the facility.

(b) "Off-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated off the premises of the facility and includes such a facility that is also an on-site facility.

(c) "Satellite facility" means any of the following:

(i) An on-site facility that also receives hazardous waste from other premises owned by the same person who generates the waste on the facility premises;

(ii) An off-site facility operated so that all of the hazardous waste it receives is generated on one or more premises owned by the person who owns the facility;

(iii) An on-site facility that also receives hazardous waste that is transported uninterrupted and directly to the facility through a pipeline from a generator who is not the owner of the facility.

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility.
installation and operation permit issued in accordance with section 3734.05 of the Revised Code and subject to the payment of an application fee not to exceed one thousand five hundred dollars, payable upon application for a hazardous waste facility installation and operation permit and upon application for a renewal permit issued under division (H) of section 3734.05 of the Revised Code, to be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code. The term of a hazardous waste facility installation and operation permit shall not exceed ten years.

In addition to the application fee, there is hereby levied an annual permit fee to be paid by the permit holder upon the anniversaries of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits and to be credited to the hazardous waste facility management fund. Annual permit fees totaling forty thousand dollars or more for any one facility may be paid on a quarterly basis with the first quarterly payment each year being due on the anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits. The annual permit fee shall be determined for each permit holder by the director in accordance with the following schedule:

<table>
<thead>
<tr>
<th>MANAGEMENT UNIT</th>
<th>TYPE OF FACILITY</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storage facility using:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Containers</td>
<td>On-site, off-site, and satellite</td>
<td>$500</td>
</tr>
</tbody>
</table>
Surface impoundment
  On-site and satellite  8,000 143014
  Off-site 10,000 143015

Disposal facility using:
  Deep well injection
    On-site and satellite 15,000 143017
    Off-site 25,000 143018
  Landfill
    On-site and satellite 25,000 143019
    Off-site 40,000 143020
  Land application
    On-site and satellite 2,500 143021
    Off-site 5,000 143022
  Surface impoundment
    On-site and satellite 10,000 143023
    Off-site 20,000 143024

Treatment facility using:
  Tanks
    On-site, off-site, and satellite 700 143026
  Surface impoundment
    On-site and satellite 8,000 143028
    Off-site 10,000 143029
  Incinerator
    On-site and satellite 5,000 143030
    Off-site 10,000 143031

Other forms of treatment
  On-site, off-site, and satellite 1,000 143034

A hazardous waste disposal facility that disposes of hazardous waste by deep well injection and that pays the annual permit fee established in section 6111.046 of the Revised Code is not subject to the permit fee established in this division for disposal facilities using deep well injection unless the director determines that the facility is not in compliance with applicable requirements established under this chapter and rules adopted under it.

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage
and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment of a part of the appropriate fee indicated by the schedule that bears the same relationship to the total fee that the number of days remaining until the next anniversary date at which payment of the annual permit fee is due bears to three hundred sixty-five.

The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe procedures for collecting the annual permit fee established by this division and may prescribe other requirements necessary to carry out this division.

(3) The prohibition against establishing or operating a hazardous waste facility without a hazardous waste facility installation and operation permit does not apply to either of the following:

(a) A facility that is operating in accordance with a permit renewal issued under division (H) of section 3734.05 of the Revised Code, a revision issued under division (I) of that section as it existed prior to August 20, 1996, or a modification issued by the director under division (I) of that section on and after August 20, 1996;

(b) Except as provided in division (J) of section 3734.05 of the Revised Code, a facility that will operate or is operating in accordance with a permit by rule, or that is not subject to permit requirements, under rules adopted by the director.
with Chapter 119. of the Revised Code, the director shall adopt, and subsequently may amend, suspend, or rescind, rules for the purposes of division (E)(3)(b) of this section. Any rules so adopted shall be consistent with and equivalent to regulations pertaining to interim status adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility described in division (E)(3)(a) or (b) of this section, division (I)(7) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;

(3) A facility in another nation operating in accordance with the laws of that nation;


(5) A hazardous waste facility as described in division (E)(3)(a) or (b) of this section.
(G) The director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, infectious wastes, or hazardous waste, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a registration certificate, permit, or license or comply with the manifest system or other requirements of this chapter. Such an exemption shall be consistent with and equivalent to any regulations adopted by the administrator of the United States environmental protection agency under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

(H) No person shall engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility, or a solid waste facility, was operated without prior authorization from the director, who shall establish the procedure for granting such authorization by rules adopted in accordance with Chapter 119. of the Revised Code.

A public utility that has main or distribution lines above or below the land surface located on an easement or right-of-way across land where a solid waste facility was operated may engage in any such activity within the easement or right-of-way without prior authorization from the director for purposes of performing emergency repair or emergency replacement of its lines; of the poles, towers, foundations, or other structures supporting or sustaining any such lines; or of the appurtenances to those structures, necessary to restore or maintain existing public utility service. A public utility may enter upon any such easement or right-of-way without prior authorization from the director for purposes of performing necessary or routine maintenance of those
portions of its existing lines; of the existing poles, towers, foundations, or other structures sustaining or supporting its lines; or of the appurtenances to any such supporting or sustaining structure, located on or above the land surface on any such easement or right-of-way. Within twenty-four hours after commencing any such emergency repair, replacement, or maintenance work, the public utility shall notify the director or the director's authorized representative of those activities and shall provide such information regarding those activities as the director or the director's representative may request. Upon completion of the emergency repair, replacement, or maintenance activities, the public utility shall restore any land of the solid waste facility disturbed by those activities to the condition existing prior to the commencement of those activities.

(I) No owner or operator of a hazardous waste facility, in the operation of the facility, shall cause, permit, or allow the emission therefrom of any particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substance that, in the opinion of the director, unreasonably interferes with the comfortable enjoyment of life or property by persons living or working in the vicinity of the facility, or that is injurious to public health. Any such action is hereby declared to be a public nuisance.

(J) Notwithstanding any other provision of this chapter, in the event the director finds an imminent and substantial danger to public health or safety or the environment that creates an emergency situation requiring the immediate treatment, storage, or disposal of hazardous waste, the director may issue a temporary emergency permit to allow the treatment, storage, or disposal of the hazardous waste at a facility that is not otherwise authorized by a hazardous waste facility installation and operation permit to treat, store, or dispose of the waste. The emergency permit shall not exceed ninety days in duration and shall not be renewed. The
director shall adopt, and may amend, suspend, or rescind, rules in accordance with Chapter 119. of the Revised Code governing the issuance, modification, revocation, and denial of emergency permits.

(K) Except for infectious wastes generated by a person who produces fewer than fifty pounds of infectious wastes at a premises during any one month, no owner or operator of a sanitary landfill shall knowingly accept for disposal, or dispose of, any infectious wastes that have not been treated to render them noninfectious.

(L) The director, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend, suspend, or rescind, rules having uniform application throughout the state establishing a training and certification program that shall be required for employees of boards of health who are responsible for enforcing the solid waste and infectious waste provisions of this chapter and rules adopted under them and for persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities. The rules shall provide all of the following, without limitation:

(1) The program shall be administered by the director and shall consist of a course on new solid waste and infectious waste technologies, enforcement procedures, and rules;

(2) The course shall be offered on an annual basis;

(3) Those persons who are required to take the course under division (L) of this section shall do so triennially;

(4) Persons who successfully complete the course shall be certified by the director;

(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them.
under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;

(6)(a) All employees of a board of health who, on the effective date of the rules adopted under this division, are responsible for enforcing the solid waste or infectious waste provisions of this chapter and the rules adopted under them shall complete the course and be certified by the director not later than January 1, 1995;

(b) All employees of a board of health who, after the effective date of the rules adopted under division (L) of this section, become responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and who do not hold a current and valid certification from the director at that time shall complete the course and be certified by the director within two years after becoming responsible for performing those activities.

No person shall fail to obtain the certification required under this division.

(M) The director shall not issue a permit under section 3734.05 of the Revised Code to establish a solid waste facility, or to modify a solid waste facility operating on December 21, 1988, in a manner that expands the disposal capacity or geographic area covered by the facility, that is or is to be located within the boundaries of a state park established or dedicated under Chapter 1546. of the Revised Code, a state park purchase area established under section 1546.06 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in this state, or any candidate area located in this state and identified for
potential inclusion in the national park system in the edition of
the "national park system plan" submitted under paragraph (b) of
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16
U.S.C.A. 1a-5, as amended, current at the time of filing of the
application for the permit, unless the facility or proposed
facility is or is to be used exclusively for the disposal of solid
wastes generated within the park or recreation area and the
director determines that the facility or proposed facility will
not degrade any of the natural or cultural resources of the park
or recreation area. The director shall not issue a variance under
division (A) of this section and rules adopted under it, or issue
an exemption order under division (G) of this section, that would
authorize any such establishment or expansion of a solid waste
facility within the boundaries of any such park or recreation
area, state park purchase area, or candidate area, other than a
solid waste facility exclusively for the disposal of solid wastes
generated within the park or recreation area when the director
determines that the facility will not degrade any of the natural
or cultural resources of the park or recreation area.

(N)(1) The rules adopted under division (A) of this section, other than those governing variances, do not apply to scrap tire
collection, storage, monocell, monofill, and recovery facilities. Those facilities are subject to and governed by rules adopted
under sections 3734.70 to 3734.73 of the Revised Code, as
applicable.

(2) Division (C) of this section does not apply to scrap tire
collection, storage, monocell, monofill, and recovery facilities. The establishment and modification of those facilities are subject
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised
Code, as applicable.

(3) The director may adopt, amend, suspend, or rescind rules
under division (A) of this section creating an alternative system
for authorizing the establishment, operation, or modification of a solid waste compost facility in lieu of the requirement that a person seeking to establish, operate, or modify a solid waste compost facility apply for and receive a permit under division (C) of this section and section 3734.05 of the Revised Code and a license under division (A)(1) of that section. The rules may include requirements governing, without limitation, the classification of solid waste compost facilities, the submittal of operating records for solid waste compost facilities, and the creation of a registration or notification system in lieu of the issuance of permits and licenses for solid waste compost facilities. The rules shall specify the applicability of divisions (A)(1) and (2)(a) of section 3734.05 of the Revised Code to a solid waste compost facility.

(O)(1) As used in this division, "secondary aluminum waste" means waste material or byproducts, when disposed of, containing aluminum generated from secondary aluminum smelting operations and consisting of dross, salt cake, baghouse dust associated with aluminum recycling furnace operations, or dry-milled wastes.

(2) The owner or operator of a sanitary landfill shall not dispose of municipal solid waste that has been commingled with secondary aluminum waste.

(3) The owner or operator of a sanitary landfill may dispose of secondary aluminum waste, but only in a monocell or monofill that has been permitted for that purpose in accordance with this chapter and rules adopted under it.

(P)(1) As used in divisions (P) and (Q) of this section:

(a) "Natural background" means two picocuries per gram or the actual number of picocuries per gram as measured at an individual solid waste facility, subject to verification by the director of health.
(b) "Drilling operation" includes a production operation as defined in section 1509.01 of the Revised Code.

(2) The owner or operator of a solid waste facility shall not accept for transfer or disposal technologically enhanced naturally occurring radioactive material if that material contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(3) The owner or operator of a solid waste facility may receive and process for purposes other than transfer or disposal technologically enhanced naturally occurring radioactive material that contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background, provided that the owner or operator has obtained and maintains all other necessary authorizations, including any authorization required by rules adopted by the director of health under section 3748.04 of the Revised Code.

(4) The director of environmental protection may adopt rules in accordance with Chapter 119. of the Revised Code governing the receipt, acceptance, processing, handling, management, and disposal by solid waste facilities of material that contains or is contaminated with radioactive material, including, without limitation, technologically enhanced naturally occurring radioactive material that contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations less than five picocuries per gram above natural background. Rules adopted by the director may include at a minimum both of the following:

(a) Requirements in accordance with which the owner or operator of a solid waste facility must monitor leachate and ground water for radium-226, radium-228, and other radionuclides;
(b) Requirements in accordance with which the owner or operator of a solid waste facility must develop procedures to ensure that technologically enhanced naturally occurring radioactive material accepted at the facility neither contains nor is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(Q) Notwithstanding any other provision of this section, the owner or operator of a solid waste facility shall not receive, accept, process, handle, manage, or dispose of technologically enhanced naturally occurring radioactive material associated with drilling operations without first obtaining representative analytical results to determine compliance with divisions (P)(2) and (3) of this section and rules adopted under it.

Sec. 3734.021. (A) Infectious wastes shall be segregated, managed, treated, and disposed of in accordance with rules adopted under this section.

(B) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary or appropriate to protect human health or safety or the environment that do both of the following:

(1) Establish standards for generators of infectious wastes that include, without limitation, the following requirements and authorizations that:

(a) All generators of infectious wastes:

(i) Either treat all specimen cultures and cultures of viable infectious agents on the premises where they are generated to render them noninfectious by methods, techniques, or practices prescribed by rules adopted under division (B)(2)(a) of this section before they are transported off that premises for disposal
or ensure that such wastes are treated to render them noninfectious at an infectious waste treatment facility off that premises prior to disposal of the wastes;

(ii) Transport and dispose of infectious wastes, if a generator produces fewer than fifty pounds of infectious wastes during any one month that are subject to and packaged and labeled in accordance with federal requirements, in the same manner as solid wastes. Such generators who treat specimen cultures and cultures of viable infectious agents on the premises where they are generated shall not be considered treatment facilities as "treatment" and "facility" are defined in section 3734.01 of the Revised Code.

(iii) Dispose of infectious wastes subject to and treated in accordance with rules adopted under division (B)(1)(a)(i) of this section in the same manner as solid wastes;

(iv) May take wastes generated in providing care to a patient by an emergency medical services organization, as defined in section 4765.01 of the Revised Code, to and leave them at a hospital, as defined in section 3727.01 of the Revised Code, for treatment at a treatment facility owned or operated by the hospital or, in conjunction with infectious wastes generated by the hospital, at another treatment facility regardless of whether the wastes were generated in providing care to the patient at the scene of an emergency or during the transportation of the patient to a hospital;

(v) May take wastes generated by an individual for purposes of the individual's own care or treatment to and leave them at a hospital, as defined in section 3727.01 of the Revised Code, for treatment at a treatment facility owned or operated by the hospital or, in conjunction with infectious wastes generated by the hospital, at another treatment facility.
(b) Each generator of fifty pounds or more of infectious wastes during any one month:

    (i) Register with the environmental protection agency as a generator of infectious wastes and obtain a registration certificate. The fee for issuance of a generator registration certificate is one hundred forty dollars payable at the time of application. The registration certificate applies to all the premises owned or operated by the generator in this state where infectious wastes are generated and shall list the address of each such premises. If a generator owns or operates facilities for the treatment of infectious wastes it generates, the certificate shall list the address and method of treatment used at each such facility.

    A generator registration certificate is valid for three years from the date of issuance and shall be renewed for a term of three years upon the generator's submission of an application for renewal and payment of a one hundred forty dollar renewal fee.

    The rules may establish a system of staggered renewal dates with approximately one-third of such certificates subject to renewal each year. The applicable renewal date shall be prescribed on each registration certificate. Registration fees shall be prorated according to the time remaining in the registration cycle to the nearest year.

    The registration and renewal fees collected under division (B)(1)(b)(i) of this section shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code.

    (ii) Segregate infectious wastes from other wastes at the point of generation. Nothing in this section and rules adopted under it prohibits a generator of infectious wastes from designating and managing any wastes, in addition to those defined...
as infectious wastes under section 3734.01 of the Revised Code, as
infectious wastes. After designating any such other wastes as
infectious, the generator shall manage those wastes in compliance
with the requirements of this chapter and rules adopted under it
applicable to the management of infectious wastes.

(iii) Either treat the infectious wastes that it generates at
a facility owned or operated by the generator by methods,
techniques, or practices prescribed by rules adopted under
division (B)(2)(a) of this section to render them noninfectious,
or designate the wastes for treatment off that premises at an
infectious waste treatment facility holding a license issued under
division (B) of section 3734.05 of the Revised Code, at an
infectious waste treatment facility that is located in another
state that is in compliance with applicable state and federal
laws, or at a treatment facility authorized by rules adopted under
division (B)(2)(d) of this section, prior to disposal of the
wastes. After being treated to render them noninfectious, the
wastes shall be disposed of at a solid waste disposal facility
holding a license issued under division (A) of section 3734.05 of
the Revised Code or at a disposal facility in another state that
is in compliance with applicable state and federal laws.

(iv) Not compact or grind any type of infectious wastes prior
to treatment in accordance with rules adopted under division
(B)(2)(a) of this section;

(v) May discharge untreated liquid or semiliquid infectious
wastes consisting of blood, blood products, body fluids, and
excreta into a disposal system, as defined in section 6111.01 of
the Revised Code, unless the discharge of those wastes into a
disposal system is inconsistent with the terms and conditions of
the permit for the system issued under Chapter 6111. of the
Revised Code;

(vi) May transport or cause to be transported infectious
wastes that have been treated to render them noninfectious in the same manner as solid wastes are transported.

(2) Establish standards for owners and operators of infectious waste treatment facilities that include, without limitation, the following requirements and authorizations that:

(a) Require treatment of all wastes received to be performed in accordance with methods, techniques, and practices approved by the director;

(b) Govern the location, design, construction, and operation of infectious waste treatment facilities. The rules adopted under division (B)(2)(b) of this section shall require that a new infectious waste incineration facility be located so that the incinerator unit and all areas where infectious wastes are handled on the premises where the facility is proposed to be located are at least three hundred feet inside the property line of the tract of land on which the facility is proposed to be located and are at least one thousand feet from any domicile, school, prison, or jail that is in existence on the date on which the application for the permit to establish the incinerator is submitted under division (B)(2)(b) of section 3734.05 of the Revised Code.

(c) Establish quality control and testing procedures to ensure compliance with the rules adopted under division (B)(2)(b) of this section;

(d) Authorize infectious wastes to be treated at a facility that holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717., and a permit issued under Chapter 3704., of the Revised Code to the extent that the treatment of those wastes is consistent with that permit and its terms and conditions. The rules adopted under divisions (B)(2)(b) and (c) of this section do not apply to a facility holding such a license and permit.
In adopting the rules required by divisions (B)(2)(a) to (d) of this section, the director shall consider and, to the maximum feasible extent, utilize existing standards and guidelines established by professional and governmental organizations having expertise in the fields of infection control and infectious wastes management.

(e) Require shipping papers to accompany shipments of wastes that have been treated to render them noninfectious. The shipping papers shall include only the following elements:

(i) The name of the owner or operator of the facility where the wastes were treated and the address of the treatment facility;

(ii) A certification by the owner or operator of the treatment facility where the wastes were treated indicating that the wastes have been treated by the methods, techniques, and practices prescribed in rules adopted under division (B)(2)(a) of this section.

(C) This section and rules adopted under it do not apply to the treatment or disposal of wastes consisting of dead animals or parts thereof, or the blood of animals:

(1) By the owner of the animal after slaughter by the owner on the owner's premises to obtain meat for consumption by the owner and the members of the owner's household;

(2) In accordance with Chapter 941. of the Revised Code; or

(3) By persons who are subject to any of the following:


(b) Chapter 918. of the Revised Code;

(c) Chapter 953. of the Revised Code.
(D) As used in this section, "generator" means a person who produces infectious wastes at a specific premises.

(E) Rules adopted under this section shall not concern or relate to personnel policies, salaries, wages, fringe benefits, or other conditions of employment of employees of persons owning or operating infectious waste treatment facilities.

(F)(1) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the issuance, modification, revocation, suspension, and denial of variances from the rules adopted under division (B) of this section. Variances shall be issued, modified, revoked, suspended, or denied in accordance with division (F) of this section, rules adopted under it, and Chapter 3745. of the Revised Code.

(2) A person who desires to obtain a variance or renew a variance from the rules adopted under division (B) of this section shall submit to the director an application as prescribed by the director. The application shall contain detail plans, specifications, and information regarding objectives, procedures, controls, and any other information that the director may require. The director shall issue, renew, or deny a variance or renewal of a variance within six months of the date on which the director receives a complete application with all required information and data.

(3) The director may hold a public hearing on an application submitted under division (F) of this section for a variance at a location in the county in which the operations that are the subject of the application for a variance or renewal of variance are conducted. Not less than twenty days before the hearing, the director shall provide to the applicant notice of the hearing by certified mail or by another type of mail that is accompanied by a receipt and shall publish notice of the hearing at least one time in a newspaper of general circulation in the county in which the
hearing is to be held or may instead provide public notice by publication on the environmental protection agency's web site. The director shall make a complete stenographic record or electronic record of testimony and other evidence submitted at the hearing. Not later than ten days after the hearing, the director shall make a written determination to issue, renew, or deny the variance and shall enter the determination and the basis for it into the record of the hearing.

(4) A variance shall not be issued, modified, revoked, or denied under division (F) of this section until the director has considered the relative interests of the applicant, other persons and property that will be affected by the variance, and the general public. The director shall grant a variance only if the applicant demonstrates to the director's satisfaction that the requested action will not create a nuisance or a hazard to the health or safety of the public or to the environment. In granting a variance, the director shall state the specific provision or provisions whose terms are to be varied and also shall state specific terms or conditions imposed on the applicant in place of the provision or provisions.

(5) A variance granted under division (F) of this section shall be for a period specified by the director and may be renewed from time to time on terms and for periods that the director determines to be appropriate. The director may order the person to whom a variance has been issued to take action within the time that the director determines to be appropriate and reasonable to prevent the creation of a nuisance or a hazard to the health or safety of the public or to the environment.

(6) An application submitted under division (F) of this section shall not be denied and a variance shall not be revoked or modified under that division without a written order of the director stating the findings on which the denial, revocation, or
modification is based. A copy of the order shall be sent to the applicant or holder of a variance by certified mail or by another type of mail that is accompanied by a receipt.

(7) The director shall make available for public inspection at the principal office of the environmental protection agency a current list of pending applications for variances submitted under division (F) of this section and a current schedule of pending variance hearings under it.

Sec. 3734.575. (A) The board of county commissioners of a county solid waste management district and the board of directors of a joint solid waste management district that is levying fees or amended fees or receiving fee revenue under division (B) of section 3734.57; section 3734.571, 3734.572, or 3734.573; or division (A), (B), or (D) of section 3734.574 of the Revised Code, within thirty days after the end of each calendar quarter, shall submit to the director of environmental protection a report containing all of the following information for that preceding quarter:

(1) The specific fees levied by the district;
(2) Revenues received by the district during the quarter from each of those sources, as applicable;
(3) All district planning account balances;
(4) The amount and use of revenues spent;
(5) A certification statement that the information in the report is true and accurate.

A board shall submit each report on forms prescribed by the director and by computer disk as in a manner prescribed by the director. A board is responsible for the accuracy of the information contained in each report and for providing it to the director not later than the deadline established in this division.
Annually by not earlier than the first day of April, the director shall submit a compilation of the individual district reports received during the preceding calendar year to the speaker of the house of representatives and the president of the senate. In submitting the compilation, the director's sole responsibility shall be to compile the information submitted by the boards under this division.

(B) If changes in the 1994 budget of a county or joint district result from the required change in the fees levied by the district under division (B) of section 3734.57 of the Revised Code, the levying of the fees under section 3734.573 of the Revised Code, or the levying of fees under division (A) or (B) of section 3734.574 of the Revised Code, the board of county commissioners or directors of the district shall include a description of the changes in the annual report of the district required to be submitted to the director pursuant to rules adopted under section 3734.50 of the Revised Code.

Sec. 3745.019. (A) Notwithstanding any provision of the Revised Code or Administrative Code requiring the director of environmental protection to provide public notice by publication in one or more newspapers, including one or more newspapers of general circulation, the director may instead provide public notice by publication on the environmental protection agency's official web site.

(B) Notwithstanding any provision of the Revised Code or Administrative Code requiring the director of environmental protection to deliver a document or notice by certified mail, the director may instead deliver the document or notice by any method capable of documenting the intended recipient's receipt of the document or notice.
Sec. 3746.09. (A) A person who proposes to enter into or who is participating in the voluntary action program under this chapter and rules adopted under it, in accordance with this section and rules adopted under division (B)(10) of section 3746.04 of the Revised Code, may apply to the director of environmental protection for a variance from applicable standards otherwise established in this chapter and rules adopted under it. The application for a variance shall be prepared by a certified professional. The director shall issue a variance from those applicable standards only if the application makes all of the following demonstrations to the director's satisfaction:

(1) Either or both of the following:

(a) It is technically infeasible to comply with the applicable standards otherwise established at the property named in the application;

(b) The costs of complying with the applicable standards otherwise established at the property substantially exceed the economic benefits.

(2) The proposed alternative standard or set of standards and terms and conditions set forth in the application will result in an improvement of environmental conditions at the property and ensure that public health and safety will be protected.

(3) The establishment of and compliance with the alternative standard or set of standards and terms and conditions are necessary to promote, protect, preserve, or enhance employment opportunities or the reuse of the property named in the application.

A variance issued under this section shall state the specific standard or standards whose terms are being varied and shall set forth the specific alternative standard or set of standards and
the terms and conditions imposed on the applicant in their place. A variance issued under this section shall include only standards and terms and conditions proposed by the applicant in the application, except that the director may impose any additional or alternative terms and conditions that the director determines to be necessary to ensure that public health and safety will be protected. If the director finds that compliance with any standard or term or condition proposed by the applicant will not protect public health and safety and that the imposition of additional or alternative terms and conditions will not ensure that public health or safety will be protected, the director shall disapprove the application and shall include in the order of denial the specific findings on which the denial was based.

(B) Variances shall be issued or denied in accordance with this section, rules adopted under division (B)(10) of section 3746.04 of the Revised Code, and Chapter 3745. of the Revised Code. Upon determining that an application for a variance is complete, the director shall schedule a public meeting on the application to be held within ninety days after the director determines that the application is complete in the county in which is located the property to which the application pertains.

(C) Not less than thirty days before the date scheduled for the public meeting on an application for a variance, the director shall publish notice of the public meeting and that the director will receive written comments on the application for a period of forty-five days commencing on the date of the publication of the notice. The notice shall contain all of the following information, at a minimum:

(1) The address of the property to which the application pertains;

(2) A brief summary of the alternative standards and terms and conditions proposed by the applicant;
(3) The date, time, and location of the public meeting. The notice shall be published in a newspaper of general circulation in the county in which the property is located and, if the property is located in close proximity to the boundary of the county with an adjacent county, as determined by the director, shall be published in a newspaper of general circulation in the adjacent county. Concurrently with the publication of the notice of the public meeting, the director shall mail notice of the application, comment period, and public meeting to the owner of each parcel of land that is adjacent to the affected property and to the legislative authority of the municipal corporation or township, and county, in which the affected property is located. The notices mailed to the adjacent land owners and legislative authorities shall contain the same information as the published notice.

(D) At the public meeting on an application for a variance, the applicant, or a representative of the applicant who is knowledgeable about the affected property and the application, shall present information regarding the application and the basis of the request for the variance and shall respond to questions from the public regarding the affected property and the application. A representative of the environmental protection agency who is familiar with the affected property and the application shall attend the public meeting to hear the public's comments and to respond to questions from the public regarding the affected property and the application. A stenographic record or electronic record of the proceedings at the public meeting shall be kept and shall be made a part of the administrative record regarding the application.

(E) Within ninety days after conducting the public meeting on an application for a variance under division (D) of this section, the director shall issue a proposed action to the applicant in
accordance with section 3745.07 of the Revised Code that indicates the director's intent with regard to the issuance or denial of the application. When considering whether to issue or deny the application or whether to impose terms and conditions of the variance that are in addition or alternative to those proposed by the applicant, the director shall consider comments on the application made by the public at the public meeting and written comments on the application received from the public.

Sec. 3752.11. (A) As used in this section:

(1) "Reporting facility" means a reporting facility at which all regulated operations have been temporarily or permanently discontinued.

(2) "Abandoned by the owner" means either of the following that occurs on or after the effective date of this section July 1, 1996:

   (a) All of the fee owners of a reporting facility have indicated affirmatively in writing to the holder of the first mortgage on the real property at the facility that they, and all tenants claiming possession under those owners, have abandoned all rights of possession to the reporting facility;

   (b) The first mortgage loan on the real property at the reporting facility is in default, the property is not occupied by any tenants, and the holder of the first mortgage has been unable to contact the mortgagor under the mortgage regarding the default within the earlier of ninety days after the default or sixty days after the first time the first mortgage holder has attempted unsuccessfully to contact the mortgagor following the default if the first mortgage holder is unable to contact the mortgagor within the sixty-day period.

(3) "Default" means the failure of the mortgagor to make any
payment to the holder of the first mortgage required by the terms of the mortgage documents that is not cured by the mortgagor within any applicable cure periods, deferred with the consent of the holder of the first mortgage, or waived by the holder of the first mortgage.

(4) "Contact" means actual person to person, telephonic, or similar direct voice conversation between the holder of the first mortgage and the mortgagor or written correspondence from the mortgagor to the holder of the first mortgage by mail, telegraph, telefax, or any other method capable of documenting the intended recipient's receipt of the document or notice, or similar means of communication.

(B) Not later than fifteen days after a reporting facility has been abandoned by the owner, the holder of the first mortgage on real property at the reporting facility shall do both of the following:

(1) Secure against unauthorized entry each building or structure at the facility where regulated operations were conducted and that contains or is contaminated with regulated substances and each outdoor location of operation. The holder shall secure each such building, structure, or outdoor location of operation by boarding windows, doors, and other potential means of entry, by providing security personnel, or by other methods prescribed in rules adopted under section 3752.03 of the Revised Code. Within that period, the holder also shall post about each such building, structure, or outdoor location of operation in publicly visible locations warning signs that prohibit trespassing and state that the building, structure, or outdoor location of operation contains or is contaminated with regulated substances that may endanger public health or safety if released into the environment. The holder shall continue the security measures, and maintain the warning signs, as required at each such building,
structure, or outdoor location of operation until title to the
facility has been transferred or until the holder files a release
of the mortgage with the county recorder of the county in which
the facility is located. Promptly after discovering that any of
the entry barriers or warning signs installed pursuant to division
(B)(1) of this section have been damaged, lost, or removed, the
holder shall repair or replace them in order to maintain the
security of the building, structure, or outdoor location of
operation.

(2) Submit to the director of environmental protection, the
local emergency planning committee of the emergency planning
district in which the facility is located, and the fire department
having jurisdiction where the facility is located a notice of the
abandonment of the facility by the owner and of the holder's
compliance with division (B)(1) of this section. The holder shall
submit the notice on a form prescribed by the director.

(C) Within thirty days before the date when the holder of a
mortgage will cease to maintain security and warning signs at a
reporting facility pursuant to the filing of a release of the
mortgage as provided in division (B)(1) of this section, the
holder shall so notify the director, the local emergency planning
committee of the emergency planning district in which the facility
is located, and the fire department having jurisdiction where the
facility is located. The holder shall submit the notice on a form
prescribed by the director.

(D) Actions undertaken by a holder of a mortgage under
division (B) of this section, and the undertaking of any other
activities relating to protecting and securing the facility, do
not cause the holder to be an owner, operator, or mortgagee in
possession of the facility or subject the holder to this chapter
or any other provision of state law imposing liability or
responsibility for the cleanup, removal, or remediation of
regulated substances, provided that all activities not specified in that division shall be performed in compliance with the applicable requirements of Chapters 3704., 3714., 3734., 3737., 3750., 3751., 6109., and 6111. of the Revised Code and rules adopted under them.

(E) The holder of a mortgage who proceeds in good faith under divisions (B) and (C) of this section is not liable to the owner of the facility or the mortgagor, as appropriate, for damages suffered by the owner or mortgagor due to actions taken by the holder under those divisions.

(F) Nothing in this section prevents the holder of a first mortgage from applying to the court for the appointment of a receiver. If a receiver is appointed, the receiver shall succeed to the obligations of the holder of the first mortgage under divisions (B) and (C) of this section.

(G) No person shall fail to comply with this section.

Sec. 3772.031. (A)(1) The general assembly finds that the exclusion or ejection of certain persons from casino facilities and from sports gaming is necessary to effectuate the intents and purposes of this chapter and Chapter 3775. of the Revised Code and to maintain strict and effective regulation of casino gaming and sports gaming.

(2) The commission, by rule, shall provide for a list of persons who are to be excluded or ejected from a casino facility and a list of persons who are to be excluded or ejected from a sports gaming facility and from participating in the play or operation of sports gaming in this state. Persons included on an exclusion list shall be identified by name and physical description. The commission shall publish the exclusion lists on its web site, and shall transmit a copy of the exclusion lists periodically to casino operators and sports gaming proprietors, as
applicable, as they are initially issued and thereafter as they are revised from time to time.

(3) A casino operator shall take steps necessary to ensure that all its key employees and casino gaming employees are aware of and understand the casino exclusion list and its function, and aware of the content of the casino exclusion list as it is issued and thereafter revised from time to time.

(4) A sports gaming proprietor shall take steps necessary to ensure that its appropriate agents and employees are aware of and understand the sports gaming exclusion list and its function, and the content of the sports gaming exclusion list as it is issued and thereafter revised from time to time.

(B) The casino exclusion list may include any person whose presence in a casino facility is determined by the commission to pose a threat to the interests of the state, to achieving the intents and purposes of this chapter, or to the strict and effective regulation of casino gaming. The sports gaming exclusion list may include any person whose presence in a sports gaming facility or whose participation in the play or operation of sports gaming in this state is determined by the commission to pose a threat to the interests of the state, to achieving the intents and purposes of Chapter 3775. of the Revised Code, or to the strict and effective regulation of sports gaming. In determining whether to include a person on an exclusion list, the commission may consider:

(1) Any prior conviction of a crime that is a felony under the laws of this state, another state, or the United States, a crime involving moral turpitude, or a violation of the gaming laws of this state, another state, or the United States; and

(2) Any prior conviction of a crime that is a felony under the laws of this state, another state, or the United States, a crime involving moral turpitude, or a violation of the gaming laws of this state, another state, or the United States; and

(3) Any prior conviction of a crime that is a felony under the laws of this state, another state, or the United States, a crime involving moral turpitude, or a violation of the gaming laws of this state, another state, or the United States; and
(2) A violation, or a conspiracy to violate, any provision of this chapter or Chapter 3775. of the Revised Code, as applicable, that consists of:

(a) A failure to disclose an interest in a gaming facility or a sports gaming-related person or entity for which the person must obtain a license;

(b) Purposeful evasion of taxes or fees;

(c) A notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming or sports gaming is free from criminal or corruptive elements; or

(d) A violation of an order of the commission or of any other governmental agency that warrants exclusion or ejection of the person from a casino facility, from a sports gaming facility, or from participating in the play or operation of sports gaming in this state.

(3) If the person has pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in any state;

(4) If the person's conduct or reputation is such that the person's presence within a casino facility or in the sports gaming industry in this state may call into question the honesty and integrity of the casino gaming or sports gaming operations or interfere with the orderly conduct of the casino gaming or sports gaming operations;

(5) If the person is a career or professional offender whose presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;

(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino
facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;

(7) If the commission has suspended the person's gaming privileges;

(8) If the commission has revoked the person's licenses related to this chapter or Chapter 3775. of the Revised Code;

(9) If the commission determines that the person poses a threat to the safety of patrons or employees of a casino facility or a sports gaming facility;

(10) If the person has a history of conduct involving the disruption of gaming operations within a casino facility or in the sports gaming industry in this state.

Race, color, creed, national origin or ancestry, or sex are not grounds for placing a person on an exclusion list.

(C) The commission shall notify a person of the commission's intent to include such person on one or both exclusion lists. The notice shall be provided by personal service, by certified mail to the person's last known address, by commercial carrier utilizing a method of delivery that provides confirmation of delivery, or, if service cannot be accomplished by personal service or certified mail, by publication daily for two weeks in a newspaper of general circulation within the county in which the person resides and in a newspaper of general circulation within each county in which a casino facility or sports gaming facility, as applicable, is located.

(D)(1) Except as otherwise provided in this section, a person who receives notice of intent to include the person on an exclusion list is entitled, upon the person's request, to an adjudication hearing under Chapter 119. of the Revised Code, in which the person may demonstrate why the person should not be included on the exclusion list or lists. The person shall request
such an adjudication hearing not later than thirty days after the person receives the notice by personal service, certified mail, or commercial carrier, or not later than thirty days after the last newspaper publication of the notice.

(2) If the person does not request a hearing in accordance with division (D)(1) of this section, the commission may, but is not required to, conduct an adjudication hearing under Chapter 119. of the Revised Code. The commission may reopen an adjudication under this section at any time.

(3) If the adjudication hearing, order, or any appeal thereof under Chapter 119. of the Revised Code results in an order that the person should not be included on the exclusion list or lists, the commission shall publish a revised exclusion list that does not include the person. The commission also shall notify casino operators or sports gaming proprietors, as applicable, that the person has been removed from the exclusion list or lists. A casino operator shall take all steps necessary to ensure its key employees and casino gaming employees are made aware that the person has been removed from the casino exclusion list. A sports gaming proprietor shall take all steps necessary to ensure its appropriate agents and employees are made aware that the person has been removed from the sports gaming exclusion list.

(E) This section does not apply to any voluntary exclusion list created as part of a voluntary exclusion program under this chapter or Chapter 3775. of the Revised Code.

Sec. 3772.04. (A)(1) If the commission concludes that an applicant, licensee, or other person subject to the commission's jurisdiction under this chapter should be fined or penalized, or that a license required by this chapter or Chapter 3775. of the Revised Code should be limited, conditioned, restricted, suspended, revoked, denied, or not renewed, the commission may,
and if so requested by the licensee, applicant, or other person, shall, conduct a hearing in an adjudication under Chapter 119. of the Revised Code. After notice and opportunity for a hearing, the commission may fine or penalize the applicant, licensee, or other person or limit, condition, restrict, suspend, revoke, deny, or not renew a license under rules adopted by the commission. The commission may reopen an adjudication under this section at any time.

(2) The commission shall appoint a hearing examiner to conduct the hearing in the adjudication. A party to the adjudication may file written objections to the hearing examiner's report and recommendations not later than the thirtieth day after they are served upon the party or the party's attorney or other representative of record. The commission shall not take up the hearing examiner's report and recommendations earlier than the thirtieth day after the hearing examiner's report and recommendations were submitted to the commission.

(3) If the commission finds that a person fails or has failed to meet any requirement under this chapter or Chapter 3775. of the Revised Code or a rule adopted thereunder, or violates or has violated this chapter or Chapter 3775. of the Revised Code or a rule adopted thereunder, the commission may issue an order:

(a) Limiting, conditioning, restricting, suspending, revoking, denying, or not renewing, a license issued under this chapter or Chapter 3775. of the Revised Code;

(b) Requiring a casino facility to exclude a licensee from the casino facility or requiring a casino facility not to pay to the licensee any remuneration for services or any share of profits, income, or accruals on the licensee's investment in the casino facility; or

(c) Fining a licensee or other person according to the
penalties adopted by the commission.

(4) An order may be judicially reviewed under section 119.12 of the Revised Code.

(B) Without in any manner limiting the authority of the commission to impose the level and type of discipline the commission considers appropriate, the commission may take into consideration the following:

(1) If the licensee knew or reasonably should have known that the action complained of was a violation of any law, rule, or condition on the licensee's license;

(2) If the licensee has previously been disciplined by the commission;

(3) If the licensee has previously been subject to discipline by the commission concerning the violation of any law, rule, or condition of the licensee's license;

(4) If the licensee reasonably relied upon professional advice from a lawyer, doctor, accountant, or other recognized professional that was relevant to the action resulting in the violation;

(5) If the licensee or the licensee's employer had a reasonably constituted and functioning compliance program;

(6) If the imposition of a condition requiring the licensee to establish and implement a written self-enforcement and compliance program would assist in ensuring the licensee's future compliance with all statutes, rules, and conditions of the license;

(7) If the licensee realized a pecuniary gain from the violation;

(8) If the amount of any fine or other penalty imposed would result in disgorgement of any gains unlawfully realized by the
licensee;

(9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation;

(10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee;

(11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the activity that resulted in the violation;

(12) If the licensee's action substantially deviated from industry standards and customs;

(13) The extent to which the licensee cooperated with the commission during the investigation of the violation;

(14) If the licensee has initiated remedial measures to prevent similar violations;

(15) The magnitude of penalties imposed on other licensees for similar violations;

(16) The proportionality of the penalty in relation to the misconduct;

(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;

(18) Any mitigating factors offered by the licensee; and

(19) Any other factors the commission considers relevant.

(C) For the purpose of conducting any study or investigation, the commission may direct that public hearings be held at a time and place, prescribed by the commission, in accordance with section 121.22 of the Revised Code. The commission shall give notice of all public hearings in such manner as will give actual
notice to all interested parties.

(D)(1) For the purpose of conducting the hearing in an adjudication under division (A) of this section, or in the discharge of any duties imposed by this chapter or Chapter 3775 of the Revised Code, the commission may require that testimony be given under oath and administer such oath, issue subpoenas compelling the attendance of witnesses and the production of any papers, books, and accounts, directed to the sheriffs of the counties where such witnesses or papers, books, and accounts are found and cause the deposition of any witness. The subpoenas shall be served and returned in the same manner as subpoenas in criminal cases are served and returned. The fees of sheriffs shall be the same as those allowed by the court of common pleas in criminal cases.

(2) In the event of the refusal of any person without good cause to comply with the terms of a subpoena issued by the commission or refusal to testify on matters about which the person may lawfully be questioned, the prosecuting attorney of the county in which such person resides, upon the petition of the commission, may bring a proceeding for contempt against such person in the court of common pleas of that county.

(3) Witnesses shall be paid the fees and mileage provided for in section 119.094 of the Revised Code.

(4) All fees and mileage expenses incurred at the request of a party shall be paid in advance by the party.

(E) When conducting a public hearing, the commission shall not limit the number of speakers who may testify. However, the commission may set reasonable time limits on the length of an individual's testimony or the total amount of time allotted to proponents and opponents of an issue before the commission.

(F) The commission may rely, in whole or in part, upon
investigations, conclusions, or findings of other casino gaming or
sports gaming commissions, as applicable, or other government
regulatory bodies in connection with licensing, investigations, or
other matters relating to an applicant or licensee under this
chapter.

(G) Notwithstanding anything to the contrary in this chapter
or Chapter 3775. of the Revised Code, and except with respect to a
license issued under this chapter to a casino operator, management
company, or holding company, the executive director may issue an
emergency order for the suspension, limitation, or conditioning of
any license, registration, approval, or certificate issued,
approved, granted, or otherwise authorized by the commission under
Chapter 3772. or 3775. of the Revised Code or the rules adopted
thereunder, requiring the inclusion of persons on the casino
exclusion list or sports gaming exclusion list provided for under
section 3772.031 of the Revised Code or Chapter 3775. of the
Revised Code and the rules adopted thereunder, and requiring a
casino facility not to pay a licensee, registrant, or approved or
certified person any remuneration for services or any share of
profits, income, or accruals on that person's investment in the
casino facility.

(1) An emergency order may be issued when the executive
director finds either of the following:

(a) A licensee, registrant, or approved or certified person
has been charged with a violation of any of the criminal laws of
this state, another state, or the federal government;

(b) Such an action is necessary to prevent a violation of
this chapter or Chapter 3775. of the Revised Code or a rule
adopted thereunder.

(2) An emergency order issued under division (G) of this
section shall state the reasons for the commission's action, cite
the law or rule directly involved, and state that the party will be afforded a hearing if the party requests it within thirty days after the time of mailing or personal delivery of the order.

(3)(a) Not later than the next business day after the issuance of the emergency order, the order shall be sent by registered or certified mail, return receipt requested, or by commercial carrier utilizing any form of delivery requiring a signed receipt, to the party at the party's last known mailing address appearing in the commission's records or personally delivered at any time to the party by an employee or agent of the commission.

(b) A copy of the order shall be mailed or an electronic copy provided to the attorney or other representative of record representing the party.

(c) If the order sent by registered or certified mail or by commercial carrier is returned because the party fails to claim the order, the commission shall send the order by ordinary mail to the party at the party's last known address and shall obtain a certificate of mailing. Service by ordinary mail is complete when the certificate of mailing is obtained unless the order is returned showing failure of delivery.

(d) If the order sent by commercial carrier or registered, certified, or ordinary mail is returned for failure of delivery, the commission shall either make personal delivery of the order by an employee or agent of the commission or cause a summary of the substantive provisions of the order to be published once a week for three consecutive weeks in a newspaper of general circulation in the county where the last known address of the party is located.

(i) Failure of delivery occurs only when a mailed order is returned by the postal authorities or commercial carrier marked
undeliverable, address or addressee unknown, or forwarding address unknown or expired.

(ii) When service is completed by publication, a proof of publication affidavit, with the first publication of the summary set forth in the affidavit, shall be mailed by ordinary mail to the party at the party's last known address and the order shall be deemed received as of the date of the last publication.

(e) Refusal of delivery of the order sent by mail or personally delivered to the party is not failure of delivery and service is deemed to be complete.

(4) The emergency order shall be effective immediately upon service of the order on the party. The emergency order shall remain effective until further order of the executive director or the commission.

(5) The commission may, and if so requested by the person affected by the emergency order shall, promptly conduct a hearing in an adjudication under Chapter 119. of the Revised Code.

Sec. 3772.11. (A) A person may apply to the commission for a casino operator, management company, or holding company license to conduct casino gaming at a casino facility as provided in this chapter. The application shall be made under oath certified as true on forms provided by the commission and shall contain information as prescribed by rule, including, but not limited to, all of the following:

(1) The name, business address, business telephone number, social security number, and, where applicable, the federal tax identification number of any applicant;

(2) The identity of every person having a greater than five per cent direct or indirect interest in the applicant casino facility for which the license is sought;
(3) An identification of any business, including the state of incorporation or registration if applicable, in which an applicant, or the spouse or children of an applicant, has an equity interest of more than five per cent;

(4) The name of any casino operator, management company, holding company, and gaming-related vendor in which the applicant has an equity interest of at least five per cent;

(5) If an applicant has ever applied for or has been granted any gaming license or certificate issued by a licensing authority in Ohio or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action;

(6) If an applicant has ever filed or had filed against it a civil or administrative action or proceeding in bankruptcy, including the date of filing, the name and location of the court, the case caption, the docket number, and the disposition;

(7) The name and business telephone number of any attorney representing an applicant in matters before the commission;

(8) Information concerning the amount, type of tax, the taxing agency, and times involved, if the applicant has filed or been served with a complaint or notice filed with a public body concerning a delinquency in the payment of or a dispute over a filing concerning the payment of a tax required under federal, state, or local law;

(9) A description of any proposed casino gaming operation and related casino enterprises, including the type of casino facility, location, expected economic benefit to the community, anticipated or actual number of employees, any statement from an applicant.
regarding compliance with federal and state affirmative action guidelines, projected or actual admissions, projected or actual gross receipts, and scientific market research;

(10) Financial information in the manner and form prescribed by the commission;

(11) If an applicant has directly made a political contribution, loan, donation, or other payment of one hundred dollars or more to a statewide office holder, a member of the general assembly, a local government official elected in a jurisdiction where a casino facility is located, or a ballot issue not more than one year before the date the applicant filed the application and all information relating to the contribution, loan, donation, or other payment;

(12) Any criminal conviction; and

(13) Other information required by the commission under rules adopted by the commission.

(B) Any holding company or management company, its directors, executive officers, members, managers, and any shareholder who holds more than five per cent ownership interest of a holding company or management company shall be required to submit the same information as required by an applicant under this section.

Sec. 3772.12. (A) A person may apply for a gaming-related vendor license. All applications shall be made under oath certified as true.

(B) A person who holds a gaming-related vendor's license is authorized to sell or lease, and to contract to sell or lease, equipment and supplies to any licensee involved in the ownership or management of a casino facility.

(C) Gambling supplies and equipment shall not be distributed unless supplies and equipment conform to standards adopted in
rules adopted by the commission.

Sec. 3772.13. (A) No person may be employed as a key employee of a casino operator, management company, or holding company unless the person is the holder of a valid key employee license issued by the commission.

(B) No person may be employed as a key employee of a gaming-related vendor unless that person is either the holder of a valid key employee license issued by the commission, or the person, at least five business days prior to the first day of employment as a key employee, has filed a notification of employment with the commission and subsequently files a completed application for a key employee license within the first thirty days of employment as a key employee.

(C) Each applicant shall, before the issuance of any key employee license, produce information, documentation, and assurances as are required by this chapter and rules adopted thereunder. In addition, each applicant shall, in writing, authorize the examination of all bank accounts and records as may be deemed necessary by the commission.

(D) To be eligible for a key employee license, the applicant shall be at least twenty-one years of age and shall meet the criteria set forth by rule by the commission.

(E) Each application for a key employee license shall be on a form prescribed by the commission and shall contain all information required by the commission. The applicant shall set forth in the application if the applicant has been issued prior gambling-related licenses; if the applicant has been licensed in any other state under any other name, and, if so, the name under which the license was issued and the applicant's age at the time the license was issued; any criminal conviction the applicant has had; and if a permit or license issued to the applicant in any
other state has been suspended, restricted, or revoked, and, if so, the cause and the duration of each action. The applicant also shall complete a cover sheet for the application on which the applicant shall disclose the applicant's name, the business address of the casino operator, management company, holding company, or gaming-related vendor employing the applicant, the business address and telephone number of such employer, and the county, state, and country in which the applicant's residence is located.

(F) Each applicant shall submit with each application, on a form provided by the commission, two sets of fingerprints. The commission shall charge each applicant an application fee set by the commission to cover all actual costs generated by each licensee and all background checks under this section and section 3772.07 of the Revised Code.

(G)(1) The casino operator, management company, or holding company by whom a person is employed as a key employee shall terminate the person's employment in any capacity requiring a license under this chapter and shall not in any manner permit the person to exercise a significant influence over the operation of a casino facility if:

(a) The person does not apply for and receive a key employee license within three months of being issued a provisional license, as established under commission rule.

(b) The person's application for a key employee license is denied by the commission.

(c) The person's key employee license is revoked by the commission.

The commission shall notify the casino operator, management company, or holding company who employs such a person by certified mail, personal service, common carrier service utilizing any form
of delivery requiring a signed receipt, or by an electronic means that provides evidence of delivery, of any such finding, denial, or revocation.

(2) A casino operator, management company, or holding company shall not pay to a person whose employment is terminated under division (G)(1) of this section, any remuneration for any services performed in any capacity in which the person is required to be licensed, except for amounts due for services rendered before notice was received under that division. A contract or other agreement for personal services or for the conduct of any casino gaming at a casino facility between a casino operator, management company, or holding company and a person whose employment is terminated under division (G)(1) of this section may be terminated by the casino operator, management company, or holding company without further liability on the part of the casino operator, management company, or holding company. Any such contract or other agreement is deemed to include a term authorizing its termination without further liability on the part of the casino operator, management company, or holding company upon receiving notice under division (G)(1) of this section. That a contract or other agreement does not expressly include such a term is not a defense in any action brought to terminate the contract or other agreement, and is not grounds for relief in any action brought questioning termination of the contract or other agreement.

(3) A casino operator, management company, or holding company, without having obtained the prior approval of the commission, shall not enter into any contract or other agreement with a person who has been found unsuitable, who has been denied a license, or whose license has been revoked under division (G)(1) of this section, or with any business enterprise under the control of such a person, after the date on which the casino operator, management company, or holding company receives notice under that division.
Sec. 3772.131. (A) All casino gaming employees are required to have a casino gaming employee license. "Casino gaming employee" means the following and their supervisors:

1. Individuals involved in operating a casino gaming pit, including dealers, shills, clerks, hosts, and junket representatives;
2. Individuals involved in handling money, including cashiers, change persons, count teams, and coin wrappers;
3. Individuals involved in operating casino games;
4. Individuals involved in operating and maintaining slot machines, including mechanics, floor persons, and change and payoff persons;
5. Individuals involved in security, including guards and game observers;
6. Individuals with duties similar to those described in divisions (A)(1) to (5) of this section or other persons as the commission determines. "Casino gaming employee" does not include an individual whose duties are related solely to nongaming activities such as entertainment, hotel operation, maintenance, or preparing or serving food and beverages.

(B) The commission may issue a casino gaming employee license to an applicant after it has determined that the applicant is eligible for a license under rules adopted by the commission and paid any applicable fee. All applications shall be made under oath certified as true.

(C) To be eligible for a casino gaming employee license, an applicant shall be at least twenty-one years of age.

(D) Each application for a casino gaming employee license
shall be on a form prescribed by the commission and shall contain all information required by the commission. The applicant shall set forth in the application if the applicant has been issued prior gambling-related licenses; if the applicant has been licensed in any other state under any other name, and, if so, the name under which the license was issued and the applicant's age at the time the license was issued; any criminal conviction the applicant has had; and if a permit or license issued to the applicant in any other state has been suspended, restricted, or revoked, and, if so, the cause and the duration of each action.

(E) Each applicant shall submit with each application, on a form provided by the commission, two sets of the applicant's fingerprints. The commission shall charge each applicant an application fee to cover all actual costs generated by each licensee and all background checks.

Sec. 3781.08. The board of building standards shall organize by choosing a chairman who shall serve for a term of two years. The department of commerce shall provide and assign to the board of building standards such stenographers, clerks, experts, and other employees as are required to enable the board to perform the duties and exercise the powers imposed upon or vested in it by law.

Sec. 3781.11. (A) The rules of the board of building standards shall:

(1) For nonresidential buildings, provide uniform minimum standards and requirements, and for residential buildings, provide standards and requirements that are uniform throughout the state, for construction and construction materials, including construction of industrialized units, to make residential and nonresidential buildings safe and sanitary as defined in section
3781.06 of the Revised Code;

(2) Formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;

(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction;

(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units;

(5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and operated in conjunction with any primary or secondary school program that is not being altered or repaired if all of the following apply:

   (a) The school building meets all of the applicable building code requirements in existence at the time of the construction of the building.

   (b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.

   (c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.
(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:

(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.

(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial compliance in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the state fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.

(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or repaired not in accordance with the statutes of this state or with the rules of the board, and any building, structure, or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilating system, or electric wiring not in accordance with such statutes or rules is a public nuisance.

(D) As used in this section:
(1) "Nonpublic school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(2) "Workshop or factory" includes manufacturing, mechanical, electrical, mercantile, art, and laundering establishments, printing, telegraph, and telephone offices, railroad depots, and memorial buildings, but does not include hotels and tenement and apartment houses.

Sec. 3781.25. As used in sections 3781.25 to 3781.38 of the Revised Code:

(A) "Protection service" means a notification center, but not an owner of an individual utility, that exists for the purpose of receiving notice from persons that prepare plans and specifications for or that engage in excavation work, that distributes this information to its members and participants, and that has registered by March 14, 1989, with the secretary of state and the public utilities commission of Ohio under former division (F) of section 153.64 of the Revised Code as it existed on that date.

(B) "Underground utility facility" includes any item buried or placed below ground or submerged under water for use in connection with the storage or conveyance of water or sewage; electronic, or telephonic, or telegraphic communications; television signals; electricity; crude oil; petroleum products; artificial or liquefied petroleum; manufactured, mixed, or natural gas; synthetic or liquefied natural gas; propane gas; coal; steam; hot water; or other substances. "Underground utility facility" includes all operational underground pipes, sewers, tubing, conduits, cables, valves, lines, wires, worker access holes, and attachments, owned by any person, firm, or company. "Underground utility facility" does not include a private septic system in a
one-family or multi-family dwelling utilized only for that dwelling and not connected to any other system.

(C) "Utility" means any owner or operator, or an agent of an owner or operator, of an underground utility facility, including any public authority, that owns or operates an underground utility facility. "Utility" does not include the owners of the following types of real property with respect to any underground utility facility located on that property:

(1) The owner of a single-family or two-, three-, or four-unit residential dwelling;

(2) The owner of an apartment complex;

(3) The owner of a commercial or industrial building or complex of buildings, including but not limited to, factories and shopping centers;

(4) The owner of a farm;

(5) The owner of an exempt domestic well as defined in section 1509.01 of the Revised Code.

(D) "Approximate location" means the immediate area within the perimeter of a proposed excavation site where the underground utility facilities are located.

(E) "Tolerance zone" means the site of the underground utility facility including the width of the underground utility facility plus eighteen inches on each side of the facility.

(F) "Working days" excludes Saturdays, Sundays, and legal holidays as defined in section 1.14 of the Revised Code and "hours" excludes hours on Saturdays, Sundays, and legal holidays.

(G) "Designer" means an engineer, architect, landscape architect, contractor, surveyor, or other person who develops plans or designs for real property improvement or any other activity that will involve excavation.
(H) "Developer" means the person for whom the excavation is made and who will own or be the lessee of any improvement that is the object of the excavation.

(I) "Excavation" means the use of hand tools, powered equipment, or explosives to move earth, rock, or other materials in order to penetrate or bore or drill into the earth, or to demolish any structure whether or not it is intended that the demolition will disturb the earth. "Excavation" includes such agricultural operations as the installation of drain tile, but excludes agricultural operations such as tilling that do not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes any activity by a governmental entity which does not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes coal mining and reclamation operations regulated under Chapter 1513. of the Revised Code and rules adopted under it.

(J) "Excavation site" means the area within which excavation will be performed.

(K) "Excavator" means the person or persons responsible for making the actual excavation.


(N) "Special notification requirements" means requirements for notice to an owner of an interstate hazardous liquids pipeline or an interstate gas pipeline that must be made prior to commencing excavation and pursuant to the owner's public safety...
program adopted under federal law.

(O) "Commercial excavator" means any excavator, excluding a utility as defined in this section, that satisfies both of the following:

1. For compensation, performs, directs, supervises, or is responsible for the excavation, construction, improvement, renovation, repair, or maintenance on a construction project and holds out or represents oneself as qualified or permitted to act as such;

2. Employs tradespersons who actually perform excavation, construction, improvement, renovation, repair, or maintenance on a construction project.

(P) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes a public authority.

(Q) "Positive response system" means an automated system facilitated by a protection service allowing a utility to communicate to an excavator the presence or absence of any conflict between the existing underground utility facilities and the proposed excavation site.

(R) "One-call notification system" means the software or communications system used by a protection system to notify its membership of proposed excavation sites.

(S) "Project" means any undertaking by a private party of an improvement requiring excavation.

(T) "Public authority" has the same meaning as in section 153.64 of the Revised Code.

(U) "Improvement" means any construction, reconstruction, improvement, enlargement, alteration, or repair of a building, highway, drainage system, water system, road, street, alley, sewer, ditch, sewage disposal plant, water works, and all other
structures or works of any nature.

(V) "Emergency" means an unexpected occurrence causing a disruption or damage to an underground utility facility that requires immediate repair or a situation that creates a clear and imminent danger that demands immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services.

(W) "Nondestructive manner" means using low-impact, low-risk technologies such as hand tools, or hydro or air vacuum excavation equipment.

(X) "Cable service provider" has the same meaning as in section 1332.01 of the Revised Code.

(Y) "Electric cooperative" and "electric utility" have the same meanings as in section 4928.01 of the Revised Code.

Sec. 3781.29. (A)(1) Except as otherwise provided in division (A)(2) of this section, within forty-eight hours of receiving notice under section 3781.28 of the Revised Code, each utility shall review the status of its facilities within the excavation site, locate and mark its underground utility facilities at the excavation site in such a manner as to indicate their course, and report the appropriate information to the protection service for its positive response system. If a utility does not mark its underground utility facilities or contact the excavator within that time, the utility is deemed to have given notice that it does not have any facilities at the excavation site. If the utility cannot accurately mark the facilities, the utility shall mark them to the best of its ability, notify the excavator using the positive response system that the markings may not be accurate, and provide additional guidance to the excavator in locating the facilities as needed during the excavation.
(2) In the case of an interstate hazardous liquids pipeline or an interstate gas pipeline, the owner of the pipeline shall locate and mark its pipeline within the time frame established in the public safety program of the owner.

(B) Unless a facility actually is uncovered or probed by the utility or excavator, any indications of the depth of the facility shall be treated as estimates only.

(C)(1) Except as provided in division (C)(2) of this section, a utility shall mark its underground facilities using the following color codes:

<table>
<thead>
<tr>
<th>Utility Facility</th>
<th>Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric power transmission and distribution</td>
<td>Safety red</td>
</tr>
<tr>
<td>Gas transmission and distribution</td>
<td>High visibility safety yellow</td>
</tr>
<tr>
<td>Oil transmission and distribution</td>
<td>High visibility safety yellow</td>
</tr>
<tr>
<td>Dangerous materials, product lines, and steam lines</td>
<td>High visibility safety yellow</td>
</tr>
<tr>
<td>Telephone and telegraph systems</td>
<td>Safety alert orange</td>
</tr>
<tr>
<td>Police and fire communications</td>
<td>Safety alert orange</td>
</tr>
<tr>
<td>Cable television</td>
<td>Safety alert orange</td>
</tr>
<tr>
<td>Water systems</td>
<td>Safety precaution blue</td>
</tr>
<tr>
<td>Slurry systems</td>
<td>Safety precaution purple</td>
</tr>
<tr>
<td>Sewer lines</td>
<td>Safety green.</td>
</tr>
</tbody>
</table>

(2) All underground facilities shall be marked in accordance with the Ohio universal marking standards that are on file with the Ohio utilities protection service. Industry representatives serving on Ohio damage prevention councils shall review the marking standards every two years.

(D) Except as otherwise provided in divisions (E) and (F) of this section, prior to notifying a protection service of the proposed excavation, an excavator shall define and premark the...
approximate location. Proposed construction or excavation markings shall be made in white through the use of an industry-recognized method such as chalk-based paint, flags, stakes, or other method applicable to the specific site and when possible shall indicate the excavator's identity by name, abbreviation, or initial.

(E)(1) Before beginning an emergency excavation, or as soon as possible thereafter, an excavator shall make every effort to notify a protection service of the excavation. In providing notification, the excavator shall provide, at a minimum:

(a) The name of the individual notifying the protection service;

(b) The name, address, any electronic mail address, and any telephone and facsimile numbers of the excavator;

(c) The specific location of the excavation site;

(d) A description of the excavation.

(2) Upon receiving the information set forth in division (E)(1) of this section, the protection service shall provide the excavator with a reference number and a list of utilities that the protection service intends to notify. The protection service shall immediately notify each utility that according to the registration information provided under section 3781.26 of the Revised Code has facilities located within the designated area of the emergency excavation.

(3) Any utility notified of an emergency excavation may inspect all of its underground utility facilities located at the emergency excavation site and may take any otherwise lawful action it considers necessary to prevent disturbance to or interference with its facilities during excavation.

(F) An excavator is not required to premark the approximate location of an excavation as provided in division (D) of this
section in any of the following situations:

(1) The utility can determine the precise location, direction, size, and length of the proposed excavation site by referring to the notification provided by the protection service pursuant to sections 3781.27 and 3781.28 of the Revised Code.

(2) The excavator and the affected utility have had an on-site, preconstruction meeting for the purpose of premarking the excavation site.

(3) The excavation involves replacing a pole that is within five feet of the location of an existing pole.

(4) Premarking by the excavator would clearly interfere with pedestrian or vehicular traffic control.

Sec. 3781.342. (A) The underground technical committee may conduct meetings in person, by teleconference, or by video conference.

(B) The committee shall establish a primary meeting location that is open and accessible to the public.

(C) Before convening a meeting by teleconference or video conference, the committee shall send, via electronic mail, facsimile, or United States postal service, a copy of meeting-related documents to each committee member.

(D) The minutes of each meeting shall specify who was attending by teleconference, who was attending by video conference, and who was physically present. Any vote taken in a meeting held by teleconference that is not unanimous shall be recorded as a roll call vote.

Sec. 3904.08. (A) If any individual, after proper identification, submits a written request to an insurance institution, agent, or insurance support organization for access
to recorded personal information about the individual that is reasonably described by the individual and reasonably locatable and retrievable by the insurance institution, agent, or insurance support organization, the insurance institution, agent, or insurance support organization, within thirty business days from the date such request is received, shall do all of the following:

(1) Inform the individual of the nature and substance of such recorded personal information in writing, by telephone, or by other oral communication, whichever the insurance institution, agent, or insurance support organization prefers;

(2) Permit the individual to see and copy, in person, such recorded personal information pertaining to him or to obtain a copy of such recorded personal information by mail, whichever the individual prefers in a manner agreed upon by the individual and insurance institution, agent, or insurance support organization, unless such recorded personal information is in coded form, in which case an accurate translation in plain language shall be provided in writing;

(3) Disclose to the individual the identity, if recorded, of those persons to whom the insurance institution, agent, or insurance support organization has disclosed such personal information within two years prior to such request, and if the identity is not recorded, the names of those insurance institutions, agents, insurance support organizations, or other persons to whom such information is normally disclosed;

(4) Provide the individual with a summary of the procedures by which the individual may request correction, amendment, or deletion of recorded personal information.

(B) Any personal information provided pursuant to division (A) of this section shall identify the source of the information if such source is an institutional source.
(C) Medical record information supplied by a medical care institution or medical professional and requested under division (A) of this section, together with the identity of the medical professional or medical care institution that provided such information, shall be supplied either directly to the individual or to a medical professional designated by the individual and licensed to provide medical care with respect to the condition to which the information relates, whichever the insurance institution, agent, or insurance support organization prefers. If it elects to disclose the information to a medical professional designated by the individual, the insurance institution, agent, or insurance support organization shall notify the individual, at the time of the disclosure, that it has provided the information to the medical professional.

(D) Except for personal information provided under section 3904.10 of the Revised Code, an insurance institution, agent, or insurance support organization may charge a reasonable fee to cover the costs incurred in providing a copy of recorded personal information to individuals.

(E) The obligations imposed by this section upon an insurance institution or agent may be satisfied by another insurance institution or agent authorized to act on its behalf. With respect to the copying and disclosure of recorded personal information pursuant to a request under division (A) of this section, an insurance institution, agent, or insurance support organization may make arrangements with an insurance support organization or a consumer reporting agency to copy and disclose recorded personal information on its behalf.

(F) The rights granted to individuals in this section extend to all natural persons to the extent information about them is collected and maintained by an insurance institution, agent, or insurance support organization in connection with an insurance
transaction. The rights granted to all natural persons by this
division do not extend to information about them that relates to
and is collected in connection with or in reasonable anticipation
of a claim or civil or criminal proceeding involving them.

  (G) This section does not apply to a consumer reporting
agency.

**Sec. 4121.19.** A full and complete record shall be kept of all
proceedings had before the bureau of workers' compensation on any
investigation, and all testimony shall be taken down by a
stenographer appointed by the bureau.

**Sec. 4123.512.** (A) The claimant or the employer may appeal an
order of the industrial commission made under division (E) of
section 4123.511 of the Revised Code in any injury or occupational
disease case, other than a decision as to the extent of disability
to the court of common pleas of the county in which the injury was
inflicted or in which the contract of employment was made if the
injury occurred outside the state, or in which the contract of
employment was made if the exposure occurred outside the state. If
no common pleas court has jurisdiction for the purposes of an
appeal by the use of the jurisdictional requirements described in
this division, the appellant may use the venue provisions in the
Rules of Civil Procedure to vest jurisdiction in a court. If the
claim is for an occupational disease, the appeal shall be to the
court of common pleas of the county in which the exposure which
caused the disease occurred. Like appeal may be taken from an
order of a staff hearing officer made under division (D) of
section 4123.511 of the Revised Code from which the commission has
refused to hear an appeal. Except as otherwise provided in this
division, the appellant shall file the notice of appeal with a
court of common pleas within sixty days after the date of the
receipt of the order appealed from or the date of receipt of the
order of the commission refusing to hear an appeal of a staff hearing officer's decision under division (D) of section 4123.511 of the Revised Code. Either the claimant or the employer may file a notice of an intent to settle the claim within thirty days after the date of the receipt of the order appealed from or of the order of the commission refusing to hear an appeal of a staff hearing officer's decision. The claimant or employer shall file notice of intent to settle with the administrator of workers' compensation, and the notice shall be served on the opposing party and the party's representative. The filing of the notice of intent to settle extends the time to file an appeal to one hundred fifty days, unless the opposing party files an objection to the notice of intent to settle within fourteen days after the date of the receipt of the notice of intent to settle. The party shall file the objection with the administrator, and the objection shall be served on the party that filed the notice of intent to settle and the party's representative. The filing of the notice of the appeal with the court is the only act required to perfect the appeal.

If an action has been commenced in a court of a county other than a court of a county having jurisdiction over the action, the court, upon notice by any party or upon its own motion, shall transfer the action to a court of a county having jurisdiction.

Notwithstanding anything to the contrary in this section, if the commission determines under section 4123.522 of the Revised Code that an employee, employer, or their respective representatives have not received written notice of an order or decision which is appealable to a court under this section and which grants relief pursuant to section 4123.522 of the Revised Code, the party granted the relief has sixty days from receipt of the order under section 4123.522 of the Revised Code to file a notice of appeal under this section.
The notice of appeal shall state the names of the administrator of workers' compensation, the claimant, and the employer; the number of the claim; the date of the order appealed from; and the fact that the appellant appeals therefrom.

The administrator, the claimant, and the employer shall be parties to the appeal and the court, upon the application of the commission, shall make the commission a party. The party filing the appeal shall serve a copy of the notice of appeal on the administrator at the central office of the bureau of workers' compensation in Columbus. The administrator shall notify the employer that if the employer fails to become an active party to the appeal, then the administrator may act on behalf of the employer and the results of the appeal could have an adverse effect upon the employer's premium rates or may result in a recovery from the employer if the employer is determined to be a noncomplying employer under section 4123.75 of the Revised Code.

The attorney general or one or more of the attorney general's assistants or special counsel designated by the attorney general shall represent the administrator and the commission. In the event the attorney general or the attorney general's designated assistants or special counsel are absent, the administrator or the commission shall select one or more of the attorneys in the employ of the administrator or the commission as the administrator's attorney or the commission's attorney in the appeal. Any attorney so employed shall continue the representation during the entire period of the appeal and in all hearings thereof except where the continued representation becomes impractical.

Upon receipt of notice of appeal, the clerk of courts shall provide notice to all parties who are appellees and to the commission.

The claimant shall, within thirty days after the filing of the notice of appeal, file a petition containing a statement of
facts in ordinary and concise language showing a cause of action
to participate or to continue to participate in the fund and
setting forth the basis for the jurisdiction of the court over the
action. Further pleadings shall be had in accordance with the
Rules of Civil Procedure, provided that service of summons on such
petition shall not be required and provided that the claimant may
not dismiss the complaint without the employer's consent if the
employer is the party that filed the notice of appeal to court
pursuant to this section. The clerk of the court shall, upon
receipt thereof, transmit by certified mail a copy thereof to each
party named in the notice of appeal other than the claimant. Any
party may file with the clerk prior to the trial of the action a
deposition of any physician taken in accordance with the
provisions of the Revised Code, which deposition may be read in
the trial of the action even though the physician is a resident of
or subject to service in the county in which the trial is had. The
bureau of workers' compensation shall pay the cost of the
stenographic deposition filed in court and of copies of the
stenographic deposition for each party from the surplus fund and
charge the costs thereof against the unsuccessful party if the
claimant's right to participate or continue to participate is
finally sustained or established in the appeal. In the event the
deposition is taken and filed, the physician whose deposition is
taken is not required to respond to any subpoena issued in the
trial of the action. The court, or the jury under the instructions
of the court, if a jury is demanded, shall determine the right of
the claimant to participate or to continue to participate in the
fund upon the evidence adduced at the hearing of the action.

(E) The court shall certify its decision to the commission
and the certificate shall be entered in the records of the court.
Appeals from the judgment are governed by the law applicable to
the appeal of civil actions.
(F) The cost of any legal proceedings authorized by this section, including an attorney's fee to the claimant's attorney to be fixed by the trial judge, based upon the effort expended, in the event the claimant's right to participate or to continue to participate in the fund is established upon the final determination of an appeal, shall be taxed against the employer or the commission if the commission or the administrator rather than the employer contested the right of the claimant to participate in the fund. The attorney's fee shall not exceed five thousand dollars.

(G) If the finding of the court or the verdict of the jury is in favor of the claimant's right to participate in the fund, the commission and the administrator shall thereafter proceed in the matter of the claim as if the judgment were the decision of the commission, subject to the power of modification provided by section 4123.52 of the Revised Code.

(H)(1) An appeal from an order issued under division (E) of section 4123.511 of the Revised Code or any action filed in court in a case in which an award of compensation or medical benefits has been made shall not stay the payment of compensation or medical benefits under the award, or payment for subsequent periods of total disability or medical benefits during the pendency of the appeal. If, in a final administrative or judicial action, it is determined that payments of compensation or benefits, or both, made to or on behalf of a claimant should not have been made, the amount thereof shall be charged to the surplus fund account under division (B) of section 4123.34 of the Revised Code. In the event the employer is a state risk, the amount shall not be charged to the employer's experience, and the administrator shall adjust the employer's account accordingly. In the event the employer is a self-insuring employer, the self-insuring employer shall deduct the amount from the paid compensation the
self-insuring employer reports to the administrator under division (L) of section 4123.35 of the Revised Code. If an employer is a state risk and has paid an assessment for a violation of a specific safety requirement, and, in a final administrative or judicial action, it is determined that the employer did not violate the specific safety requirement, the administrator shall reimburse the employer from the surplus fund account under division (B) of section 4123.34 of the Revised Code for the amount of the assessment the employer paid for the violation.

(2)(a) Notwithstanding a final determination that payments of benefits made to or on behalf of a claimant should not have been made, the administrator or self-insuring employer shall award payment of medical or vocational rehabilitation services submitted for payment after the date of the final determination if all of the following apply:

(i) The services were approved and were rendered by the provider in good faith prior to the date of the final determination.

(ii) The services were payable under division (I) of section 4123.511 of the Revised Code prior to the date of the final determination.

(iii) The request for payment is submitted within the time limit set forth in section 4123.52 of the Revised Code.

(b) Payments made under division (H)(1) of this section shall be charged to the surplus fund account under division (B) of section 4123.34 of the Revised Code. If the employer of the employee who is the subject of a claim described in division (H)(2)(a) of this section is a state fund employer, the payments made under that division shall not be charged to the employer's experience. If that employer is a self-insuring employer, the self-insuring employer shall deduct the amount from the paid
compensation the self-insuring employer reports to the 
administrator under division (L) of section 4123.35 of the Revised 
Code.

(c) Division (H)(2) of this section shall apply only to a 
claim under this chapter or Chapter 4121., 4127., or 4131. of the 
Revised Code arising on or after July 29, 2011.

(3) A self-insuring employer may elect to pay compensation 
and benefits under this section directly to an employee or an 
employee's dependents by filing an application with the bureau of 
workers' compensation not more than one hundred eighty days and 
not less than ninety days before the first day of the employer's 
ext six-month coverage period. If the self-insuring employer 
timely files the application, the application is effective on the 
first day of the employer's next six-month coverage period, 
provided that the administrator shall compute the employer's 
assessment for the surplus fund account due with respect to the 
period during which that application was filed without regard to 
the filing of the application. On and after the effective date of 
the employer's election, the self-insuring employer shall pay 
directly to an employee or to an employee's dependents 
compensation and benefits under this section regardless of the 
date of the injury or occupational disease, and the employer shall 
receive no money or credits from the surplus fund account on 
account of those payments and shall not be required to pay any 
amounts into the surplus fund account on account of this section. 
The election made under this division is irrevocable.

(I) All actions and proceedings under this section which are 
the subject of an appeal to the court of common pleas or the court 
of appeals shall be preferred over all other civil actions except 
election causes, irrespective of position on the calendar.

This section applies to all decisions of the commission or 
the administrator on November 2, 1959, and all claims filed
thereafter are governed by sections 4123.511 and 4123.512 of the Revised Code.

Any action pending in common pleas court or any other court on January 1, 1986, under this section is governed by former sections 4123.514, 4123.515, 4123.516, and 4123.519 and section 4123.522 of the Revised Code.

Sec. 4123.52. (A) The jurisdiction of the industrial commission and the authority of the administrator of workers' compensation over each case is continuing, and the commission may make such modification or change with respect to former findings or orders with respect thereto, as, in its opinion is justified. No modification or change nor any finding or award in respect of any claim shall be made with respect to disability, compensation, dependency, or benefits, after five years from the date of injury in the absence of medical benefits being provided under this chapter or in the absence of payment of compensation under section 4123.57, 4123.58, or division (A) or (B) of section 4123.56 of the Revised Code or wages in lieu of compensation in a manner so as to satisfy the requirements of section 4123.84 of the Revised Code, in which event the modification, change, finding, or award shall be made within five years from the date of the last medical services being rendered or the date of the last payment of compensation or from the date of death, nor unless written notice of claim for the specific part or parts of the body injured or disabled has been given as provided in section 4123.84 or 4123.85 of the Revised Code. The commission shall not make any modification, change, finding, or award which shall award compensation for a back period in excess of two years prior to the date of filing application therefor.

(B) Notwithstanding division (A) of this section, and except as otherwise provided in a rule that shall be adopted by the
administrator, with the advice and consent of the bureau of workers' compensation board of directors, neither the administrator nor the commission shall make any finding or award for payment of medical or vocational rehabilitation services submitted for payment more than one year after the date the services were rendered or more than one year after the date the services became payable under division (I) of section 4123.511 of the Revised Code, whichever is later. No medical or vocational rehabilitation provider shall bill a claimant for services rendered if the administrator or commission is prohibited from making that payment under this division.

(C) Division (B) of this section does not apply to requests made by the centers for medicare and medicaid services in the United States department of health and human services for reimbursement of conditional payments made pursuant to section 1395y(b)(2) of title 42, United States Code (commonly known as the "Medicare Secondary Payer Act").

(D) This section does not affect the right of a claimant to compensation accruing subsequent to the filing of any such application, provided the application is filed within the time limit provided in this section.

(E) This section does not deprive the commission of its continuing jurisdiction to determine the questions raised by any application for modification of award which has been filed with the commission after June 1, 1932, and prior to the expiration of the applicable period but in respect to which no award has been granted or denied during the applicable period.

(F) The commission may, by general rules, provide for the destruction of files of cases in which no further action may be taken.

(G) The commission and administrator of workers' compensation
each may, by general rules, provide for the retention and
destruction of all other records in their possession or under
their control pursuant to section 121.211 and sections 149.34 to
149.36 of the Revised Code. The bureau of workers' compensation
may purchase or rent required equipment for the document retention
media, as determined necessary to preserve the records.
Photographs, microphotographs, microfilm, films, or other direct
or electronic document retention media, when properly identified,
have the same effect as the original record and may be offered in
like manner and may be received as evidence in proceedings before
the industrial commission, staff hearing officers, and district
hearing officers, and in any court where the original record could
have been introduced.

Sec. 4125.03. (A) The professional employer organization with
whom a shared employee is coemployed shall do all of the
following:

(1) Pay wages associated with a shared employee pursuant to
the terms and conditions of compensation in the professional
employer organization agreement between the professional employer
organization and the client employer;

(2) Pay all related payroll taxes associated with a shared
employee independent of the terms and conditions contained in the
professional employer organization agreement between the
professional employer organization and the client employer;

(3) Maintain workers' compensation coverage, pay all workers'
compensation premiums and manage all workers' compensation claims,
filings, and related procedures associated with a shared employee
in compliance with Chapters 4121. and 4123. of the Revised Code,
except that when shared employees include family farm officers,
ordained ministers, or corporate officers of the client employer,
payroll reports shall include the entire amount of payroll
associated with those persons;

(4) Provide written notice to each shared employee it assigns to perform services to a client employer of the relationship between and the responsibilities of the professional employer organization and the client employer;

(5) Maintain complete records separately listing the manual classifications of each client employer and the payroll reported to each manual classification for each client employer for each payroll reporting period during the time period covered in the professional employer organization agreement;

(6) Maintain a record of workers' compensation claims for each client employer;

(7) Make periodic reports, as determined by the administrator of workers' compensation, of client employers and total workforce to the administrator;

(8) Report individual client employer payroll, claims, and classification data under a separate and unique subaccount to the administrator;

(9) Within fourteen days after receiving notice from the bureau of workers' compensation that a refund or rebate will be applied to workers' compensation premiums, provide a copy of that notice to any client employer to whom that notice is relevant.

(B) The professional employer organization with whom a shared employee is coemployed shall provide a list of all of the following information to the client employer upon the written request of the client employer:

(1) All workers' compensation claims, premiums, and payroll associated with that client employer;

(2) Compensation and benefits paid and reserves established for each claim listed under division (B)(1) of this section;
(3) Any other information available to the professional employer organization from the bureau of workers' compensation regarding that client employer.

(C)(1) A professional employer organization shall provide the information required under division (B) of this section in writing to the requesting client employer within forty-five days after receiving a written request from the client employer.

(2) For purposes of division (C) of this section, a professional employer organization has provided the required information to the client employer when the any of the following occur:

(a) The information is received by the United States postal service or when the;

(b) The information is personally delivered, in writing, directly to the client employer;

(c) The information is delivered by electronic mail to the client employer.

(D) Except as provided in section 4125.08 of the Revised Code and unless otherwise agreed to in the professional employer organization agreement, the professional employer organization with whom a shared employee is coemployed has a right of direction and control over each shared employee assigned to a client employer's location. However, a client employer shall retain sufficient direction and control over a shared employee as is necessary to do any of the following:

(1) Conduct the client employer's business, including training and supervising shared employees;

(2) Ensure the quality, adequacy, and safety of the goods or services produced or sold in the client employer's business;

(3) Discharge any fiduciary responsibility that the client
employer may have;

(4) Comply with any applicable licensure, regulatory, or statutory requirement of the client employer.

(E) Unless otherwise agreed to in the professional employer organization agreement, liability for acts, errors, and omissions shall be determined as follows:

(1) A professional employer organization shall not be liable for the acts, errors, and omissions of a client employer or a shared employee when those acts, errors, and omissions occur under the direction and control of the client employer.

(2) A client employer shall not be liable for the acts, errors, and omissions of a professional employer organization or a shared employee when those acts, errors, and omissions occur under the direction and control of the professional employer organization.

(F) Nothing in divisions (D) and (E) of this section shall be construed to limit any liability or obligation specifically agreed to in the professional employer organization agreement.

Sec. 4141.09. (A) There is hereby created an unemployment compensation fund to be administered by the state without liability on the part of the state beyond the amounts paid into the fund and earned by the fund. The unemployment compensation fund shall consist of all contributions, payments in lieu of contributions described in sections 4141.241 and 4141.242 of the Revised Code, reimbursements of the federal share of extended benefits described in section 4141.301 of the Revised Code, collected under sections 4141.01 to 4141.56 of the Revised Code, and the amount required under division (A)(4) of section 4141.35 of the Revised Code, together with all interest earned upon any moneys deposited with the secretary of the treasury of the United
States to the credit of the account of this state in the unemployment trust fund established and maintained pursuant to section 904 of the "Social Security Act," any property or securities acquired through the use of moneys belonging to the fund, and all earnings of such property or securities. The unemployment compensation fund shall be used to pay benefits, shared work compensation as defined in section 4141.50 of the Revised Code, and refunds as provided by such sections and for no other purpose.

(B) The treasurer of state shall be the custodian of the unemployment compensation fund and shall administer such fund in accordance with the directions of the director of job and family services. All disbursements therefrom shall be paid by the treasurer of state on warrants drawn by the director. Such warrants may have the signature of the director printed thereon and that of a deputy or other employee of the director charged with the duty of keeping the account of the unemployment compensation fund and with the preparation of warrants for the payment of benefits to the persons entitled thereto. Moneys in the clearing and benefit accounts shall not be commingled with other state funds, except as provided in division (C) of this section, but shall be maintained in separate accounts on the books of the depositary bank. Such money shall be secured by the depositary bank to the same extent and in the same manner as required by sections 135.01 to 135.21 of the Revised Code; and collateral pledged for this purpose shall be kept separate and distinct from any collateral pledged to secure other funds of this state. All sums recovered for losses sustained by the unemployment compensation fund shall be deposited therein. The treasurer of state shall be liable on the treasurer's official bond for the faithful performance of the treasurer's duties in connection with the unemployment compensation fund, such liability to exist in addition to any liability upon any separate bond.
(C) The treasurer of state shall maintain within the unemployment compensation fund three separate accounts which shall be a clearing account, a trust fund account, and a benefit account. All moneys payable to the unemployment compensation fund, upon receipt by the director, shall be forwarded to the treasurer of state, who shall immediately deposit them in the clearing account. Refunds of contributions, or payments in lieu of contributions, payable pursuant to division (E) of this section may be paid from the clearing account upon warrants signed by a deputy or other employee of the director charged with the duty of keeping the record of the clearing account and with the preparation of warrants for the payment of refunds to persons entitled thereto. After clearance thereof, all moneys in the clearing account shall be deposited with the secretary of the treasury of the United States to the credit of the account of this state in the unemployment trust fund established and maintained pursuant to section 904 of the "Social Security Act," in accordance with requirements of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned from this state's account in the unemployment trust fund. Federal funds may be deposited, at the director's discretion, into the benefit account. Any funds deposited into the benefit account shall be disbursed solely for payment of benefits under a federal program administered by this state and for no other purpose. Moneys in the clearing and benefit accounts may be deposited by the treasurer of state, under the direction of the director, in any bank or public depositary in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

(D) Moneys shall be requisitioned from this state's account
in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the director. The director shall requisition from the unemployment trust fund such amounts, not exceeding the amount standing to this state's account therein, as are deemed necessary for the payment of benefits for a reasonable future period. Upon receipt thereof, the treasurer of state shall deposit such moneys in the benefit account. Expenditures of such money in the benefit account and refunds from the clearing account shall not require specific appropriations or other formal release by state officers of money in their custody. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for and may be utilized for the payment of benefits during succeeding periods, or, in the discretion of the director, shall be redeposited with the secretary of the treasury of the United States to the credit of this state's account in the unemployment trust fund, as provided in division (C) of this section. Unclaimed or unpaid federal funds redeposited with the secretary of the treasury of the United States shall be credited to the appropriate federal account.

    (E) No claim for an adjustment or a refund on contribution, payment in lieu of contributions, interest, or forfeiture alleged to have been erroneously or illegally assessed or collected, or alleged to have been collected without authority, and no claim for an adjustment or a refund of any sum alleged to have been excessive or in any manner wrongfully collected shall be allowed unless an application, in writing, therefor is made within four years from the date on which such payment was made. If the director determines that such contribution, payment in lieu of contributions, interest, or forfeiture, or any portion thereof, was erroneously collected, the director shall allow such employer
to make an adjustment thereof without interest in connection with subsequent contribution payments, or payments in lieu of contributions, by the employer, or the director may refund said amount, without interest, from the clearing account of the unemployment compensation fund, except as provided in division (B) of section 4141.11 of the Revised Code. For like cause and within the same period, adjustment or refund may be so made on the director's own initiative. An overpayment of contribution, payment in lieu of contributions, interest, or forfeiture for which an employer has not made application for refund prior to the date of sale of the employer's business shall accrue to the employer's successor in interest.

An application for an adjustment or a refund, or any portion thereof, that is rejected is binding upon the employer unless, within thirty days after the mailing of a written notice of rejection to the employer's last known address, or, in the absence of mailing of such notice, within thirty days after the delivery of such notice, the employer files an application for a review and redetermination setting forth the reasons therefor. The director shall promptly examine the application for review and redetermination, and if a review is granted, the employer shall be promptly notified thereof, and shall be granted an opportunity for a prompt hearing.

(F) If the director finds that contributions have been paid to the director in error, and that such contributions should have been paid to a department of another state or of the United States charged with the administration of an unemployment compensation law, the director may upon request by such department or upon the director's own initiative transfer to such department the amount of such contributions, less any benefits paid to claimants whose wages were the basis for such contributions. The director may request and receive from such department any contributions or
adjusted contributions paid in error to such department which should have been paid to the director.

(G) In accordance with section 303(c)(3) of the Social Security Act, and section 3304(a)(17) of the Internal Revenue Code of 1954 for continuing certification of Ohio unemployment compensation laws for administrative grants and for tax credits, any interest required to be paid on advances under Title XII of the Social Security Act shall be paid in a timely manner and shall not be paid, directly or indirectly, by an equivalent reduction in the Ohio unemployment taxes or otherwise, by the state from amounts in the unemployment compensation fund.

(H) The treasurer of state, under the direction of the director and in accordance with the "Cash Management Improvement Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit amounts of interest earned by the state on funds in the benefit account established pursuant to division (C) of this section into the unemployment trust fund.

(I) The treasurer of state, under the direction of the director, shall deposit federal funds received by the director for training and administration and for payment of benefits, job search, relocation, transportation, and subsistence allowances pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, as amended; the "North American Free Trade Agreement Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 3801, as amended, into the Trade Act training and administration account, which is hereby created for the purpose of making payments specified under those acts. The treasurer of state, under the direction of the director, may transfer funds from the Trade Act training and administration account to the benefit account for the purpose of making any payments directly to claimants for benefits, job search, relocation, transportation, and subsistence...
allowances, as specified by those acts.

**Sec. 4141.47.** (A) There is hereby created the auxiliary services personnel unemployment compensation fund, which shall not be a part of the state treasury. The fund shall consist of moneys paid into the fund pursuant to section 3317.06 of the Revised Code. The treasurer of state shall administer it in accordance with the directions of the director of job and family services. The director shall establish procedures under which school districts that are charged and have paid for unemployment benefits as reimbursing employers pursuant to this chapter for personnel employed pursuant to section 3317.06 of the Revised Code may apply for and receive reimbursement for those payments under this section. School districts are not entitled to reimbursement for any delinquency charges, except as otherwise provided by law. In the case of school districts electing to pay contributions under section 4141.242 of the Revised Code, the director shall establish procedures for reimbursement of the district from the fund of contributions made on wages earned by any auxiliary service personnel.

(B) In the event of the termination of the auxiliary services program established pursuant to section 3317.06 of the Revised Code, and after the director has made reimbursement to school districts for all possible unemployment compensation claims of persons who were employed pursuant to section 3317.06 of the Revised Code, the director shall certify that fact to the treasurer of state, who shall then transfer all unexpended moneys in the auxiliary services personnel unemployment compensation fund to the general revenue fund. In the event the auxiliary services personnel unemployment compensation fund contains insufficient moneys to pay all valid claims by school districts for reimbursement pursuant to this section, the director shall estimate the total additional amount necessary to meet the
liabilities of the fund and submit a request to the general assembly for an appropriation of that amount of money from the general revenue fund to the auxiliary services personnel unemployment compensation fund.

(C) All disbursements from the auxiliary services personnel unemployment compensation fund shall be paid by the treasurer of state on warrants drawn by the director. The warrants may bear the facsimile signature of the director printed thereon or that of a deputy or other employee of the director charged with the duty of keeping the account of the fund. Moneys in the fund shall be maintained in a separate account on the books of the depositary bank. The money shall be secured by the depositary bank to the same extent and in the same manner as required by Chapter 135. of the Revised Code. All sums recovered for losses sustained by the fund shall be deposited therein. The treasurer of state is liable on the treasurer of state's official bond for the faithful performance of the treasurer of state's duties in connection with the fund.

(D) All necessary and proper expenses incurred in administering this section shall be paid to the director from the auxiliary services personnel unemployment compensation fund. For this purpose, there is hereby created in the state treasury the auxiliary services program administrative fund. The treasurer of state, pursuant to the warrant procedures specified in division (C) of this section, shall advance moneys as requested by the director from the auxiliary services personnel unemployment compensation fund to the auxiliary services program administrative fund. The director periodically may request the advance of such moneys as in the treasurer of state's opinion are needed to meet anticipated administrative expenses and may make disbursements from the auxiliary services program administrative fund to pay those expenses.
(E) Upon receipt of a certification from the department of education regarding a refund to a board of education pursuant to section 3317.06 of the Revised Code, the director shall issue a refund in the amount certified to the board from the auxiliary services personnel unemployment compensation fund.

Sec. 4167.10. (A) In order to carry out the purposes of this chapter, the administrator of workers' compensation or the administrator's designee shall, as provided in this section, enter without delay during normal working hours and at other reasonable times, to inspect and investigate any plant, facility, establishment, construction site, or any other area, workplace, or environment where work is being performed by a public employee of a public employer, and any place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and question privately any public employer, administrator, department head, operator, agent, or public employee. The authority to inspect and investigate includes the taking of environmental samples, the taking and obtaining of photographs related to the purposes of the inspection or investigation, the examination of records required to be kept under section 4167.11 of the Revised Code and other documents and records relevant to the inspection and investigation, the issuance of subpoenas, and the conducting of tests and other studies reasonably calculated to serve the purposes of implementing and enforcing this chapter. Except as provided in this section, the administrator or the administrator's designee shall conduct scheduled inspections and investigations only pursuant to rules adopted under section 4167.02 of the Revised Code, a request to do so by a public employee or public employee representative, or the notification the administrator receives pursuant to division (B) of section 4167.06 of the Revised Code and only if the administrator or the administrator's designee complies with this
section. The administrator or the administrator's designee shall 145438
conduct all requested or required inspections within a reasonable 145439
amount of time following receipt of the request or notification. 145440

(B)(1) Any public employee or public employee representative 145441
who believes that a violation of an Ohio employment risk reduction 145442
standard exists that threatens physical harm, or that an imminent 145443
danger exists, may request an inspection by giving written notice 145444
to the administrator or the administrator's designee of the 145445
violation or danger. The notice shall set forth with reasonable 145446
particularity the grounds for the notice, and shall be signed by 145447
the public employee or public employee representative. The names 145448
of individual public employees making the notice or referred to 145449
therein shall not appear in the copy provided to the public 145450
employer pursuant to division (B)(2) of this section and shall be 145451
kept confidential.

(2) If, upon receipt of a notification pursuant to division 145452
(B)(1) of this section, the administrator determines that there 145453
are no reasonable grounds to believe that a violation or danger 145454
exists, the administrator shall inform the public employee or 145455
public employee representative in writing of the determination. 145456
If, upon receipt of a notification, the administrator determines 145457
that there are reasonable grounds to believe that a violation or 145458
danger exists, the administrator shall, within one week, excluding 145459
Saturdays, Sundays, and any legal holiday as defined in section 145460
1.14 of the Revised Code, after receipt of the notification, 145461
notify the public employer, by certified mail, return receipt 145462
requested, of the alleged violation or danger. The notice provided 145463
to the public employer or the public employer's agent shall inform 145464
the public employer of the alleged violation or danger and that 145465
the administrator or the administrator's designee will investigate 145466
and inspect the public employer's workplace as provided in this 145467
section. The public employer must respond to the administrator, in 145468
a method determined by the administrator, concerning the alleged violation or danger, within thirty days after receipt of the notice. If the public employer does not correct the violation or danger within the thirty-day period or if the public employer fails to respond within that time period, the administrator or the administrator's designee shall investigate and inspect the public employer's workplace as provided in this section. The administrator or the administrator's designee shall not conduct any inspection prior to the end of the thirty-day period unless requested or permitted by the public employer. The administrator may, at any time upon the request of the public employer, inspect and investigate any violation or danger alleged to exist at the public employer's place of employment.

(3) The authority of the administrator or the administrator's designee to investigate and inspect a premises pursuant to a public employee or public employee representative notification is not limited to the alleged violation or danger contained in the notification. The administrator or the administrator's designee may investigate and inspect any other area of the premises where there is reason to believe that a violation or danger exists. In addition, if the administrator or the administrator's designee detects any obvious or apparent violation at any temporary place of employment while en route to the premises to be inspected or investigated, and that violation presents a substantial probability that the condition or practice could result in death or serious physical harm, the administrator or the administrator's designee may use any of the enforcement mechanisms provided in this section to correct or remove the condition or practice.

(4) If, during an inspection or investigation, the administrator or the administrator's designee finds any condition or practice in any place of employment that presents a substantial probability that the condition or practice could result in death or serious physical harm, the administrator or the administrator's designee may use any of the enforcement mechanisms provided in this section to correct or remove the condition or practice.
or serious physical harm, after notifying the employer of the administrator's intent to issue an order, the administrator shall issue an order, or the administrator's designee shall issue an order after consultation either by telephone or in person with the administrator and upon the recommendation of the administrator, which prohibits the employment of any public employee or any continuing operation or process under such condition or practice until necessary steps are taken to correct or remove the condition or practice. The order shall not be effective for more than fifteen days, unless a court of competent jurisdiction otherwise orders as provided in section 4167.14 of the Revised Code.

(C) In making any inspections or investigations under this chapter, the administrator or the administrator's designee may administer oaths and require, by subpoena, the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall receive the fees and mileage provided for under section 119.094 of the Revised Code. In the case of contumacy, failure, or refusal of any person to comply with an order or any subpoena lawfully issued, or upon the refusal of any witness to testify to any matter regarding which the witness may lawfully be interrogated, a judge of the court of common pleas of any county in this state, on the application of the administrator or the administrator's designee, shall issue an order requiring the person to appear and to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question. The court may punish any failure to obey the order of the court as a contempt thereof.

(D) If, upon inspection or investigation, the administrator or the administrator's designee believes that a public employer has violated any requirement of this chapter or any rule, Ohio employment risk reduction standard, or order adopted or issued pursuant thereto, the administrator or the administrator's
designee shall, with reasonable promptness, issue a citation to
the public employer. The citation shall be in writing and describe
with particularity the nature of the alleged violation, including
a reference to the provision of law, Ohio employment risk
reduction standard, rule, or order alleged to have been violated.
In addition, the citation shall fix a time for the abatement of
the violation, as provided in division (H) of this section. The
administrator may prescribe procedures for the issuance of a
notice with respect to minor violations and for enforcement of
minor violations that have no direct or immediate relationship to
safety or health.

(E) Upon receipt of any citation under this section, the
public employer shall immediately post the citation, or a copy
thereof, at or near each place an alleged violation referred to in
the citation occurred.

(F) The administrator may not issue a citation under this
section after the expiration of six months following the final
occurrence of any violation.

(G) If the administrator issues a citation pursuant to this
section, the administrator shall mail the citation to the public
employer by certified mail, return receipt requested. The public
employer has fourteen days after receipt of the citation within
which to notify the administrator that the employer wishes to
contest the citation. If the employer notifies the administrator
within the fourteen days that the employer wishes to contest the
citation, or if within fourteen days after the issuance of a
citation a public employee or public employee representative files
notice that the time period fixed in the citation for the
abatement of the violation is unreasonable, the administrator
shall hold an adjudication hearing in accordance with Chapter 119.
of the Revised Code.

(H) In establishing the time limits in which a public
employer must abate a violation under this section, the
administrator shall consider the costs to the public employer, the
size and financial resources of the public employer, the severity
of the violation, the technological feasibility of the public
employer's ability to comply with requirements of the citation,
the possible present and future detriment to the health and safety
of any public employee for failure of the public employer to
comply with requirements of the citation, and such other factors
as the administrator determines appropriate. The administrator
may, after considering the above factors, permit the public
employer to comply with the citation over a period of up to two
years and may extend that period an additional one year, as the
administrator determines appropriate.

(I) Any public employer may request the administrator to
conduct an employment risk reduction inspection of the public
employer's place of employment. The administrator or the
administrator's designee shall conduct the inspection within a
reasonable amount of time following the request. Neither the
administrator nor any other person may use any information
obtained from the inspection for a period not to exceed three
years in any proceeding for a violation of this chapter or any
rule or order issued thereunder nor in any other action in any
court in this state.

Sec. 4301.17. (A)(1) Subject to local option as provided in
sections 4301.32 to 4301.40 of the Revised Code, five state liquor
stores or agencies may be established in each county. One
additional store may be established in any county for each twenty
thousand of population of that county or major fraction thereof in
excess of the first forty thousand, according to the last
preceding federal decennial census or according to the population
estimates certified by the department of development between
decennial censuses. A person engaged in a mercantile business may
act as the agent for the division of liquor control for the sale of spirituous liquor in a municipal corporation, in the unincorporated area of a township, or in an area designated and approved as a resort area under section 4303.262 of the Revised Code. The division shall fix the compensation for such an agent in the manner it considers best, but the compensation shall not exceed seven per cent of the gross sales made by the agent in any one year.

(2) The division shall adopt rules in accordance with Chapter 119. of the Revised Code governing the allocation and equitable distribution of agency store contracts. The division shall comply with the rules when awarding a contract under division (A)(1) of this section.

(3) Pursuant to an agency store's contract, an agency store may be issued a D-1 permit to sell beer, a D-2 permit to sell wine and mixed beverages, and a D-5 permit to sell beer, wine, mixed beverages, and spirituous liquor.

(4) Pursuant to an agency store's contract, an agency store may be issued a D-3 permit to sell spirituous liquor if the agency store contains at least ten thousand square feet of sales floor area. A D-3 permit issued to an agency store shall not be transferred to a new location. The division shall revoke any D-3 permit issued to an agency store under division (A)(4) of this section if the agent no longer operates the agency store. The division shall not issue a D-3a permit to an agency store.

(5) An agency store to which a D-8 permit has been issued may allow the sale of tasting samples of spirituous liquor in accordance with section 4301.171 of the Revised Code.

(6) An agency store may sell beer, wine, mixed beverages, and spirituous liquor only between the hours of nine a.m. and eleven p.m.
(B) When an agency contract is proposed, when an existing agency contract is assigned, when an existing agency proposes to relocate, or when an existing agency is relocated and assigned, before entering into any contract, consenting to any assignment, or consenting to any relocation, the division shall notify the legislative authority of the municipal corporation in which the agency store is to be located, or the board of county commissioners and the board of township trustees of the county and the township in which the agency store is to be located if the agency store is to be located outside the corporate limits of a municipal corporation, of the proposed contract, assignment, or relocation, and an opportunity shall be provided officials or employees of the municipal corporation or county and township for a complete hearing upon the advisability of entering into the contract or consenting to the assignment or relocation. When the division sends notice to the legislative authority of the political subdivision, the division shall notify, by certified mail or by personal service, the chief peace officer of the political subdivision, who may appear and testify, either in person or through a representative, at any hearing held on the advisability of entering into the contract or consenting to the assignment or relocation.

If the proposed agency store, the assignment of an agency contract, or the relocation of an agency store would be located within five hundred feet of a school, church, library, public playground, or township park, the division shall not enter into an agency contract until it has provided notice of the proposed contract to the authorities in control of the school, church, library, public playground, or township park and has provided those authorities with an opportunity for a complete hearing upon the advisability of entering into the contract. If an agency store so located is operating under an agency contract, the division may consent to relocation of the agency store or to the assignment of...
that contract to operate an agency store at the same location. The division may also consent to the assignment of an existing agency contract simultaneously with the relocation of the agency store. In any such assignment or relocation, the assignee and the location shall be subject to the same requirements that the existing location met at the time that the contract was first entered into as well as any additional requirements imposed by the division in rules adopted by the superintendent of liquor control. The division shall not consent to an assignment or relocation of an agency store until it has notified the authorities in control of the school, church, library, public playground, or township park and has provided those authorities with an opportunity for a complete hearing upon the advisability of consenting to the assignment or relocation.

Any hearing provided for in this division shall be held in the central office of the division, except that upon written request of the legislative authority of the municipal corporation, the board of county commissioners, the board of township trustees, or the authorities in control of the school, church, library, public playground, or township park, the hearing shall be held in the county seat of the county where the proposed agency store is to be located.

(C) All agency contracts entered into by the division pursuant to this section shall be in writing and shall contain a clause providing for the termination of the contract at will by the division upon its giving ninety days' notice in writing to the agent of its intention to do so. Any agency contract may include a clause requiring the agent to report to the appropriate law enforcement agency the name and address of any individual under twenty-one years of age who attempts to make an illegal purchase.

The division shall issue a C-1 and C-2 permit to each agent who prior to November 1, 1994, had not been issued both of these
permits, notwithstanding the population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission and notwithstanding the requirements of section 4303.31 of the Revised Code. The location of a C-1 or C-2 permit issued to such an agent shall not be transferred. The division shall revoke any C-1 or C-2 permit issued to an agent under this paragraph if the agent no longer operates an agency store.

The division may enter into agreements with the department of development to implement a minority loan program to provide low-interest loans to minority business enterprises, as defined in section 122.71 of the Revised Code, that are awarded liquor agency contracts or assignments.

(D) If the division closes a state liquor store and replaces that store with an agency store, any employees of the division employed at that state liquor store who lose their jobs at that store as a result shall be given preference by the agent who operates the agency store in filling any vacancies that occur among the agent's employees, if that preference does not conflict with the agent's obligations pursuant to a collective bargaining agreement.

If the division closes a state liquor store and replaces the store with an agency store, any employees of the division employed at the state liquor store who lose their jobs at that store as a result may displace other employees as provided in sections 124.321 to 124.328 of the Revised Code. If an employee cannot displace other employees and is laid off, the employee shall be reinstated in another job as provided in sections 124.321 to 124.328 of the Revised Code, except that the employee's rights of reinstatement in a job at a state liquor store shall continue for a period of two years after the date of the employee's layoff and shall apply to jobs at state liquor stores located in the
employee's layoff jurisdiction and any layoff jurisdiction adjacent to the employee's layoff jurisdiction.

(E) The division shall require every agent to give bond with surety to the satisfaction of the division, in the amount the division fixes, conditioned for the faithful performance of the agent's duties as prescribed by the division.

**Sec. 4301.30.** (A) All fees collected by the division of liquor control shall be deposited in the state treasury to the credit of the undivided liquor permit fund, which is hereby created, at the time prescribed under section 4301.12 of the Revised Code. Each payment shall be accompanied by a statement showing separately the amount collected for each class of permits in each municipal corporation and in each township outside the limits of any municipal corporation in such township.

(B)(1) An amount equal to forty-five per cent of the fund shall be paid from the fund into the state liquor regulatory fund, which is hereby created in the state treasury. The state liquor regulatory fund shall be used to pay the operating expenses of the division of liquor control in administering and enforcing Title XLIII of the Revised Code and the operating expenses of the liquor control commission. Investment earnings of the fund shall be credited to the fund.

(2) Whenever, in the judgment of the director of budget and management, the amount of money that is in the state liquor regulatory fund is in excess of the amount that is needed to pay the operating expenses of the division in administering and enforcing Title XLIII of the Revised Code and the operating expenses of the commission, the director shall credit the excess amount to the general revenue fund.

(C) Twenty per cent of the undivided liquor permit fund shall be paid into the statewide treatment and prevention fund, which is
hereby created in the state treasury. This amount shall be appropriated by the general assembly, together with an amount equal to one and one-half per cent of the gross profit of the division of liquor control derived under division (B)(4) of section 4301.10 of the Revised Code, to the department of mental health and addiction services. In planning for the allocation of and in allocating these amounts for the purposes of Chapter 5119. of the Revised Code, the department shall comply with the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, and any rules adopted under that act.

(D) Thirty-five per cent of the undivided liquor permit fund shall be distributed by the superintendent of liquor control at quarterly calendar periods as follows:

(1) To each municipal corporation, the aggregate amount shown by the statements to have been collected from permits in the municipal corporation, for the use of the general fund of the municipal corporation;

(2) To each township, the aggregate amount shown by the statements to have been collected from permits in its territory, outside the limits of any municipal corporation located in the township, for the use of the general fund of the township, or for fire protection purposes, including buildings and equipment in the township or in an established fire district within the township, to the extent that the funds are derived from liquor permits within the territory comprising such fire district.

(E) For the purpose of the distribution required by this section, E, H, and D permits covering boats or vessels are deemed to have been issued in the municipal corporation or township wherein the owner or operator of the vehicle, boat, vessel, or dining car equipment to which the permit relates has the owner's or operator's principal office or place of business within the state.
If the liquor control commission division determines that the police or other officers of any municipal corporation or township entitled to share in distributions under this section are refusing or culpably neglecting to enforce this chapter and Chapter 4303. of the Revised Code, or the penal laws of this state relating to the manufacture, importation, transportation, distribution, and sale of beer and intoxicating liquors, or if the prosecuting officer of a municipal corporation or a municipal court fails to comply with the request of the commission division authorized by division (A)(4) of section 4301.10 of the Revised Code, the commission division, by certified mail or by electronic means as determined by the superintendent to provide proper notice under the laws of this state, may notify the chief executive officer of the municipal corporation or the board of township trustees of the township of the failure and require the immediate cooperation of the responsible officers of the municipal corporation or township with the division of liquor control in the enforcement of those chapters and penal laws. Within thirty days after the notice is served, the commission division shall determine whether the requirement has been complied with. If the commission division determines that the requirement has not been complied with, it may issue an order to the superintendent to withhold the distributive share of the municipal corporation or township until further order of the commission. This action of the commission division is reviewable within thirty days thereafter in the court of common pleas of Franklin county.

All fees collected by the division of liquor control from the issuance or renewal of B-2a, S-1, and S-2 permits, and paid by B-2a, S-1, and S-2 permit holders who do not also hold A-1 or A-1c permits or A-2 or A-2f permits, shall be deposited in the state treasury to the credit of the state liquor regulatory fund. Once during each fiscal year, an amount equal to fifty per cent of the fees collected shall be paid from the state liquor regulatory fund.
into the general revenue fund.

**Sec. 4303.24.** All application processing fees shall be remitted to the division of liquor control when applications are filed. The pendency, priority, or validity of an application for a permit or duplicate permit received by the division shall not be affected because the division did not issue the permit applied for or the applicant failed to appeal to the liquor control commission.

The division, prior to the granting of a permit or duplicate permit applied for, shall notify, by certified mail, the applicant or the applicant's authorized agent. The applicant or the applicant's authorized agent, within thirty days after the mailing of that notice, shall pay to the division the entire amount of any unpaid requisite permit fee required by sections 4303.02 to 4303.231 or, in the case of a duplicate permit, section 4303.30 of the Revised Code, if the permit or duplicate permit is issued during the first six months of the year the permit or duplicate permit covers, or one-half of the amount of the requisite permit fee, if the permit or duplicate permit is issued during the last six months of the year the permit or duplicate permit covers. If the notice is returned because of failure or refusal of delivery, the division shall send another notice, by regular mail or by electronic means as determined by the division to provide proper notice under the laws of this state, to the applicant or the applicant's agent. If the applicant fails to pay the applicable amount of that requisite permit fee within those thirty days of the mailing of the last notice, the division shall cancel the applicant's application.

All other fees shall be paid at the time and in the manner prescribed by the division. The liquor control commission may adopt rules requiring reports or returns for the purpose of
determining the amounts of additional permit fees.

Sec. 4507.081. (A) Upon the expiration of a restricted license issued under division (D)(3) of section 4507.08 of the Revised Code and submission of a statement as provided in division (C) of this section, the registrar of motor vehicles may issue a driver's license to the person to whom the restricted license was issued. A driver's license issued under this section, unless otherwise suspended or canceled, shall be effective for one year.

(B) A driver's license issued under this section may be renewed annually, for no more than three consecutive years, whenever the person to whom the license has been issued submits to the registrar, by certified mail and no sooner than thirty days prior to the expiration date of the license or renewal thereof, a statement as provided in division (C) of this section. A renewal of a driver's license, unless the license is otherwise suspended or canceled, shall be effective for one year following the expiration date of the license or renewal thereof, and shall be evidenced by a validation sticker. The renewal validation sticker shall be in a form prescribed by the registrar and shall be affixed to the license.

(C) No person may be issued a driver's license under this section, and no such driver's license may be renewed, unless the person presents a signed statement from a licensed physician that the person's condition either is dormant or is under effective medical control, that the control has been maintained continuously for at least one year prior to the date on which application for the license is made, and that, if continued medication is prescribed to control the condition, the person may be depended upon to take the medication.

The statement shall be made on a form provided by the registrar, shall be in not less than duplicate, and shall contain...
any other information the registrar considers necessary. The duplicate copy of the statement may be retained by the person requesting the license renewal and, when in the person's immediate possession and used in conjunction with the original license, shall entitle the person to operate a motor vehicle during a period of no more than thirty days following the date of submission of the statement to the registrar, except when the registrar denies the request for the license renewal and so notifies the person.

(D) Whenever the registrar receives a statement indicating that the condition of a person to whom a driver's license has been issued under this section no longer is dormant or under effective medical control, the registrar shall cancel the person's driver's license.

(E) Nothing in this section shall require a person submitting a signed statement from a licensed physician to obtain a medical examination prior to the submission of the statement.

(F) Any person whose driver's license has been canceled under this section may apply for a subsequent restricted license according to the provisions of section 4507.08 of the Revised Code.

Sec. 4508.021. (A) As used in this section:

(1) "State agency" has the same meaning as in section 1.60 of the Revised Code.

(2) "Electronic medium" means a video cassette tape, CD-ROM, interactive videodisc web site, electronic mail communication, compact disc media, or other electronic format used to convey information to students through electronic means which information is sent or conveyed.

(B) The classroom instruction required by division (C) of...
section 4508.02 of the Revised Code shall include the dissemination of information regarding anatomical gifts and anatomical gift procedures or a presentation and discussion of such gifts and procedures in accordance with this section. The second chance trust fund advisory committee created under section 2108.35 of the Revised Code shall approve any brochure, written material, or electronic medium used by a driver training school to provide information to students regarding anatomical gifts and anatomical gift procedures. However, the committee shall not approve any such brochure, written material, or electronic medium that contains religious content for use in a driver education course conducted by a school district or educational service center.

(C)(1) If any brochure or other written material approved by the committee under division (B) of this section is made available to a driver training school at no cost, the instructor shall provide such brochure or material to students.

(2) If any electronic medium that is less than twenty minutes in length and that is approved by the committee under division (B) of this section is made available to a driver training school at no cost, the instructor shall show the electronic medium to students, provided that the school maintains operable viewing equipment. If more than one such electronic medium is made available to a school in accordance with this division, the instructor shall select one electronic medium from among those received by the school to show to students.

(3) If no electronic medium is shown to students as specified in division (C)(2) of this section, the instructor shall organize a classroom presentation and discussion regarding anatomical gifts and anatomical gift procedures. The instructor may arrange for the presentation to be conducted by an employee of the department of health or any other state agency, an employee or volunteer of the
second chance trust fund, an employee or volunteer of any
organization involved in the procurement of organ donations, an
organ donor, an organ recipient, an employee or volunteer of a
tissue or eye bank, or a tissue or corneal transplant recipient,
provided that no such person charges a fee to the school for the
presentation. However, no such presentation that contains
religious content shall be made to students of a driver education
course conducted by a school district or educational service
center. Students shall be granted the opportunity to ask questions
on anatomical gifts and anatomical gift procedures during the
presentation and discussion.

Nothing in this section shall prohibit an instructor from
also organizing a classroom presentation and discussion regarding
anatomical gifts and anatomical gift procedures in accordance with
this division if the instructor shows an electronic medium to
students pursuant to division (C)(2) of this section.

(D) No student shall be required to participate in any
instruction in anatomical gifts or anatomical gift procedures
conducted under this section upon written notification from the
student's parent or guardian, or the student if the student is
over eighteen years of age, that such instruction conflicts with
the religious convictions of the student or the student's parent
or guardian. If a student is excused from such instruction, the
instructor shall give the student an alternative assignment.

Sec. 4509.101. (A)(1) No person shall operate, or permit the
operation of, a motor vehicle in this state, unless proof of
financial responsibility is maintained continuously throughout the
registration period with respect to that vehicle, or, in the case
of a driver who is not the owner, with respect to that driver's
operation of that vehicle.

(2) Whoever violates division (A)(1) of this section shall be
subject to the following civil penalties:

(a) Subject to divisions (A)(2)(b) and (c) of this section, a class (F) suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(6) of section 4510.02 of the Revised Code and impoundment of the person's license. The court may grant limited driving privileges to the person, but only if the person presents proof of financial responsibility and is enrolled in a reinstatement fee payment plan pursuant to section 4510.10 of the Revised Code.

(b) If, within five years of the violation, the person's operating privileges are again suspended and the person's license again is impounded for a violation of division (A)(1) of this section, a class C suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section, and no court may grant limited driving privileges for the first fifteen days of the suspension.

(c) If, within five years of the violation, the person's operating privileges are suspended and the person's license is impounded two or more times for a violation of division (A)(1) of this section, a class B suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility.
financial responsibility and has complied with division (A)(5) of this section, except that no court may grant limited driving privileges for the first thirty days of the suspension.

(d) In addition to the suspension of an owner's license under division (A)(2)(a), (b), or (c) of this section, the suspension of the rights of the owner to register the motor vehicle and the impoundment of the owner's certificate of registration and license plates until the owner complies with division (A)(5) of this section.

The clerk of court shall waive the cost of filing a petition for limited driving privileges if, pursuant to section 2323.311 of the Revised Code, the petitioner applies to be qualified as an indigent litigant and the court approves the application.

(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the existence of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle under either of the following circumstances:

(a) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.

(b) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or state highway patrol trooper made in accordance with division (D)(2) of this section.

(4) An order of the registrar that suspends and impounds a license or registration, or both, shall state the date on or
before which the person is required to surrender the person's license or certificate of registration and license plates. The person is deemed to have surrendered the license or certificate of registration and license plates, in compliance with the order, if the person does either of the following:

(a) On or before the date specified in the order, personally delivers the license or certificate of registration and license plates, or causes the delivery of the items, to the registrar;

(b) Mails the license or certificate of registration and license plates to the registrar in an envelope or container bearing a postmark showing a date no later than the date specified in the order.

(5) Except as provided in division (L) of this section, the registrar shall not restore any operating privileges or registration rights suspended under this section, return any license, certificate of registration, or license plates impounded under this section, or reissue license plates under section 4503.232 of the Revised Code, if the registrar destroyed the impounded license plates under that section, or reissue a license under section 4510.52 of the Revised Code, if the registrar destroyed the suspended license under that section, unless the rights are not subject to suspension or revocation under any other law and unless the person, in addition to complying with all other conditions required by law for reinstatement of the operating privileges or registration rights, complies with all of the following:

(a) Pays to the registrar or an eligible deputy registrar a financial responsibility reinstatement fee of one hundred dollars for the first violation of division (A)(1) of this section, three hundred dollars for a second violation of that division, and six hundred dollars for a third or subsequent violation of that division;
(b) If the person has not voluntarily surrendered the license, certificate, or license plates in compliance with the order, pays to the registrar or an eligible deputy registrar a financial responsibility nonvoluntary compliance fee in an amount, not to exceed fifty dollars, determined by the registrar;

(c) Files and continuously maintains proof of financial responsibility under sections 4509.44 to 4509.65 of the Revised Code;

(d) Pays a deputy registrar a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, any nonvoluntary compliance fee, and two dollars of the service fee to the registrar in the manner the registrar shall determine.

(B)(1) Every party required to file an accident report under section 4509.06 of the Revised Code also shall include with the report a document described in division (G)(1)(a) of this section or shall present proof of financial responsibility through use of an electronic wireless communications device as permitted by division (G)(1)(b) of this section.

If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following:

(a) Order the impoundment, with respect to the motor vehicle involved, required under division (A)(2)(d) of this section, of the certificate of registration and license plates of any owner who has violated division (A)(1) of this section;

(b) Order the suspension required under division (A)(2)(a), (b), or (c) of this section of the license of any operator or owner who has violated division (A)(1) of this section;
(c) Record the name and address of the person whose certificate of registration and license plates have been impounded or are under an order of impoundment, or whose license has been suspended or is under an order of suspension; the serial number of the person's license; the serial numbers of the person's certificate of registration and license plates; and the person's social security account number, if assigned, or, where the motor vehicle is used for hire or principally in connection with any established business, the person's federal taxpayer identification number. The information shall be recorded in such a manner that it becomes a part of the person's permanent record, and assists the registrar in monitoring compliance with the orders of suspension or impoundment.

(d) Send written notification to every person to whom the order pertains, at the person's last known address as shown on the records of the bureau. The person, within ten days after the date of the mailing of the notification, shall surrender to the registrar, in a manner set forth in division (A)(4) of this section, any certificate of registration and registration plates under an order of impoundment, or any license under an order of suspension.

(2) The registrar shall issue any order under division (B)(1) of this section without a hearing. Any person adversely affected by the order, within ten days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether the person in fact demonstrated to the registrar proof of financial responsibility in accordance with this section. The registrar shall determine the date, time, and place of any hearing, provided that the hearing shall be held, and an order
issued or findings made, within thirty days after the registrar receives a request for a hearing. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place within fifty miles of the person's residence. The person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension or impoundment is upheld.

(C) Any order of suspension or impoundment issued under this section or division (B) of section 4509.37 of the Revised Code may be terminated at any time if the registrar determines upon a showing of proof of financial responsibility that the operator or owner of the motor vehicle was in compliance with division (A)(1) of this section at the time of the traffic offense, motor vehicle inspection, or accident that resulted in the order against the person. A determination may be made without a hearing. This division does not apply unless the person shows good cause for the person's failure to present satisfactory proof of financial responsibility to the registrar prior to the issuance of the order.

(D)(1)(a) For the purpose of enforcing this section, every peace officer is deemed an agent of the registrar.

(b) Any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a person whose license is under an order of suspension, or whose certificate of registration and license plates are under an order of impoundment, pursuant to this section, may confiscate the license, certificate of registration, and license plates, and return them to the registrar.

(2) A peace officer shall request the owner or operator of a motor vehicle to produce proof of financial responsibility in a manner described in division (G) of this section at the time the peace officer acts to enforce the traffic laws of this state and
during motor vehicle inspections conducted pursuant to section 4513.02 of the Revised Code.

(3) A peace officer shall indicate on every traffic ticket whether the person receiving the traffic ticket produced proof of the maintenance of financial responsibility in response to the officer's request under division (D)(2) of this section. The peace officer shall inform every person who receives a traffic ticket and who has failed to produce proof of the maintenance of financial responsibility that the person must submit proof to the traffic violations bureau with any payment of a fine and costs for the ticketed violation or, if the person is to appear in court for the violation, the person must submit proof to the court.

(4)(a) If a person who has failed to produce proof of the maintenance of financial responsibility appears in court for a ticketed violation, the court may permit the defendant to present evidence of proof of financial responsibility to the court at such time and in such manner as the court determines to be necessary or appropriate. In a manner prescribed by the registrar, the clerk of courts shall provide the registrar with the identity of any person who fails to submit proof of the maintenance of financial responsibility pursuant to division (D)(3) of this section.

(b) If a person who has failed to produce proof of the maintenance of financial responsibility also fails to submit that proof to the traffic violations bureau with payment of a fine and costs for the ticketed violation, the traffic violations bureau, in a manner prescribed by the registrar, shall notify the registrar of the identity of that person.

(5)(a) Upon receiving notice from a clerk of courts or traffic violations bureau pursuant to division (D)(4) of this section, the registrar shall order the suspension of the license of the person required under division (A)(2)(a), (b), or (c) of this section and the impoundment of the person's certificate of
registration and license plates required under division (A)(2)(d) of this section, effective thirty days after the date of the mailing of notification. The registrar also shall notify the person that the person must present the registrar with proof of financial responsibility in accordance with this section, surrender to the registrar the person's certificate of registration, license plates, and license, or submit a statement subject to section 2921.13 of the Revised Code that the person did not operate or permit the operation of the motor vehicle at the time of the offense. Notification shall be in writing and shall be sent to the person at the person's last known address as shown on the records of the bureau of motor vehicles. The person, within fifteen days after the date of the mailing of notification, shall present proof of financial responsibility, surrender the certificate of registration, license plates, and license to the registrar in a manner set forth in division (A)(4) of this section, or submit the statement required under this section together with other information the person considers appropriate.

If the registrar does not receive proof or the person does not surrender the certificate of registration, license plates, and license, in accordance with this division, the registrar shall permit the order for the suspension of the license of the person and the impoundment of the person's certificate of registration and license plates to take effect.

(b) In the case of a person who presents, within the fifteen-day period, proof of financial responsibility, the registrar shall terminate the order of suspension and the impoundment of the registration and license plates required under division (A)(2)(d) of this section and shall send written notification to the person, at the person's last known address as shown on the records of the bureau.

(c) Any person adversely affected by the order of the
registrar under division (D)(5)(a) or (b) of this section, within ten days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether, at the time of the hearing, the person presents proof of financial responsibility covering the vehicle and whether the person is eligible for an exemption in accordance with this section or any rule adopted under it. The registrar shall determine the date, time, and place of any hearing; provided, that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives a request for a hearing. The hearing may be held remotely by electronic means. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place within fifty miles of the person's residence. Such person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension or impoundment under division (D)(5)(a) or (b) of this section is upheld.

(6) A peace officer may charge an owner or operator of a motor vehicle with a violation of section 4510.16 of the Revised Code when the owner or operator fails to show proof of the maintenance of financial responsibility pursuant to a peace officer's request under division (D)(2) of this section, if a check of the owner or operator's driving record indicates that the owner or operator, at the time of the operation of the motor vehicle, is required to file and maintain proof of financial responsibility under section 4509.45 of the Revised Code for a previous violation of this chapter.

(7) Any forms used by law enforcement agencies in
administering this section shall be prescribed, supplied, and paid
for by the registrar.

(8) No peace officer, law enforcement agency employing a
peace officer, or political subdivision or governmental agency
that employs a peace officer shall be liable in a civil action for
damages or loss to persons arising out of the performance of any
duty required or authorized by this section.

(9) As used in this section, "peace officer" has the meaning
set forth in section 2935.01 of the Revised Code.

(E) All fees, except court costs, fees paid to a deputy
registrar, and those portions of the financial responsibility
reinstatement fees as otherwise specified in this division,
collected under this section shall be paid into the state treasury
to the credit of the public safety - highway purposes fund
established in section 4501.06 of the Revised Code and used to
cover costs incurred by the bureau in the administration of this
section and sections 4503.20, 4507.212, and 4509.81 of the Revised
Code, and by any law enforcement agency employing any peace
officer who returns any license, certificate of registration, and
license plates to the registrar pursuant to division (C) of this
section.

Of each financial responsibility reinstatement fee the
registrar collects pursuant to division (A)(5)(a) of this section
or receives from a deputy registrar under division (A)(5)(d) of
this section, the registrar shall deposit twenty-five dollars of
each one-hundred-dollar reinstatement fee, fifty dollars of each
three-hundred-dollar reinstatement fee, and one hundred dollars of
each six-hundred-dollar reinstatement fee into the state treasury
to the credit of the indigent defense support fund created by
section 120.08 of the Revised Code.

(F) Chapter 119. of the Revised Code applies to this section
only to the extent that any provision in that chapter is not clearly inconsistent with this section.

(G)(1)(a) The registrar, court, traffic violations bureau, or peace officer may require proof of financial responsibility to be demonstrated by use of a standard form prescribed by the registrar. If the use of a standard form is not required, a person may demonstrate proof of financial responsibility under this section by presenting to the traffic violations bureau, court, registrar, or peace officer any of the following documents or a copy of the documents:

(i) A financial responsibility identification card as provided in section 4509.103 of the Revised Code;

(ii) A certificate of proof of financial responsibility on a form provided and approved by the registrar for the filing of an accident report required to be filed under section 4509.06 of the Revised Code;

(iii) A policy of liability insurance, a declaration page of a policy of liability insurance, or liability bond, if the policy or bond complies with section 4509.20 or sections 4509.49 to 4509.61 of the Revised Code;

(iv) A bond or certification of the issuance of a bond as provided in section 4509.59 of the Revised Code;

(v) A certificate of deposit of money or securities as provided in section 4509.62 of the Revised Code;

(vi) A certificate of self-insurance as provided in section 4509.72 of the Revised Code.

(b) A person also may present proof of financial responsibility under this section to the traffic violations bureau, court, registrar, or peace officer through use of an electronic wireless communications device as specified under...
section 4509.103 of the Revised Code.

(2) If a person fails to demonstrate proof of financial responsibility in a manner described in division (G)(1) of this section, the person may demonstrate proof of financial responsibility under this section by any other method that the court or the bureau, by reason of circumstances in a particular case, may consider appropriate.

(3) A motor carrier certificated by the interstate commerce commission or by the public utilities commission may demonstrate proof of financial responsibility by providing a statement designating the motor carrier's operating authority and averring that the insurance coverage required by the certificating authority is in full force and effect.

(4)(a) A finding by the registrar or court that a person is covered by proof of financial responsibility in the form of an insurance policy or surety bond is not binding upon the named insurer or surety or any of its officers, employees, agents, or representatives and has no legal effect except for the purpose of administering this section.

(b) The preparation and delivery of a financial responsibility identification card or any other document authorized to be used as proof of financial responsibility and the generation and delivery of proof of financial responsibility to an electronic wireless communications device that is displayed on the device as text or images does not do any of the following:

(i) Create any liability or estoppel against an insurer or surety, or any of its officers, employees, agents, or representatives;

(ii) Constitute an admission of the existence of, or of any liability or coverage under, any policy or bond;

(iii) Waive any defenses or counterclaims available to an
insurer, surety, agent, employee, or representative in an action commenced by an insured or third-party claimant upon a cause of action alleged to have arisen under an insurance policy or surety bond or by reason of the preparation and delivery of a document for use as proof of financial responsibility or the generation and delivery of proof of financial responsibility to an electronic wireless communications device.

(c) Whenever it is determined by a final judgment in a judicial proceeding that an insurer or surety, which has been named on a document or displayed on an electronic wireless communications device accepted by a court or the registrar as proof of financial responsibility covering the operation of a motor vehicle at the time of an accident or offense, is not liable to pay a judgment for injuries or damages resulting from such operation, the registrar, notwithstanding any previous contrary finding, shall forthwith suspend the operating privileges and registration rights of the person against whom the judgment was rendered as provided in division (A)(2) of this section.

(H) In order for any document or display of text or images on an electronic wireless communications device described in division (G)(1) of this section to be used for the demonstration of proof of financial responsibility under this section, the document or words or images shall state the name of the insured or obligor, the name of the insurer or surety company, and the effective and expiration dates of the financial responsibility, and designate by explicit description or by appropriate reference all motor vehicles covered which may include a reference to fleet insurance coverage.

(I) For purposes of this section, "owner" does not include a licensed motor vehicle leasing dealer as defined in section 4517.01 of the Revised Code, but does include a motor vehicle renting dealer as defined in section 4549.65 of the Revised Code.
Nothing in this section or in section 4509.51 of the Revised Code shall be construed to prohibit a motor vehicle renting dealer from entering into a contractual agreement with a person whereby the person renting the motor vehicle agrees to be solely responsible for maintaining proof of financial responsibility, in accordance with this section, with respect to the operation, maintenance, or use of the motor vehicle during the period of the motor vehicle's rental.

(J) The purpose of this section is to require the maintenance of proof of financial responsibility with respect to the operation of motor vehicles on the highways of this state, so as to minimize those situations in which persons are not compensated for injuries and damages sustained in motor vehicle accidents. The general assembly finds that this section contains reasonable civil penalties and procedures for achieving this purpose.

(K) Nothing in this section shall be construed to be subject to section 4509.78 of the Revised Code.

(L)(1) The registrar may terminate any suspension imposed under this section and not require the owner to comply with divisions (A)(5)(a), (b), and (c) of this section if the registrar with or without a hearing determines that the owner of the vehicle has established by clear and convincing evidence that all of the following apply:

   (a) The owner customarily maintains proof of financial responsibility.

   (b) Proof of financial responsibility was not in effect for the vehicle on the date in question for one of the following reasons:

      (i) The vehicle was inoperable.

      (ii) The vehicle is operated only seasonally, and the date in question was outside the season of operation.
(iii) A person other than the vehicle owner or driver was at fault for the lapse of proof of financial responsibility through no fault of the owner or driver.

(iv) The lapse of proof of financial responsibility was caused by excusable neglect under circumstances that are not likely to recur and do not suggest a purpose to evade the requirements of this chapter.

(2) The registrar may grant an owner or driver relief for a reason specified in division (L)(1)(b)(iii) or (iv) of this section only if the owner or driver has not previously been granted relief under division (L)(1)(b)(iii) or (iv) of this section.

(M) The registrar shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to administer and enforce this section. The rules shall include procedures for the surrender of license plates upon failure to maintain proof of financial responsibility and provisions relating to reinstatement of registration rights, acceptable forms of proof of financial responsibility, the use of an electronic wireless communications device to present proof of financial responsibility, and verification of the existence of financial responsibility during the period of registration.

(N)(1) When a person utilizes an electronic wireless communications device to present proof of financial responsibility, only the evidence of financial responsibility displayed on the device shall be viewed by the registrar, peace officer, employee or official of the traffic violations bureau, or the court. No other content of the device shall be viewed for purposes of obtaining proof of financial responsibility.

(2) When a person provides an electronic wireless communications device to the registrar, a peace officer, an
employee or official of a traffic violations bureau, or the court, the person assumes the risk of any resulting damage to the device unless the registrar, peace officer, employee, or official, or court personnel purposely, knowingly, or recklessly commits an action that results in damage to the device.

Sec. 4510.03. (A) Every county court judge, mayor of a mayor's court, and clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of any provision of sections 4511.01 to 4511.771 or 4513.01 to 4513.36 of the Revised Code or of any other law or ordinance regulating the operation of vehicles, streetcars, and trackless trolleys on highways or streets.

(B) If a person is convicted of or forfeits bail in relation to a violation of any section listed in division (A) of this section or a violation of any other law or ordinance regulating the operation of vehicles, streetcars, and trackless trolleys on highways or streets, the county court judge, mayor of a mayor's court, or clerk, within seven days after the conviction or bail forfeiture, shall prepare and immediately forward to the bureau of motor vehicles, in a secure electronic format, an abstract certified by the preparer to be true and correct, of the court record covering the case in which the person was convicted or forfeited bail. Every court of record also shall forward to the bureau of motor vehicles, in a secure electronic format, an abstract of the court record as described in division (C) of this section upon the conviction of any person of aggravated vehicular homicide or vehicular homicide or of a felony in the commission of which a vehicle was used.

(C) Each abstract required by this section shall be made upon a form approved and furnished by the bureau and shall include the name and address of the person charged, the number of the person's
driver's or commercial driver's license, probationary driver's license, or temporary instruction permit, the registration number of the vehicle involved, the nature of the offense, the date of the offense, the date of hearing, the plea, the judgment, or whether bail was forfeited, and the amount of the fine or forfeiture.

Sec. 4510.41. (A) As used in this section:

(1) "Arrested person" means a person who is arrested for a violation of section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections, and whose arrest results in a vehicle being seized under division (B) of this section.

(2) "Vehicle owner" means either of the following:

(a) The person in whose name is registered, at the time of the seizure, a vehicle that is seized under division (B) of this section;

(b) A person to whom the certificate of title to a vehicle that is seized under division (B) of this section has been assigned and who has not obtained a certificate of title to the vehicle in that person's name, but who is deemed by the court as being the owner of the vehicle at the time the vehicle was seized under division (B) of this section.

(3) "Interested party" includes the owner of a vehicle seized under this section, all lienholders, the arrested person, the owner of the place of storage at which a vehicle seized under this section is stored, and the person or entity that caused the vehicle to be removed.

(B)(1) If a person is arrested for a violation of section 4510.14 or 4511.203 of the Revised Code or a municipal ordinance that is substantially equivalent to either of those sections, the
arresting officer or another officer of the law enforcement agency that employs the
arresting officer, in addition to any action that the arresting officer is required or
authorized to take by any other provision of law, shall seize the vehicle that the person
was operating at the time of, or that was involved in, the alleged offense if the vehicle is registered in the arrested person's name and its license plates. A law enforcement agency that employs a law enforcement officer who makes an arrest of a type that is described in this division and that involves a rented or leased vehicle that is being rented or leased for a period of thirty days or less shall notify, within twenty-four hours after the officer makes the arrest, the lessor or owner of the vehicle regarding the circumstances of the arrest and the location at which the vehicle may be picked up. At the time of the seizure of the vehicle, the law enforcement officer who made the arrest shall give the arrested person written notice that the vehicle and its license plates have been seized; that the vehicle either will be kept by the officer's law enforcement agency or will be immobilized at least until the person's initial appearance on the charge of the offense for which the arrest was made; that, at the initial appearance, the court in certain circumstances may order that the vehicle and license plates be released to the arrested person until the disposition of that charge; that, if the arrested person is convicted of that charge, the court generally must order the immobilization of the vehicle and the impoundment of its license plates or the forfeiture of the vehicle; and that the arrested person may be charged expenses or charges incurred under this section and section 4503.233 of the Revised Code for the removal and storage of the vehicle.

(2) The arresting officer or a law enforcement officer of the agency that employs the arresting officer shall give written notice of the seizure under division (B)(1) of this section to the court that will conduct the initial appearance of the arrested person.
person on the charges arising out of the arrest. Upon receipt of
the notice, the court promptly shall determine whether the
arrested person is the vehicle owner. If the court determines that
the arrested person is not the vehicle owner, it promptly shall
send by regular mail written notice of the seizure to the
vehicle's registered owner. The written notice shall contain all
of the information required by division (B)(1) of this section to
be in a notice to be given to the arrested person and also shall
specify the date, time, and place of the arrested person's initial
appearance. The notice also shall inform the vehicle owner that if
title to a motor vehicle that is subject to an order for criminal
forfeiture under this section is assigned or transferred and
division (B)(2) or (3) of section 4503.234 of the Revised Code
applies, the court may fine the arrested person the value of the
vehicle. The notice also shall state that if the vehicle is
immobilized under division (A) of section 4503.233 of the Revised
Code, seven days after the end of the period of immobilization a
law enforcement agency will send the vehicle owner a notice,
informing the owner that if the release of the vehicle is not
obtained in accordance with division (D)(3) of section 4503.233 of
the Revised Code, the vehicle shall be forfeited. The notice also
shall inform the vehicle owner that the owner may be charged
expenses or charges incurred under this section and section
4503.233 of the Revised Code for the removal and storage of the
vehicle.

The written notice that is given to the arrested person also
shall state that if the person is convicted of or pleads guilty to
the offense and the court issues an immobilization and impoundment
order relative to that vehicle, division (D)(4) of section
4503.233 of the Revised Code prohibits the vehicle from being sold
during the period of immobilization without the prior approval of
the court.
(3) At or before the initial appearance, the vehicle owner may file a motion requesting the court to order that the vehicle and its license plates be released to the vehicle owner. Except as provided in this division and subject to the payment of expenses or charges incurred in the removal and storage of the vehicle, the court, in its discretion, then may issue an order releasing the vehicle and its license plates to the vehicle owner. Such an order may be conditioned upon such terms as the court determines appropriate, including the posting of a bond in an amount determined by the court. If the arrested person is not the vehicle owner and if the vehicle owner is not present at the arrested person's initial appearance, and if the court believes that the vehicle owner was not provided with adequate notice of the initial appearance, the court, in its discretion, may allow the vehicle owner to file a motion within seven days of the initial appearance. If the court allows the vehicle owner to file such a motion after the initial appearance, the extension of time granted by the court does not extend the time within which the initial appearance is to be conducted. If the court issues an order for the release of the vehicle and its license plates, a copy of the order shall be made available to the vehicle owner. If the vehicle owner presents a copy of the order to the law enforcement agency that employs the law enforcement officer who arrested the arrested person, the law enforcement agency promptly shall release the vehicle and its license plates to the vehicle owner upon payment by the vehicle owner of any expenses or charges incurred in the removal or storage of the vehicle.

(4) A vehicle seized under division (B)(1) of this section either shall be towed to a place specified by the law enforcement agency that employs the arresting officer to be safely kept by the agency at that place for the time and in the manner specified in this section or shall be otherwise immobilized for the time and in the manner specified in this section.
that agency shall remove the identification license plates of the vehicle, and they shall be safely kept by the agency for the time and in the manner specified in this section. The license plates shall remain on the seized vehicle unless otherwise ordered by the court. No vehicle that is seized and either towed or immobilized pursuant to this division shall be considered contraband for purposes of Chapter 2981. of the Revised Code. The vehicle shall not be immobilized at any place other than a commercially operated private storage lot, a place owned by a law enforcement or other government agency, or a place to which one of the following applies:

(a) The place is leased by or otherwise under the control of a law enforcement or other government agency.

(b) The place is owned by the arrested person, the arrested person's spouse, or a parent or child of the arrested person.

(c) The place is owned by a private person or entity, and, prior to the immobilization, the private entity or person that owns the place, or the authorized agent of that private entity or person, has given express written consent for the immobilization to be carried out at that place.

(d) The place is a public street or highway on which the vehicle is parked in accordance with the law.

(C)(1) A vehicle seized under division (B)(1) of this section shall be safely kept at the place to which it is towed or otherwise moved by the law enforcement agency that employs the arresting officer until the initial appearance of the arrested person relative to the charge in question. The license plates of that are removed pursuant to division (B)(1) of this section shall be safely kept by the law enforcement agency that employs the arresting officer until at least the initial appearance of the arrested person relative to
the charge in question unless otherwise ordered by the court.

(2)(a) At the initial appearance or not less than seven days prior to the date of final disposition, the court shall notify the arrested person that, if title to a motor vehicle that is subject to an order for criminal forfeiture under this section is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Revised Code applies, the court may fine the arrested person the value of the vehicle. If, at the initial appearance, the arrested person pleads guilty to the violation of section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections or pleads no contest to and is convicted of the violation, the following sentencing provisions apply:

(i) If the person violated section 4510.14 of the Revised Code or a municipal ordinance that is substantially equivalent to that section, the court shall impose sentence upon the person as provided by law or ordinance; the court shall order the immobilization of the vehicle the arrested person was operating at the time of, or that was involved in, the offense if registered in the arrested person's name and the impoundment of its license plates under sections 4503.233 and 4510.14 of the Revised Code or the criminal forfeiture to the state of the vehicle if registered in the arrested person's name under sections 4503.234 and 4510.14 of the Revised Code, whichever is applicable; and the vehicle and its license plates shall not be returned or released to the arrested person.

(ii) If the person violated section 4511.203 of the Revised Code or a municipal ordinance that is substantially equivalent to that section, the court shall impose sentence upon the person as provided by law or ordinance; the court may order the immobilization of the vehicle the arrested person was operating at the time of, or that was involved in, the offense if registered in
the arrested person's name and the impoundment of its license plates under section 4503.233 and section 4511.203 of the Revised Code or the criminal forfeiture to the state of the vehicle if registered in the arrested person's name under section 4503.234 and section 4511.203 of the Revised Code, whichever is applicable; and the vehicle and its license plates shall not be returned or released to the arrested person.

(b) If, at any time, the charge that the arrested person violated section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections is dismissed for any reason, the court shall order that the vehicle seized at the time of the arrest and its license plates immediately be released to the person.

(D) If a vehicle and its license plates are seized under division (B)(1) of this section and are not returned or released to the arrested person pursuant to division (C) of this section, the vehicle and its license plates shall be retained until the final disposition of the charge in question. Upon the final disposition of that charge, the court shall do whichever of the following is applicable:

(1) If the arrested person is convicted of or pleads guilty to the violation of section 4510.14 of the Revised Code or a municipal ordinance that is substantially equivalent to that section, the court shall impose sentence upon the person as provided by law or ordinance and shall order the immobilization of the vehicle the person was operating at the time of, or that was involved in, the offense if it is registered in the arrested person's name and the impoundment of its license plates under sections 4503.233 and 4510.14 of the Revised Code or the criminal forfeiture of the vehicle if it is registered in the arrested person's name under sections 4503.234 and 4510.14 of the Revised Code, whichever is applicable.
(2) If the arrested person is convicted of or pleads guilty to the violation of section 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to that section, the court shall impose sentence upon the person as provided by law or ordinance and may order the immobilization of the vehicle the person was operating at the time of, or that was involved in, the offense if it is registered in the arrested person's name and the impoundment of its license plates under section 4503.233 and section 4511.203 of the Revised Code or the criminal forfeiture of the vehicle if it is registered in the arrested person's name under section 4503.234 and section 4511.203 of the Revised Code, whichever is applicable.

(3) If the arrested person is found not guilty of the violation of section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(4) If the charge that the arrested person violated section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections is dismissed for any reason, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(5) If the impoundment of the vehicle was not authorized under this section, the court shall order that the vehicle and its license plates be returned immediately to the arrested person or, if the arrested person is not the vehicle owner, to the vehicle owner and shall order that the state or political subdivision of the law enforcement agency served by the law enforcement officer who seized the vehicle pay all expenses and charges incurred in its removal and storage.

(E) If a vehicle is seized under division (B)(2) of this
section, the time between the seizure of the vehicle and either
its release to the arrested person pursuant to division (C) of
this section or the issuance of an order of immobilization of the
vehicle under section 4503.233 of the Revised Code shall be
credited against the period of immobilization ordered by the
court.

(F)(1) Except as provided in division (D)(4) of this section,
the arrested person may be charged expenses or charges incurred in
the removal and storage of the immobilized vehicle. The court with
jurisdiction over the case, after notice to all interested
parties, including lienholders, and after an opportunity for them
to be heard, if the court finds that the arrested person does not
intend to seek release of the vehicle at the end of the period of
immobilization under section 4503.233 of the Revised Code or that
the arrested person is not or will not be able to pay the expenses
and charges incurred in its removal and storage, may order that
title to the vehicle be transferred, in order of priority, first
into the name of the person or entity that removed it, next into
the name of a lienholder, or lastly into the name of the owner of
the place of storage.

Any lienholder that receives title under a court order shall
do so on the condition that it pay any expenses or charges
incurred in the vehicle's removal and storage. If the person or
entity that receives title to the vehicle is the person or entity
that removed it, the person or entity shall receive title on the
condition that it pay any lien on the vehicle. The court shall not
order that title be transferred to any person or entity other than
the owner of the place of storage if the person or entity refuses
to receive the title. Any person or entity that receives title
either may keep title to the vehicle or may dispose of the vehicle
in any legal manner that it considers appropriate, including
assignment of the certificate of title to the motor vehicle to a
salvage dealer or a scrap metal processing facility. The person or entity shall not transfer the vehicle to the person who is the vehicle's immediate previous owner.

If the person or entity that receives title assigns the motor vehicle to a salvage dealer or scrap metal processing facility, the person or entity shall send the assigned certificate of title to the motor vehicle to the clerk of the court of common pleas of the county in which the salvage dealer or scrap metal processing facility is located. The person or entity shall mark the face of the certificate of title with the words "FOR DESTRUCTION" and shall deliver a photocopy of the certificate of title to the salvage dealer or scrap metal processing facility for its records.

(2) Whenever a court issues an order under division (F)(1) of this section, the court also shall order removal of the license plates from the vehicle and cause them to be sent to the registrar if they have not already been sent to the registrar. Thereafter, no further proceedings shall take place under this section or under section 4503.233 of the Revised Code.

(3) Prior to initiating a proceeding under division (F)(1) of this section, and upon payment of the fee under division (B) of section 4505.14, any interested party may cause a search to be made of the public records of the bureau of motor vehicles or the clerk of the court of common pleas, to ascertain the identity of any lienholder of the vehicle. The initiating party shall furnish this information to the clerk of the court with jurisdiction over the case, and the clerk shall provide notice to the arrested person, any lienholder, and any other interested parties listed by the initiating party, at the last known address supplied by the initiating party, by certified mail, or, at the option of the initiating party, by personal service or ordinary mail.

Sec. 4735.13. (A) Every real estate broker licensed under
this chapter shall have and maintain a definite place of business in this state. A post office box address is not a definite place of business for purposes of this section. The license of a real estate broker shall be prominently displayed in the office or place of business of the broker, and no license shall authorize the licensee to do business except from the location specified in it. If the broker maintains more than one place of business within the state, the broker shall apply for and procure a duplicate license for each branch office maintained by the broker. Each branch office shall be in the charge of a licensed broker or salesperson. The branch office license shall be prominently displayed at the branch office location.

(B) The license of each real estate salesperson shall be electronically mailed to and remain in the possession of the licensed broker with whom the salesperson is or is to be associated until the licensee places the license on inactive or resigned status or until the salesperson leaves the brokerage or is terminated. The broker shall keep a copy of each salesperson's license in a way that it can, and shall on request, be made immediately available for public inspection at the office or place of business of the broker. Except as provided in divisions (G) and (H) of this section, immediately upon the salesperson's leaving the association or termination of the association of a real estate salesperson with the broker, the broker shall return the salesperson's license to notify the superintendent of real estate by electronic mail to the division of real estate's general electronic mail address. The broker shall keep a copy of the written notification for three years after it is sent.

The failure of a broker to return the license notify the superintendent of real estate in writing of a real estate salesperson or broker who leaves or who is terminated, via certified electronic mail return receipt requested, within three
business days of the receipt of a written request from the superintendent for the return of the license such notification, is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(C) A licensee shall notify the superintendent in writing within fifteen days of any of the following occurrences:

(1) The licensee is convicted of a felony.

(2) The licensee is convicted of a crime involving moral turpitude.

(3) The licensee is found to have violated any federal, state, or municipal civil rights law pertaining to discrimination in housing.

(4) The licensee is found to have engaged in a discriminatory practice pertaining to housing accommodations described in division (H) of section 4112.02 of the Revised Code.

(5) The licensee is the subject of an order by the department of commerce, the department of insurance, or the department of agriculture revoking or permanently surrendering any professional license, certificate, or registration.

(6) The licensee is the subject of an order by any government agency concerning real estate, financial matters, or the performance of fiduciary duties with respect to any license, certificate, or registration.

If a licensee fails to notify the superintendent within the required time, the superintendent immediately may suspend the license of the licensee.

Any court that convicts a licensee of a violation of any municipal civil rights law pertaining to housing discrimination also shall notify the Ohio civil rights commission within fifteen days of the conviction.
(D) In case of any change of business location, a broker shall give notice to the superintendent, on a form prescribed by the superintendent, within thirty days after the change of location, whereupon the superintendent shall issue new licenses for the unexpired period without charge. If a broker changes a business location without giving the required notice and without receiving new licenses that action is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The application shall be made on a form prescribed by the superintendent and shall be accompanied by the recommendation of the real estate broker with whom the applicant intends to become associated and a fee of thirty-four dollars for the real estate salesperson's license. One dollar of the fee shall be credited to the real estate education and research fund. If the superintendent is satisfied that the applicant is honest and truthful, has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, and that the association of the real estate broker and the applicant will be in the public interest, the superintendent shall grant the application and issue a real estate salesperson's license to the applicant. Any license so deposited with the superintendent shall be subject to this chapter. A broker who intends to deposit the broker's license with the superintendent, as provided in this section, shall give written notice of this fact in a format prescribed by the
superintendent to all salespersons associated with the broker when applying to place the broker's license on deposit.

(F) If a real estate broker desires to become a member or officer of a partnership, association, limited liability company, limited liability partnership, or corporation that is or intends to become a licensed real estate broker, the broker shall notify the superintendent of the broker's intentions. The notice of intention shall be on a form prescribed by the superintendent and shall be accompanied by a fee of thirty-four dollars. One dollar of the fee shall be credited to the real estate education and research fund.

A licensed real estate broker who is a member or officer of a partnership, association, limited liability company, limited liability partnership, or corporation shall only act as a real estate broker for such partnership, association, limited liability company, limited liability partnership, or corporation.

(G)(1) If a real estate broker or salesperson enters the armed forces, the broker or salesperson may place the broker's or salesperson's license on deposit with the Ohio real estate commission. The licensee shall not be required to renew the license until the renewal date that follows the date of discharge from the armed forces. Any license deposited with the commission shall be subject to this chapter.

Any licensee whose license is on deposit under this division and who fails to meet the continuing education requirements of section 4735.141 of the Revised Code because the licensee is in the armed forces shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months of the licensee's first birthday after discharge or within the amount of time equal to the total number of months the licensee spent on active duty, whichever is greater. The licensee shall submit proper documentation of active duty service and the
length of that active duty service to the superintendent. The extension shall not exceed the total number of months that the licensee served in active duty. The superintendent shall notify the licensee of the licensee's obligations under section 4735.141 of the Revised Code at the time the licensee applies for reactivation of the licensee's license.

(2) If a licensee is a spouse of a member of the armed forces and the spouse's service resulted in the licensee's absence from this state, both of the following apply:

(a) The licensee shall not be required to renew the license until the renewal date that follows the date of the spouse's discharge from the armed forces.

(b) If the licensee fails to meet the continuing education requirements of section 4735.141 of the Revised Code, the licensee shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months after the licensee's first birthday after the spouse's discharge or within the amount of time equal to the total number of months the licensee's spouse spent on active duty, whichever is greater. The licensee shall submit proper documentation of the spouse's active duty service and the length of that active duty service. This extension shall not exceed the total number of months that the licensee's spouse served in active duty.

(3) In the case of a licensee as described in division (G)(2) of this section, who holds the license through a reciprocity agreement with another state, the spouse's service shall have resulted in the licensee's absence from the licensee's state of residence for the provisions of that division to apply.

(4) As used in this division, "armed forces" means the armed forces of the United States or reserve component of the armed forces of the United States including the Ohio national guard or
the national guard of any other state.

(H) If a licensed real estate salesperson submits an application to the superintendent to leave the association of one broker to associate with a different broker, the broker possessing the licensee's license need not return the salesperson's license to notify the superintendent pursuant to division (B) of this section. The superintendent may process the application regardless of whether the licensee's license is returned to the superintendent or the superintendent is notified pursuant to division (B) of this section.

Sec. 4735.14. (A) Each license issued under this chapter, shall be valid without further recommendation or examination until it is placed in an inactive or resigned status, is revoked or suspended, or such license expires by operation of law.

(B) Except for a licensee who has placed the licensee's license in resigned status pursuant to section 4735.142 of the Revised Code, each licensed broker, brokerage, or salesperson shall file, on or before the date the Ohio real estate commission has adopted by rule for that licensee in accordance with division (A)(2)(f) of section 4735.10 of the Revised Code, a notice of renewal on a form prescribed by the superintendent of real estate. The notice of renewal shall be mailed by the superintendent two months prior to the filing deadline to the personal residence electronic mail address of each broker or salesperson that is on file with the division. If the licensee is a partnership, association, limited liability company, limited liability partnership, or corporation, the notice of renewal shall be mailed by the superintendent two months prior to the filing deadline to the brokerage's business electronic mail address on file with the division. A licensee shall not renew the licensee's license any earlier than two months prior to the filing deadline.
(C) Except as otherwise provided in division (B) of this section, the license of any real estate broker, brokerage, or salesperson that fails to file a notice of renewal on or before the filing deadline of each ensuing year shall be suspended automatically without the taking of any action by the superintendent. A suspended license may be reactivated within twelve months of the date of suspension, provided that the renewal fee plus a penalty fee of fifty per cent of the renewal fee is paid to the superintendent. Failure to reactivate the license as provided in this division shall result in automatic revocation of the license without the taking of any action by the superintendent. No person, partnership, association, corporation, limited liability company, or limited partnership shall engage in any act or acts for which a real estate license is required while that entity's license is placed in an inactive or resigned status, or is suspended, or revoked. The commission shall adopt rules in accordance with Chapter 119. of the Revised Code to provide to licensees notice of suspension or revocation or both.

(D) Each licensee shall notify the superintendent of a change in personal residence address within thirty days after the change of location. A licensee's failure to notify the superintendent of a change in personal residence address does not negate the requirement to file the license renewal by the required deadline established by the commission by rule under division (A)(2)(f) of section 4735.10 of the Revised Code. Each licensee shall maintain a valid electronic mail address on file with the division and notify the superintendent of any change in electronic mail address within thirty days after the change.

(E) The superintendent shall not renew a license if the licensee fails to comply with section 4735.141 of the Revised Code or is otherwise not in compliance with this chapter.

(F) The superintendent shall make notice of successful
renewal available electronically to licensees as soon as practicable, but not later than thirty days after receipt by the division of a complete application and renewal fee. This notice shall serve as a notice of renewal for purposes of section 4745.02 of the Revised Code.

Sec. 5107.161. Before a county department of job and family services sanctions an assistance group under section 5107.16 of the Revised Code, the state department of job and family services shall provide the assistance group written notice of the sanction in accordance with rules adopted under section 5107.05 of the Revised Code. The written notice shall include a provision printed in bold type face that informs the assistance group that, not later than fifteen calendar days after the state department mailed the written notice to the assistance group, the assistance group may request, for the purpose of explaining why the assistance group believes it should not be sanctioned, a state hearing under division (B) of section 5101.35 of the Revised Code which, at the assistance group's request, may be preceded by a face-to-face county conference with the county department. The written notice shall include either the telephone number of an Ohio works first ombudsperson provided for under section 329.07 of the Revised Code or the toll-free telephone number of the state department of job and family services that the assistance group may call to obtain the telephone number of an Ohio works first ombudsperson.

Sec. 5120.14. (A) If a person who was convicted of or pleaded guilty to an offense escapes from a correctional institution in this state under the control of the department of rehabilitation and correction or otherwise escapes from the custody of the department, the department immediately after the escape shall report the escape, by telephone and in writing, to all local law enforcement agencies with jurisdiction in the county in which the
institution from which the escape was made or to which the person was sentenced is located, to all local law enforcement agencies with jurisdiction in the county in which the person was convicted or pleaded guilty to the offense for which the escaped person was sentenced, to the state highway patrol, to the prosecuting attorney of the county in which the institution from which the escape was made or to which the person was sentenced is located, to the prosecuting attorney of the county in which the person was convicted or pleaded guilty to the offense for which the escaped person was sentenced, to a newspaper of general circulation in the county in which the institution from which the escape was made or to which the person was sentenced is located, to a newspaper of general circulation in each county in which the escaped person was indicted for an offense for which, at the time of the escape, the escaped person had been sentenced to that institution. The written notice may be by either facsimile transmission, electronic mail, or mail. A failure to comply with this requirement is a violation of section 2921.22 of the Revised Code.

(B) Upon the apprehension of the escaped person, the department shall give notice of the apprehension by telephone and in writing to the persons who were given notice of the escape under division (A) of this section.

Sec. 5165.193. (A) The department of medicaid may, pursuant to rules authorized by this section, conduct an exception review of resident assessment data submitted by a nursing facility provider under section 5165.191 of the Revised Code. The department may conduct an exception review based on the findings of a medicaid certification survey conducted by the department of health, a risk analysis, or prior performance of the provider. Exception reviews shall be conducted
by appropriate health professionals under contract with or
employed by the department. The professionals may review resident
assessment forms and supporting documentation, conduct interviews,
and observe residents to identify any patterns or trends of
inaccurate resident assessments and resulting inaccurate case-mix
scores.

(B) If an exception review is conducted before the effective
date of a nursing facility's rate for direct care costs that is
based on the resident assessment data being reviewed and the
review results in findings that exceed tolerance levels specified
in the rules authorized by this section, the department, in
accordance with those rules, may use the findings to redetermine
individual resident case-mix scores, the nursing facility's
case-mix score for the quarter, and the nursing facility's annual
average case-mix score. The department may use the nursing
facility's redetermined quarterly and annual average case-mix
scores to determine the nursing facility's rate for direct care
costs for the appropriate calendar quarter or quarters.

(C) The department shall prepare a written summary of any
exception review finding that is made after the effective date of
a nursing facility's rate for direct care costs that is based on
the resident assessment data that was reviewed. Where the provider
is pursuing judicial or administrative remedies in good faith
regarding the finding, the department shall not withhold from the
provider's current payments any amounts the department claims to
be due from the provider pursuant to section 5165.41 of the
Revised Code.

(D)(1) The medicaid director shall adopt rules under section
5165.02 of the Revised Code as necessary to implement this
section. The rules shall establish an exception review program
that does all of the following:

(a) Requires each exception review to comply with Title XVIII
and Title XIX;

(b) Requires a written summary for each exception review that states whether resident assessment forms have been completed accurately;

(c) Prohibits each health professional who conducts an exception review from doing either of the following:

(i) During the period of the professional's contract or employment with the department, having or being committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of nursing facilities in this state;

(ii) Reviewing any provider that has been a client of the professional.

(2) For the purposes of division (D)(1)(c)(i) of this section, employment of a member of a health professional's family by a nursing facility that the professional does not review does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the nursing facility.

Sec. 5165.86. The department of medicaid, the department of health, and any contracting agency shall deliver a written notice, statement, or order to a nursing facility under sections 5165.60 to 5165.66 and 5165.69 to 5165.89 of the Revised Code by certified mail or hand delivery, or other means reasonably calculated to provide prompt actual notice. If the notice, statement, or order is mailed, it shall be addressed to the administrator of the facility as indicated in the department's or agency's records. If it is hand delivered, it shall be delivered to a person at the facility who would appear to the average prudent person to have authority to accept it.

Delivery of written notice by a nursing facility to the
department of health, the department of medicaid, or a contracting agency under sections 5165.60 to 5165.89 of the Revised Code shall be by certified mail or, hand delivery, or other means reasonably calculated to provide prompt actual notice to the appropriate department or the agency.

**Sec. 5166.303.** A home care attendant shall do all of the following:

(A) Maintain a clinical record for each consumer to whom the attendant provides home care attendant services in a manner that protects the consumer's privacy;

(B) Participate in a face-to-face visit every ninety days with all of the following to monitor the health and welfare of each of the consumers to whom the attendant provides home care attendant services:

(1) The consumer;

(2) The consumer's authorized representative, if any;

(3) A registered nurse who agrees to answer any questions that the attendant, consumer, or authorized representative has about consumer care needs, medications, and other issues.

(C) Document the activities of each visit required by division (B) of this section in the consumer's clinical record with the assistance of the registered nurse.

(D) The face-to-face visit requirement in division (B) of this section may be satisfied by telephone or electronically if permitted by rules adopted under section 5166.02 of the Revised Code.

**Sec. 5168.08.** (A) Before or during each program year, the department of medicaid shall mail issue to each hospital by certified mail, return receipt requested, the preliminary
determination of the amount that the hospital is assessed under section 5168.06 of the Revised Code during the program year. The preliminary determination of a hospital's assessment shall be calculated for a cost-reporting period that is specified in rules adopted under section 5168.02 of the Revised Code.

The department shall consult with hospitals each year when determining the date on which it will mail issue the preliminary determinations in order to minimize hospitals' cash flow difficulties.

If no hospital submits a request for reconsideration under division (B) of this section, the preliminary determination constitutes the final reconciliation of each hospital's assessment under section 5168.06 of the Revised Code. The final reconciliation is subject to adjustments under division (D) of this section.

(B) Not later than fourteen days after the preliminary determinations are mailed issued, any hospital may submit to the department a written request to reconsider the preliminary determinations. The request shall be accompanied by written materials setting forth the basis for the reconsideration. If one or more hospitals submit a request, the department shall hold a public hearing not later than thirty days after the preliminary determinations are mailed issued to reconsider the preliminary determinations. The department shall mail issue to each hospital a written notice of the date, time, and place of the hearing at least ten days prior to the hearing. On the basis of the evidence submitted to the department or presented at the public hearing, the department shall reconsider and may adjust the preliminary determinations. The result of the reconsideration is the final reconciliation of the hospital's assessment under section 5168.06 of the Revised Code. The final reconciliation is subject to adjustments under division (D) of this section.
(C) The department shall mail issue to each hospital a written notice of its assessment for the program year under the final reconciliation. A hospital may appeal the final reconciliation of its assessment to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with the schedules required by division (B) of section 5168.06 of the Revised Code, any amount of its assessment that is not in dispute into the hospital care assurance program fund created in section 5168.11 of the Revised Code.

(D) In the course of any program year, the department may adjust the assessment rate or rates established in rules pursuant to section 5168.06 of the Revised Code or adjust the amounts of intergovernmental transfers required under section 5168.07 of the Revised Code and, as a result of the adjustment, adjust each hospital's assessment and intergovernmental transfer, to reflect refinements made by the United States centers for medicare and medicaid services during that program year to the limits it prescribed under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the assessment rate or rates must comply with division (A) of section 5168.06 of the Revised Code. An adjusted intergovernmental transfer must comply with division (A) of section 5168.07 of the Revised Code. The department shall notify hospitals of adjustments made under this division and adjust for the remainder of the program year the installments paid by hospitals under sections 5168.06 and 5168.07 of the Revised Code in accordance with rules adopted under section 5168.02 of the Revised Code.

Sec. 5168.22. (A) Before or during each assessment program year, the department of medicaid shall mail issue to each hospital by certified mail, return receipt requested, the preliminary determination of the amount that the hospital is assessed under section 5168.21 of the Revised Code for the assessment program.
year. Except as provided in division (B) of this section, the preliminary determination becomes the final determination for the assessment program year fifteen days after the preliminary determination is mailed to the hospital.

(B) A hospital may request that the department reconsider the preliminary determination mailed to the hospital under division (A) of this section by submitting to the department a written request for a reconsideration not later than fourteen days after the hospital's preliminary determination is mailed to the hospital. The request must be accompanied by written materials setting forth the basis for the reconsideration. On receipt of the timely request, the department shall reconsider the preliminary determination and may adjust the preliminary determination on the basis of the written materials accompanying the request. The result of the reconsideration is the final determination of the hospital's assessment under section 5168.21 of the Revised Code for the assessment program year.

(C) The department shall mail to each hospital a written notice of the final determination of its assessment for the assessment program year. A hospital may appeal the final determination to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with section 5168.23 of the Revised Code, any amount of its assessment that is not in dispute.

Sec. 5168.23. Each hospital shall pay the amount it is assessed under section 5168.21 of the Revised Code in accordance with a payment schedule the department of medicaid shall establish for each assessment program year. The department shall consult with the Ohio hospital association before establishing the payment schedule for any assessment program year. The department shall include the payment schedule in each preliminary determination.
notice the department mails issues to hospitals under division (A) of section 5168.22 of the Revised Code.

Sec. 5525.01. Before entering into a contract, the director of transportation shall may advertise for bids for two consecutive weeks in one newspaper of general circulation published in the county in which the improvement or part thereof is located, but if there is no such newspaper then in one newspaper having general circulation in an adjacent county. In the alternative, the director may advertise for bids as provided in section 7.16 of the Revised Code. The director may shall advertise for bids in such other publications as the director considers advisable. Such notices shall state that plans and specifications for the improvement are on file in the office of the director and the district deputy director of the district in which the improvement or part thereof is located and the time within which bids therefor will be received.

Each bidder shall be required to file with the bidder's bid a bid guaranty in the form of a certified check, a cashier's check, or an electronic funds transfer to the treasurer of state that is evidenced by a receipt or by a certification to the director of transportation in a form prescribed by the director that an electronic funds transfer has been made to the treasurer of state, for an amount equal to five per cent of the bidder's bid, but in no event more than fifty thousand dollars, or a bid bond for ten per cent of the bidder's bid, payable to the director, which check, transferred sum, or bond shall be forthwith returned to the bidder in case the contract is awarded to another bidder, or, in case of a successful bidder, when the bidder has entered into a contract and furnished the bonds required by section 5525.16 of the Revised Code. In the event the contract is awarded to a bidder, and the bidder fails or refuses to furnish the bonds as
required by section 5525.16 of the Revised Code, the check, 
transferred sum, or bid bond filed with the bidder's bid shall be 
forfeited as liquidated damages. No bidder shall be required 
either to file a signed contract with the bidder's bid, to enter 
into a contract, or to furnish the contract performance bond and 
the payment bond required by that section until the bids have been 
opened and the bidder has been notified by the director that the 
bidder is awarded the contract.

The director shall permit a bidder to withdraw the bidder's 
bid from consideration, without forfeiture of the check, 
transferred sum, or bid bond filed with the bid, providing a 
written request together with a sworn statement of the grounds for 
such withdrawal is delivered within forty-eight hours after the 
time established for the receipt of bids, and if the price bid was 
substantially lower than the other bids, providing the bid was 
submitted in good faith, and the reason for the price bid being 
substantially lower was a clerical mistake evident on the face of 
the bid, as opposed to a judgment mistake, and was actually due to 
an unintentional and substantial arithmetic error or an 
unintentional omission of a substantial quantity of work, labor, 
or material made directly in the compilation of the bid. In the 
event the director decides the conditions for withdrawal have not 
been met, the director may award the contract to such bidder. If 
such bidder does not then enter into a contract and furnish the 
contract bond as required by law, the director may declare 
forfeited the check, transferred sum, or bid bond as liquidated 
damages and award the contract to the next higher bidder or reject 
the remaining bids and readvertise the project for bids. Such 
bidder, within thirty days, may appeal the decision of the 
director to the court of common pleas of Franklin county and the 
court may affirm or reverse the decision of the director and may 
order the director to refund the amount of the forfeiture. At the 
hearing before the common pleas court evidence may be introduced
for and against the decision of the director. The decision of the common pleas court may be appealed as in other cases.

There is hereby created the ODOT letting fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. All certified checks and cashiers' checks received with bidders' bids, and all sums transferred to the treasurer of state by electronic funds transfer in connection with bidders' bids, under this section shall be credited to the fund. All such bid guaranties shall be held in the fund until a determination is made as to the final disposition of the money. If the department determines that any such bid guaranty is no longer required to be held, the amount of the bid guaranty shall be returned to the appropriate bidder. If the department determines that a bid guaranty under this section shall be forfeited, the amount of the bid guaranty shall be transferred or, in the case of money paid on a forfeited bond, deposited into the state treasury, to the credit of the highway operating fund. Any investment earnings of the ODOT letting fund shall be distributed as the treasurer of state considers appropriate.

The director shall require all bidders to furnish the director, upon such forms as the director may prescribe, detailed information with respect to all pending work of the bidder, whether with the department of transportation or otherwise, together with such other information as the director considers necessary.

In the event a bidder fails to submit anything required to be submitted with the bid and then fails or refuses to so submit such at the request of the director, the failure or refusal constitutes grounds for the director, in the director's discretion, to declare as forfeited the bid guaranty submitted with the bid.

The director may reject any or all bids. Except in regard to contracts for environmental remediation and specialty work for
which there are no classes of work set out in the rules adopted by
the director, if the director awards the contract, the director
shall award it to the lowest competent and responsible bidder as
defined by rules adopted by the director under section 5525.05 of
the Revised Code, who is qualified to bid under sections 5525.02
to 5525.09 of the Revised Code. In regard to contracts for
environmental remediation and specialty work for which there are
no classes of work set out in the rules adopted by the director,
the director shall competitively bid the projects in accordance
with this chapter and shall award the contracts to the lowest and
best bidder.

The award for all projects competitively let by the director
under this section shall be made within ten days after the date on
which the bids are opened, and the successful bidder shall enter
into a contract and furnish a contract performance bond and a
payment bond, as provided for in section 5525.16 of the Revised
Code, within ten days after the bidder is notified that the bidder
has been awarded the contract.

The director may insert in any contract awarded under this
chapter a clause providing for value engineering change proposals,
under which a contractor who has been awarded a contract may
propose a change in the plans and specifications of the project
that saves the department time or money on the project without
impairing any of the essential functions and characteristics of
the project such as service life, reliability, economy of
operation, ease of maintenance, safety, and necessary standardized
features. If the director adopts the value engineering proposal,
the savings from the proposal shall be divided between the
department and the contractor according to guidelines established
by the director, provided that the contractor shall receive at
least fifty per cent of the savings from the proposal. The
adoption of a value engineering proposal does not invalidate the
award of the contract or require the director to rebid the project.

Sec. 5703.37. (A)(1) Except as provided in division (B) of this section, whenever service of a notice or order is required in the manner provided in this section, a copy of the notice or order shall be served upon the person affected thereby either by personal service, by certified mail, or by a delivery service authorized under section 5703.056 of the Revised Code that notifies the tax commissioner of the date of delivery.

(2) In lieu of serving a copy of a notice or order through one of the means provided in division (A)(1) of this section, the commissioner may serve a notice or order upon the person affected thereby through alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail as provided in division (F) of this section. Delivery by such means satisfies the requirements for delivery under this section.

(B)(1)(a) If certified mail is returned because of an undeliverable address, the commissioner shall first utilize reasonable means to ascertain a new last known address, including the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code. If, after using reasonable means, the commissioner is unable to ascertain a new last known address, the assessment is final for purposes of section 131.02 of the Revised Code sixty days after the notice or order sent by certified mail is first returned to the commissioner, and the commissioner shall certify the notice or order, if applicable, to the attorney general for collection under section 131.02 of the Revised Code.

(b) Notwithstanding certification to the attorney general under division (B)(1)(a) of this section, once the commissioner or
attorney general, or the designee of either, makes an initial contact with the person to whom the notice or order is directed, the person may protest an assessment by filing a petition for reassessment within sixty days after the initial contact. The certification of an assessment under division (B)(1)(a) of this section is prima-facie evidence that delivery is complete and that the notice or order is served.

(2) If mailing of a notice or order by certified mail is returned for some cause other than an undeliverable address or if a person does not access an electronic notice or order within the time provided in division (F) of this section, the commissioner shall resend the notice or order by ordinary mail. The notice or order shall show the date the commissioner sends the notice or order and include the following statement:

"This notice or order is deemed to be served on the addressee under applicable law ten days from the date this notice or order was mailed by the commissioner as shown on the notice or order, and all periods within which an appeal may be filed apply from and after that date."

Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima-facie evidence that delivery of the notice or order was completed ten days after the commissioner sent the notice or order by ordinary mail and that the notice or order was served.

If the ordinary mail is subsequently returned because of an undeliverable address, the commissioner shall proceed under division (B)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (C) of this section.

(C)(1) A person disputing the presumption of delivery and service under division (B) of this section bears the burden of
proving by a preponderance of the evidence that the address to which the notice or order was sent was not an address with which the person was associated at the time the commissioner originally mailed the notice or order by certified mail. For the purposes of this section, a person is associated with an address at the time the commissioner originally mailed the notice or order if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the notice or order was mailed, the person's agent or the person's affiliate was conducting business at the address. For the purposes of this section, a person's affiliate is any other person that, at the time the notice or order was mailed, owned or controlled at least twenty per cent, as determined by voting rights, of the addressee's business.

(2) If the person elects to protest an assessment certified to the attorney general for collection, the person must do so within sixty days after the attorney general's initial contact with the person. The attorney general may enter into a compromise with the person under sections 131.02 and 5703.06 of the Revised Code if the person does not file a petition for reassessment with the commissioner.

(D) Nothing in this section prohibits the commissioner or the commissioner's designee from delivering a notice or order by personal service.

(E) Collection actions taken pursuant to section 131.02 of the Revised Code upon any assessment being challenged under division (B)(1)(b) of this section shall be stayed upon the pendency of an appeal under this section. If a petition for reassessment is filed pursuant to this section on a claim that has been certified to the attorney general for collection, the claim shall be uncertified.
(F) The commissioner may serve a notice or order upon the person affected by the notice or order or that person's authorized representative through secure electronic means only with the person's consent associated with the person's or representative's last known address. The commissioner must inform the recipient, electronically or by mail, that a notice or order is available for electronic review and provide instructions to access and print the notice or order. The types of electronic notification the commissioner may use include electronic mail, text message, or any other form of electronic communication. The recipient's electronic access of the notice or order satisfies the requirements for delivery under this section. If the recipient fails to access the notice or order electronically within ten business days, then the commissioner shall inform the recipient a second time, electronically or by mail, that a notice or order is available for electronic review and provide instructions to access and print the notice or order. If the recipient fails to access the notice or order electronically within ten business days of the second notification, the notice or order shall be served upon the person through the means provided in division (B)(2) of this section.

(2) The tax commissioner shall establish a system to issue notification of assessments to taxpayers through secure electronic means.

(G) As used in this section:

(1) "Last known address" means the address the department has at the time the document is originally sent by certified mail, or any address the department can ascertain using reasonable means such as the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code. For documents sent by secure electronic means, "last known address" means an electronic
mode of communication that is identified on a form prescribed by the commissioner for such purpose or that is associated with the person or the authorized representative of the person on the Ohio business gateway, as defined in section 718.01 of the Revised Code, as of the date the notification was sent.

(2) "Undeliverable address" means an address to which the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code is not able to deliver a notice or order, except when the reason for nondelivery is because the addressee fails to acknowledge or accept the notice or order.

Sec. 5709.83. (A) Except as otherwise provided in division (B) or (C) of this section, prior to taking formal action to adopt or enter into any instrument granting a tax exemption under section 725.02, 1728.06, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the Revised Code or formally approving an agreement under section 3735.671 of the Revised Code, or prior to forwarding an application for a tax exemption for residential property under section 3735.67 of the Revised Code to the county auditor, the legislative authority of the political subdivision or housing officer shall notify the board of education of each city, local, exempted village, or joint vocational school district in which the proposed tax-exempted property is located. The notice shall include a copy of the instrument or application. The notice shall be delivered not later than fourteen days prior to the day the legislative authority takes formal action to adopt or enter into the instrument, or not later than fourteen days prior to the day the housing officer forwards the application to the county auditor. If the board of education comments on the instrument or application to the legislative authority or housing officer, the legislative authority or housing officer shall consider the
comments. If the board of education of the city, local, exempted 147553
village, or joint vocational school district so requests, the 147554
legislative authority or the housing officer shall meet in person 147555
with a representative designated by the board of education to 147556
discuss the terms of the instrument or application. 147557

(B) The notice otherwise required to be provided to boards of 147558
education under division (A) of this section is not required if 147559
the board has adopted a resolution waiving its right to receive 147560
such notices, and that resolution remains in effect. If a board of 147561
education adopts such a resolution, the board shall cause a copy 147562
of the resolution to be certified to the legislative authority. If 147563
the board of education rescinds such a resolution, it shall 147564
certify notice of the rescission to the legislative authority. A 147565
board of education may adopt such a resolution with respect to any 147566
one or more counties, townships, or municipal corporations 147567
situated in whole or in part within the school district. 147568

(C) If a legislative authority is required to provide notice 147569
to a city, local, or exempted village school district of its 147570
intent to adopt or enter into any instrument granting a tax 147571
exemption as required by section 3735.671, 5709.40, 5709.41, 147572
5709.45, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the 147573
Revised Code, the legislative authority, before adopting a 147574
resolution or ordinance or entering into an agreement under that 147575
section, shall notify the board of education of each joint 147576
vocational school district in which the property to be exempted is 147577
located using the same time requirements for the notice that 147578
applies to notices to city, local, and exempted village school 147579
districts. The content of the notice and procedures for responding 147580
to the notice are the same as required in division (A) of this 147581
section.

Sec. 5736.041. The tax commissioner shall prepare and 147582
maintain a list of suppliers holding a license issued under section 5736.06 of the Revised Code that has not been revoked or canceled under section 5736.07 of the Revised Code. The list shall contain the names and addresses of all such suppliers and each supplier's account number for the tax imposed under section 5736.02 of the Revised Code. The list shall be open to public inspection in the office of the commissioner. The commissioner may shall post the list on the department of taxation's web site.

Sec. 5751.40. (A) As used in this section and division (F)(2)(z) of section 5751.01 of the Revised Code:

(1) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage. If the qualified distribution center is a refining facility, "supplier" includes all dealers, brokers, processors, sellers, vendors, cosigners, and distributors of qualified property.

(2) "Qualified property" means tangible personal property delivered to a qualified distribution center that is shipped to that qualified distribution center solely for further shipping by the qualified distribution center to another location in this state or elsewhere or, in the case of gold, silver, platinum, or palladium delivered to a refining facility solely for refining to a grade and fineness acceptable for delivery to a registered commodities exchange. "Further shipping" includes storing and repackaging property into smaller or larger bundles, so long as the property is not subject to further manufacturing or processing. "Refining" is limited to extracting impurities from gold, silver, platinum, or palladium through smelting or some other process at a refining facility.

(3) "Qualified distribution center" means a warehouse, a
facility similar to a warehouse, or a refining facility in this state that, for the qualifying year, is operated by a person that is not part of a combined taxpayer group and that has a qualifying certificate. All warehouses or facilities similar to warehouses that are operated by persons in the same taxpayer group and that are located within one mile of each other shall be treated as one qualified distribution center. All refining facilities that are operated by persons in the same taxpayer group and that are located in the same or adjacent counties may be treated as one qualified distribution center.

(4) "Qualifying year" means the calendar year to which the qualifying certificate applies.

(5) "Qualifying period" means the period of the first day of July of the second year preceding the qualifying year through the thirtieth day of June of the year preceding the qualifying year.

(6) "Qualifying certificate" means the certificate issued by the tax commissioner after the operator of a distribution center files an annual application with the commissioner under division (B) of this section.

(7) "Ohio delivery percentage" means the proportion of the total property delivered to a destination inside Ohio from the qualified distribution center during the qualifying period compared with total deliveries from such distribution center everywhere during the qualifying period.

(8) "Refining facility" means one or more buildings located in a county in the Appalachian region of this state as defined by section 107.21 of the Revised Code and utilized for refining or smelting gold, silver, platinum, or palladium to a grade and fineness acceptable for delivery to a registered commodities exchange.

(9) "Registered commodities exchange" means a board of trade,
such as New York mercantile exchange, inc. or commodity exchange, inc., designated as a contract market by the commodity futures trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 et seq., as amended.

(10) "Ineligible operator's supplier tax liability" means an amount equal to the tax liability of all suppliers of a distribution center had the distribution center not been issued a qualifying certificate for the qualifying year. Ineligible operator's supplier tax liability shall not include interest or penalties.

(B) For purposes of division (B) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.

(1) An application for a qualifying certificate to be a qualified distribution center shall be filed, and an annual fee paid, for each qualified distribution center on or before the first day of September before the qualifying year or within forty-five days after the distribution center opens, whichever is later. The applicant must substantiate to the commissioner's satisfaction that, for the qualifying period, all persons operating the distribution center have more than fifty per cent of the cost of the qualified property shipped to a location such that it would be sitused outside this state under the provisions of division (E) of section 5751.033 of the Revised Code. The applicant must also substantiate that the distribution center cumulatively had costs from its suppliers equal to or exceeding five hundred million dollars during the qualifying period.

The commissioner may require an applicant to have an independent certified public accountant certify that the calculation of the minimum thresholds required for a qualified distribution center by the operator of a distribution center has
been made in accordance with generally accepted accounting principles. The commissioner shall issue or deny the issuance of a certificate within sixty days after the receipt of the application. A denial is subject to appeal under section 5717.02 of the Revised Code. If the operator files a timely appeal under section 5717.02 of the Revised Code, the operator shall be granted a qualifying certificate effective for the remainder of the qualifying year or until the appeal is finalized, whichever is earlier. If the operator does not prevail in the appeal, the operator shall pay the ineligible operator's supplier tax liability.

(2) If the distribution center is new and was not open for the entire qualifying period, the operator of the distribution center may request that the commissioner grant a qualifying certificate. If the certificate is granted and it is later determined that more than fifty per cent of the qualified property during that year was not shipped to a location such that it would be sitused outside of this state under the provisions of division (E) of section 5751.033 of the Revised Code or if it is later determined that the person that operates the distribution center had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall pay the ineligible operator's supplier tax liability.

(3) The commissioner may grant a qualifying certificate to a distribution center that does not qualify as a qualified distribution center for an entire qualifying period if the operator of the distribution center demonstrates that the business operations of the distribution center have changed or will change such that the distribution center will qualify as a qualified distribution center within thirty-six months after the date the operator first applies for a certificate. If, at the end of that
thirty-six-month period, the business operations of the distribution center have not changed such that the distribution center qualifies as a qualified distribution center, the operator of the distribution center shall pay the ineligible operator's supplier tax liability for each year that the distribution center received a certificate but did not qualify as a qualified distribution center. For each year the distribution center receives a certificate under division (B)(3) of this section, the distribution center shall pay all applicable fees required under this section and shall submit an updated business plan showing the progress the distribution center made toward qualifying as a qualified distribution center during the preceding year.

(4) An operator may appeal a determination under division (B)(2) or (3) of this section that the ineligible operator is liable for the operator's supplier tax liability as a result of not qualifying as a qualified distribution center, as provided in section 5717.02 of the Revised Code.

(C)(1) When filing an application for a qualifying certificate under division (B)(1) of this section, the operator of a qualified distribution center also shall provide documentation, as the commissioner requires, for the commissioner to ascertain the Ohio delivery percentage. The commissioner, upon issuing the qualifying certificate, also shall certify the Ohio delivery percentage. The operator of the qualified distribution center may appeal the commissioner's certification of the Ohio delivery percentage in the same manner as an appeal is taken from the denial of a qualifying certificate under division (B)(1) of this section.

(2) In the case where the distribution center is new and not open for the entire qualifying period, the operator shall make a good faith estimate of an Ohio delivery percentage for use by suppliers in their reports of taxable gross receipts for the
remainder of the qualifying period. The operator of the facility shall disclose to the suppliers that such Ohio delivery percentage is an estimate and is subject to recalculation. By the due date of the next application for a qualifying certificate, the operator shall determine the actual Ohio delivery percentage for the estimated qualifying period and proceed as provided in division (C)(1) of this section with respect to the calculation and recalculation of the Ohio delivery percentage. The supplier is required to file, within sixty days after receiving notice from the operator of the qualified distribution center, amended reports for the impacted calendar quarter or quarters or calendar year, whichever the case may be. Any additional tax liability or tax overpayment shall be subject to interest but shall not be subject to the imposition of any penalty so long as the amended returns are timely filed.

(3) The operator of a distribution center that receives a qualifying certificate under division (B)(3) of this section shall make a good faith estimate of the Ohio delivery percentage that the operator estimates will apply to the distribution center at the end of the thirty-six-month period after the operator first applied for a qualifying certificate under that division. The result of the estimate shall be multiplied by a factor of one and seventy-five one-hundredths. The product of that calculation shall be the Ohio delivery percentage used by suppliers in their reports of taxable gross receipts for each qualifying year that the distribution center receives a qualifying certificate under division (B)(3) of this section, except that, if the product is less than five per cent, the Ohio delivery percentage used shall be five per cent and that, if the product exceeds forty-nine per cent, the Ohio delivery percentage used shall be forty-nine per cent.

(D) Qualifying certificates and Ohio delivery percentages
issued by the commissioner shall be open to public inspection and shall be timely published by the commissioner on the department of taxation's web site and shall be accessible on that web site for at least four years after the date of issuance. A supplier relying in good faith on a certificate issued under this section shall not be subject to tax on the qualifying distribution center receipts under this section and division (F)(2)(z) of section 5751.01 of the Revised Code. An operator receiving a qualifying certificate is liable for the ineligible operator's supplier tax liability for each year the operator received a certificate but did not qualify as a qualified distribution center.

(E) The tax commissioner shall determine an ineligible operator's supplier tax liability based on information that the commissioner may request from the operator of the distribution center. An operator shall provide a list of all suppliers of the distribution center and the corresponding costs of qualified property for the qualifying year at issue within sixty days of a request by the commissioner under this division.

(F) The annual fee for a qualifying certificate shall be one hundred thousand dollars for each qualified distribution center. If a qualifying certificate is not issued, the annual fee is subject to refund after the exhaustion of all appeals provided for in division (B)(1) of this section. The first one hundred thousand dollars of the annual application fees collected each calendar year shall be credited to the revenue enhancement fund. The remainder of the annual application fees collected shall be distributed in the same manner required under section 5751.20 of the Revised Code.

(G) The tax commissioner may require that adequate security be posted by the operator of the distribution center on appeal when the commissioner disagrees that the applicant has met the minimum thresholds for a qualified distribution center as set
forth in this section.

Section 130.31. That existing sections 127.15, 173.03, 753.19, 1121.38, 1509.06, 1513.08, 1513.16, 1565.12, 1571.05, 1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 1707.04, 1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 3111.23, 3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 3319.081, 3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 3704.03, 3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 3772.04, 3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 3781.25, 3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 4125.03, 4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 4507.081, 4508.021, 4509.101, 4510.41, 4735.13, 4735.14, 5107.161, 5120.14, 5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 5525.01, 5703.37, 5709.83, 5736.041, and 5751.40 of the Revised Code are hereby repealed.

Section 130.32. That section 5123.195 of the Revised Code is hereby repealed.

Section 130.33. The amendment by this act of sections 5168.22 and 5168.23 of the Revised Code does not supersede the repeal of those sections on October 1, 2023, as prescribed by Section 610.20 of H.B. 110 of the 134th General Assembly.

The amendment by this act of section 5168.08 of the Revised Code does not supersede the repeal of that section on October 16, 2023, as prescribed by Section 610.20 of H.B. 110 of the 134th General Assembly.

Section 130.34. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections,
presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 3302.04 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.

The version of section 3772.13 of the Revised Code that is scheduled to take effect December 29, 2023, as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.

The version of section 3772.131 of the Revised Code that is scheduled to take effect December 29, 2023, as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.

Section 4509.101 of the Revised Code as amended by both H.B. 62 and H.B. 158 of the 133rd General Assembly.

Section 130.35. That the versions of sections 3772.13 and 3772.131 of the Revised Code that are scheduled to take effect December 29, 2023, be amended to read as follows:

Sec. 3772.13. (A) No person may be employed as a key employee of a casino operator, management company, or holding company unless the person is the holder of a valid key employee license issued by the commission.

(B) No person may be employed as a key employee of a gaming-related vendor unless that person is either the holder of a valid key employee license issued by the commission, or the person, at least five business days prior to the first day of employment as a key employee, has filed a notification of employment with the commission and subsequently files a completed application for a key employee license within the first thirty days of employment as a key employee.
(C) Each applicant shall, before the issuance of any key employee license, produce information, documentation, and assurances as are required by this chapter and rules adopted thereunder. In addition, each applicant shall, in writing, authorize the examination of all bank accounts and records as may be deemed necessary by the commission.

(D) To be eligible for a key employee license, the applicant shall be at least twenty-one years of age and shall meet the criteria set forth by rule by the commission.

(E) Each application for a key employee license shall be on a form prescribed by the commission and shall contain all information required by the commission. The applicant shall set forth in the application if the applicant has been issued prior gambling-related licenses; if the applicant has been licensed in any other state under any other name, and, if so, the name under which the license was issued and the applicant's age at the time the license was issued; any criminal conviction the applicant has had; and if a permit or license issued to the applicant in any other state has been suspended, restricted, or revoked, and, if so, the cause and the duration of each action. The applicant also shall complete a cover sheet for the application on which the applicant shall disclose the applicant's name, the business address of the casino operator, management company, holding company, or gaming-related vendor employing the applicant, the business address and telephone number of such employer, and the county, state, and country in which the applicant's residence is located.

(F) Each applicant shall submit with each application, on a form provided by the commission, two sets of fingerprints. The commission shall charge each applicant an application fee set by the commission to cover all actual costs generated by each licensee and all background checks under this section and section
3772.07 of the Revised Code.

(G)(1) The casino operator, management company, or holding company by whom a person is employed as a key employee shall terminate the person's employment in any capacity requiring a license under this chapter and shall not in any manner permit the person to exercise a significant influence over the operation of a casino facility if:

(a) The person does not apply for and receive a key employee license within three months of being issued a provisional license, as established under commission rule.

(b) The person's application for a key employee license is denied by the commission.

(c) The person's key employee license is revoked by the commission.

The commission shall notify the casino operator, management company, or holding company who employs such a person by certified mail, personal service, common carrier service utilizing any form of delivery requiring a signed receipt, or by an electronic means that provides evidence of delivery, of any such finding, denial, or revocation.

(2) A casino operator, management company, or holding company shall not pay to a person whose employment is terminated under division (G)(1) of this section, any remuneration for any services performed in any capacity in which the person is required to be licensed, except for amounts due for services rendered before notice was received under that division. A contract or other agreement for personal services or for the conduct of any casino gaming at a casino facility between a casino operator, management company, or holding company and a person whose employment is terminated under division (G)(1) of this section may be terminated by the casino operator, management company, or holding company.
without further liability on the part of the casino operator, management company, or holding company. Any such contract or other agreement is deemed to include a term authorizing its termination without further liability on the part of the casino operator, management company, or holding company upon receiving notice under division (G)(1) of this section. That a contract or other agreement does not expressly include such a term is not a defense in any action brought to terminate the contract or other agreement, and is not grounds for relief in any action brought questioning termination of the contract or other agreement.

(3) A casino operator, management company, or holding company, without having obtained the prior approval of the commission, shall not enter into any contract or other agreement with a person who has been found unsuitable, who has been denied a license, or whose license has been revoked under division (G)(1) of this section, or with any business enterprise under the control of such a person, after the date on which the casino operator, management company, or holding company receives notice under that division.

(H) Notwithstanding the requirements for a license under this section, the commission shall issue a key employee license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a key employee of a casino operator, management company, or holding company in a state that does not issue that license.

Sec. 3772.131. (A) All casino gaming employees are required to have a casino gaming employee license. "Casino gaming employee"
means the following and their supervisors:

(1) Individuals involved in operating a casino gaming pit, including dealers, shills, clerks, hosts, and junket representatives;

(2) Individuals involved in handling money, including cashiers, change persons, count teams, and coin wrappers;

(3) Individuals involved in operating casino games;

(4) Individuals involved in operating and maintaining slot machines, including mechanics, floor persons, and change and payoff persons;

(5) Individuals involved in security, including guards and game observers;

(6) Individuals with duties similar to those described in divisions (A)(1) to (5) of this section or other persons as the commission determines. "Casino gaming employee" does not include an individual whose duties are related solely to nongaming activities such as entertainment, hotel operation, maintenance, or preparing or serving food and beverages.

(B) The commission may issue a casino gaming employee license to an applicant after it has determined that the applicant is eligible for a license under rules adopted by the commission and paid any applicable fee. All applications shall be made under oath certified as true.

(C) To be eligible for a casino gaming employee license, an applicant shall be at least twenty-one years of age.

(D) Each application for a casino gaming employee license shall be on a form prescribed by the commission and shall contain all information required by the commission. The applicant shall set forth in the application if the applicant has been issued prior gambling-related licenses; if the applicant has been
licensed in any other state under any other name, and, if so, the name under which the license was issued and the applicant's age at the time the license was issued; any criminal conviction the applicant has had; and if a permit or license issued to the applicant in any other state has been suspended, restricted, or revoked, and, if so, the cause and the duration of each action.

(E) Each applicant shall submit with each application, on a form provided by the commission, two sets of the applicant's fingerprints. The commission shall charge each applicant an application fee to cover all actual costs generated by each licensee and all background checks.

(F) Notwithstanding the requirements for a license under this section, the commission shall issue a casino gaming employee license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a casino gaming employee in a state that does not issue that license.

Section 130.36. That the existing versions of sections 3772.13 and 3772.131 of the Revised Code that are scheduled to take effect December 29, 2023, are hereby repealed.

Section 130.37. Sections 130.35 and 130.36 of this act take effect December 29, 2023.

Section 130.40. That sections 2925.01, 3701.33, 3701.83, 3717.27, 3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 4736.02, 4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.12, 4736.13, 4736.14, 4736.15, 4743.05, 4776.20, and 5903.12 be amended and...
sections 4736.01 (3776.01), 4736.02 (3776.02), 4736.03 (3776.03), 4736.07 (3776.07), 4736.08 (3776.08), 4736.09 (3776.09), 4736.11 (3776.10), 4736.12 (3776.11), 4736.13 (3776.12), and 4736.14 (3776.13) of the Revised Code be amended for the purpose of adopting new section numbers as indicated in parentheses to read as follows:

Sec. 2925.01. As used in this chapter:


(B) "Drug of abuse" and "person with a drug dependency" have the same meanings as in section 3719.011 of the Revised Code.

(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.

(D) "Bulk amount" of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D)(2), (5), or (6) of this section, whichever of the following is applicable:

(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium
derivative;

(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;

(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;

(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;

(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;

(f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is or contains any amount of a schedule II depressant substance or a schedule II hallucinogenic substance;

(g) An amount equal to or exceeding three grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant, or any of its salts or
isomers, that is not in a final dosage form manufactured by a
person authorized by the Federal Food, Drug, and Cosmetic Act and
the federal drug abuse control laws.

(2) An amount equal to or exceeding one hundred twenty grams
or thirty times the maximum daily dose in the usual dose range
specified in a standard pharmaceutical reference manual of a
compound, mixture, preparation, or substance that is or contains
any amount of a schedule III or IV substance other than an
anabolic steroid or a schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty grams or five
times the maximum daily dose in the usual dose range specified in
a standard pharmaceutical reference manual of a compound, mixture,
preparation, or substance that is or contains any amount of a
schedule III opiate or opium derivative;

(4) An amount equal to or exceeding two hundred fifty
milliliters or two hundred fifty grams of a compound, mixture,
preparation, or substance that is or contains any amount of a
schedule V substance;

(5) An amount equal to or exceeding two hundred solid dosage
units, sixteen grams, or sixteen milliliters of a compound,
mixture, preparation, or substance that is or contains any amount
of a schedule III anabolic steroid;

(6) For any compound, mixture, preparation, or substance that
is a combination of a fentanyl-related compound and any other
compound, mixture, preparation, or substance included in schedule
III, schedule IV, or schedule V, if the defendant is charged with
a violation of section 2925.11 of the Revised Code and the
sentencing provisions set forth in divisions (C)(10)(b) and
(C)(11) of that section will not apply regarding the defendant and
the violation, the bulk amount of the controlled substance for
purposes of the violation is the amount specified in division
(D)(1), (2), (3), (4), or (5) of this section for the other

schedule III, IV, or V controlled substance that is combined with

the fentanyl-related compound.

(E) "Unit dose" means an amount or unit of a compound,
mixture, or preparation containing a controlled substance that is
separately identifiable and in a form that indicates that it is
the amount or unit by which the controlled substance is separately
administered to or taken by an individual.

(F) "Cultivate" includes planting, watering, fertilizing, or
tilling.

(G) "Drug abuse offense" means any of the following:

(1) A violation of division (A) of section 2913.02 that

constitutes theft of drugs, or a violation of section 2925.02,
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or
2925.37 of the Revised Code;

(2) A violation of an existing or former law of this or any
other state or of the United States that is substantially
equivalent to any section listed in division (G)(1) of this
section;

(3) An offense under an existing or former law of this or any
other state, or of the United States, of which planting,
cultivating, harvesting, processing, making, manufacturing,
producing, shipping, transporting, delivering, acquiring,
possessing, storing, distributing, dispensing, selling, inducing
another to use, administering to another, using, or otherwise
dealing with a controlled substance is an element;

(4) A conspiracy to commit, attempt to commit, or complicity
in committing or attempting to commit any offense under division
(G)(1), (2), or (3) of this section.
(H) "Felony drug abuse offense" means any drug abuse offense
that would constitute a felony under the laws of this state, any
other state, or the United States.

(I) "Harmful intoxicant" does not include beer or
intoxicating liquor but means any of the following:

1. Any compound, mixture, preparation, or substance the gas,
fumes, or vapor of which when inhaled can induce intoxication,
excitement, giddiness, irrational behavior, depression,
stupefaction, paralysis, unconsciousness, asphyxiation, or other
harmful physiological effects, and includes, but is not limited
to, any of the following:

   a. Any volatile organic solvent, plastic cement, model
cement, fingernail polish remover, lacquer thinner, cleaning
fluid, gasoline, or other preparation containing a volatile
organic solvent;

   b. Any aerosol propellant;

   c. Any fluorocarbon refrigerant;

   d. Any anesthetic gas.

2. Gamma Butyrolactone;

3. 1,4 Butanediol.

(J) "Manufacture" means to plant, cultivate, harvest,
process, make, prepare, or otherwise engage in any part of the
production of a drug, by propagation, extraction, chemical
synthesis, or compounding, or any combination of the same, and
includes packaging, repackaging, labeling, and other activities
incident to production.

(K) "Possess" or "possession" means having control over a
thing or substance, but may not be inferred solely from mere
access to the thing or substance through ownership or occupation
of the premises upon which the thing or substance is found.
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.

(N) "Juvenile" means a person under eighteen years of age.

(O) "Counterfeit controlled substance" means any of the following:

(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school...
building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

(R) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction,
extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.

(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar association or of one or more local bar associations of the state of Ohio that complies with the criteria set forth in Rule V, section 6 of the Rules for the Government of the Bar of Ohio.

(V) "Professional license" means any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in divisions (W)(1) to (37) of this section and that qualifies a person as a professionally licensed person.

(W) "Professionally licensed person" means any of the following:

(1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under Chapter 4701. of the Revised Code and who holds an Ohio permit issued under that chapter;

(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;

(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;
(4) A person licensed under Chapter 4707. of the Revised Code;

(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;

(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;

(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;

(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;

(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;

(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;
(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;

(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;

(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;

(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;

(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;

(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;

(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;

(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;

(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;
(21) A person licensed to act as a real estate broker or real 
estate salesperson under Chapter 4735. of the Revised Code;  

(22) A person registered as a registered environmental health 
specialist under Chapter 4736. of the Revised Code;  

(23) A person licensed to operate or maintain a junkyard 
under Chapter 4737. of the Revised Code;  

(24) A person who has been issued a motor vehicle salvage 
dealer's license under Chapter 4738. of the Revised Code;  

(25) A person who has been licensed to act as a steam 
engineer under Chapter 4739. of the Revised Code;  

(26) A person who has been issued a license or temporary 
permit to practice veterinary medicine or any of its branches, or 
who is registered as a graduate animal technician under Chapter 
4741. of the Revised Code;  

(27) A person who has been issued a hearing aid dealer's or 
fitter's license or trainee permit under Chapter 4747. of the 
Revised Code;  

(28) A person who has been issued a class A, class B, or 
class C license or who has been registered as an investigator or 
security guard employee under Chapter 4749. of the Revised Code;  

(29) A person licensed to practice as a nursing home 
administrator under Chapter 4751. of the Revised Code;  

(30) A person licensed to practice as a speech-language 
pathologist or audiologist under Chapter 4753. of the Revised 
Code;  

(31) A person issued a license as an occupational therapist 
or physical therapist under Chapter 4755. of the Revised Code;  

(32) A person who is licensed as a licensed professional 
clinical counselor, licensed professional counselor, social 
worker, independent social worker, independent marriage and family
therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;

(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;

(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;

(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.

(X) "Cocaine" means any of the following:

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;

(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;

(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:
(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.

"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the following:

(1) A violation of section 2925.11 of the Revised Code as it
existed prior to July 1, 1996;

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.

(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.

(KK) "Fentanyl-related compound" means any of the following:

(1) Fentanyl;

(2) Alpha-methylfentanyl
(N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

(3) Alpha-methylthiofentanyl
(N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);

(4) Beta-hydroxyfentanyl
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-
phenylpropanamide);

(6) 3-methylfentanyl
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);

(8) Para-fluorofentanyl
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);

(9) Thiofentanyl
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);

(10) Alfentanil;

(11) Carfentanil;

(12) Remifentanil;

(13) Sufentanil;

(14) Acetyl-alpha-methylfentanyl
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

and

(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:

(a) A chemical scaffold consisting of both of the following:

(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;

(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;

(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and

(d) The compound has not been approved for medical use by the United States food and drug administration.

(LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A)(1)(b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of the minimum prison terms prescribed in division (A)(1)(a) of that section for a felony of the first degree.

(MM) "Second degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of the minimum prison terms prescribed in division (A)(2)(a) of that section for a felony of the second degree.

(NN) "Maximum first degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(1)(b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means the longest minimum prison term prescribed in division (A)(1)(a) of that section for a felony of the first degree.

(OO) "Maximum second degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of
the second degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means the longest minimum prison term prescribed in division (A)(2)(a) of that section for a felony of the second degree.

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning as in section 928.01 of the Revised Code.

(QQ) An offense is "committed in the vicinity of a substance addiction services provider or a recovering addict" if either of the following apply:

(1) The offender commits the offense on the premises of a substance addiction services provider's facility, including a facility licensed prior to June 29, 2019, under section 5119.391 of the Revised Code to provide methadone treatment or an opioid treatment program licensed on or after that date under section 5119.37 of the Revised Code, or within five hundred feet of the premises of a substance addiction services provider's facility and the offender knows or should know that the offense is being committed within the vicinity of the substance addiction services provider's facility.

(2) The offender sells, offers to sell, delivers, or distributes the controlled substance or controlled substance analog to a person who is receiving treatment at the time of the commission of the offense, or received treatment within thirty days prior to the commission of the offense, from a substance addiction services provider and the offender knows that the person is receiving or received that treatment.

(RR) "Substance addiction services provider" means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:

(1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the director
of mental health and addiction services under section 5119.36 of the Revised Code;

(2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.

(SS) "Premises of a substance addiction services provider's facility" means the parcel of real property on which any substance addiction service provider's facility is situated.

(TT) "Alcohol and drug addiction services" has the same meaning as in section 5119.01 of the Revised Code.

Sec. 3701.33. (A) There is hereby created the Ohio public health advisory board. The board shall consist of the following members:

(1) The following members appointed by the director of health from among individuals who are not employed by the state and are recommended by statewide trade or professional organizations that represent interests in public health:

(a) One individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(b) One individual authorized under Chapter 4723. of the Revised Code to practice nursing as a registered nurse;

(c) Three members of the public, two of whom are representatives of entities licensed by the department of health or boards of health.

(2) One representative of the association of Ohio health commissioners, appointed by the association;
(3) One representative of the Ohio public health association, appointed by the association;

(4) One representative of the Ohio environmental health association, appointed by the association, who is registered as an environmental health specialist under Chapter 4736 of the Revised Code;

(5) One representative of the Ohio association of boards of health, appointed by the association;

(6) One representative of the Ohio society for public health education, appointed by the society;

(7) One representative of the Ohio hospital association, appointed by the association.

The director of health or the director's designee shall serve as an ex officio, nonvoting member of the board.

(B) Not later than thirty days after September 10, 2012, initial appointments shall be made to the board. Of the initial appointments, the members specified in divisions (A)(5), (6), and (7) and division (A)(1)(c) of this section representing entities licensed by the department of health or boards of health shall serve terms ending June 30, 2014, and the members specified in divisions (A)(1)(a) and (b), divisions (A)(2), (3), and (4), and division (A)(1)(c) of this section not representing entities licensed by the department or boards of health shall serve terms ending June 30, 2015. Thereafter, terms of office for all members shall be three years, with each term ending on the same day of the same month as the term it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed, except that no member who has served two consecutive terms may be reappointed until three years have elapsed since the member's last term ended.

Each member shall hold office from the date of appointment...
until the end of the term for which the member was appointed. Vacancies shall be filled in the same manner as original appointments.

Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of ninety days has elapsed, whichever occurs first.

(C) The board shall annually select from among its members a chairperson and vice-chairperson. The director shall designate an officer or employee of the department to act as the board's secretary. The secretary shall be a nonvoting board member.

The board may adopt by laws governing its operation. The chairperson may appoint subcommittees as the chairperson considers necessary.

(D) The board shall meet at the call of the chairperson, but not less than four times per year. A majority of the members of the board constitutes a quorum. Special meetings may be called by the chairperson and shall be called by the chairperson at the request of the director. In a request for a special meeting, the director shall specify the purpose of the meeting and the date and place the meeting is to be held. No other business shall be considered at a special meeting except by a unanimous vote of members present at the meeting.

In conducting any meeting, the board and its subcommittees may use an interactive video teleconferencing system. If provisions are made that allow public attendance at a designated location with respect to a meeting using such a system, the board members who attend the meeting by video teleconference shall be counted for purposes of determining whether a quorum is present.
and shall be permitted to vote.

Members shall be expected to attend a majority of meetings of the board. Unexcused absence from three consecutive meetings shall be considered notice of a member's intent to resign from the board.

(E)(1) The department shall provide meeting space and staff and other administrative support for the board to carry out its duties.

(2) To facilitate the board's review of proposed rules under division (A)(1) of section 3701.34 of the Revised Code, the department shall establish and maintain an electronic web-based database of board meeting agendas, board meeting minutes, proposed rules, public comments, and other documents relevant to the work of the board.

(F) Notice of meetings shall be provided to members through the board's mailing list, the department's web site, or any other means available to the board.

The minutes of previous meetings, the next meeting's agenda, and information on any matters to be presented to the board at any regular or special meeting shall be provided to the board in an electronic format.

(G) Members shall attend annual ethics training provided by the Ohio ethics commission.

(H) Members shall serve without compensation, but may be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(I) Sections 101.82 to 101.87 of the Revised Code do not apply to the Ohio public health advisory board.

Sec. 3701.83. There is hereby created in the state treasury the general operations fund. Moneys in the fund shall be used for
the purposes specified in sections 3701.04, 3701.344, 3702.20, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 4736.06, 3776.08, and 4769.09 of the Revised Code.

Sec. 3717.27. (A) All inspections of retail food establishments conducted by a licensor under this chapter shall be conducted according to the procedures and schedule of frequency specified in rules adopted under section 3717.33 of the Revised Code. An inspection may be performed only by an individual registered as an environmental health specialist or environmental health specialist in training under Chapter 4736 of the Revised Code. Each inspection shall be recorded on a form prescribed and furnished by the director of agriculture or a form approved by the director that has been prescribed by a board of health acting as licensor. With the assistance of the director, a board acting as licensor, to the extent practicable, shall computerize the inspection process and standardize the manner in which its inspections are conducted.

(B) A person or government entity holding a retail food establishment license shall permit the licensor to inspect the retail food establishment for purposes of determining compliance with this chapter and the rules adopted under it or investigating a complaint concerning the establishment. On request of the licensor, the license holder shall permit the licensor to examine the records of the retail food establishment to obtain information about the purchase, receipt, or use of food, supplies, and equipment.

A licensor may inspect any mobile retail food establishment being operated within the licensor's district. If an inspection of a mobile retail food establishment is conducted by a licensor other than the licensor that issued the license for the
establishment, a report of the inspection shall be sent to the issuing licensor. The issuing licensor may use the inspection report to suspend or revoke the license under section 3717.29 or 3717.30 of the Revised Code.

(C) An inspection may include the following:

(1) An investigation to determine the identity and source of a particular food;

(2) Removal from use of any equipment, utensils, hand tools, or parts of facilities found to be maintained in a condition that presents a clear and present danger to the public health.

Sec. 3717.47. (A) All inspections of food service operations conducted by a licensor under this chapter shall be conducted according to the procedures and schedule of frequency specified in rules adopted under section 3717.51 of the Revised Code. An inspection may be performed only by an individual registered as an environmental health specialist or environmental health specialist in training under Chapter 4736 of the Revised Code. Each inspection shall be recorded on a form prescribed and furnished by the director of health or a form approved by the director that has been prescribed by a board of health acting as licensor. With the assistance of the director, a board acting as licensor, to the extent practicable, shall computerize the inspection process and shall standardize the manner in which its inspections are conducted.

(B) A person or government entity holding a food service operation license shall permit the licensor to inspect the food service operation for purposes of determining compliance with this chapter and the rules adopted under it or investigating a complaint regarding foodborne disease. On request of the licensor, the license holder shall permit the licensor to examine the records of the food service operation to obtain information about
the purchase, receipt, or use of food, supplies, and equipment.  

A licensor may inspect any mobile food service operation or catering food service operation being operated within the licensor's district. If an inspection of a mobile or catering food service operation is conducted by a licensor other than the licensor that issued the license for the operation, a report of the inspection shall be sent to the issuing licensor. The issuing licensor may use the inspection report to suspend or revoke the license under section 3717.49 of the Revised Code.  

(C) An inspection may include an investigation to determine the identity and source of a particular food.  

Sec. 3718.011. (A) For purposes of this chapter, a sewage treatment system is causing a public health nuisance if any of the following situations occurs and, after notice by a board of health to the applicable property owner, timely repairs are not made to that system to eliminate the situation:  

(1) The sewage treatment system is not operating properly due to a missing component, incorrect settings, or a mechanical or electrical failure.  

(2) There is a blockage in a known sewage treatment system component or pipe that causes a backup of sewage or effluent affecting the treatment process or inhibiting proper plumbing drainage.  

(3) An inspection conducted by, or under the supervision of, the environmental protection agency or an environmental health specialist registered under Chapter 4736 3776. of the Revised Code documents that there is ponding of liquid or bleeding of liquid onto the surface of the ground or into surface water and the liquid has a distinct sewage odor, a black or gray coloration, or the presence of organic matter and any of the following:
(a) The presence of sewage effluent identified through a dye test;

(b) The presence of fecal coliform at a level that is equal to or greater than five thousand colonies per one hundred milliliters of liquid as determined in two or more samples of the liquid when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples of the liquid are collected;

(c) Water samples that exceed one thousand thirty e. coli counts per one hundred milliliters in two or more samples when five or fewer samples are collected or in more than twenty per cent of the samples when more than five samples are collected.

(4) With respect to a discharging system for which an NPDES permit has been issued under Chapter 6111. of the Revised Code and rules adopted under it, the system routinely exceeds the effluent discharge limitations specified in the permit.

(B) With respect to divisions (A)(1) and (2) of this section, a property owner may request a test to be conducted by a board of health to verify that the sewage treatment system is causing a public health nuisance. The property owner is responsible for the costs of the test.

**Sec. 3718.03.** (A) There is hereby created the sewage treatment system technical advisory committee consisting of the director of health or the director's designee and thirteen members who are knowledgeable about sewage treatment systems and technologies. The director or the director's designee shall serve as committee secretary and may vote on actions taken by the committee. Of the thirteen members, five shall be appointed by the governor, four shall be appointed by the president of the senate, and four shall be appointed by the speaker of the house of representatives.
(1) Of the members appointed by the governor, one shall represent academia and shall be active in teaching or research in the area of on-site wastewater treatment, one shall be a representative of the public who is not employed by the state or any of its political subdivisions and who does not have a pecuniary interest in sewage treatment systems, one shall be a registered professional engineer employed by the environmental protection agency, one shall be selected from among soil scientists in the division of soil and water conservation in the department of agriculture, and one shall be a representative of a statewide organization representing townships.

(2) Of the members appointed by the president of the senate, one shall be a health commissioner who is a member of and recommended by the association of Ohio health commissioners, one shall represent the interests of manufacturers of sewage treatment systems, one shall represent installers and service providers, and one shall be a person with demonstrated experience in the design of sewage treatment systems.

(3) Of the members appointed by the speaker of the house of representatives, one shall be a health commissioner who is a member of and recommended by the association of Ohio health commissioners, one shall represent the interests of manufacturers of sewage treatment systems, one shall be an environmental health specialist who is registered under Chapter 4736-3776. of the Revised Code and who is a member of the Ohio environmental health association, and one shall be a registered professional engineer with experience in sewage treatment systems.

(B) Terms of members appointed to the committee shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall serve from the date of appointment until the end of the term for which the member was appointed.
Members may be reappointed. Vacancies shall be filled in the same manner as provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member was appointed shall hold office for the remainder of that term. A member shall continue to serve after the expiration date of the member's term until the member's successor is appointed or until a period of sixty days has elapsed, whichever occurs first. The applicable appointing authority may remove a member from the committee for failure to attend two consecutive meetings without showing good cause for the absences.

(C) The technical advisory committee annually shall select from among its members a chairperson and a vice-chairperson. The secretary shall keep a record of its proceedings. A majority vote of the members of the full committee is necessary to take action on any matter. The committee may adopt bylaws governing its operation, including bylaws that establish the frequency of meetings.

(D) Serving as a member of the sewage treatment system technical advisory committee does not constitute holding a public office or position of employment under the laws of this state and does not constitute grounds for removal of public officers or employees from their offices or positions of employment. Members of the committee shall serve without compensation for attending committee meetings.

(E) A member of the committee shall not have a conflict of interest with the position. For the purposes of this division, "conflict of interest" means the taking of any action that violates any provision of Chapter 102. or 2921. of the Revised Code.

(F) The sewage treatment system technical advisory committee shall do all of the following:
(1) Develop with the department of health standards, guidelines, and protocols for approving or disapproving a sewage treatment system or components of a system under section 3718.04 of the Revised Code. Any guideline requiring the submission of scientific information or testing data shall specify, in writing, the protocol and format to be used in submitting the information or data.

(2) Develop with the department an application form to be submitted to the director by an applicant for approval or disapproval of a sewage treatment system or components of a system and specify the information that must be included with an application form;

(3) Make recommendations to the director regarding the approval or disapproval of an application sent to the director under section 3718.04 of the Revised Code requesting approval of a sewage treatment system or components of a system;

(4) Pursue and recruit in an active manner the research, development, introduction, and timely approval of innovative and cost-effective sewage treatment systems and components of a system for use in this state, which shall include conducting pilot projects to assess the effectiveness of a system or components of a system.

(G) The chairperson of the committee shall prepare and submit an annual report concerning the activities of the committee to the general assembly not later than ninety days after the end of the calendar year. The report shall discuss the number of applications submitted under section 3718.04 of the Revised Code for the approval of a new sewage treatment system or a component of a system, the number of such systems and components that were approved, any information that the committee considers beneficial to the general assembly, and any other information that the chairperson determines is beneficial to the general assembly. If
other members of the committee determine that certain information should be included in the report, they shall submit the information to the chairperson not later than thirty days after the end of the calendar year.

   (H) The department shall provide meeting space for the committee. The committee shall be assisted in its duties by the staff of the department.

   (I) Sections 101.82 to 101.87 of the Revised Code do not apply to the sewage treatment system technical advisory committee.

Sec. 3742.03. The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code for the administration and enforcement of sections 3742.01 to 3742.19 and 3742.99 of the Revised Code. The rules shall specify all of the following:

   (A) Procedures to be followed by a lead abatement contractor, lead abatement project designer, lead abatement worker, lead inspector, or lead risk assessor licensed under section 3742.05 of the Revised Code for undertaking lead abatement activities and procedures to be followed by a clearance technician, lead inspector, or lead risk assessor in performing a clearance examination;

   (B) (1) Requirements for training and licensure, in addition to those established under section 3742.08 of the Revised Code, to include levels of training and periodic refresher training for each class of worker, and to be used for licensure under section 3742.05 of the Revised Code. Except in the case of clearance technicians, these requirements shall include at least twenty-four classroom hours of training based on the Occupational Safety and Health Act training program for lead set forth in 29 C.F.R. 1926.62. For clearance technicians, the training requirements to obtain an initial license shall not exceed six hours and the
requirements for refresher training shall not exceed two hours every four years. In establishing the training and licensure requirements, the director shall consider the core of information that is needed by all licensed persons, and establish the training requirements so that persons who would seek licenses in more than one area would not have to take duplicative course work.

(2) Persons certified by the American board of industrial hygiene as a certified industrial hygienist or as an industrial hygienist-in-training, and persons registered as a sanitarian environmental health specialist or sanitarian-in-training environmental health specialist in training under Chapter 4736-3776. of the Revised Code, shall be exempt from any training requirements for initial licensure established under this chapter, but shall be required to take any examinations for licensure required under section 3742.05 of the Revised Code.

(C) Fees for licenses issued under section 3742.05 of the Revised Code and for their renewal;

(D) Procedures to be followed by lead inspectors, lead abatement contractors, environmental lead analytical laboratories, lead risk assessors, lead abatement project designers, and lead abatement workers to prevent public exposure to lead hazards and ensure worker protection during lead abatement projects;

(E)(1) Record-keeping and reporting requirements for clinical laboratories, environmental lead analytical laboratories, lead inspectors, lead abatement contractors, lead risk assessors, lead abatement project designers, and lead abatement workers for lead abatement projects and record-keeping and reporting requirements for clinical laboratories, environmental lead analytical laboratories, and clearance technicians for clearance examinations;

(2) Record-keeping and reporting requirements regarding lead
poisoning for physicians;

(3) Information that is required to be reported under rules based on divisions (E)(1) and (2) of this section and that is a medical record is not a public record under section 149.43 of the Revised Code and shall not be released, except in aggregate statistical form.

(F) Environmental sampling techniques for use in collecting samples of air, water, dust, paint, and other materials;

(G) Requirements for a respiratory protection plan prepared in accordance with section 3742.07 of the Revised Code;

(H) Requirements under which a manufacturer of encapsulants must demonstrate evidence of the safety and durability of its encapsulants by providing results of testing from an independent laboratory indicating that the encapsulants meet the standards developed by the "E06.23.30 task group on encapsulants," which is the task group of the lead hazards associated with buildings subcommittee of the performance of buildings committee of the American society for testing and materials.

**Sec. 4736.01 3776.01.** As used in this chapter:

(A) "Environmental health science" means the aspect of public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation, and rabies control.

(B) "Environmental health specialist" means a person who performs for compensation educational, investigational, technical, or administrative duties requiring specialized knowledge and
skills in the field of environmental health science.

(C) "Registered environmental health specialist" means a person who is registered as an environmental health specialist in accordance with this chapter.

(D) "Environmental health specialist in training" means a person who is registered as an environmental health specialist in training in accordance with this chapter.

(E) "Practice of environmental health" means consultation, instruction, investigation, inspection, or evaluation by an employee of a city health district, a general health district, the environmental protection agency, the department of health, or the department of agriculture requiring specialized knowledge, training, and experience in the field of environmental health science, with the primary purpose of improving or conducting administration or enforcement under any of the following:

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., 3730., or 3733. of the Revised Code;

(2) Chapter 3734. of the Revised Code as it pertains to solid and hazardous waste;

(3) Section 955.26, 955.261, 3701.344, 3707.01, or 3707.03, sections 3707.38 to 3707.99, 3707.26, or section 3715.21 of the Revised Code;

(4) Rules adopted under former section 3701.34 Chapter 3749. of the Revised Code pertaining to rabies control or swimming pools;


"Practice of environmental health" does not include sampling,
testing, controlling of vectors, reporting of observations, or other duties that do not require application of specialized knowledge and skills in environmental health science performed under the supervision of a registered environmental health specialist.

The director of health may further define environmental health science in relation to specific functions in the practice of environmental health through rules adopted by the director under Chapter 119. of the Revised Code.

Sec. 4736.02 3776.02. There is hereby created the environmental health specialist advisory board consisting of seven members appointed by the director of health with the advice and consent of the senate for terms established in accordance with rules adopted by the director under section 4736.03 3776.03 of the Revised Code. The advisory board shall advise the director regarding the registration of environmental health specialists in training and environmental health specialists, continuing education requirements for environmental health specialists, the manner in which the passage of an examination required by section 4736.09 3776.06 of the Revised Code is verified, the education and employment criteria required under section 4736.08 3776.05 of the Revised Code, and any other matters as may be of assistance to the director in the regulation of environmental health specialists and environmental health specialists in training.

Each member appointed by the director shall be a registered environmental health specialist who meets the education and experience employment requirements of section 4736.08 3776.05 of the Revised Code for registration as an environmental health specialist. At least one and not more than two of the members shall be employees of a general health district; at least one and not more than two shall be employees of a city health district;
and at least one and not more than two shall be employed in private industry. Not more than one member may be employed by a university and not more than one member may be employed by an agency or department of the state.

Within ninety days of September 29, 2017, the director shall make initial appointments to the advisory board.

**Sec. 4736.03 3776.03.** (A) The director of health shall adopt and may amend or rescind rules in accordance with Chapter 119. of the Revised Code governing the **all of the following:**

(1) The manner in which the passage of an examination required by section 4736.09 3776.06 of the Revised Code is verified, prescribing the;

(2) The form for application, establishing;

(3) The **establishment of** criteria for determining what courses may be included toward fulfillment of the science course requirements of section 4736.08 3776.05 of the Revised Code, determining;

(4) The determination of the continuing education program requirements of section 4736.11 3776.07 of the Revised Code, and for the;

(5) The administration and enforcement of this chapter.

(B) The director **may adopt,** in accordance with Chapter 119. of the Revised Code, rules **establishing of a general** application throughout the state for the practice of environmental health that are necessary to administer and enforce this chapter, including rules governing all of the following:

(1) The registration, advancement, and reinstatement of applicants to practice as an environmental health specialist or environmental health specialist in training;
(2) Educational requirements necessary for qualification for registration as an environmental health specialist or an environmental health specialist in training under division of (B) section 3776.05 of the Revised Code, including criteria for determining what courses may be included toward fulfillment of the science course requirements of that section;

(3) Continuing education requirements for environmental health specialists and environmental health specialists in training, including the process for applying for continuing education credits;

(4) The terms of office for members of the environmental health specialist advisory board created in section 4736.02 3776.02 of the Revised Code;

(5) Any other rule necessary for the administration and enforcement of this chapter.

Sec. 4736.07 3776.04. The director of health shall keep a record of all applications for registration, which shall include:

(A) The name and address of each applicant;

(B) The name and address of the employer or business connection of each applicant;

(C) The date of the application;

(D) The educational and experience employment qualifications of each applicant;

(E) The date on which the director reviewed and acted upon each application;

(F) The action taken by the director on each application;

(G) A serial number of each certificate of registration issued by the director.
The director shall prepare annually a list of the names and addresses of every person registered by it and a list of every person whose registration has been suspended or revoked within the previous year.

Sec. 4736.08 3776.05. (A) A person seeking to register as an environmental health specialist or environmental health specialist in training shall submit an application to the director of health on a form prescribed by the director. Along with the application, the person shall submit the application fee prescribed in section 4736.12 of the Revised Code rules adopted under this chapter. The director shall register an applicant as an environmental health specialist if the applicant complies with the examination requirements specified under section 4736.09 3776.06 of the Revised Code and meets any of the following education and experience employment requirements of division (A), (B), or (C) of this section:

(A)(1) Graduated from an accredited college or university with at least a baccalaureate degree, including at least forty-five quarter units or thirty semester units of science courses approved by the director; and completed at least two years of full-time employment as an environmental health specialist;

(B)(2) Graduated from an accredited college or university with at least a baccalaureate degree, completed a major in environmental health science which included an internship program approved by the director; and completed at least one year of full-time employment as an environmental health specialist;

(C)(3) Graduated from an accredited college or university with a degree higher than a baccalaureate degree, including at least forty-five quarter units or thirty semester units of science courses approved by the director; and completed at least one year of full-time employment as an environmental health specialist.
The director shall register an applicant as an environmental health specialist in training if the applicant meets the educational qualifications of division (B)(1), (2), or (3) of this section, but does not meet the employment requirement of any such division.

(2) An environmental health specialist in training shall apply for registration as an environmental health specialist within four years after registration as an environmental health specialist in training. The director may extend the registration of any environmental health specialist in training who furnishes, in writing, sufficient cause for not applying for registration as an environmental health specialist within the four-year period. However, the director shall not extend the registration more than an additional two years beyond the four-year period.

Sec. 4736.09 3776.06. (A) Prior to applying for an initial environmental health specialist registration, a person shall take the credentialed national environmental health association examination administered by the department of health.

(B) The director of health shall not register the person if the person fails to meet the minimum grade requirement for the examination specified by the national environmental health association. An applicant for registration who meets the minimum grade requirement shall verify the grade with the director on a form and in a manner prescribed by the director.

Sec. 4736.11 3776.07. (A) The director of health shall issue a certificate of registration to practice to any applicant whom it registers as an environmental health specialist or an environmental health specialist in training. Such certificate shall include the following information on the certificate of registration:

Bear of registration:
(1) The name of the person;
(2) The date of issue;
(3) A serial number, designated by the director;
(4) The signature of the director;
(5) The designation "registered environmental health specialist" or "environmental health specialist in training."

(B) Certificates The director shall issue certificates of registration to practice, which expire biennially on the date fixed by the director and become invalid on that date unless renewed pursuant to this section. All The director may renew a registration sixty days prior to the date of expiration, provided the applicant for renewal has done both of the following:

(1) Paid the renewal fee in accordance with rules adopted under section 3776.03 of the Revised Code;
(2) Submitted proof of compliance with the continuing education requirements described in this section.

(C) All registered environmental health specialists and environmental health specialists in training are required biennially to complete a continuing education program in subjects relating to practices of the profession as an environmental health specialist. The purpose of the program is that the utilization and application of new techniques, scientific advancements, and research findings will assure comprehensive service to the public.

(D) The director shall prescribe by rule a continuing education program for registered environmental health specialists and environmental health specialists in training to meet this requirement. Under the program, an environmental health specialist and environmental health specialists in training shall complete twenty-four hours of continuing education during the biennial period. At least once annually the director shall provide to each
registered environmental health specialist and environmental health specialist in training a list of courses approved by the director as satisfying the program prescribed by rule. Upon the request of a registered environmental health specialist or environmental health specialist in training, the director shall supply a list of applicable courses that the director has approved.

(E) A certificate may be renewed for a period of two years at any time prior to the date of expiration upon payment of the renewal fee prescribed by section 4736.12 3776.08 of the Revised Code and upon showing proof of having complied with the continuing education requirements of this section. The director may waive the continuing education requirement in cases of certified illness or disability which prevents the attendance at any qualified educational seminars during the twenty-four months immediately preceding the biennial certificate of registration renewal date. Certificates that expire may be reinstated under rules adopted by the director.

(F) An environmental health specialist shall not be required to pass an examination for purposes of renewal.

Sec. 4736.12 3776.08. (A) The director of health shall charge the following fees:

(1) To apply as an environmental health specialist in training, fifty dollars;

(2) For an environmental health specialist in training to apply for registration as an environmental health specialist, fifty dollars.

(3) For persons other than environmental health specialists in training to apply for registration as environmental health specialists, one hundred dollars.
(4) The renewal fee for a registered environmental health specialist is seventy-five dollars.

(5) The renewal fee for a registered environmental health specialist in training is thirty-five dollars.

(6) For late application for renewal, an additional seventy-five dollars.

The director, with the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent.

(B) The director shall charge a fee for the examination required by section 4736.08 3776.06 of the Revised Code, provided that the fee is not in excess of the actual cost to the department of health of conducting the examinations.

(C) The director may adopt rules establishing fees for all of the following:

(1) Application for the registration of a training agency approved under rules adopted by the director pursuant to section 4736.11 3776.07 of the Revised Code and for the annual registration renewal of an approved training agency;

(2) Application for the review of continuing education hours submitted for the director's approval by approved training agencies or by registered environmental health specialists or environmental health specialists in training;

(3) Additional copies of pocket identification cards and wall certificates.

(D) Any fee collected under this section shall be deposited into the general operations fund created in section 3701.83 of the Revised Code. The director shall use the money collected from such fees for the administration and enforcement of this chapter and
rules adopted under it.

Sec. 4736.13  3776.09. The director of health may deny, refuse to renew, revoke, or suspend a certificate of registration to practice in accordance with Chapter 119. of the Revised Code for unprofessional conduct, the practice of fraud or deceit in obtaining a certificate of registration, dereliction of duty, incompetence in the practice of environmental health science, or for other good and sufficient cause.

Sec. 4736.14  3776.10. The director of health may, upon application and proof of valid registration, issue a certificate of registration to any person who is or has been registered as an environmental health specialist or environmental health specialist in training by any other state, if the requirements of that state at the time of such registration are determined by the director to be at least equivalent to the requirements of this chapter.

Sec. 4736.15  3776.11. (A) No person shall engage in, or offer to engage in, the practice of environmental health without being registered in accordance with sections 4736.01 to 4736.15 of the Revised Code this chapter. An environmental health specialist in training may engage in the practice of environmental health for a period not to exceed five years, provided the environmental health specialist in training is supervised by a registered environmental health specialist. No

(B) No person except a registered environmental health specialist shall use the title "registered environmental health specialist" or the abbreviation "R.E.H.S." after the person's name, or represent self as a registered environmental health specialist. Whoever

(C)(1) No person except a registered environmental health specialist in training shall use the title "registered
environmental health specialist in training" or the abbreviation "E.H.S.I.T." after the person's name, or represent self as a registered environmental health specialist in training.

(2) No environmental health specialist in training shall engage in the active practice of environmental health for a period exceeding six years from the date that the environmental health specialist in training's registration was initially issued. During the period that a person is engaged as an environmental health specialist in training, the person shall undertake the duties of an environmental health specialist in training solely under the supervision of a registered environmental health specialist in good standing. Such supervision is a condition for the advancement of an environmental health specialist in training to an environmental health specialist.

(D) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4736.17 3776.12. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the director of health shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a certificate issued pursuant to this chapter.

Sec. 4736.18 3776.13. The director of health shall comply with section 4776.20 of the Revised Code.

Sec. 4743.05. (A) Except as otherwise provided in sections 4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the Revised Code, all money collected under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 4757., 4758., 4771., 4775., 4779., and 4781. of the Revised Code shall be
paid into the state treasury to the credit of the occupational licensing and regulatory fund, which is hereby created for use in administering such chapters.

(B) At the end of each quarter, the director of budget and management shall transfer from the occupational licensing and regulatory fund to the nurse education assistance fund created in section 3333.28 of the Revised Code the amount certified to the director under division (B) of section 4723.08 of the Revised Code.

(C) At the end of each quarter, the director shall transfer from the occupational licensing and regulatory fund to the certified public accountant education assistance fund created in section 4701.26 of the Revised Code the amount certified to the director under division (H)(2) of section 4701.10 of the Revised Code.

(D) On August 30, 2021, and every two years thereafter, the director shall transfer from the occupational licensing and regulatory fund to the veterinary student debt assistance fund created in section 4741.56 of the Revised Code the amount certified to the director under section 4741.57 of the Revised Code.

Sec. 4776.20. (A) As used in this section:

(1) "Licensing agency" means, in addition to each board identified in division (C) of section 4776.01 of the Revised Code, the board or other government entity authorized to issue a license under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 4781. of the Revised Code. "Licensing agency" includes an administrative officer that has
authority to issue a license.

(2) "Licensee" means, in addition to a licensee as described in division (B) of section 4776.01 of the Revised Code, the person to whom a license is issued by the board or other government entity authorized to issue a license under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 4781. of the Revised Code.

(3) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) On a licensee's conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of guilt resulting from a plea of no contest to the offense of trafficking in persons in violation of section 2905.32 of the Revised Code, the prosecutor in the case shall promptly notify the licensing agency of the conviction, plea, or finding and provide the licensee's name and residential address. On receipt of this notification, the licensing agency shall immediately suspend the licensee's license.

(C) If there is a conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of guilt resulting from a plea of no contest to the offense of trafficking in persons in violation of section 2905.32 of the Revised Code and all or part of the violation occurred on the premises of a facility that is licensed by a licensing agency, the prosecutor in the case shall promptly notify the licensing agency of the conviction, plea, or finding and provide the facility's name and address and the offender's name and residential address. On receipt of this notification, the licensing agency shall immediately suspend the facility's license.
(D) Notwithstanding any provision of the Revised Code to the contrary, the suspension of a license under division (B) or (C) of this section shall be implemented by a licensing agency without a prior hearing. After the suspension, the licensing agency shall give written notice to the subject of the suspension of the right to request a hearing under Chapter 119. of the Revised Code. After a hearing is held, the licensing agency shall either revoke or permanently revoke the license of the subject of the suspension, unless it determines that the license holder has not been convicted of, pleaded guilty to, been found guilty of, or been found guilty based on a plea of no contest to the offense of trafficking in persons in violation of section 2905.32 of the Revised Code.

Sec. 5903.12. (A) As used in this section:

"Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3737.881, 3776.07, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 4735.141, 4736.11, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised Code.

"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.

(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving
the application and proper documentation, the licensing agency shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month.

Section 130.41. That existing sections 2925.01, 3701.33, 3701.83, 3717.27, 3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 4736.02, 4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.12, 4736.13, 4736.14, 4736.15, 4736.17, 4736.18, 4743.05, 4776.20, and 5903.12 of the Revised Code are hereby repealed.

Section 130.42. That sections 4736.05, 4736.06, and 4736.10 of the Revised Code are hereby repealed.

Section 130.43. That the version of section 3701.83 of the Revised Code that is scheduled to take effect on September 30, 2024, be amended to read as follows:

Sec. 3701.83. There is hereby created in the state treasury the general operations fund. Moneys in the fund shall be used for the purposes specified in sections 3701.04, 3701.344, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 4736.06, 3776.08, and 4769.09 of the Revised Code.

Section 130.44. That the existing version of section 3701.83 of the Revised Code that is scheduled to take effect on September 30, 2024, is hereby repealed.

Section 130.45. That the version of section 4736.14 of the Revised Code that is scheduled to take effect on December 29,
2023, be amended and section 4736.14 (3776.10) of the Revised Code that is scheduled to take effect on December 29, 2023, be amended for the purpose of adopting a new section number as indicated in parentheses to read as follows:

Sec. 4736.14 3776.10. The director of health shall may, upon application and proof of valid registration, issue a certificate of registration in accordance with Chapter 4796. of the Revised Code to any person if either of the following applies:

(A) The person who is or has been registered as an environmental health specialist or environmental health specialist in training by any other state.

(B) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter as an environmental health specialist in a state that does not issue that certificate of registration, if the requirements of that state at the time of such registration are determined by the director to be at least equivalent to the requirements of this chapter.

Section 130.46. That the existing version of section 4736.14 of the Revised Code that is scheduled to take effect on December 29, 2023, is hereby repealed.

Section 130.47. That the version of section 4736.10 of the Revised Code that is scheduled to take effect on December 29, 2023, is hereby repealed. The outright repeal by this act of section 4736.10 of the Revised Code supersedes the amendment of that section scheduled to take effect on December 29, 2023, as prescribed by Section 1 of S.B. 131 of the 134th General Assembly.

Section 130.48. Sections 130.45, 130.46, and 130.47 of this
act take effect on December 29, 2023.

Sections 130.43 and 130.44 of this act take effect on September 30, 2024.

**Section 130.49.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 2925.01 of the Revised Code as amended by H.B. 281, H.B. 509, and S.B. 25, all of the 134th General Assembly.

Section 4736.08 of the Revised Code as amended by both H.B. 442 and H.B. 263 of the 133rd General Assembly.

**Section 130.50.** That the version of section 3701.351 of the Revised Code that is scheduled to take effect September 30, 2024, be amended to read as follows:

**Sec. 3701.351.** (A) The governing body of every hospital shall set standards and procedures to be applied by the hospital and its medical staff in considering and acting upon applications for staff membership or professional privileges. These standards and procedures shall be available for public inspection.

(B) The governing body of any hospital, in considering and acting upon applications for staff membership or professional privileges within the scope of the applicants' respective licensures, shall not discriminate against a qualified person solely on the basis of whether that person is licensed to practice
medicine, osteopathic medicine, or podiatry, is licensed to practice dentistry or psychology, or is licensed to practice nursing as an advanced practice registered nurse. Staff membership or professional privileges shall be considered and acted on in accordance with standards and procedures established under division (A) of this section. This section does not permit a psychologist to admit a patient to a hospital in violation of section 3727.06 of the Revised Code.

(C) The governing body of any hospital that provides maternity services, in considering and acting upon applications for clinical privileges, shall not discriminate against a qualified person solely on the basis that the person is authorized to practice nurse-midwifery. An application from a certified nurse-midwife who is not employed by the hospital shall contain the name of a physician member of the hospital's medical staff who holds clinical privileges in obstetrics at that hospital and who has agreed to be the collaborating physician for the applicant in accordance with section 4723.43 of the Revised Code.

(D) Any person may apply to the court of common pleas for temporary or permanent injunctions restraining a violation of division (A), (B), or (C) of this section. This action is an additional remedy not dependent on the adequacy of the remedy at law.

(E)(1) If a hospital does not provide or permit the provision of any diagnostic or treatment service for mental or emotional disorders or any other service that may be legally performed by a psychologist licensed under Chapter 4732. of the Revised Code, this section does not require the hospital to provide or permit the provision of any such service and the hospital shall be exempt from requirements of this section pertaining to psychologists.

(2) This section does not impair the right of a hospital to enter into an employment, personal service, or any other kind of
contract with a licensed psychologist, upon any such terms as the parties may mutually agree, for the provision of any service that may be legally performed by a licensed psychologist.

**Section 130.51.** That the existing version of section 3701.351 of the Revised Code that is scheduled to take effect September 30, 2024, is hereby repealed.

**Section 130.52.** Sections 130.50 and 130.51 of this act take effect September 30, 2024.

**Section 130.53.** That the versions of sections 3727.70 and 4723.431 of the Revised Code that are scheduled to take effect September 30, 2024, are hereby repealed.

**Section 130.54.** That Sections 130.11 and 130.12 (as amended by H.B. 66 of the 134th General Assembly) of H.B. 110 of the 134th General Assembly be amended to read as follows:

Sec. 130.11. That existing sections 111.15, 140.01, 3701.07, 3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 3711.10, 3711.12, 3711.14, 3711.30, 3727.70, 3781.112, 3901.40, 3929.67, 4723.431, 4723.481, 4730.411, 4731.31, and 4761.01 are hereby repealed.

Sec. 130.12. That sections 3702.11, 3702.12, 3702.13, 3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20, 3727.01, 3727.02, 3727.03, 3727.04, 3727.05, 3727.06, 3727.07, and 3727.99 of the Revised Code are hereby repealed.

**Section 130.55.** That existing Sections 130.11 and 130.12 (as amended by H.B. 66 of the 134th General Assembly) of H.B. 110 of
the 134th General Assembly are hereby repealed.

Section 130.56. Sections 130.54 and 130.55 of this act remove the limitations imposed on the continued existence of sections 3727.06, 3727.70, and 4723.431 of the Revised Code.

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO

Dedicated Purpose Fund Group

<table>
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<tr>
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<th>Description</th>
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Section 205.10. ADJ ADJUTANT GENERAL

General Revenue Fund

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Dedicated Purpose Fund Group

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Management
Section 205.20. NATIONAL GUARD BENEFITS

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs.

If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the
Adjutant General may request the Director of Budget and Management to transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. Such amounts are hereby appropriated. The Adjutant General may subsequently seek Controlling Board approval to restore the appropriation in the appropriation item from which such a transfer was made.

For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be paid to the beneficiary or beneficiaries designated on the member's Servicemembers' Group Life Insurance Policy.

**OHIO CYBER RESERVE**

The foregoing appropriation item 745503, Ohio Cyber Reserve, shall be used for purposes of providing support for the administration of the Ohio Cyber Reserve, a civilian cyber reserve force that is part of the Ohio organized militia, capable of being expanded and trained to educate and protect all levels of state government, critical infrastructure, and the citizens of this state from cyberattacks and incidences under sections 5922.01, 5922.02, and 5922.08 of the Revised Code.

**OHIO CYBER RANGE**

The foregoing appropriation item 745504, Ohio Cyber Range, shall be used by the Adjutant General's Department to establish and maintain the cyber range for purposes of providing cyber training and education to K-12 students, higher education students, members of the Ohio National Guard, federal employees, and state and local government employees, and provide for emergency preparedness exercises and trainings.

The Adjutant General's Department, in conjunction and collaboration with the Department of Administrative Services, the
Department of Public Safety, the Department of Higher Education, and the Department of Education shall establish and maintain a cyber range. The Adjutant General's Department may work with federal agencies to assist in accomplishing this objective. The state agencies identified in this paragraph may procure any necessary goods and services including, but not limited to, contracted services, hardware, networking services, maintenance costs, and the training and management costs of a cyber range. These state agencies shall determine the amount of funds each agency will contribute from available funds and appropriations enacted herein in order to establish and maintain a cyber range.

STATE ACTIVE DUTY

The foregoing appropriation item 745505, State Active Duty, shall be used for the purpose of paying expenses related to state active duty of members of the Ohio organized militia, in accordance with a proclamation or order of the Governor. Expenses include, but are not limited to, cost of equipment, supplies, and services, as determined by the Adjutant General.

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

General Revenue Fund

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Section 207.20. UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL PAYMENTS
The foregoing appropriation item 100412, Unemployment Insurance System Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.40 of H.B. 529 of the 132nd General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Unemployment Insurance System.

EDCS LEASE RENTAL PAYMENTS

The foregoing appropriation item 100413, EDCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly, as amended by Section 601.10 of H.B. 166 of the 133rd General Assembly, and other prior acts of the General Assembly, with respect to financing the costs associated with the Enterprise Data Center Solutions (EDCS) information technology initiative.

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 100414, MARCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 of the 130th General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Multi-Agency Radio Communications System (MARCS) upgrade.
OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 100415, OAKS Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Ohio Administrative Knowledge System (OAKS).

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 100416, STARS Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.30 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the State Taxation Accounting and Revenue System (STARS).

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 100447, Administrative Buildings Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2023, through June 30, 2025, by the Department of Administrative Services pursuant to leases and agreements under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT
The foregoing appropriation item 130321, State Agency Support Services, may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state.

Notwithstanding section 125.28 of the Revised Code, the foregoing appropriation item 130321, State Agency Support Services, also may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants, other costs associated with the Voinovich Center in Youngstown, Ohio, or costs of repairing vehicles donated pursuant to section 125.13 of the Revised Code. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated because of building renovations. These payments may be processed by the Department of Administrative Services through intrastate transfer vouchers and placed into the Building Management Fund (Fund 1320).

At least once per year, the portion of appropriation item 130321, State Agency Support Services, that is not used for the regular expenses of the appropriation item may be processed by the Department of Administrative Services through intrastate transfer voucher and placed in the Building Improvement Fund (Fund 5KZ0). On July 1, 2024, or as soon as possible thereafter, the Director of Administrative Services may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 130321, State Agency Support Services, at the end of fiscal year 2024 to be reappropriated to fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for fiscal year.
Section 207.30. PROFESSIONAL DEVELOPMENT FUND

Of the foregoing appropriation item 100610, Professional Development, up to $1,650,000 in each fiscal year shall be used to make payments from the Professional Development Fund (Fund 5L70) under section 124.182 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

Of the foregoing appropriation item 100610, Professional Development, up to $6,600,000 during the FY 2024-FY 2025 biennium may be used by the Director of Administrative Services for the creation, staffing, and administration of the Ohio Digital Academy. The Ohio Digital Academy shall exist to generate high-tech workforce capacity and serve the state of Ohio in advanced technology and cybersecurity needs. The goals of the Ohio Digital Academy shall be to educate, train, and subsequently employ analysts in completing boot camps, certifications, or degree programs in cybersecurity, coding, software engineering, user experience designers, and related fields.

In consultation with CyberOhio, the Department of Administrative Services shall have full authority to select qualified candidates for the Ohio Digital Academy. Candidates shall be subject to all applicable background checks and if selected, shall be required to commit to three years of service with the state of Ohio. Ohio Digital Academy candidates may be placed in an unclassified, administrative staff position pursuant to division (A)(30) of section 124.11 of the Revised Code for which the Director of Administrative Services is hereby given specific authority to set compensation, or with other public or private employers identified by the Department with which a partnership agreement has been established. Notwithstanding any
provision of law to the contrary, the Department may use the
foregoing appropriation to reimburse selected students' tuition
expenses for coursework, certification achieved, or other
necessary expenses, prior to acceptance in the program, which is
directly attributable to the targeted skills of the program if
completed within one year prior to the effective date of this
section. Upon hiring, candidates shall also be eligible for
reimbursement of costs for continuing education or certification
at the discretion of the Director to support the development of
specialized skills in the areas of information technology and
cybersecurity. Each candidate shall be responsible for any tax
implications associated with the tuition. The Department reserves
the right to recover all or a portion of funds provided to an Ohio
Digital Academy participant who fails to complete the agreed upon
three years of service commitment to the state.

On July 1, 2023, or as soon as possible thereafter, the
Department of Administrative Services may select and enter into a
subgrant agreement with a regionally accredited Ohio institution
of higher education with demonstrated significant coursework and
programming in cybersecurity to serve as a Digital Analyst
Training Academy (D.A.T.A.) Center. The Center shall be
responsible for paying for costs associated with the work of the
Ohio Digital Academy as designated by the Department of
Administrative Services. On behalf of the Center, the selected
institution shall do all the following:

(A) Provide necessary educational coursework or training for
the selected students' successful completion of a certificate or
degree program as prescribed by the Department of Administrative
Services at no cost to the selected students;

(B) Administer weekly professional development programs for
students in an academic setting;

(C) Prepare analysts for summer mandatory recruit training as
prescribed by the Department of Administrative Services;

(D) Coordinate and manage summer scenarios;

(E) Submit a quarterly report to the Department of Administrative Services that contains detailed information on the amount of grant funds expended for the aforementioned purposes;

(F) Submit an annual report to the Department of Administrative Services of all achievements, including a status report of all expenditures, number of students enrolled by program area, number of students graduated or certifications achieved by program area, program expansion opportunities, and projected costs to continue operating the Center.

Additional Centers may be added over the biennium subject to the approval of the Director of Administrative Services.

On July 1, 2024, or as soon as possible thereafter, the Director of Administrative Services may certify to the Director of Budget and Management, the unencumbered, unexpended portion remaining in appropriation item 100610, Professional Development Fund, at the end of fiscal year 2024. The certified amount is hereby reappropriated for the same purposes in fiscal year 2025.

911 PROGRAM

The foregoing appropriation item 100663, 911 Program, shall be used by the Department of Administrative Services to pay the administrative, marketing, and educational costs of the Statewide Emergency Services Internet Protocol Network program.

EMPLOYEE EDUCATIONAL DEVELOPMENT

The foregoing appropriation item 100619, Employee Educational Development, shall be used to make payments from the Employee Educational Development Fund (Fund 5V60) under section 124.86 of the Revised Code. The fund shall be used to pay the costs of administering educational programs under existing collective bargaining agreements.
bargaining agreements with District 1199, the Health Care and Social Service Union, Service Employees International Union; State Council of Professional Educators; Ohio Education Association and National Education Association; the Fraternal Order of Police State of Ohio, Unit 2 Association; and the Ohio State Troopers Association, Units 1 and 15.

If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

Section 207.40. GENERAL SERVICE CHARGES

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the programs funded by the General Services Fund (Fund 1170) and the State Printing Fund (Fund 2100).

COLLECTIVE BARGAINING ARBITRATION EXPENSES

The Department of Administrative Services may seek reimbursement from state agencies for the actual costs and expenses the Department incurs in the collective bargaining arbitration process. The reimbursements shall be processed through intrastate transfer vouchers and credited to the Collective Bargaining Fund (Fund 1280).

CONSOLIDATED IT PURCHASES

The foregoing appropriation item 100640, Consolidated IT Purchases, shall be used by the Department of Administrative Services acting as the purchasing agent for one or more government entities under the authority of division (G) of section 125.18 of the Revised Code to make information technology purchases at a lower aggregate cost than each individual government entity could have obtained independently for that information technology.
purchase.

INVESTMENT RECOVERY FUND

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

MAJOR IT PURCHASES CHARGES

Upon the request of the Director of Administrative Services, the Director of Budget and Management may transfer up to the amount collected for statewide indirect costs attributable to debt service paid for the enterprise data center solutions project from the General Revenue Fund to the Major Information Technology Purchases Fund (Fund 4N60).

PROFESSIONS LICENSING SYSTEM

The foregoing appropriation item, 100673, Ohio Professionals Licensing System, shall be used to purchase the equipment, products, and services necessary to update and maintain an automated licensing system for the professional licensing boards.

The Department of Administrative Services shall establish charges for recovering the costs of ongoing maintenance of the system that are not otherwise recovered under section 125.18 of the Revised Code. The charges shall be proportionate to each benefiting state agency, board, or commission's use of the system. For agencies, boards, or commissions whose operations are not funded by appropriations from the Occupational Licensing and Regulatory Fund (Fund 4K90), the Director of Administrative Services shall certify to the Director of Budget and Management these entities' proportionate charges for use of the state's enterprise electronic licensing system. The Director of Budget and Management shall transfer cash equaling the certified amounts from
these entities' respective operating funds into the Occupational Licensing and Regulatory Fund (Fund 4K90).

Section 207.45. BUILDING IMPROVEMENT FUND

The foregoing appropriation item 100659, Building Improvement, shall be used to make payments from the Building Improvement Fund (Fund 5KZ0) for major maintenance or improvements required in facilities maintained by the Department of Administrative Services. The Department of Administrative Services shall conduct or contract for regular assessments of these buildings and may maintain a cash balance in Fund 5KZ0 equal to the cost of the repairs and improvements that are recommended to occur within the next five years, with the following exception described below.

Upon request of the Director of Administrative Services, the Director of Budget and Management may permit a cash transfer from Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs of operating and maintaining facilities managed by the Department of Administrative Services that are not charged to tenants during the same fiscal year.

Should the cash balance in Fund 1320 be determined to be sufficient, the Director of Administrative Services may request that the Director of Budget and Management transfer cash from Fund 1320 to Fund 5KZ0 in an amount equal to the initial cash transfer made under this section plus applicable interest.

INFORMATION TECHNOLOGY DEVELOPMENT

The foregoing appropriation item 100661, IT Development, shall be used by the Department of Administrative Services to pay the costs of modernizing the state's information technology management and investment practices away from a limited, agency-specific focus in favor of a statewide methodology.
supporting development of enterprise solutions. This appropriation item may be used to pay the costs of enterprise information technology initiatives affecting state agencies or their customers.

Notwithstanding any provision of law to the contrary, the Department of Administrative Services, with the approval of the Director of Budget and Management, may charge state agencies an information technology development assessment based on state agencies' information technology expenditures or other methodology and may assess fees or charges to entities that are not state agencies to offset the cost of specific technology events or services. The revenue from these assessments, fees, or charges shall be deposited into the Information Technology Development Fund (Fund 5LJ0), which is hereby created.

ENTERPRISE APPLICATIONS

The foregoing appropriation item 100665, Enterprise Applications, shall be used for the operation and management of information technology applications that support state agencies' objectives. Charges billed to benefiting agencies shall be deposited to the credit of the Enterprise Applications Fund (Fund 5PC0).

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION

The Director of Administrative Services shall determine and implement strategies that benefit the enterprise by improving efficiency, reducing costs, or enhancing capacity of information technology (IT) services. Such improvements and efficiencies may result in the consolidation and transfer of such services. As determined to be necessary for successful implementation of this section and notwithstanding any provision of law to the contrary, the Director of Administrative Services may request the Director of Budget and Management to consolidate or transfer IT-specific
budget authority between agencies or within an agency as necessary to implement enterprise IT cost containment strategies and related efficiencies. Once the Director of Budget and Management is satisfied that the proposed initiative is cost advantageous to the enterprise, the Director of Budget and Management may request Controlling Board approval to transfer appropriations, funds, and cash to implement the proposed initiative. The establishment of any new fund or additional appropriation as a result of this section shall also be subject to Controlling Board approval.

The Director of Budget and Management and the Director of Administrative Services may transfer any employees, assets, and liabilities, including, but not limited to, records, contracts, and agreements in order to facilitate the improvements determined in accordance with this section.

Section 209.10. AGE DEPARTMENT OF AGING

General Revenue Fund

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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<th>SFY 14-15</th>
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TOTAL GRF General Revenue Fund  $26,563,000  $25,657,000

Dedicated Purpose Fund Group

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<th>SFY 14-15</th>
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**TOTAL DPF Dedicated Purpose Fund Group** $50,960,685 | $4,961,085 | 150019 |

**Federal Fund Group** $91,813,802 | $76,000,000 | 150025 |

**TOTAL ALL BUDGET FUND GROUPS** $169,337,487 | $106,618,085 | 150026 |
Pursuant to an interagency agreement, the Department of Medicaid may designate the Department of Aging to perform assessments under section 5165.04 of the Revised Code. The Department of Aging shall provide long-term care consultations under section 173.42 of the Revised Code to assist individuals in planning for their long-term health care needs.

The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program, the Assisted Living Program, and PACE as delegated by the Department of Medicaid in an interagency agreement.

PERFORMANCE-BASED REIMBURSEMENT

In order to improve health outcomes among populations served by PASSPORT administrative agencies, the Department of Aging, through rules adopted in accordance with Chapter 119. of the Revised Code, may design and utilize a payment method for PASSPORT administrative agency operations that includes a pay-for-performance incentive component that is earned by a PASSPORT administrative agency when defined consumer and policy outcomes are achieved. Prior to filing with the Joint Committee on Agency Rule Review, as provided in section 119.03 of the Revised Code, a proposed rule related to a payment method that includes a pay-for-performance incentive component, the Department shall submit a report to the Joint Medicaid Oversight Committee outlining the payment method.

Section 209.30. MYCARE OHIO

The authority of the Office of the State Long-Term Care Ombudsman as described in sections 173.14 to 173.28 of the Revised Code extends to MyCare Ohio during the period of the federal financial alignment demonstration program.

SENIOR COMMUNITY SERVICES
The foregoing appropriation item 490411, Senior Community Services, may be used for programs, services, and activities designated by the Department of Aging, including, but not limited to, home-delivered meals, congregate dining, transportation, personal care, respite, adult day services, home maintenance and chores, minor home modification, care coordination, evidence-based disease prevention and health promotion, and decision support systems. Funds may also be used to provide grants to community organizations to support and expand older adult programming. Services priority shall be given to low-income, high-need persons, and/or persons with a cognitive impairment who are sixty years of age or over.

NATIONAL SENIOR SERVICE CORPS

The foregoing appropriation item 490506, National Senior Service Corps, may be used by the Department of Aging to fund grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

COMMUNITY PROJECTS

The foregoing appropriation item 490510, Community Projects, $250,000 in each fiscal year shall be distributed to the Benjamin Rose Institute on Aging to provide mental health services.

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS
The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it.

**HEALTHY AGING GRANTS**

The foregoing appropriation item 490678, Healthy Aging Grants, shall be used to provide one-time grants to the board of county commissioners, or the county executive and county council of a charter county, in all counties to foster improved quality of life for seniors so they can remain in their homes and connected to their communities, delay entry into Medicaid, preserve their personal assets, and promote a healthy, independent, active lifestyle.

**Section 211.10. AGR DEPARTMENT OF AGRICULTURE**

General Revenue Fund

<table>
<thead>
<tr>
<th>Code</th>
<th>Program</th>
<th>FY23 appropriation</th>
<th>FY24 appropriation</th>
<th>Change</th>
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<td>Animal Health Programs</td>
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<td>GRF 700403</td>
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<td>GRF 700406</td>
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<td>GRF 700407</td>
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<td>2021 Budget</td>
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<td>6690</td>
<td>Pesticide, Fertilizer, and Lime Inspection Program</td>
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<td>$6,188,000</td>
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<td>$105,616,100</td>
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<td>5DA0</td>
<td>Laboratory</td>
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### Administration Support

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<td>Administrative Support</td>
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TOTAL ISA Internal Service Activity: $8,227,000

### Capital Projects Fund Group

<table>
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<tbody>
<tr>
<td>7057 700632</td>
<td>Clean Ohio Agricultural Easement</td>
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TOTAL CPF Capital Projects Fund Group: $512,000

### Federal Fund Group

<table>
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<td>3260 700618</td>
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<td>$5,814,000</td>
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<td>3360 700617</td>
<td>Ohio Farm Loan - Revolving</td>
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<td>3820 700601</td>
<td>Federal Cooperative Contracts</td>
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<td>3AB0 700641</td>
<td>Agricultural Easement</td>
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<td>3J40 700607</td>
<td>Federal Administrative Programs</td>
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<td>3R20 700614</td>
<td>Federal Plant Industry</td>
<td>$7,652,000</td>
<td>$8,029,000</td>
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</table>

TOTAL FED Federal Fund Group: $26,823,500

TOTAL ALL BUDGET FUND GROUPS: $186,753,600

---

**Section 211.20. FARMLAND PRESERVATION**

Of the foregoing appropriation item 700409, Farmland Preservation, $3,500,000 in each fiscal year shall be used to...
purchase agricultural easements under division (A) of section 5301.691 of the Revised Code and provide matching grants under section 901.22 of the Revised Code to municipal corporations, counties, townships, and soil and water conservation districts established under Chapter 940. of the Revised Code, and charitable organizations described in division (B) of section 5301.69 of the Revised Code for the purchase of agricultural easements. Any purchases of agricultural easements using this funding are subject to approval from the Controlling Board.

COUNTY AGRICULTURAL SOCIETIES

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.

SUPPORT FOR SOIL AND WATER DISTRICTS

Of the foregoing appropriation item 700509, Soil and Water District Support, $7,000,000 in each fiscal year shall be used to support county soil and water conservation districts in the Western Lake Erie Basin and other priority regions as defined by the Director of Agriculture, for staffing costs and to assist in soil testing and nutrient management plan development, including manure transformation and manure conversion technologies, enhanced filter strips, water management, and H2Ohio Program support.

LOCAL FAIRS

The foregoing appropriation item 700512, Local Fairs, shall be used to support county and independent agricultural societies.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 940.15 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil
and Water Districts, to pay any soil and water conservation district an annual amount not to exceed $40,000 upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.12 of the Revised Code for use by the local soil and water conservation district. The amounts received by each district shall be expended for the purposes of the district.

H2OHIO FUND

The Department of Agriculture shall establish programs to assist in reducing total phosphorus, dissolved reactive phosphorus, sediment, and other nutrients in the Western Lake Erie Basin and other critical regions in the state as defined by the Director of Agriculture.

The foregoing appropriation item 700670, H2Ohio, shall be used to support the programs described above, which may include, but not be limited to, the following: (1) equipment for subsurface placement of nutrients into the soil; (2) equipment for nutrient placement based on geographic information system data; (3) soil testing; (4) implementation of variable rate technology; (5) equipment implementing manure transformation and manure conversion technologies; (6) tributary monitoring; (7) best management practices recognized to reduce nutrients; (8) a revolving loan program; and (9) matching funds for the Conservation Reserve Enhancement Program in the Western Lake Erie Basin and Scioto River Basin.

Of the foregoing appropriation item 700670, H2Ohio, not less than $10,700,000 in each fiscal year shall be used for programs to assist in reducing total phosphorus, dissolved reactive phosphorus, sediment, and other nutrients in the Western Lake Erie Basin.
Of the foregoing appropriation item 700670, H2Ohio, $2,000,000 in each fiscal year shall be used to establish a water quality pilot program focused on legacy phosphorus fields.

Not later than one hundred twenty days after the effective date of this section, the Department of Agriculture, in consultation with the Lake Erie Commission, the Ohio Soil and Water Conservation Commission, and the Ohio State University Extension, shall establish a pilot program that assists farmers, agricultural retailers, and soil and water conservation districts in reducing phosphorus and dissolved reactive phosphorous discharging from legacy phosphorus fields.

Funding under the program shall be used to pay for, but is not limited to, the following: identifying and evaluating legacy phosphorus fields for characteristics of high phosphorus run-off; collaborating with agricultural retailers and other agricultural organizations; soil testing; water management and edge-of-field drainage management strategies; phosphorus removal structures; monitoring and evaluating effectiveness of practices; and implementation of nutrient best management practices according to data collected by soil and water conservation.

On July 1, 2024, or as soon as possible thereafter, the Director of Agriculture may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 700670, H2Ohio, at the end of fiscal year 2024 to be reappropriated in fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2025.

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement Operating, shall be used by the Department of Agriculture in administering Clean Ohio Agricultural Easement...
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

**Section 213.10. AIR QUALITY DEVELOPMENT AUTHORITY**

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
<th>Amount</th>
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</tr>
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<td>Small Business</td>
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<tr>
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<td>5A00</td>
<td>Small Business Assistance</td>
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<td>$2,119,000</td>
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<td>TOTAL ALL BUDGET FUND GROUPS</td>
<td>$2,016,000</td>
<td>$2,119,000</td>
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</tr>
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</table>

**Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT AUTHORITY TRUST ACCOUNT**

Notwithstanding any other provision of law to the contrary, the Air Quality Development Authority may reimburse the Air Quality Development Authority trust account established under section 3706.10 of the Revised Code from all operating funds of the agency for expenses pertaining to the administration and shared costs incurred by the Air Quality Development Authority in the execution of responsibilities as prescribed in Chapter 3706 of the Revised Code. The reimbursement shall occur in accordance with an administrative cost recovery plan approved by the Air Quality Development Authority Board.

**Section 215.10. ARC ARCHITECTS BOARDS**

Dedicated Purpose Fund Group

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<tr>
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<th>Description</th>
<th>Amount</th>
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### Section 217.10. ART OHIO ARTS COUNCIL

**General Revenue Fund**

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<tr>
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<tr>
<td>GRF</td>
<td>State Program</td>
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<td>Subsidies</td>
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**Dedicated Purpose Fund Group**

<table>
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<th>Code</th>
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**Federal Fund Group**

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**Federal Support**

Notwithstanding any provision of law to the contrary, the foregoing appropriation item 370601, Federal Support, shall be used by the Ohio Arts Council for subsidies only, and not for its administrative costs, unless the Council is required to use a portion of the funds for administrative costs under conditions of the federal grant.

### Section 219.10. ATH ATHLETIC COMMISSION

**Dedicated Purpose Fund Group**

<table>
<thead>
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<td>Drug Testing Equipment</td>
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<td>Internet Crimes Against Children Task Force</td>
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<td>Change</td>
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<td>BCI Asset Forfeiture and Cost Reimbursement</td>
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<td>Code</td>
<td>Description</td>
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<td>In</td>
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<td>U087</td>
<td>Tobacco Settlement Oversight, Administration, and Enforcement</td>
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<td>1950</td>
<td>Workers' Compensation Section</td>
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<td>Consumer Frauds</td>
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Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE

Of the foregoing appropriation item 055321, Operating Expenses, $650,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields.

NARCOTICS TASK FORCES

Of the foregoing appropriation item 055321, Operating Expenses, up to $500,000 in each fiscal year shall be used to support narcotics task forces funded by the Attorney General.

DOMESTIC VIOLENCE PROGRAM

Of the foregoing appropriation item 055321, Operating Expenses, $100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code.

OHIO FALLEN OFFICERS MEMORIAL WALL

Of the foregoing appropriation item 055321, Operating Expenses, $67,500 in fiscal year 2024 shall be used by the Attorney General to restore the Ohio Fallen Officers Memorial Wall on the grounds of the Ohio Peace Officer Training Academy.

BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE RENTAL PAYMENTS

The foregoing appropriation item 055406, BCIRS Lease Rental
Payments, shall be used for payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into pursuant to Section 701.40 of S.B. 310 of the 131st General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the BCIRS.

COUNTY SHERIFFS' PAY SUPPLEMENT

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM
The Attorney General shall maintain the Drug Abuse Response Team Grant Program for the purpose of replicating or expanding successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department, and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County. Any grants awarded by this grant program may include requirements for private or nonprofit matching support.

The foregoing appropriation item 055431, Drug Abuse Response Team Grants, shall be used by the Attorney General to fund grants to law enforcement or other government agencies; the primary purpose of the grants shall be to replicate or expand successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County.

Each recipient of a grant under this program shall, within six months of the end date of the grant, submit a written report describing the outcomes that resulted from the grant to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

**DRUG TESTING EQUIPMENT**

The foregoing appropriation item 055432, Drug Testing Equipment, shall be used to purchase drug testing equipment for the Bureau of Criminal Identification and Investigation.

**INTERNET CRIMES AGAINST CHILDREN TASK FORCE**

The foregoing appropriation item 055434, Internet Crimes Against Children Task Force, shall be used by the Attorney General...
in support of the Ohio Internet Crimes Against Children Task Force for the purposes described in section 195.02 of the Revised Code.

**RAPID DNA PILOT PROJECT**

The foregoing appropriation item 055440, Rapid DNA Pilot Project, shall be used to fund the necessary expenses incurred by the Bureau of Criminal Identification and Investigation to pilot rapid DNA technology with cooperating local law enforcement agencies.

**VICTIMS OF CRIME**

The foregoing appropriation item 055441, Victims of Crime, shall be allocated to the Crime Victim Compensation Program. Prior to using the funds from this appropriation item, the Attorney General shall, to the extent possible, first use funds related to the federal Victims of Crime Act.

**SCHOOL SAFETY TRAINING GRANTS**

(A) The foregoing appropriation item 055502, School Safety Training Grants, shall be used by the Attorney General, in consultation with the Superintendent of Public Instruction and the Director of Mental Health and Addiction Services, solely to make grants to public and chartered nonpublic schools, educational service centers, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services programs pursuant to section 5126.05 of the Revised Code for school safety and school climate programs and training.

(B) The use of the grants includes, but is not limited to, all of the following:

(1) The support of school resource officer certification training;

(2) Any type of active shooter and school safety training or
equipment;

(3) All grade level type educational resources;

(4) Training to identify and assist students with mental health issues;

(5) School supplies or equipment related to school safety or for implementing the school's safety plan;

(6) Any other training related to school safety.

(C) The schools, educational service centers, and county boards shall work or contract with the county sheriff's office or a local police department in whose jurisdiction they are located to develop the programs and training described in divisions (B)(1), (2), (3), (5), and (6) of this section. Any grant awarded directly to a local law enforcement agency shall not be used to fund a similar request made by a school located within the jurisdiction of the local law enforcement agency.

(D) As used in this section, "public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code.

DOMESTIC VIOLENCE PROGRAMS

The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM

Of the foregoing appropriation item 055504, Domestic Violence Programs, $300,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for expenses related to the creation and implementation of a pilot
program called "Finding my Childhood Again."

BATTERED WOMEN'S SHELTER

Of the foregoing appropriation item 055504, Domestic Violence Programs, $50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for the cost of operating the commercial kitchen located at its Market Street Facility, and $50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Portage County.

TRANSPORTATION GRANTS

Of the foregoing appropriation item 055504, Domestic Violence Programs, $25,000 in fiscal year 2024 shall be provided as grants to Ohio domestic violence shelters to buy transportation vouchers, ridesharing credits, or gas cards for eligible clients. The Attorney General shall adopt any rules necessary for the administration of the grant program.

PIKE COUNTY CAPITAL CASE

An amount equal to the unexpended, unencumbered balance of appropriation item 055505, Pike County Capital Case, at the end of fiscal year 2023 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2024.

LAW ENFORCEMENT TRAINING

The foregoing appropriation item 055509, Law Enforcement Training, shall be used by the Attorney General for state funding of the training of peace officers and troopers that is required under section 109.803 of the Revised Code.

Of the foregoing appropriation item 055509, Law Enforcement Training, the Attorney General may use up to $100,000 for administrative expenses associated with the program, including curriculum development.

On July 1, 2024, or as soon as possible thereafter, the
Attorney General shall certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 055509, Law Enforcement Training, at the end of fiscal year 2024 to be reappropriated for the same purpose in fiscal year 2025. Upon Controlling Board approval, the amount certified is hereby reappropriated to the same appropriation item for fiscal year 2025.

PROSECUTOR VICTIM PROGRAMS

The foregoing appropriation item 055511, Prosecutor Victim Programs, shall be used for grants to prosecutor programs and prosecutor designated programs that provide assistance to victims and promote victim rights implementation.

ATTORNEY GENERAL OPERATING

In fiscal year 2024, if the Attorney General determines that additional funds are needed to pay expenses related to representation in a concluded opioid litigation, the Attorney General shall certify to the Director of Budget and Management the amount needed, not to exceed $14,400,000, and shall include supporting documentation showing the amount required. If the Director determines that the amounts are required, the Director may transfer cash, up to the amount certified, from the General Revenue Fund to Attorney General Reimbursement Fund (Fund 1060), for the purpose of paying the expenses approved. Such amounts transferred are hereby appropriated to appropriation item 055612, Attorney General Operating, for fiscal year 2024.

WORKERS' COMPENSATION SECTION

The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the fiscal year.
In addition, the Bureau of Workers' Compensation shall transfer payments for the support of the Workers' Compensation Fraud Unit.

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

GENERAL HOLDING ACCOUNT

The foregoing appropriation item 055631, General Holding Account, shall be used, subject to Controlling Board approval, to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General.

ANTITRUST SETTLEMENTS

The foregoing appropriation item 055632, Antitrust Settlements, shall be used, subject to Controlling Board approval, to distribute moneys under the terms of relevant court orders or other out-of-court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used for the support of the Organized Crime Commission.
Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

COLLECTION PAYMENT REDISTRIBUTION

The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

Section 223.10. AUD AUDITOR OF STATE

General Revenue Fund

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>FY 2024</th>
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<tr>
<td>GRF 070401</td>
<td>Audit Management and Services</td>
<td>$13,444,000</td>
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<td>GRF 070404</td>
<td>Fraud/Corruption Audits and Investigations</td>
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<td>GRF 070412</td>
<td>Local Government Audit Support</td>
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Dedicated Purpose Fund Group

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<th>FY 2024</th>
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<td>5840</td>
<td>Training Program</td>
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**Section 223.20. AUDIT MANAGEMENT AND SERVICES**

The foregoing appropriation item 070401, Audit Management and Services, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments and state entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines. This appropriation item also shall be used to cover costs of the Local Government Services Section that are not charged to clients.

**PERFORMANCE AUDITS**

The foregoing appropriation item 070402, Performance Audits, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State related to the provision of performance audits for local governments, school districts, state agencies, and colleges and universities that are not recovered through charges to those entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

**FISCAL DISTRESS TECHNICAL ASSISTANCE**
The foregoing appropriation item 070403, Fiscal Distress Technical Assistance, shall be used to support costs of the Auditor of State responsibilities under Chapters 118. and 3316. of the Revised Code to provide services to local governments or schools in, or at risk of entering, a state of fiscal caution, watch, or emergency.

LOCAL GOVERNMENT AUDIT SUPPORT

The foregoing appropriation item 070412, Local Government Audit Support, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT FUND

The foregoing appropriation item 070611, Local Government Audit Support Fund, shall be used pursuant to section 117.131 of the Revised Code to offset costs of audits that would otherwise be charged to local public offices in the absence of the fund.

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT

General Revenue Fund

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Internal Service Activity Fund Group

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<tr>
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<td>TOTAL ISA Internal Service Activity</td>
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<tr>
<td>Fund Group</td>
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Fiduciary Fund Group

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<th>Description</th>
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<td>5EH0 042604 Forgery Recovery</td>
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<tr>
<td>TOTAL ALL BUDGET FUND GROUPS</td>
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<td>$30,841,399</td>
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Section 229.20. AUDIT COSTS

All centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state shall be paid from the foregoing appropriation item 042603, Financial Management.

Costs associated with the audit of the Auditor of State shall be paid from the foregoing appropriation item 042321, Operating Expenses.

SHARED SERVICES CENTER

The foregoing appropriation items 042321, Operating Expenses, and 042603, Financial Management, shall be used by the Director of Budget and Management to support the Shared Services program pursuant to division (D) of section 126.21 of the Revised Code.

The Director of Budget and Management shall include the recovery of costs to operate the Shared Services program in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers billed to agencies for services rendered using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050).

INTERNAL AUDIT

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program pursuant to section 126.45 of the Revised Code in the accounting and budgeting services payroll rate using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of Fund 1050.

FORGERY RECOVERY
The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of Criminal Identification and Investigation and the Treasurer of State. Upon receipt of funds to cover the reissuance of the warrant, the Director of Budget and Management shall reissue a state warrant of the same amount. Any additional amounts needed to reissue warrants backed by the receipt of funds are hereby appropriated.

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD

General Revenue Fund
GRF 874321 Operating Expenses $ 6,751,000 $ 6,751,000
TOTAL GRF General Revenue Fund $ 6,751,000 $ 6,751,000
Dedicated Purpose Fund Group
2080 874601 Underground Parking $ 4,245,906 $ 4,245,906
Garage Operations
4G50 874603 Capitol Square $ 6,000 $ 6,000
Education Center and Arts
TOTAL DPF Dedicated Purpose $ 4,251,906 $ 4,251,906
Internal Service Activity Fund Group
4S70 874602 Statehouse Gift $ 800,000 $ 800,000
Shop/Events
TOTAL ISA Internal Service Activity $ 800,000 $ 800,000
Operating Expenses
TOTAL ALL BUDGET FUND GROUPS $ 11,802,906 $ 11,802,906

On July 1, 2023, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board
may certify to the Director of Budget and Management the amount of
the unexpended, unencumbered balance of the appropriation items
874100, Personal Services, and 874320, Maintenance and Equipment,
at the end of fiscal year 2023 to be reappropriated to
appropriation item 874321, Operating Expenses, for fiscal year
2024. The amount certified is hereby reappropriated to
appropriation item 874321, Operating Expenses, for fiscal year
2024.

On July 1, 2024, or as soon as possible thereafter, the
Executive Director of the Capitol Square Review and Advisory Board
may certify to the Director of Budget and Management an amount up
to the unexpended, unencumbered balance of the foregoing
appropriation item 874321, Operating Expenses, at the end of
fiscal year 2024 to be reappropriated for fiscal year 2025. The
amount certified is hereby reappropriated to the same
appropriation item 874321, Operating Expenses, for fiscal year
2025.

UNDERGROUND PARKING GARAGE FUND

Notwithstanding division (G) of section 105.41 of the Revised
Code and any other provision to the contrary, moneys in the
Underground Parking Garage Fund (Fund 2080) may be used for
personnel and operating costs related to the operations of the
Statehouse and the Statehouse Underground Parking Garage.

HOUSE AND SENATE PARKING REIMBURSEMENT

On July 1 of each fiscal year, or as soon as possible
thereafter, the Director of Budget and Management shall transfer
$500,000 cash from the General Revenue Fund to the Underground
Parking Garage Fund (Fund 2080). The amounts transferred under
this section shall be used to reimburse the Capitol Square Review
and Advisory Board for legislative parking costs.
Section 233.10. SCR State Board of Career Colleges and Schools

Dedicated Purpose Fund Group

4K90 233601 Operating Expenses $ 551,000 $ 567,000

TOTAL DPF Dedicated Purpose Fund Group $ 551,000 $ 567,000

TOTAL ALL BUDGET FUND GROUPS $ 551,000 $ 567,000

Section 235.10. CAC Casino Control Commission

Dedicated Purpose Fund Group

5HS0 955321 Operating Expenses $ 16,352,000 $ 16,753,000
5NU0 955601 Casino Commission $ 250,000 $ 250,000

5YR0 955602 Problem Sports Gaming $ 500,000 $ 500,000

TOTAL DPF Dedicated Purpose Fund Group $ 17,102,000 $ 17,503,000

TOTAL ALL BUDGET FUND GROUPS $ 17,102,000 $ 17,503,000

Section 237.10. CDP Chemical Dependency Professionals Board

Dedicated Purpose Fund Group

4K90 930609 Operating Expenses $ 925,837 $ 998,837

TOTAL DPF Dedicated Purpose Fund Group $ 925,837 $ 998,837

TOTAL ALL BUDGET FUND GROUPS $ 925,837 $ 998,837

Section 239.10. CHR State Chiropractic Board

Dedicated Purpose Fund Group

4K90 878609 Operating Expenses $ 592,868 $ 593,868

TOTAL DPF Dedicated Purpose Fund Group $ 592,868 $ 593,868
Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION

General Revenue Fund
GRF 876321 Operating Expenses $ 6,963,000 $ 7,172,000 150822
TOTAL GRF General Revenue Fund $ 6,963,000 $ 7,172,000 150823

Federal Fund Group
3340 876601 Federal Programs $ 3,786,800 $ 4,232,800 150825
TOTAL FED Federal Special Revenue Fund Group $ 3,786,800 $ 4,232,800 150826

TOTAL ALL BUDGET FUND GROUPS $ 10,749,800 $ 11,404,800 150828

Section 243.10. COM DEPARTMENT OF COMMERCE

Dedicated Purpose Fund Group
4B20 800631 Real Estate Appraisal $ 35,000 $ 35,000 150832
Recovery
4H90 800608 Cemeteries $ 453,275 $ 453,275 150833
4X20 800619 Financial Institutions $ 2,196,327 $ 2,217,605 150834
5430 800602 Unclaimed Funds-Operating $ 13,930,644 $ 14,039,257 150835
Funds-Operating
5430 800625 Unclaimed Funds-Claims $ 70,000,000 $ 70,000,000 150836
5440 800612 Banks $ 10,557,393 $ 12,557,393 150837
5460 800610 Fire Marshal $ 30,868,718 $ 29,102,147 150838
5460 800639 Fire Department Grants $ 7,500,000 $ 7,500,000 150839
5480 800611 Real Estate Recovery $ 50,000 $ 50,000 150840
5490 800614 Real Estate $ 7,643,614 $ 6,672,175 150841
5500 800617 Securities $ 10,955,287 $ 8,918,450 150842
5520 800604 Credit Union $ 4,057,117 $ 5,213,603 150843
5530 800607 Consumer Finance $ 6,139,757 $ 6,139,757 150844
5560 800615 Industrial Compliance $ 31,832,113 $ 31,832,113 150845
5F10 800635 Small Government Fire Departments $ 600,000 $ 600,000 150846
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Section 243.20. UNCLAIMED FUNDS PAYMENTS

The foregoing appropriation item 800625, Unclaimed Funds-Claims, shall be used to pay claims under section 169.08 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated.

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING

The foregoing appropriation item 800631, Real Estate Appraisal Recovery, shall be used to pay settlements, judgments, and court orders under section 4763.16 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated.

The foregoing appropriation item 800611, Real Estate Recovery, shall be used to pay settlements, judgments, and court orders under section 4735.12 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated.

The foregoing appropriation item 800653, Real Estate Home Sub. H. B. No. 33 Page 4908
Inspector Recovery, shall be used to pay settlements, judgments, and court orders under section 4764.21 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated.

REAL ESTATE SALESPERSON LICENSE GRANTS

Notwithstanding section 4735.06 of the Revised Code, or any other law to the contrary, the Superintendent of the Division of Real Estate and Professional Licensing may provide grants, not exceeding $2,000, to applicants for salesperson licenses to defray the costs of satisfying the educational requirements of division (F) of section 4735.09 of the Revised Code. No more than $25,000 shall be granted from the Division of Real Estate Operating Fund (Fund 5490) in any one fiscal year.

FIRE DEPARTMENT GRANTS

(A) The foregoing appropriation item 800639, Fire Department Grants, shall be used to make annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. For the purposes of these grants, a private fire company, as that phrase is defined in section 9.60 of the Revised Code, that is providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant.
Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services. For the purpose of this grant program, an eligible recipient or any firefighting entity that is contracted to serve an eligible recipient may only file, be listed as joint applicant, or be designated as a service provider on one grant application per fiscal year.

If the grant awarded to joint applicants is an equipment grant and the equipment to be purchased cannot be readily distributed or possessed by multiple recipients, each of the joint applicants shall be awarded by the State Fire Marshal an ownership interest in the equipment so purchased in proportion to each applicant's contribution to and demonstrated need for fire protection services. The joint applicants shall then mutually agree on how the equipment is to be maintained, operated, stored, or disposed of. If, for any reason, the joint applicants cannot agree as to how jointly owned equipment is to be maintained, operated, stored, or disposed of or any of the joint applicants no longer maintain a contract with the same fire protection service provider as the other applicants, then the joint applicants shall, with the assistance of the State Fire Marshal, mutually agree as to how the jointly owned equipment is to be maintained, operated, stored, disposed of, or owned. If the joint applicants cannot agree how the grant equipment is to be maintained, operated, stored, disposed of, or owned, the State Fire Marshal may, in its discretion, require all of the equipment acquired by the joint applicants with grant funds to be returned to the State Fire
Marshal. The State Fire Marshal may then award the returned
equipment to any eligible recipients. For this paragraph only, an
"equipment grant" also includes a MARCS Grant.

(B) Except as otherwise provided in this section, the grants
shall be used by recipients to purchase firefighting or rescue
equipment or gear or similar items, to provide full or partial
reimbursement for the documented costs of firefighter training,
or, at the discretion of the State Fire Marshal, to cover fire
department costs for providing fire protection services in that
grant recipient's jurisdiction.

(1) Of the foregoing appropriation item 800639, Fire
Department Grants, up to $1,300,000 per fiscal year may be used to
pay for the State Fire Marshal's costs of providing firefighter I
certification classes or other firefighter classes approved by the
State Fire Marshal at no cost to selected students attending the
Ohio Fire Academy or other class providers approved by the State
Fire Marshal. The State Fire Marshal may establish the
qualifications and selection processes for students to attend such
classes by written policy, and such students shall be considered
eligible recipients of fire department grants for the purposes of
this portion of the grant program.

(2) Of the foregoing appropriation item 800639, Fire
Department Grants, up to $4,000,000 in each fiscal year may be
used for MARCS Grants. MARCS Grants may be used for the payment of
user access fees by the eligible recipient to cover costs for
accessing MARCS.

For purposes of this section, a MARCS Grant is a grant for
systems, equipment, or services that are a part of, integrated
into, or otherwise interoperable with the Multi-Agency Radio
Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to $50,000 in each fiscal year
per eligible recipient. Each eligible recipient may apply, as a separate entity or as a part of a joint application, for only one MARCS Grant per fiscal year. The State Fire Marshal may give a preference to MARCS Grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and that is adjacent to the applicant.

Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

(3) Grant awards for firefighting or rescue equipment or gear or for fire department costs of providing fire protection services shall be up to $15,000 per fiscal year, or up to $25,000 per fiscal year if an eligible entity serves a jurisdiction in which the Governor declared a natural disaster during the preceding or current fiscal year in which the grant was awarded. In addition to any grant funds awarded for rescue equipment or gear, or for fire department costs associated with the provision of fire protection services, an eligible entity may receive a grant for up to $15,000 per fiscal year for full or partial reimbursement of the documented costs of firefighter training. For each fiscal year, the State Fire Marshal shall determine the total amounts to be allocated for each eligible purpose.

(C) The grants shall be administered by the State Fire Marshal in accordance with rules the State Fire Marshal adopts as part of the state fire code adopted pursuant to section 3737.82 of the Revised Code that are necessary for the administration and operation of the grant program. The rules may further define the entities eligible to receive grants and establish criteria for the awarding and expenditure of grant funds, including methods the State Fire Marshal may use to verify the proper use of grant funds.
or to obtain reimbursement for or the return of equipment for improperly used grant funds. To the extent consistent with this section and until the rules are updated, the existing rules in the state fire code adopted pursuant to section 3737.82 of the Revised Code for fire department grants under this section apply to MARCS Grants. Any amounts in appropriation item 800639, Fire Department Grants, in excess of the amount allocated for these grants may be used for the administration of the grant program.

DIVISION OF MARIJUANA CONTROL

The foregoing appropriation item 800650, Medical Marijuana Control Program, shall be used by the Department of Commerce to support the operation of the Division of Marijuana Control, including expenditures related to the transfer of the medical marijuana control program into the Department. If additional amounts are available in the Medical Marijuana Control Fund (Fund 5SY0), and additional amounts are necessary to transfer the program, the Director of Commerce may certify to the Director of the Office of Budget and Management the amount of additional appropriation necessary for this purpose. Upon approval by the Director of the Office of Budget and Management, that amount is hereby appropriated.

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND

If the Real Estate Recovery Fund (Fund 5480) cash balance exceeds $250,000 during the biennium ending June 30, 2025, the Director of Budget and Management, upon the written request of the Director of Commerce and subject to the approval of the Controlling Board, may transfer cash from Fund 5480 to the Division of Real Estate Operating Fund (Fund 5490), such that the amount available in Fund 5480 is not less than $250,000.

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash
balance exceeds $200,000 during the biennium ending June 30, 2025, the Director of Budget and Management, upon the written request of the Director of Commerce and subject to the approval of the Controlling Board, may transfer cash from Fund 4B20 to the Division of Real Estate Operating Fund (Fund 5490), such that the amount available in Fund 4B20 is not less than $200,000.

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES REVOLVING LOAN FUND

Upon the written request of the Director of Commerce, and subject to the approval of the Controlling Board, the Director of Budget and Management may transfer up to $600,000 in cash from the State Fire Marshal Fund (Fund 5460) to the Small Government Fire Department Services Revolving Loan Fund (Fund 5F10) during the biennium ending June 30, 2025.

CASH TRANSFERS TO THE DIVISION OF SECURITIES INVESTOR EDUCATION AND ENFORCEMENT EXPENSE FUND

Upon the written request of the Director of Commerce, the Director of Budget and Management may transfer up to $5,000,000 in cash from the Division of Securities Fund (Fund 5500) to the Division of Securities Investor Education and Enforcement Expense Fund (Fund 5GK0) in fiscal year 2024. Upon the written request of the Director of Commerce, the Director of Budget and Management may transfer up to five per cent of the fees and charges received in Fund 5500 to Fund 5GK0 in fiscal year 2025.

Of the foregoing appropriation item 800609, Securities Investor Education/Enforcement, up to $1,000,000 in each fiscal year may be used by the Department of Commerce to provide grants for the purpose of securities investor education.

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND

Upon the written request of the Director of Commerce, and subject to the approval of the Controlling Board, the Director of
Budget and Management may transfer up to $2,500,000 in each fiscal year from the Division of Securities Fund (Fund 5500) to the Ohio Investor Recovery Fund (Fund 5XK0) during the biennium ending June 30, 2025.

Of the foregoing appropriation item 800657, Ohio Investor Recovery, up to $2,500,000 in each fiscal year shall be used by the Department of Commerce pursuant to section 1707.47 of the Revised Code to provide restitution assistance to victims who: (1) are identified in a final administrative order issued by the Division of Securities or a final court order in a civil or criminal proceeding initiated by the Division as a purchaser damaged by a sale or contract for sale made in violation of Chapter 1707. of the Revised Code; and (2) have not received the full amount of any restitution ordered in a final order before the application for restitution assistance is due.

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL

Dedicated Purpose Fund Group
5F50 053601 Operating Expenses $ 6,313,267 $ 6,313,267
TOTAL DPF Dedicated Purpose Fund $ 6,313,267 $ 6,313,267
TOTAL ALL BUDGET FUND GROUPS $ 6,313,267 $ 6,313,267

Section 247.10. CEB CONTROLLING BOARD

Internal Service Activity Fund Group
5KM0 911614 Controlling Board $ 7,500,000 $ 7,500,000
Emergency Purposes/Contingencies
TOTAL ISA Internal Service Activity Fund Group $ 7,500,000 $ 7,500,000
TOTAL ALL BUDGET FUND GROUPS $ 7,500,000 $ 7,500,000
Section 247.20. FEDERAL SHARE

In transferring appropriations to or from appropriation items that have federal shares identified in this act, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in this act. Such changes are hereby appropriated.

Section 249.10. COS COSMETOLOGY AND BARBER BOARD

Dedicated Purpose Fund Group

4K90 879609 Operating Expenses $ 5,418,707 $ 5,486,509
TOTAL DPF Dedicated Purpose Fund $ 5,418,707 $ 5,486,509

TOTAL ALL BUDGET FUND GROUPS $ 5,418,707 $ 5,486,509

Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD

Dedicated Purpose Fund Group

4K90 899609 Operating Expenses $ 1,967,897 $ 2,039,897
TOTAL DPF Dedicated Purpose Fund $ 1,967,897 $ 2,039,897

TOTAL ALL BUDGET FUND GROUPS $ 1,967,897 $ 2,039,897

Section 253.10. CLA COURT OF CLAIMS

General Revenue Fund

GRF 015321 Operating Expenses $ 2,984,000 $ 3,109,000
GRF 015403 Public Records $ 1,040,000 $ 1,081,000
Adjudication
TOTAL GRF General Revenue Fund $ 4,024,000 $ 4,190,000

Dedicated Purpose Fund Group

5K20 015603 CLA Victims of Crime $ 572,502 $ 595,107
5TE0  015604  Public Records  $  6,000 $  2,000  151141
TOTAL DPF Dedicated Purpose Fund  $  578,502 $  597,107  151142
Group
TOTAL ALL BUDGET FUND GROUPS  $  4,602,502 $  4,787,107  151143

Section 255.10. DEN STATE DENTAL BOARD

Dedicated Purpose Fund Group
4K90  880609  Operating Expenses  $  1,979,497 $  1,991,497  151147
TOTAL DPF Dedicated Purpose Fund  $  1,979,497 $  1,991,497  151148
Group
TOTAL ALL BUDGET FUND GROUPS  $  1,979,497 $  1,991,497  151149

Section 257.10. BDP BOARD OF DEPOSIT

Dedicated Purpose Fund Group
4M20  974601  Board of Deposit  $  1,688,400 $  1,688,400  151153
TOTAL DPF Dedicated Purpose Fund  $  1,688,400 $  1,688,400  151154
Group
TOTAL ALL BUDGET FUND GROUPS  $  1,688,400 $  1,688,400  151155

Section 257.20. BOARD OF DEPOSIT EXPENSE FUND

Upon receiving certification of expenses from the Treasurer of State, the Director of Budget and Management shall transfer cash from the Investment Earnings Redistribution Fund (Fund 6080) to the Board of Deposit Expense Fund (Fund 4M20). The latter fund shall be used pursuant to section 135.02 of the Revised Code to pay for any and all necessary expenses of the Board of Deposit or for banking charges and fees required for the operation of the State of Ohio Regular Account.

Section 259.10. DEV DEPARTMENT OF DEVELOPMENT

General Revenue Fund
GRF  195405  Minority Business  $  9,150,000 $  9,150,000  151168
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# Investment Program

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**TOTAL DPF Dedicated Purpose Fund Group**

$1,593,690,000  $605,690,000  151215

# Internal Service Activity Fund Group

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**TOTAL ISA Internal Service Activity Fund Group**

$17,047,815  $17,237,847  151219

# Facilities Establishment Fund Group

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<td>Bond Research and Development Fund Group</td>
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Energy Savings Rebate Program

3IM0 195583 High-Efficiency Electric Home Rebate Program
$124,150,970

3K80 195613 Community Development Block Grant
$62,975,000

3K90 195611 Home Energy Assistance Block Grant
$165,000,000

3K90 195614 HEAP Weatherization
$40,000,000

3L00 195612 Community Services Block Grant
$29,000,000

3V10 195601 HOME Program
$62,975,000

TOTAL FED Federal Fund Group
$1,016,340,780

TOTAL ALL BUDGET FUND GROUPS
$2,781,841,595

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM

The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office.

MINORITY BUSINESS DEVELOPMENT

The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation item 195454, Small Business and Export Assistance.

BUSINESS DEVELOPMENT SERVICES

The foregoing appropriation item 195415, Business Development
Services, shall be used for the operating expenses of the Office of Strategic Business Investments and the regional economic development offices.

Of the foregoing appropriation item 195415, Business Development Services, $1,800,000 in each fiscal year shall be allocated to Development Projects, Inc., for economic development programs and the creation of new jobs to leverage and support mission gains at Department of Defense and related facilities in Ohio by working with future base realignment and closure activities and ongoing Department of Defense efficiency and partnership initiatives, assisting efforts to secure Department of Defense support contracts for Ohio companies, assessing and supporting regional job and workforce development needs generated by the Department of Defense and the Ohio aerospace industry, promoting technology transfer to Ohio businesses, and for expanding job training and economic development programs in human performance and cyber security-related initiatives.

HOUSING TECHNICAL ASSISTANCE

The foregoing appropriation item 195420, Housing Technical Assistance, shall be used to offer housing technical assistance grants to local governments seeking to modernize regulations and processes tied to local housing efforts. Grants awarded under the foregoing appropriation item may be used for, but not limited to, updating housing-related zoning regulations, efforts to streamline government review or housing proposals, updating building permit software, and other innovative efforts intended to expedite review of housing proposals.

REDEVELOPMENT ASSISTANCE

The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other revitalization programs that may
be implemented, and may be used to match federal grant funding.

TECHNOLOGY PROGRAMS AND GRANTS

The foregoing appropriation item 195453, Technology Programs and Grants, shall be used for operating expenses incurred in administering the Ohio Third Frontier Programs and other technology focused programs that may be implemented.

SMALL BUSINESS AND EXPORT ASSISTANCE

The foregoing appropriation item 195454, Small Business and Export Assistance, may be used to provide a range of business assistance, including grants to local organizations to support economic development activities that promote small business development, entrepreneurship, and exports of Ohio's goods and services, in conjunction with local organizations funded through appropriation item 195405, Minority Business Development. The foregoing appropriation item shall also be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and regulations and policy guidelines for the programs pursuant thereto.

APPALACHIA ASSISTANCE

The foregoing GRF appropriation item 195455, Appalachia Assistance, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, to support four local development districts, and to pay dues for the Appalachian Regional Commission. These funds may be used to match federal funds from the Appalachian Regional Commission. Programs funded through the appropriation item shall be identified and recommended by the local development districts and approved by the Governor's Office of Appalachia. The Department of Development shall conduct compliance and regulatory
review of the programs recommended by the local development districts. Moneys allocated under the appropriation item may be used to fund projects including, but not limited to, those designated by the local development districts as community investment and rapid response projects.

Of the foregoing appropriation item 195455, Appalachia Assistance, in each fiscal year, $170,000 shall be allocated to the Ohio Valley Regional Development Commission, $170,000 shall be allocated to the Ohio Mid-Eastern Government Association, $170,000 shall be allocated to the Buckeye Hills-Hocking Valley Regional Development District, and $170,000 shall be allocated to the Eastgate Regional Council of Governments. Local development districts receiving funding under this section shall use the funds for the implementation and administration of programs and duties under section 107.21 of the Revised Code.

LOCAL ROADS

Of the foregoing appropriation item 195456, Local Roads, in fiscal year 2024, $14,400,000 shall be allocated to the Licking County Board of Commissioners, $3,600,000 shall be allocated to the City of Newark, $3,600,000 shall be allocated to the City of Johnstown, and $2,400,000 shall be allocated to the City of Heath. The funding shall be used for road improvements including road expansion, road development, bridges, culverts, and right-of-way acquisitions in support of the Intel economic development project.

CDBG OPERATING MATCH

The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.
The foregoing appropriation item 195499, BSD Federal Programs Match, shall be used as matching funds for grants from the U.S. Department of Commerce, National Institute of Standards and Technology Manufacturing Extension Partnership Program and Department of Defense APEX Accelerator Program, and other federal agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and regulations and policy guidelines for the programs pursuant thereto. The appropriation item shall also be used for operating expenses of the Business Services Division.

LOCAL DEVELOPMENT PROJECTS

Of the foregoing appropriation item 195503, Local Development Projects, $10,000,000 in each fiscal year shall be allocated to the Foundation for Appalachian Ohio.

Of the foregoing appropriation item 195503, Local Development Projects, $1,000,000 in each fiscal year shall be allocated to Ohio University's Voinovich School of Leadership and Public Service to work on behalf of the Mayor's Partnership for Progress.

Of the foregoing appropriation item 195503, Local Development Projects, $300,000 in each fiscal year shall be used to support the Camp James A. Garfield Joint Military Training Center and the Youngstown Air Reserve Station.

Of the foregoing appropriation item 195503, Local Development Projects, $250,000 in each fiscal year shall be used to support a study, including the acquisition of any necessary equipment, to determine an estimate of storage capacity and maximum annual yield of the network of aquifers that are in the state of Ohio and north of the Maumee River, but that may also cross into other states.

OHIO-ISRAEL AGRICULTURAL INITIATIVE

The foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, shall be used for the Ohio-Israel Agricultural Initiative. The appropriation shall not be used for
travel and entertainment expenses incurred under the initiative.

SECTOR PARTNERSHIP NETWORKS

The foregoing appropriation item 195553, Industry Sector Partnerships, shall be used for the grant program described in section 122.179 of the Revised Code.

TECHCRED PROGRAM

The foregoing appropriation item 195556, TechCred Program, shall be used for the programs described under sections 122.178 and 122.1710 of the Revised Code.

MAIN STREET JOB RECOVERY PROGRAM

The foregoing appropriation item 195566, Main Street Job Recovery Program, shall be used by the Department of Development or in coordination with a statewide community development organization to provide grants to nonprofit organizations to create permanent business development and employment opportunities targeted to low- and moderate-income individuals or individuals of the reentry population. Grants shall be awarded by the Department based on the following criteria: number of businesses created and expanded, number of jobs created for low- and moderate-income individuals, and the amount of funds leveraged as a result of the program.

Not later than the thirtieth day of June of each year during the FY 2024-FY 2025 biennium, the Department of Development shall submit a written report describing the outcomes of the Main Street Job Recovery Program to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, and the Ohio Legislative Service Commission.

Section 259.30. MINORITY BUSINESS BONDING FUND

Notwithstanding Chapters 122., 169., and 175. of the Revised

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Code, the Director of Development may, upon the recommendation of
the Minority Development Financing Advisory Board, pledge up to
$10,000,000 in the biennium ending June 30, 2025, of unclaimed
funds administered by the Director of Commerce and allocated to
the Minority Business Bonding Program under section 169.05 of the
Revised Code.

If needed for the payment of losses arising from the Minority
Business Bonding Program, the Director of Budget and Management
may, at the request of the Director of Development, request that
the Director of Commerce transfer unclaimed funds that have been
reported by holders of unclaimed funds under section 169.05 of the
Revised Code to the Minority Bonding Fund (Fund 4490). The
transfer of unclaimed funds shall only occur after proceeds of the
initial transfer of $2,700,000 by the Controlling Board to the
Minority Business Bonding Program have been used for that purpose.
If expenditures are required for payment of losses arising from
the Minority Business Bonding Program, such expenditures shall be
made from appropriation item 195658, Minority Business Bonding
Contingency in the Minority Business Bonding Fund, and such
amounts are hereby appropriated.

BUSINESS ASSISTANCE PROGRAMS

The foregoing appropriation item 195649, Business Assistance
Programs, shall be used for administrative expenses associated
with the operation of loan incentives.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for
the deposit of private-sector funds from utility companies and for
the deposit of other miscellaneous state funds. State moneys so
deposited may also be used to match federal funding and to support
programs of the Community Service Division and Business Services
Division.
MINORITY BUSINESS ENTERPRISE LOAN

The foregoing appropriation item 195646, Minority Business Enterprise Loan, shall be used for awards under the Minority Business Enterprise Loan Program and to cover operating expenses of the Minority Business Development Division. All repayments from the Minority Development Financing Advisory Board Loan Program shall be deposited in the state treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10).

WATER AND SEWER QUALITY PROGRAM

The foregoing appropriation item 1956A1, Water and Sewer Quality Program, shall be used to award grants under the Water and Sewer Quality Program established in Section 259.30 of H.B. 168 of the 134th General Assembly. This appropriation shall be used to fund a new round of grants under which all political subdivisions may apply for water and sewer improvements under the program.

BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM

The foregoing appropriation item 1956G6, Broadband Pole Replacement and Undergrounding Program, shall be used by the Department of Development to support the Broadband Pole Replacement and Undergrounding Program under section 191.27 of the Revised Code.

ARPA CAPITAL PROJECTS

The Director of Development shall seek Controlling Board approval before expending any money under the foregoing appropriation item 1956B4, ARPA Capital Projects.

BROADBAND DEVELOPMENT GRANTS

On July 1, 2023, or as soon as possible thereafter, the Director of Development shall certify to the Director of Budget and Management the unexpended, unencumbered balance of the appropriation item 195550, Broadband Development Grants, at the
end of fiscal year 2023 to be reappropriated in fiscal year 2024. The amount certified is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the Director of Development shall certify to the Director of Budget and Management the unexpended, unencumbered balance of the appropriation item 195550, Broadband Development Grants, at the end of fiscal year 2024 to be reappropriated in fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2025.

ADVANCED ENERGY LOAN PROGRAMS

The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers. The appropriation item may be used to match federal grant funding and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted by the Director of Development.

TOURISMOHIO ADMINISTRATION

Of the foregoing appropriation item 195683, TourismOhio Administration, $2,000,000 in each fiscal year shall be used by TourismOhio to contract for a statewide trails economic impact study and a data-driven statewide marketing plan for Ohio's trails system, including motorized trails for all-terrain vehicles.

The economic impact study shall utilize extensive user surveys and technology to measure existing trail use covering various regions and types of trails, including underserved populations and geographic areas of the state. The statewide trails marketing plan shall address trail use from a broad
perspective, including economic development, public health, and
active transportation. TourismOhio shall work in consultation with
state agencies, local governments, industry, and trail user groups
when designing the scope and deliverables from the impact study
and the marketing plan.

SPORTS EVENTS GRANTS

The foregoing appropriation item 195496, Sports Events
Grants, shall be used for grants as described in sections 122.12
and 122.121 of the Revised Code.

On July 1, 2024, or as soon as possible thereafter, the
Director of Development shall certify to the Director of Budget
and Management the amount of the unexpended, unencumbered balance
of appropriation item 195496, Sports Events Grants, at the end of
fiscal year 2024 to be reappropriated in fiscal year 2025. The
amount certified is hereby reappropriated to the same
appropriation item for the same purpose in fiscal year 2025.

WOMEN OWNED BUSINESS LOAN

The foregoing appropriation item 195632, Women Owned Business
Loan, shall be used to operate the Women Owned Business Loan
Program.

MINORITY BUSINESS MICRO-LOAN

The foregoing appropriation item 195694, Micro-Loan, shall be
used to operate the Minority Business Micro-Loan Program.

TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE FUND
TO THE MBD FINANCIAL ASSISTANCE FUND

Upon the completion of the original Collateral Enhancement
Program, the Director of Development shall certify to the Director
of Budget and Management the remaining cash balance in the State
Small Business Credit Initiative Fund (Fund 3FJ0). The Director of
Budget and Management may transfer the certified amount from Fund
3FJ0 to the MBD Financial Assistance Fund (Fund 5XH0).

ALL OHIO FUTURE FUND

The foregoing appropriation item 195576, All Ohio Future Fund, shall be used for the purposes enumerated in section 126.62 of the Revised Code.

MEAT PROCESSING INVESTMENT PROGRAM

The foregoing appropriation item 195408, Meat Processing Investment Program, shall be used by the Department of Development to award grants under the Ohio Meat Processing Grant Program to custom processors of food animals from farms. The grants shall be used to support the construction of new, or improvements at existing, processing facilities.

BROWNFIELD REMEDIATION

The appropriation item 1956A2, Brownfield Remediation, shall be used to award grants under the Brownfield Remediation Program as described in section 122.6511 of the Revised Code. An amount up to two and one-half per cent of the appropriation item 1956A2, Brownfield Remediation, may be used to pay the administrative costs of the program.

On July 1, 2023, or as soon as possible thereafter, the Director of Development shall certify the unexpended, unencumbered balance of appropriation item 1956A2, Brownfield Remediation, at the end of fiscal year 2023 to be reappropriated in fiscal year 2024. The amount certified is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the Director of Development shall certify to the Director of Budget and Management the unexpended, unencumbered balance of appropriation item 1956A2, Brownfield Remediation, at the end of fiscal year 2024 to be reappropriated in fiscal year 2025. The
amount certified is hereby reappropriated to the same
appropriation item for the same purpose in fiscal year 2025.

DEMOLITION AND SITE REVITALIZATION

The appropriation item 1956A3, Demolition and Site
Revitalization, shall be used to award grants under the Building
Demolition and Site Revitalization Program as described in section
122.6512 of the Revised Code. An amount up to two and one-half per
cent of the appropriation item 1956A3, Demolition and Site
Revitalization, may be used to pay the administrative costs of the
program.

On July 1, 2023, or as soon as possible thereafter, the
Director of Development shall certify to the Director of Budget
and Management the unexpended, unencumbered balance of
appropriation item 1956A3, Demolition and Site Revitalization, at
the end of fiscal year 2023 to be reappropriated in fiscal year
2024. The amount certified is hereby reappropriated to the same
appropriation item for the same purpose in fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the
Director of Development shall certify to the Director of Budget
and Management the unexpended, unencumbered balance of
appropriation item 1956A3, Demolition and Site Revitalization, at
the end of fiscal year 2024 to be reappropriated in fiscal year
2025. The amount certified is hereby reappropriated to the same
appropriation item for the same purpose in fiscal year 2025.

INNOVATION HUBS

The foregoing appropriation item 1956F8, Innovation Hubs,
shall be allocated to eligible innovation hubs as defined by the
Department of Development. Innovation hubs located within an
existing innovation district, as defined by the Department of
Development, are ineligible to receive funding under the foregoing
appropriation item.
Funding awarded to innovation hubs under the foregoing appropriation item may be used for, but not limited to, capital expenses to establish an innovation hub near a research-oriented anchor institution, recruiting or providing research and development opportunities within an innovation hub, or creating new or preserving existing jobs and employment opportunities, any of which would improve the economic welfare to the innovation hub's region.

On July 1, 2024, or as soon as possible thereafter, the Director of Development shall certify to the Director of Budget and Management the unexpended, unencumbered balance of appropriation item 1956F8, Innovation Hubs, at the end of fiscal year 2024 to be reappropriated in fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2025.

DOWNTOWN DEVELOPMENT GRANT

The foregoing appropriation item 1956G2, Downtown Development Grant, shall be used to award grants to municipalities for the development of infrastructure and capital projects designed to support economic growth in downtown areas. Of the amount appropriated, $50,000,000 in fiscal year 2024 shall be awarded in each of the following population tiers as of the most recent federal decennial census: (A) less than 35,000, (B) 35,001 to 64,999, and (C) 65,000 or more.

TOWNSHIP DEVELOPMENT GRANT

The foregoing appropriation item 1956G3, Township Development Grant, shall be used to award grants to townships for the development of infrastructure and capital projects, including township facility projects, designed to support economic growth in the township. The Department of Development shall set an application deadline and distribute grants evenly among all grant...
applicants.

CULTURAL CENTER GRANT

The foregoing appropriation item 1956G4, Cultural Center Grant, shall be used to award grants to museums and other cultural centers.

COUNTY AND INDEPENDENT FAIRS GRANT

The foregoing appropriation item 1956G5, County and Independent Fairs Grant, shall be used to award grants to county and independent fairs to increase fair access or economic impact. The Department of Development shall set an application deadline and distribute grants evenly among all grant applicants.

LOCAL PROJECTS

The foregoing appropriation item 1956G7, Local Projects, shall be used to support the Cleveland Municipal Land Bridge project.

VOLUME CAP ADMINISTRATION

The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.

Section 259.40. DEVELOPMENT OPERATIONS

The Director of Development may assess offices of the department for the cost of central service operations. An assessment shall contain the characteristics of administrative ease and uniform application. A division's payments shall be credited to the Supportive Services Fund (Fund 1350) using an intrastate transfer voucher.
DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES

The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the department. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440).

Section 259.50. CAPITAL ACCESS LOAN PROGRAM

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Capital Access Loan Program funds shall be used in accordance with section 122.603 of the Revised Code to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.

The Director of Budget and Management may transfer an amount not to exceed $2,000,000 cash in each fiscal year between the Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.

INNOVATION OHIO

The foregoing appropriation item 195664, Innovation Ohio, shall be used to provide for Innovation Ohio purposes, including loan guarantees and loans under Chapter 166. and particularly sections 166.12 to 166.16 of the Revised Code.

TRANSFERS FROM THE INNOVATION OHIO LOAN FUND

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount to exceed $5,000,000 cash in each fiscal year from the Innovation Ohio Loan Fund.
Fund (Fund 7009) to the Minority Business Enterprise Loan Fund (Fund 4W10), subject to Controlling Board approval.

Notwithstanding Chapter 166. of the Revised Code, on July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management may transfer $30,000,000 cash from Fund 7009 to the Rural Industrial Park Loan Fund (Fund 4Z60).

RESEARCH AND DEVELOPMENT

The foregoing appropriation item 195665, Research and Development, shall be used to provide for research and development purposes, including loans, under Chapter 166. and particularly sections 166.17 to 166.21 of the Revised Code.

FACILITIES ESTABLISHMENT

The foregoing appropriation item 195615, Facilities Establishment, shall be used for the purposes of the Facilities Establishment Fund (Fund 7037) under Chapter 166. of the Revised Code.

In the biennium ending June 30, 2025, notwithstanding section 127.14 and division (B) of section 131.35 of the Revised Code, the Controlling Board may authorize expenditures, in excess of the amount appropriated, but not to exceed the limitation set in division (E) of section 131.35 of the Revised Code, using the Facilities Establishment Fund (Fund 7037) for purposes consistent with Chapter 166. of the Revised Code. The amounts authorized by the Controlling Board are hereby appropriated.

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed $3,500,000 in cash in each fiscal year may be transferred from the Facilities Establishment Fund (Fund 7037) to the Business Assistance Fund (Fund 4510), subject to Controlling Board approval.
Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed $2,000,000 in cash in each fiscal year from Fund 7037 to the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.

**Section 259.60. THIRD FRONTIER OPERATING COSTS**

The foregoing appropriation items 195686, Third Frontier Tax Exempt - Operating, and 195620, Third Frontier Taxable - Operating, shall be used for operating expenses incurred in administering projects pursuant to sections 184.10 to 184.20 of the Revised Code. Operating expenses paid from appropriation item 195686 shall be limited to the administration of projects funded from the Third Frontier Research & Development Fund (Fund 7011), and operating expenses paid from appropriation item 195620 shall be limited to the administration of projects funded from the Third Frontier Research & Development Taxable Bond Project Fund (Fund 7014).

**THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT PROJECTS**

The foregoing appropriation items 195687, Third Frontier Research and Development Projects, and 195692, Research and Development Taxable Bond Projects, shall be used to fund selected projects which may include internship programs. Eligible costs are those costs of research and development projects to which the proceeds of Fund 7011 and Fund 7014 are to be applied.

**TRANSFERS OF THIRD FRONTIER APPROPRIATIONS**

The Director of Budget and Management may approve written requests from the Director of Development for the transfer of appropriations between appropriation items 195687, Third Frontier Research and Development Projects, and 195692, Research and
Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission.

In fiscal year 2024, the Director of Development may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balances of the prior fiscal year's appropriation to the foregoing appropriation items 195687, Third Frontier Research and Development Projects, and 195692, Research and Development Taxable Bond Projects, for fiscal year 2024. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development, the Director of Budget and Management shall determine the amounts to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2024.

Section 259.70. BROADBAND EQUITY, ACCESS, AND DEPLOYMENT PROGRAM (BEAD)

The foregoing appropriation item 1956E4, Broadband Equity, Access, and Deployment Program (BEAD), shall be used to build infrastructure that supports the adoption of high-speed internet.

On July 1, 2023, or as soon as possible thereafter, the Director of Development shall certify to the Director of Budget and Management the unexpended, unencumbered balance of appropriation item 1956E4, Broadband Equity, Access, and Deployment Program (BEAD), at the end of fiscal year 2023 to be reappropriated in fiscal year 2024. The amount certified is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the Director of Development shall certify to the Director of Budget and Management the unexpended, unencumbered balance of
appropriation item 1956E4, Broadband Equity, Access, and Deployment Program (BEAD), at the end of fiscal year 2024 to be reappropriated in fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2025.

HEAP WEATHERIZATION

Up to twenty-five per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development.

Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES

General Revenue Fund

<table>
<thead>
<tr>
<th>Code</th>
<th>Program/Initiative</th>
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<th>2024</th>
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<td>Special Olympics</td>
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<tr>
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Dedicated Purpose Fund Group
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<th>Description</th>
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<th>Notes</th>
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<td>5DK0</td>
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3A40 653654 Medicaid Services $ 2,621,043,102 $ 2,988,335,147 151837
3A40 653655 Medicaid Support $ 80,000,000 $ 80,000,000 151838
3A50 320613 Developmental Disabilities Council $ 3,254,000 $ 3,254,000 151839
3HC8 653699 DDD Home and Community Based Services - Federal $ 112,413,400 $ 110,997,875 151840

TOTAL FED Federal Fund Group $ 2,834,681,594 $ 3,197,258,114 151841
TOTAL ALL BUDGET FUND GROUPS $ 4,498,388,068 $ 4,975,218,113 151842

Section 261.20. SPECIAL OLYMPICS

The foregoing appropriation item 320411, Special Olympics, shall be distributed by the Ohio Department of Developmental Disabilities to the Special Olympics of Ohio in support of the Ohio Special Olympics Summer Games.

Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES LEASE-RENTAL BOND PAYMENTS

The foregoing appropriation item 320415, Developmental Disabilities Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2023, through June 30, 2025, by the Department of Developmental Disabilities pursuant to leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

Section 261.40. MULTI-SYSTEM YOUTH

Of the foregoing appropriation item 322422, Multi-System Youth, a portion may be used to provide a subsidy to eligible county boards of developmental disabilities for the provision of respite services and other services and supports for youth with complex or multi-system needs to enable them to remain in their
homes with their families or in their communities. The Director of Developmental Disabilities shall establish the total amount available for the subsidy, a formula for distributing the subsidy to eligible county boards, and the eligibility requirements county boards must satisfy to receive the subsidy. Of the foregoing appropriation item, 322422, Multi-System Youth, the Director of Developmental Disabilities shall transfer up to $1,000,000 in each fiscal year to the Ohio Department of Mental Health and Addiction Services to assist in the support of the Child and Adolescent Behavioral Health Center of Excellence at Case Western Reserve University.

Section 261.45. TECHNOLOGY FIRST INITIATIVE

Of the foregoing appropriation item 322423, Technology First Initiative, a portion may be used to increase access and utilization of innovative technology for people with developmental disabilities in accordance with the Technology First Policy established in section 5123.025 of the Revised Code.

Section 261.50. EMPLOYMENT FIRST INITIATIVE

The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code.

Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred...
funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments.

The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code.

Section 261.60. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE

The foregoing appropriation item 322509, Community Supports and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to people with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and people with developmental disabilities who enroll in a Medicaid waiver component providing home and community-based services after receiving preadmission counseling.
pursuant to section 5124.68 of the Revised Code. The Director shall establish the methodology for determining the amount and distribution of such funding.

Section 261.65. BEST BUDDIES OHIO

The foregoing appropriation item 322510, Best Buddies Ohio, shall be provided to the Best Buddies Ohio program to support the delivery and expansion of inclusion services throughout Ohio colleges and communities.

Section 261.70. MEDICAID SERVICES

(A) As used in this section:

(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.

(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:

(1) Home and community-based services;

(2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;

(3) Implementation of the requirements of the agreement settling the consent decree in Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;

(4) ICF/IID services; and

(5) Other programs as identified by the Director of
Section 261.75. DIRECT CARE PAYMENT RATES

Of the foregoing appropriation item 653407, Medicaid Services, $42,990,146 in fiscal year 2024 and $145,076,944 in fiscal year 2025, and of the foregoing appropriation item 653654, Medicaid Services, $76,426,925 in fiscal year 2024 and $257,914,568 in fiscal year 2025, shall be used in accordance with this section. The funds shall be used to increase the base payment rates to $17 per hour during fiscal year 2024 beginning on January 1, 2024, and $18 per hour during fiscal year 2025, for the following services under Medicaid components administered by the Department of Developmental Disabilities:

(A) Personal care services;
(B) Adult day services;
(C) ICF/IID services, as defined in section 5124.01 of the Revised Code.

Section 261.80. CENTRAL OFFICE OPERATING EXPENSES

Of the foregoing appropriation item 320606, Central Office Operating Expenses, $100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.

Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2024 and fiscal year 2025 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and
community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

Section 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

Section 261.120. ODODD INNOVATIVE PILOT PROJECTS

(A) In fiscal year 2024 and fiscal year 2025, the Director of Developmental Disabilities may authorize the continuation or implementation of one or more innovative pilot projects that, in the judgment of the Director, are likely to assist in promoting the objectives of Chapter 5123. or 5126. of the Revised Code. Subject to division (B) of this section and notwithstanding any provision of Chapters 5123. and 5126. of the Revised Code and any rule adopted under either chapter, a pilot project authorized by the Director may be continued or implemented in a manner inconsistent with one or more provisions of either chapter or one or more rules adopted under either chapter. Before authorizing a pilot program, the Director shall consult with entities interested in the issue of developmental disabilities, including the Ohio...
Provider Resource Association, Ohio Association of County Boards of Developmental Disabilities, Ohio Health Care Association/Ohio Centers for Intellectual Disabilities, the Values and Faith Alliance, and ARC of Ohio.

(B) The Director may not authorize a pilot project to be implemented in a manner that would cause the state to be out of compliance with any requirements for a program funded in whole or in part with federal funds.

Section 261.130. NONFEDERAL SHARE OF ICF/IID SERVICES

(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.

(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:

(1) Medicaid covers the ICF/IID services.

(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:

(a) The Medicaid recipient is eligible for the ICF/IID services.

(b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003.

(3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities.

(4) The provider of the ICF/IID services has a valid Medicaid
provider agreement for the services for the time that the services are provided.

(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:

1. Funds available from appropriation item 653407, Medicaid Services, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID that provided the ICF/IID services for which the claim is made;

2. If the amount of funds used pursuant to division (C)(1) of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county boards from appropriation item 653407, Medicaid Services.

Section 261.140. Payment Rates for Homemaker/Personal Care Services Provided to Qualifying IO Enrollees

(A) As used in this section:

1. "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code.

2. "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code.

3. "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options.

4. "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

5. "Public hospital" has the same meaning as in section
5122.01 of the Revised Code.

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply:

(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Waiver.

(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.

(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section.

(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO enrollee.

(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2023, and ending July 1, 2025, provides routine homemaker/personal care services to a qualifying IO enrollee.

(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to
pay the Medicaid payment rate determined in accordance with this section for routine homemaker/personal care services provided to qualifying IO enrollees.

Section 261.150. COMPETITIVE WAGES FOR DIRECT CARE WORKFORCE OF MEDICAID SERVICES

As a result of the COVID-19 pandemic and extraordinary inflationary pressures within the economy, Ohio Medicaid direct care providers have been adversely impacted. The Department of Developmental Disabilities, in collaboration with the Department of Medicaid and the Department of Aging, have included funding in the budget to be used for provider rate increases. Provider rate increases shall be used to ensure workforce stability and greater access to care for Medicaid recipients through increased wages and needed workforce supports.

Section 261.160. (A) In fiscal years 2024 and 2025, a portion of funds from appropriation item 653624, County Board Waiver Match, and appropriation item 653654, Medicaid Services, may be used to implement the Direct Support Professional Quarterly Retention Payments Program. The program shall commence July 1, 2023, and shall conclude June 30, 2025. The Director of Developmental Disabilities shall administer the program by doing all of the following:

(1) Establishing criteria for eligible home and community-based waiver providers to participate in the program;

(2) Implementing an opt-in system by which providers can elect to participate in the program;

(3) Developing provider requirements as prerequisites for program payments;

(4) Establishing quarterly provider payments based on percentage of the provider's reimbursed claims during the
preceding quarter;

(5) Collecting program data.

(B) The Director of Developmental Disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the program. The Director shall consult with county boards of developmental disabilities, the Ohio Association of County Boards of Developmental Disabilities, and provider organizations to review the effectiveness of the program and make recommendations on continuing the program.

Section 265.10. EDU DEPARTMENT OF EDUCATION

General Revenue Fund

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<th>GRF 200321 Operating Expenses</th>
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Programs
3L90 200621  Career-Technical Education Basic Grant
3M00 200623  ESEA Title IA  $ 600,000,000  $ 600,000,000  152210
3M20 200680  Individuals with Disabilities Education Act
3T40 200613  Public Charter Schools
3Y20 200688  21st Century Community Learning Centers
3Y60 200635  Improving Teacher Quality
3Y70 200689  English Language Acquisition
3Y80 200639  Rural and Low Income Technical Assistance
3Z20 200690  State Assessments
3Z30 200645  Consolidated Federal Grant Administration
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TOTAL ALL BUDGET FUND GROUPS  $15,619,636,139  $14,220,563,468  152220

Section 265.20. OPERATING EXPENSES

A portion of the foregoing appropriation item 200321, Operating Expenses, shall be used by the Department of Education to provide matching funds related to career-technical education under 20 U.S.C. 2321.

Section 265.40. INFORMATION TECHNOLOGY DEVELOPMENT AND
SUPPORT

The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE

The foregoing appropriation item 200422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal caution, fiscal watch, and fiscal emergency provisions under Chapter 3316. of the Revised Code.

Section 265.60. POLICY ANALYSIS

The foregoing appropriation item 200424, Policy Analysis, shall be used by the Department of Education to support a system of administrative and statistical education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings regarding current trends in education practice, efficient and effective use of resources, and evaluation of programs to improve
education results. A portion of these funds shall be used to maintain a longitudinal database to support the assessment of the impact of policies and programs on Ohio's education and workforce development systems. The research efforts supported by this appropriation item shall be used to supply information and analysis of data to and in consultation with the General Assembly and other state policymakers, including the Office of Budget and Management and the Legislative Service Commission.

A portion of the foregoing appropriation item, 200424, Policy Analysis, may be used by the Department to support the development and implementation of an evidence-based clearinghouse to support school improvement strategies as part of the Every Student Succeeds Act.

The Department may use funding from this appropriation item to purchase or contract for the development of software systems or contract for policy studies that will assist in the provision and analysis of policy-related information. Funding from this appropriation item also may be used to monitor and enhance quality assurance for research-based policy analysis and program evaluation to enhance the effective use of education information to inform education policymakers.

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK

The foregoing appropriation item 200426, Ohio Educational Computer Network, shall be used by the Department of Education to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to $9,686,658 in fiscal year 2024 and up to $11,926,658 in fiscal year 2025 shall be used by the Department to support connection of all public school buildings and participating chartered nonpublic schools to the state's education...
network, to each other, and to the Internet. In each fiscal year, the Department shall use these funds to assist information technology centers or school districts with the operational costs associated with this connectivity. The Department shall develop a formula and guidelines for the distribution of these funds to information technology centers or individual school districts. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, any college preparatory boarding school established under Chapter 3328. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, any educational service center building used for instructional purposes, the Ohio School for the Deaf and the Ohio State School for the Blind, high schools chartered by the Ohio Department of Youth Services, or high schools operated by Ohio Department of Rehabilitation and Corrections' Ohio Central School System.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to $7,416,695 in fiscal year 2024 and up to $7,769,236 in fiscal year 2025 shall be used, through a formula and guidelines devised by the Department, to support the activities of designated information technology centers, as defined by State Board of Education rules, to provide school districts and chartered nonpublic schools with computer-based student and teacher instructional and administrative information services, including approved computerized financial accounting, to ensure the effective operation of local automated administrative and instructional systems, and to monitor and support the quality of data submitted to the Department.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to $5,800,000 in fiscal year 2024 shall be used for middle mile connections for the information technology
centers established under section 3301.075 of the Revised Code and
select large urban districts to connect to the state broadband
backbone managed by the Ohio Technology Consortium and for other
connectivity upgrades necessary for K-12 school buildings with
severely restricted broadband connections. "Select large urban
districts" are those districts that connect to the state broadband
backbone directly rather than through an information technology
center. Upon request of the Superintendent of Public Instruction
and approval by the Director of Budget and Management, an amount
equal to the unexpended, unencumbered balance of the amount
allocated in this paragraph at the end of fiscal year 2024 is
hereby reappropriated to the Department for the same purpose in
fiscal year 2025.

The remainder of appropriation item 200426, Ohio Educational
Computer Network, shall be used to support the work of the
development, maintenance, and operation of a network of uniform
and compatible computer-based information systems as well as the
teacher student linkage/roster verification process and systems to
support electronic sharing of student records and transcripts
between entities. This technical assistance shall include, but not
be restricted to, development and maintenance of adequate computer
software systems to support network activities. In order to
improve the efficiency of network activities, the Department and
information technology centers may jointly purchase equipment,
materials, and services from funds provided under this
appropriation for use by the network and, when considered
practical by the Department, may utilize the services of
appropriate state purchasing agencies.

Section 265.80. ACADEMIC STANDARDS

The foregoing appropriation item 200427, Academic Standards,
shall be used by the Department of Education to develop and
communicate to school districts academic content standards and curriculum models and to develop professional development programs and other tools on the new content standards and model curricula.

Section 265.90. STUDENT ASSESSMENT

Of the foregoing appropriation item 200437, Student Assessment, up to $1,200,000 in fiscal year 2025 shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under section 3323.251 of the Revised Code.

Of the foregoing appropriation item 200437, Student Assessment, up to $772,713 in each fiscal year shall be used to reimburse a portion of the costs associated with Advanced Placement and College-Level Examination Program tests for students from households with incomes at or below the statewide median household income. Of these funds, up to $622,713 in each fiscal year shall be used to reimburse a portion of the costs associated with these tests for low-income students, as determined by the Department, and up to $150,000 in each fiscal year shall be used to reimburse a portion of the costs associated with these tests for students whose family income exceeds low-income status but are at or below the statewide median household income, as determined by the Department.

The remainder of appropriation item 200437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code. The funds may also be used to update and develop diagnostic assessments administered under sections 3301.079, 3301.0715, and 3313.608 of the Revised Code and to support readiness assessments for students.
in grades three and higher that assist districts and schools with identifying and benchmarking student progress.

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT ASSESSMENT

In fiscal year 2024 and fiscal year 2025, if the Superintendent of Public Instruction determines that additional funds are needed to fully fund the requirements of sections 3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code and this act for assessments of student performance, the Superintendent may recommend to the Director of Budget and Management the reallocation of unexpended and unencumbered General Revenue Fund appropriations within the Department of Education to appropriation item 200437, Student Assessment. If the Director determines that such a reallocation is required, the Director may transfer unexpended and unencumbered appropriations within the Department of Education as necessary to appropriation item 200437, Student Assessment.

Section 265.100. ACCOUNTABILITY/REPORT CARDS

Of the foregoing appropriation item 200439, Accountability/Report Cards, a portion in each fiscal year shall be used to train district and regional specialists and district educators in the use of the value-added progress dimension and in the use of data as it relates to improving student achievement. This training may include teacher and administrator professional development in the use of data to improve instruction and student learning, and teacher and administrator training in understanding teacher value-added reports and how they can be used as a component in measuring teacher and administrator effectiveness. A portion of this funding shall be provided to educational service centers to support training and professional development under this section consistent with section 3312.01 of the Revised Code.
The remainder of appropriation item 200439, Accountability/Report Cards, shall be used by the Department of Education to incorporate a statewide value-added progress dimension into performance ratings for school districts and for the development of an accountability system that includes the preparation and distribution of school report cards, funding and expenditure accountability reports under sections 3302.03 and 3302.031 of the Revised Code, the development and maintenance of teacher value-added reports, the teacher student linkage/roster verification process, and the performance management section of the Department's web site required by section 3302.26 of the Revised Code.

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM

The foregoing appropriation item 200446, Education Management Information System, shall be used by the Department of Education to improve the Education Management Information System (EMIS).

Of the foregoing appropriation item 200446, Education Management Information System, up to $405,000 in each fiscal year shall be used to support grants to information technology centers to provide professional development opportunities to district and school personnel related to the EMIS, with a focus placed on data submission and data quality.

Of the foregoing appropriation item 200446, Education Management Information System, up to $950,000 in each fiscal year shall be distributed to designated information technology centers for costs relating to processing, storing, and transferring data for the effective operation of the EMIS. These costs may include, but are not limited to, personnel, hardware, software development, communications connectivity, professional development, and support services.

The remainder of appropriation item 200446, Education
Management Information System, shall be used to develop and support the data definitions and standards outlined in the EMIS guidelines adopted under section 3301.0714 of the Revised Code, to implement recommendations of the EMIS Advisory Council and the Superintendent of Public Instruction, to enhance data quality assurance practices, and to support responsibilities related to the school report cards prescribed by section 3302.03 of the Revised Code and value-added progress dimension calculations.

Section 265.120. EDUCATOR PREPARATION

(A) Of the foregoing appropriation item 200448, Educator Preparation, up to $7,500,000 in each fiscal year shall be used by the Department of Education, in consultation with the Department of Higher Education, to provide awards to support graduate coursework for high school teachers to receive credentialing to teach College Credit Plus courses in a high school setting.

The Department of Education, in consultation with the Department of Higher Education, shall develop an application process and criteria for awards. Priority shall be given to education consortia that include high schools identified as economically disadvantaged in which there are no or limited numbers of teachers currently credentialed to teach College Credit Plus courses, as determined by the Department of Education, and a public or private college or university in Ohio. Awards made by the Department of Education may support graduate coursework for high school teachers at a public or private college or university in Ohio leading to credentialing to teach college courses.

Upon the request of the Superintendent of Public Instruction and the approval of the Director of Budget and Management, an amount equal to the unexpended, unencumbered balance of the amount allocated in this division at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.
(B)(1) Of the foregoing appropriation item 200448, Educator Preparation, up to $3,225,000 in each fiscal year shall be used, in consultation with the Department of Veterans Services, to support the Ohio Military Veteran Educators Program, which shall do all of the following:

(a) Administer a grant program for institutions of higher education to provide financial incentives and assistance for eligible military individuals, as defined in section 3319.285 of the Revised Code, to enroll in and complete an educator preparation program approved under section 3333.048 of the Revised Code;

(b) Subsidize the costs for eligible military individuals associated with completing college coursework or professional development in pedagogy for the purpose of obtaining an alternative military educator license pursuant to section 3319.285 of the Revised Code;

(c) Provide funds to public schools to support activities to recruit eligible military individuals to work in public schools and support bonuses to public schools that hire eligible military individuals;

(d) Reimburse public schools that pay financial bonuses to eligible military individuals who complete at least one year of employment with the school;

(e) In consultation with the Department of Veterans Services, establish and support the Governor's Ohio Military Veteran Educators Fellowship Pilot Program to recruit and train eligible military individuals to become licensed to teach in low-performing public schools.

(2) An amount equal to the unexpended, unencumbered balance of the amount allocated in division (B)(1) of this section at the end of fiscal year 2024 is hereby reappropriated for the same
purpose in fiscal year 2025.

(C) Of the foregoing appropriation item 200448, Educator Preparation, up to $350,000 in fiscal year 2024 and up to $358,000 in fiscal year 2025 may be used by the Department of Education to monitor and support Ohio's State System of Support, as defined by the Every Student Succeeds Act.

(D) Of the foregoing appropriation item 200448, Educator Preparation, up to $73,000 in fiscal year 2024 and up to $76,000 in fiscal year 2025 may be used by the Department to support the Educator Standards Board under section 3319.61 of the Revised Code and reforms under sections 3302.042, 3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the Revised Code.

(E) Of the foregoing appropriation item 200448, Educator Preparation, $2,000,000 in each fiscal year shall be distributed to Teach For America to increase recruitment of potential corps members, to train and develop first-year and second-year teachers in the Teach for America program in Ohio, and to support the ongoing development and impact of Teach for America alumni working in Ohio.

(F) Of the foregoing appropriation item 200448, Educator Preparation, $200,000 in each fiscal year shall be used to support selected school staff through the FASTER Saves Lives Program for the purpose of stopping active shooters and treating casualties.

(G) Of the foregoing appropriation item 200448, Educator Preparation, $500,000 in each fiscal year shall be distributed to the PAST Foundation for the STEM Educator Workforce Collaborative to provide professional development and strategic training for teachers in STEM fields that is tailored to each region of the state.

(H) Notwithstanding any provision of law to the contrary, awards under this section may be used by recipients for
award-related expenses incurred for the following periods of time according to guidelines established by the Department of Education:

(1) For awards under division (A) of this section, a period not to exceed four years from the date of the award;

(2) For awards under divisions (B), (E), and (F) of this section, a period not to exceed two years from the date of the award.

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS

The foregoing appropriation item 200455, Community Schools and Choice Programs, may be used by the Department of Education for the oversight and support of community schools established under Chapter 3314. of the Revised Code, community school sponsors, and nonpublic schools; and the administration of school choice programs. The funds may be used to support the sponsor evaluation system in accordance with section 3314.016 of the Revised Code.

Section 265.140. EDUCATION TECHNOLOGY RESOURCES

Of the foregoing appropriation item 200465, Education Technology Resources, up to $2,500,000 in each fiscal year shall be used for the Union Catalog and InfOhio Network and to support the provision of electronic resources with priority given to resources that support the teaching of state academic content standards in all public schools and resources in support of Ohio's Plan to Raise Literacy Achievement. The Department of Education shall consider coordinating the allocation of these moneys with the efforts of Libraries Connect Ohio, whose members include OhioLINK, the Ohio Public Information Network, and the State Library of Ohio.

Of the foregoing appropriation item 200465, Education
Technology Resources, up to $1,778,879 in each fiscal year shall be used by the Department to provide grants to educational television stations working with partner education technology centers to provide Ohio public schools with instructional resources and services, with priority given to resources and services aligned with state academic content standards. Such resources and services shall be based upon the advice and approval of the Department, with an emphasis in both literacy and mathematics, based on a formula developed in consultation with Ohio's educational television stations and educational technology centers.

The remainder of the foregoing appropriation item 200465, Education Technology Resources, may be used to support training, technical support, guidance, and assistance with compliance reporting to school districts and public libraries applying for federal E-Rate funds; for oversight and guidance of school district technology plans; for support to district technology personnel; and for support to district technology operation of a network of uniform and compatible computer-based information and instructional systems.

Section 265.150. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL STUDENTS

Of the foregoing appropriation item 200478, Industry-Recognized Credentials High School Students, up to $5,500,000 in each fiscal year may be used by the Department of Education to support payments to city, local, and exempted village school districts, community schools, STEM schools, and joint vocational school districts whose students earn an industry-recognized credential or receive a journeyman certification recognized by the United States Department of Labor in the school year preceding the fiscal year in which the funds
are appropriated. The educating entity shall be required to inform students enrolled in career-technical education courses that lead to an industry-recognized credential about the opportunity to earn these credentials. The Department of Education shall work with the Department of Higher Education and the Governor's Office of Workforce Transformation to develop a schedule for reimbursement based on the testing fees for credentials included on the Department of Education's list of industry-recognized credentials. The educating entity shall pay for the cost of the credential and may claim and receive reimbursement for these testing fees. The educating entity may claim reimbursement for testing fees incurred on behalf of a student that earns a credential up to six months after the student has graduated from high school. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Of the foregoing appropriation item 200478, Industry-Recognized Credentials High School Students, up to $10,000,000 in each fiscal year may be used by the Department of Education and the Governor's Office of Workforce Transformation to establish and operate the Work-based Learning Incentive Program. The program shall promote sustained interactions with industry or community professionals in workplace settings that foster in-depth, firsthand engagement with the tasks required in a given career field, in alignment with education programs. The Department shall pay each city, local, and exempted village school district, community school, STEM school, and joint vocational school district an amount equal to $1,000 for each student participating in at least 250 hours of work-based learning, in accordance with guidelines and requirements established by the Department. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.
The remainder of the foregoing appropriation item 200478, Industry-Recognized Credentials High School Students, may be used by the Department of Education and the Governor's Office of Workforce Transformation to establish and operate the Innovative Workforce Incentive Program. In establishing the program, the Office of Workforce Transformation shall maintain a list of credentials that qualify for the program. The Department of Education shall pay each city, local, and exempted village school district, community school, STEM school, and joint vocational school district an amount equal to $1,250 for each qualifying credential a student attending the district or school earned in the school year preceding the fiscal year in which the funds are appropriated. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Section 265.190. PUPIL TRANSPORTATION

Of the foregoing appropriation item 200502, Pupil Transportation, up to $1,088,930 in each fiscal year may be used by the Department of Education for training prospective and experienced school bus drivers in accordance with training programs prescribed by the Department. A portion of these funds may also be used to pay for costs associated with the enrollment of bus drivers in the retained applicant fingerprint database.

Of the foregoing appropriation item 200502, Pupil Transportation, up to $127,423,293 in fiscal year 2024 and up to $138,038,039 in fiscal year 2025 may be used by the Department for special education transportation reimbursements to school districts, educational service centers, and county boards of developmental disabilities for transportation operating costs as provided in divisions (C) and (F) of section 3317.024 of the Revised Code.
The remainder of the foregoing appropriation item 200502, Pupil Transportation, shall be used to distribute the amounts calculated for transportation aid under divisions (E), (F), (G), (H), and (I) of section 3317.0212, and division (A)(2) of section 3317.019 of the Revised Code.

PAYMENTS IN LIEU OF TRANSPORTATION

For purposes of division (D) of section 3327.02 of the Revised Code, if a parent, guardian, or other person in charge of a pupil accepts an offer from a school district of payment in lieu of providing transportation for the pupil, the school district shall pay that parent, guardian, or other person an amount not less than fifty per cent and not more than the amount determined by the Department under division (C) of section 3317.0212 of the Revised Code for the most recent school year for which data is available. Payment may be prorated if the time period involved is only a part of the school year.

Section 265.200. SCHOOL MEAL PROGRAMS

The foregoing appropriation item 200505, School Meal Programs, shall be used to support the reimbursements required by section 3301.91 of the Revised code and provide matching funds to obtain federal funds for the school lunch program.

Any remaining appropriation may be used to partially reimburse school buildings within school districts that are required to have a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department.

Section 265.210. LEARNING ACCELERATION

The foregoing appropriation item 200506, Learning Acceleration, shall be used by the Department of Education to support the tutoring program established under section 3301.28 of the Revised Code, student access to high-quality tutoring programs.
on the list compiled under section 3301.136 of the Revised Code, and 
the provision of tutoring services to public and chartered 
nonpublic schools by institutions of higher education.

A portion of the foregoing appropriation item 200506, 
Learning Acceleration, may be used to support common training, 
curricular tools, tutoring platforms, and program evaluation. The 
Department may collect data from public and chartered nonpublic 
schools, tutoring providers, institutions of higher education, and 
educational service centers for purposes of program evaluation.

Section 265.230. AUXILIARY SERVICES

Of the foregoing appropriation item 200511, Auxiliary 
Services, up to $2,600,000 in each fiscal year may be used for 
payment of the College Credit Plus Program for nonpublic secondary 
school participants. The Department of Education shall distribute 
these funds according to rule 3333-1-65.8 of the Administrative 
Code, adopted by the Department of Higher Education pursuant to 
division (A) of section 3365.071 of the Revised Code.

The remainder of the foregoing appropriation item 200511, 
Auxiliary Services, shall be used by the Department for the 
purpose of implementing sections 3317.06 and 3317.062 of the 
Revised Code.

Section 265.240. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT

The foregoing appropriation item 200532, Nonpublic 
Administrative Cost Reimbursement, shall be used by the Department 
of Education for the purpose of implementing section 3317.063 of 
the Revised Code. Payments made by the Department for this purpose 
shall not exceed four hundred seventy-five dollars per student for 
each school year.

Section 265.250. SPECIAL EDUCATION ENHANCEMENTS
Of the foregoing appropriation item 200540, Special Education Enhancements, up to $38,000,000 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code and at institutions for eligible students under section 3317.201 of the Revised Code. If necessary, the Department of Education shall proportionately reduce the amount calculated for each county board of developmental disabilities and institution so as not to exceed the amount appropriated in each fiscal year.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to $1,350,000 in each fiscal year shall be used for parent mentoring programs.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to $3,000,000 in each fiscal year may be used for school psychology interns.

Of the foregoing appropriation item 200540, Special Education Enhancements, the Department shall transfer $5,500,000 in fiscal year 2024 and $6,500,000 in fiscal year 2025 to the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used by the Opportunities for Ohioans with Disabilities Agency as state matching funds to draw down available federal funding for vocational rehabilitation services. Total project funding shall be used to hire dedicated vocational rehabilitation counselors who shall work directly with school districts to provide transition services for students with disabilities. Services shall include vocational rehabilitation services such as person-centered career planning, summer work experiences, job placement, and retention services for mutually eligible students with disabilities.

The Superintendent of Public Instruction and the Executive Director of the Opportunities for Ohioans with Disabilities Agency
shall enter into an interagency agreement that shall specify the responsibilities of each agency under the program. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for all nondelegable functions, including eligibility and order of selection determination, individualized plan for employment (IPE) approval, IPE amendments, case closure, and release of vendor payments.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to $2,000,000 in each fiscal year shall be used by the Department of Education to build capacity to deliver a regional system of training, support, coordination, and direct service for secondary transition services for students with disabilities beginning at fourteen years of age. These special education enhancements shall support all students with disabilities, regardless of partner agency eligibility requirements, to provide stand-alone direct secondary transition services by school districts. Secondary transition services shall include, but not be limited to, job exploration counseling, work-based learning experiences, counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education, workplace readiness training to develop occupational skills, social skills and independent living skills, and instruction in self-advocacy. Regional training shall support the expansion of transition to work endorsement opportunities for middle school and secondary level special education intervention specialists in order to develop the necessary skills and competencies to meet the secondary transition needs of students with disabilities beginning at fourteen years of age.

The remainder of appropriation item 200540, Special Education Enhancements, shall be distributed by the Department of Education...
to school districts and institutions, as defined in section 3323.091 of the Revised Code, for preschool special education funding under section 3317.0213 of the Revised Code.

The Department may reimburse school districts and institutions for services provided by instructional assistants, related services, as defined in rule 3301-51-11 of the Administrative Code, physical therapy services provided by a licensed physical therapist or physical therapist assistant under the supervision of a licensed physical therapist, as required under Chapter 4755. of the Revised Code and Chapter 4755-27 of the Administrative Code, and occupational therapy services provided by a licensed occupational therapist or occupational therapy assistant under the supervision of a licensed occupational therapist, as required under Chapter 4755. of the Revised Code and Chapter 4755-7 of the Administrative Code. Nothing in this section authorizes occupational therapy assistants or physical therapist assistants to generate or manage their own caseloads.

The Department shall require school districts, educational service centers, county boards of developmental disabilities, and institutions serving preschool children with disabilities to adhere to Ohio's early learning program standards, participate in the Step Up to Quality Program established pursuant to section 5104.29 of the Revised Code, and document child progress using research-based indicators prescribed by the Department and report results annually. The reporting dates and method shall be determined by the Department. All programs shall be rated through the Step Up to Quality Program.

Section 265.260. CAREER-TECHNICAL EDUCATION ENHANCEMENTS

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $12,250,000 in fiscal year 2024 and up to $16,325,000 in fiscal year 2025 shall be used to pay career
awareness and exploration funds pursuant to division (E) of section 3317.014 of the Revised Code. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $2,750,000 in fiscal year 2024 and up to $3,250,000 in fiscal year 2025 shall be used by the Department of Education to provide payments of up to $50,000 in each fiscal year to each business advisory council established under section 3313.82 of the Revised Code designated as "high quality" by receiving a rating of three or four stars under the Department's business advisory council recognition initiative. Payments provided under this set-aside shall be used to support activities required under section 3313.82 of the Revised Code, increase career awareness and exploration activities for students, and expand access to work-based learning opportunities.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $2,563,000 in each fiscal year shall be used to fund secondary career-technical education at institutions and Ohio Deaf and Blind Education Services using a grant-based methodology, notwithstanding section 3317.05 of the Revised Code.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $2,686,000 in each fiscal year shall be used by the Department of Education to fund competitive grants to tech prep regional centers that expand the number of students with access to career-technical education. These grant funds shall be used to directly support career services provided to students enrolled in community schools, STEM schools, school districts, including joint vocational school districts, and affiliated higher education institutions. This support may include the purchase of equipment.
Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $3,001,000 in each fiscal year shall be used by the Department to support existing Making Schools Work sites, develop and support new sites, fund technical assistance, and support regional centers and middle school programs. The purpose of Making Schools Work is to combine challenging academic courses and modern career-technical studies to raise the academic achievement of students. Making Schools Work provides intensive technical assistance, focused staff development, targeted assessment services, and ongoing communications and networking opportunities.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $1,200,000 in each fiscal year shall be used by the Department to enable students in agricultural programs to enroll in a fifth quarter of instruction based on the agricultural education model of delivering work-based learning through supervised agricultural experience. The Department shall determine eligibility criteria and the reporting process for the Agriculture 5th Quarter Project and shall fund as many programs as possible given the set-aside. The eligibility criteria developed by the Department shall allow these funds to support supervised agricultural experience that occurs anytime outside of the regular school day.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to $1,550,000 in fiscal year 2024 and up to $1,050,000 in fiscal year 2025 may be used to support career planning and reporting through the OhioMeansJobs web site.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, $500,000 in each fiscal year shall be used to prepare students for careers in culinary arts and restaurant management under the Ohio ProStart school restaurant program.
Education Enhancements, $2,000,000 in each fiscal year shall be used to support Jobs for Ohio's Graduates.

**Section 265.270. FOUNDATION FUNDING - ALL STUDENTS**

Of the portion of the formula aid distributed to city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools under this section, an amount in each fiscal year, as calculated by the Department of Education, shall be used for the purposes of division (B) of section 3317.0215 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to $5,357,606 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to $45,650,000 in fiscal year 2024 and up to $47,600,000 in fiscal year 2025 shall be reserved to fund the state reimbursement of educational service centers under section 3317.11 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to $3,500,000 in each fiscal year shall be distributed to educational service centers for school improvement initiatives and for the provision of technical assistance to schools and districts consistent with requirements of section 3312.01 of the Revised Code. The Department may distribute these funds through a competitive grant process.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to $3,500,000 in each fiscal year shall be distributed to educational service centers for school improvement initiatives and for the provision of technical assistance to schools and districts consistent with requirements of section 3312.01 of the Revised Code. The Department may distribute these funds through a competitive grant process.
Funding – All Students, up to $7,000,000 in each fiscal year shall be reserved for payments under the section of this act entitled "POWER PLANT VALUATION ADJUSTMENT." If this amount is not sufficient, the Superintendent of Public Instruction may reallocate excess funds for other purposes supported by this appropriation item in order to fully pay the amounts required by that section, provided that the aggregate amount appropriated in appropriation item 200550, Foundation Funding – All Students, is not exceeded.

Of the foregoing appropriation item 200550, Foundation Funding – All Students, up to $4,000,000 in each fiscal year shall be used to support the administration of state scholarship programs.

Of the foregoing appropriation item 200550, Foundation Funding – All Students, up to $1,000,000 in each fiscal year shall be distributed to the Cleveland Municipal School District to provide tutorial assistance as provided in division (B) of section 3313.979 of the Revised Code. The Cleveland Municipal School District shall report the use of these funds in the district's three-year continuous improvement plan as described in section 3302.04 of the Revised Code in a manner approved by the Department.

Of the foregoing appropriation item 200550, Foundation Funding – All Students, up to $3,000,000 in each fiscal year may be used for payment of the College Credit Plus Program for students instructed at home pursuant to section 3321.04 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding – All Students, an amount shall be available in each fiscal year to be paid to joint vocational school districts in accordance with sections 3317.16 and 3317.162 of the Revised Code and the section of this act entitled "FORMULA TRANSITION.
SUPPLEMENT."

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to $700,000 in each fiscal year shall be used by the Department for a program to pay for educational services for youth who have been assigned by a juvenile court or other authorized agency to any of the facilities described in division (A) of the section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT."

Of the foregoing appropriation item 200550, Foundation Funding - All Students, a portion may be used to pay college-preparatory boarding schools the per pupil boarding amount pursuant to section 3328.34 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to $1,760,000 in each fiscal year may be used by the Department for duties and activities related to the establishment of academic distress commissions under section 3302.10 of the Revised Code, to provide support and assistance to academic distress commissions to further their duties under Chapter 3302. of the Revised Code, and to provide technical assistance and tools to support districts subject to academic distress commissions.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to $1,500,000 in each fiscal year shall be distributed to the Ohio STEM Learning Network to support the expansion of free STEM programming aligned to Ohio's STEM priorities, to create regional STEM supports targeting underserved student populations, and to support the Ohio STEM Committee's STEM school designation process.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to $2,500,000 in each fiscal year shall be used to make supplemental payments under the section of this
act entitled "E-SCHOOL FUNDING PILOT." If the amount appropriated is insufficient, the Department shall prorate the payments so that the aggregate amount appropriated in this section is not exceeded.

The remainder of the foregoing appropriation item 200550, Foundation Funding - All Students, shall be used to distribute the amounts calculated for formula aid under division (A)(1) of section 3317.019, section 3317.022 of the Revised Code, and the section of this act entitled "FORMULA TRANSITION SUPPLEMENT."

Appropriation items 200502, Pupil Transportation, and 200550, Foundation Funding - All Students, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, STEM schools, college preparatory boarding schools, joint vocational school districts, and state scholarship programs under this act. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other General Revenue Fund appropriation items in the Department of Education's budget, including appropriation item 200903, Property Tax Reimbursement - Education, in each fiscal year in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department's budget to meet state formula aid obligations, the Superintendent of Public Instruction shall seek approval from the Director of Budget and Management to transfer funds as needed.

The Superintendent of Public Instruction shall make payments, transfers, and deductions, as authorized by Title XXXIII of the Revised Code in amounts substantially equal to those made in the prior year, or otherwise, at the discretion of the Superintendent, until at least the effective date of the amendments and enactments...
made to Title XXXIII of the Revised Code by this act. Any funds paid to districts or schools under this section shall be credited toward the annual funds calculated for the district or school after the changes made to Title XXXIII of the Revised Code in this act are effective. Upon the effective date of changes made to Title XXXIII of the Revised Code in this act, funds shall be calculated as an annual amount.

Section 265.275. EDUCATIONAL CHOICE SCHOLARSHIP PILOT PROGRAM

Notwithstanding section 3310.032 of the Revised Code or any provision of law to the contrary, beginning July 1, 2023, the foregoing appropriation item 200550, Foundation Funding – All Students, may be used to administer the expansion of the Educational Choice Scholarship Pilot Program to students from families with an income level at or below four hundred fifty per cent of the federal poverty level for purposes of determining eligibility under division (A)(1) of section 3310.032 of the Revised Code.

Section 265.280. PHASE-IN PERCENTAGES

For purposes of division (X)(1) of section 3317.02 of the Revised Code, the General Assembly has determined that the general phase-in percentage for fiscal year 2024 shall be 50 per cent and the general phase-in percentage for fiscal year 2025 shall be 66.67 per cent.

For purposes of division (X)(2) of section 3317.02 of the Revised Code, the General Assembly has determined that the phase-in percentage for disadvantaged pupil impact aid for fiscal year 2024 shall be 50 per cent and the phase-in percentage for disadvantaged pupil impact aid for fiscal year 2025 shall be 66.67 per cent.
Section 265.290. FORMULA TRANSITION SUPPLEMENT

(A)(1) For fiscal years 2024 and 2025, the Department of Education shall pay a formula transition supplement to each city, local, and exempted village school district according to the following formula:

(The district's funding base for fiscal year 2021) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.019, 3317.022, and 3317.0212 of the Revised Code)

If the computation made under division (A)(1) of this section for a fiscal year results in a negative number, the district's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (A)(1) of this section, a city, local, or exempted village school district's "funding base for fiscal year 2021" means the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2021 under division (A)(1) of Section 265.220 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly and before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(ii) The amount calculated for the district for fiscal year 2021 under division (A)(2) of Section 265.220 of H.B. 166 of the 133rd General Assembly before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The amount calculated for the district for fiscal year 2021 under division (B) of Section 265.220 of H.B. 166 of the
133rd General Assembly;

(iv) The district's payments for fiscal year 2021 under divisions (C)(1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed for payments for fiscal year 2021;

(v) The district's payments for fiscal year 2021 under section 3317.0219 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(b) Subtract from the amount calculated in division (A)(2)(a) of this section the sum of the following:

(i) The payments deducted from the district and paid to a community school established under Chapter 3314. of the Revised Code for fiscal year 2021 under divisions (C)(1)(a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code and division (D) of section 3314.091 of the Revised Code, as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(ii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code for fiscal year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;
(iii) The payments deducted from the district for fiscal year 2021 under division (C) of section 3310.08 of the Revised Code as that division existed for deductions for fiscal year 2021, division (C)(2) of section 3310.41 of the Revised Code, as that division existed for deductions for fiscal year 2021, and section 3310.55 of the Revised Code as that section existed for deductions for fiscal year 2021 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district for fiscal year 2021 under Section 265.210 of H.B. 166 of the 133rd General Assembly to operate the pilot project scholarship program for fiscal year 2021 under sections 3313.974 to 3313.979 of the Revised Code;

(iv) The payments subtracted from the district for fiscal year 2021 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code, as those divisions existed for subtractions from the district for fiscal year 2021.

(B)(1) For fiscal years 2024 and 2025, the Department of Education shall pay a formula transition supplement to each joint vocational school district according to the following formula:

(The district's funding base for fiscal year 2021) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.16 and 3317.162 of the Revised Code)

If the computation made under division (B)(1) of this section for a fiscal year results in a negative number, the district's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (B)(1) of this section, a joint vocational district's "funding base for fiscal year 2021" means the sum of the following:

(a) The district's payments for fiscal year 2021 under Section 265.225 of H.B. 166 of the 133rd General Assembly after
any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly;

(b) The district's payments for fiscal year 2021 under divisions (D)(1) and (2) of section 3313.981 of the Revised Code, as those divisions existed for payments for fiscal year 2021;

(c) The district's payments for fiscal year 2021 under section 3317.163 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(C)(1) For fiscal years 2024 and 2025, the Department of Education shall pay a formula transition supplement to each community school established under Chapter 3314. of the Revised Code according to the following formula:

\[
\left( \frac{\text{The school's funding base for fiscal year 2021}}{\text{the number of students enrolled in the school for fiscal year 2021}} - \frac{\text{the school's payments for the fiscal year for which the supplement is calculated under sections 3317.022 and 3317.0212 of the Revised Code}}{\text{the number of students enrolled in the school for the fiscal year for which the supplement is calculated}} \right) \times \text{the number of students enrolled in the school for the fiscal year for which the supplement is calculated.}
\]

If the computation made under division (C)(1) of this section for a fiscal year results in a negative number, the school's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (C)(1) of this section, a community school's "funding base for fiscal year 2021" means the sum of the following:

(a) The amount calculated for the school for fiscal year 2021 under division (C)(1) of section 3314.08 of the Revised Code as that section existed for payments for fiscal year 2021, before any funding reductions authorized by Executive Order 2020-19D, issued
on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(b) The amount calculated for the school for fiscal year 2021 under section 3314.085 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 2021 under division (D)(1) of section 3314.091 of the Revised Code as that division existed for payments for fiscal year 2021;

(d) The amount calculated for the school for fiscal year 2021 under section 3314.088 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(D)(1) For fiscal years 2024 and 2025, the Department of Education shall pay a formula transition supplement to each science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code according to the following formula:

\[ \left( \frac{\text{The school's funding base for fiscal year 2021}}{\text{the number of students enrolled in the school for fiscal year 2021}} - \frac{\text{the school's payments for the fiscal year for which the supplement is calculated under section 3317.022 of the Revised Code}}{\text{the number of students enrolled in the school for the fiscal year for which the supplement is calculated}} \right) \times \text{the number of students enrolled in the school for the fiscal year for which the supplement is calculated}. \]

If the computation made under division (D)(1) of this section for a fiscal year results in a negative number, the school's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (D)(1) of this section, a science, technology, engineering, and mathematics school's "funding base for fiscal year 2021" means the sum of the
following:

(a) The amount calculated for the school for fiscal year 2021 under section 3326.33 of the Revised Code as that section existed for payments for fiscal year 2021, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(b) The amount calculated for the school for fiscal year 2021 under section 3326.41 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 2021 under section 3326.42 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

Section 265.310. POWER PLANT VALUATION ADJUSTMENT

(A)(1) On or before May 15, 2024, the Tax Commissioner shall determine all of the following for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:

(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2023 was less than the taxable value of such property during tax year 2017;

(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2023 was less than the taxable value of such property during tax year 2022.

(2) If the decrease determined under division (A)(1)(a) or (b) of this section exceeds ten per cent and the overall change in utility tangible personal property subject to taxation is negative, the Tax Commissioner shall certify all of the following
to the Department of Education and the Office of Budget and Management:

(a) The district's total taxable value for tax year 2023;

(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2023;

(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;

(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code.

(3) Upon receipt of a certification under division (A)(2) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (A)(2)(a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following:

(a) The lesser of the following:

(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (A)(3) of this section and the district's recomputed state education aid for fiscal year 2019;

(ii) The absolute value of the amount certified under division (A)(2)(b) of this section.

(b) The absolute value of the amount certified under division (A)(2)(b) of this section X 0.50.

(B)(1) On or before May 15, 2025, the Tax Commissioner shall
determine for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:

(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2024 was less than the taxable value of such property during tax year 2017;

(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2024 was less than the taxable value of such property during tax year 2023.

(2) If the decrease determined under division (B)(1)(a) or (b) of this section exceeds ten per cent and the overall change in utility tangible personal property subject to taxation is negative, the Tax Commissioner shall certify all of the following to the Department of Education and the Office of Budget and Management:

(a) The district's total taxable value for tax year 2024;

(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2024;

(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;

(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code.

(3) Upon receipt of a certification under division (B)(2) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the
taxable value certified under division (B)(2)(a) of this section
and shall recompute the district's state education aid for fiscal
year 2019 without applying any funding limitations enacted by the
General Assembly to the computation. The Department shall pay to
the district an amount equal to the greater of the following:

(a) The lesser of the following:

(i) The positive difference between the district's state
education aid for fiscal year 2019 prior to the recomputation
under division (B)(3) of this section and the district's
recomputed state education aid for fiscal year 2019;

(ii) The absolute value of the amount certified under
division (B)(2)(b) of this section.

(b) The absolute value of the amount certified under division (B)(2)(b) of this section X 0.50.

(C) The Department of Education shall make payments under
division (A)(3) of this section between June 1, 2024, and June 30, 2024, and the Department shall make payments under division (B)(3) of this section between June 1, 2025, and June 30, 2025. The Department shall not calculate or make payments under section 3317.028 of the Revised Code for fiscal years 2024 and 2025.

Section 265.320. E-SCHOOL FUNDING PILOT

(A) As used in this section:

(1) "Eligible internet- or computer-based community school" means an internet- or computer-based community school that participated in the pilot program created under Section 5 of H.B. 123 of the 133rd General Assembly in fiscal year 2023.

(2) "Formula amount" shall equal the amount specified in division (F)(1) of the section of H.B. 166 of the 133rd General Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021."
(3) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(B) The Department of Education shall continue the pilot program created under Section 5 of H.B. 123 of the 133rd General Assembly to provide additional funding for students enrolled in grades eight through twelve in eligible internet- or computer-based community schools for fiscal years 2024 and 2025.

(C) For fiscal years 2024 and 2025, the Department of Education shall require each eligible internet- or computer-based community school that chooses to participate in the pilot program to report all information that is necessary to make payments under division (D) of this section.

(D) For fiscal years 2024 and 2025, the Department shall calculate an additional payment for each eligible internet- or computer-based community school that chooses to participate in the pilot program, as follows:

(1) Compute the lesser of the following for each student enrolled in grades eight through twelve:

(a) The formula amount \(X\) the maximum full-time equivalency for the portion of the school year for which the student is enrolled in the school;

(b) The sum of the following:

(i) A one-time payment of $1,750. In the case of a student enrolled in the school for the first time for the 2023-2024 or 2024-2025 school year, payment shall be made under division (D)(1)(b)(i) of this section at least thirty days after the student is considered to be enrolled in the school in accordance with division (H)(2) of section 3314.08 of the Revised Code, provided the student has been continuously enrolled in the school during that time, as determined by the Department. In the case of a student that was enrolled in the school for the 2023-2024 or
2024-2025 school year, payment shall be made under division (D)(1)(b)(i) of this section at least thirty days after the student has started to participate in learning opportunities for the 2023-2024 or 2024-2025 school year, provided the student has been continuously enrolled in the school during that time, as determined by the Department.

(ii) The formula amount X (1/920) X the lesser of the number of hours the student participates in learning opportunities in that fiscal year or 920;

(iii) The lesser of ($500 X either the number of courses completed by the student in that fiscal year, in the case of a student enrolled in grade eight, or the number of credits earned by the student in that fiscal year, in the case of a student enrolled in grades nine through twelve) or $2,500.

(2) Compute the sum of the amounts calculated under division (D)(1) of this section for all students enrolled in grades eight through twelve.

(3) Compute the school's payment in accordance with the following formula:

The amount determined under division (D)(2) of this section - (the number of full-time equivalent students enrolled in grades eight through twelve in the school X the formula amount)

If the amount computed under division (D)(3) is a negative number, the school shall not receive a payment under this section.

(E) The Department may complete a review of the enrollment of each eligible internet- or computer-based community school that chooses to participate in the pilot program in accordance with division (K) of section 3314.08 of the Revised Code. If the Department determines a school has been overpaid based on a review completed under division (E) of this section, the Department shall require a repayment of the overpaid funds and may require the
school to establish a plan to improve the reporting of enrollment.

Section 265.330. LITERACY IMPROVEMENT

(A)(1) Of the foregoing appropriation item 200566, Literacy Improvement, up to $21,500,000 in each fiscal year shall be used by the Department of Education to reimburse school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code for stipends paid under division (A)(3) of this section to teachers to complete professional development in the science of reading and evidence-based strategies for effective literacy instruction. The Department shall provide professional development courses for this purpose.

(2) Districts and schools shall require all teachers and administrators to complete a course provided by the Department under division (A)(1) of this section not later than June 30, 2025, except that any teacher or administrator who has previously completed similar training, as determined by the Department, shall not be required to complete the course. Teachers shall complete the course at a time that minimizes disruptions to normal instructional hours. Districts and schools shall pay a stipend to each teacher who completes a professional development course under division (A)(2) of this section as follows:

(a) $600 for each of the following:

(i) A teacher of grades kindergarten through five;

(ii) An English language arts teacher of grades six through twelve;

(iii) An intervention specialist, English learner teacher, reading specialist, or instructional coach who serves any of grades pre-kindergarten through twelve.

(b) $200 for each teacher who teaches a subject area other
than English language arts in grades six through twelve.

(3) Each district or school may apply to the Department, in a manner prescribed by the Department, for reimbursement of the cost of the stipends. The Department shall not reimburse any stipend paid to an administrator to complete a professional development course provided by the Department under division (A)(2) of this section.

(4)(a) The Department of Education shall work with the Department of Higher Education, institutions of higher education that offer educator preparation programs, and local professional development committees established under section 3319.22 of the Revised Code to help teachers and administrators who complete a professional development course under division (A)(2) of this section to earn college credit or to apply the coursework toward their licensure renewal requirements.

(b) The Department of Education shall collaborate with the Department of Higher Education and institutions of higher education that offer educator preparation programs to align the coursework of the programs with the science of reading and evidence-based strategies for effective literacy instruction.

(5) An amount equal to the unexpended, unencumbered balance of the amount allocated in division (A)(1) of this section at the end of fiscal year 2024 is hereby reappropriated to the Department of Education for the same purpose in fiscal year 2025.

(B)(1) Of the foregoing appropriation item 200566, Literacy Improvement, up to $44,000,000 in fiscal year 2024 shall be used by the Department of Education to subsidize the cost for school districts, community schools, and STEM schools to purchase high-quality core curriculum and instructional materials in English language arts and evidence-based reading intervention programs from the lists established under section 3313.6028 of the
Revised Code. An amount equal to the unexpended, unencumbered balance of the amount allocated in this division, at the end of fiscal year 2024 is hereby reappropriated to the Department for the same purpose in fiscal year 2025.

(2) The Department shall conduct a survey to collect information on the core curriculum and instructional materials in English language arts in grades pre-kindergarten through five and the reading intervention programs in grades pre-kindergarten through twelve that are being used by public schools. Each school district, community school, and STEM school shall participate in the survey and shall provide the information requested by the Department.

(C) Of the foregoing appropriation item 200566, Literacy Improvement, up to $6,000,000 in fiscal year 2024 and up to $12,000,000 in fiscal year 2025 shall be used for coaches to provide literacy supports to school districts, community schools, and STEM schools with the lowest rates of proficiency in literacy based on their performance on the English language arts assessments prescribed under section 3301.0710 of the Revised Code. The coaches shall have training in the science of reading and evidence-based strategies for effective literacy instruction and intervention and shall implement Ohio's Coaching Model, as described in Ohio's Plan to Raise Literacy Achievement. The coaches shall be under the direction of the Department but shall not be employed by the Department.

(D) The remainder of the foregoing appropriation item 200566, Literacy Improvement, shall be used by the Department of Education to support early literacy activities to align state, local, and federal efforts in order to bolster all students' reading success. Funds shall be distributed to educational service centers to establish and support regional literacy professional development teams consistent with section 3312.01 of the Revised Code.
portion of the funds may be used by the Department for program administration, monitoring, technical assistance, support, research, and evaluation.

Section 265.340. ADULT EDUCATION PROGRAMS

Of the foregoing appropriation item 200572, Adult Education Programs, up to $6,900,000 in each fiscal year shall be used to make payments under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code.

A portion of the foregoing appropriation item 200572, Adult Education Programs, shall be used in each fiscal year to make payments to institutions participating in the Adult Diploma Pilot Program under section 3313.902 of the Revised Code and to pay career-technical planning districts for the amounts reimbursed to students, as prescribed in this section. If funds are insufficient to make payments for the Adult Diploma Pilot Program, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may transfer appropriation from appropriation item 200550, Foundation Funding - All Students, to appropriation item 200572, Adult Education Programs, subject to an available balance in appropriation item 200550 and Controlling Board approval. Any appropriation so transferred shall be used to make payments to institutions participating in the Adult Diploma Pilot Program pursuant to section 3313.902 of the Revised Code.

Each career-technical planning district shall reimburse individuals taking a nationally recognized high school equivalency examination approved by the Department of Education for the first time for application fees, examination fees, or both, in excess of $40, up to a maximum reimbursement per individual of $80. Each career-technical planning district shall designate a site or sites where individuals may register and take an approved examination. For each individual who registers for an approved examination, the
career-technical planning district shall make available and offer career counseling services, including information on adult education programs that are available. A portion of the appropriation item may be used to reimburse the Department of Youth Services and the Department of Rehabilitation and Correction for individuals in these facilities who have taken an approved examination for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for an approved examination.

Notwithstanding any provision of law to the contrary, the unexpended balance of appropriations for payments under sections 3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code at the end of each fiscal year may be encumbered by the Department of Education and remain available for payment for a period not to exceed two years from the end of each fiscal year in which the funds were originally appropriated, in accordance with guidelines established by the Superintendent of Public Instruction.

A portion of the foregoing appropriation item 200572, Adult Education Programs, may be used for program administration, technical assistance, support, research, and evaluation of adult education programs, including high school equivalency examinations approved by the Department of Education.

Section 265.350. HALF-MILL MAINTENANCE EQUALIZATION

The foregoing appropriation item 200574, Half-Mill Maintenance Equalization, shall be used to make payments pursuant to section 3318.18 of the Revised Code.

Section 265.355. PROGRAM AND PROJECT SUPPORT

Of the foregoing appropriation item 200597, Program and Project Support, up to $3,500,000 in each fiscal year shall be
distributed to the Ohio Alliance of Boys and Girls Clubs to support the establishment and expansion of Boys and Girls Clubs in Ohio communities not already served by Boys and Girls Clubs, which shall use these funds to support after-school and summer programming. These funds shall also be used to support academic programs to address learning loss.

Of the foregoing appropriation item 200597, Program and Project Support, up to $1,500,000 in each fiscal year shall be used for purposes of the section of this act entitled "FINANCIAL LITERACY AND WORKFORCE READINESS PROGRAMMING INITIATIVE."

Of the foregoing appropriation item 200597, Program and Project Support, $598,000 in each fiscal year shall be used to support instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator required for high school students pursuant to section 3313.6021 of the Revised Code, in a manner determined by the Department of Education.

Of the foregoing appropriation item 200597, Program and Project Support, up to $200,000 in each fiscal year shall be distributed to Child and Adolescent Behavioral Health.

**Section 265.360. MEDICAID IN SCHOOLS PROGRAM**

The foregoing appropriation item, 657401, Medicaid in Schools Program, shall be used by the Department of Education to support the Medicaid in Schools Program.

**Section 265.370. TEACHER CERTIFICATION AND LICENSURE**

The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education to administer and support teacher certification and licensure activities.

**Section 265.380. SCHOOL DISTRICT SOLVENCY ASSISTANCE**
(A) The foregoing appropriation item 200687, School District Solvency Assistance, shall be allocated to the School District Shared Resource Account and the Catastrophic Expenditures Account in amounts determined by the Superintendent of Public Instruction. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Except as provided under division (C) of this section, any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H30).

(B) Notwithstanding any provision of law to the contrary, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may make transfers to the School District Solvency Assistance Fund (Fund 5H30) from any fund used by the Department of Education or the General Revenue Fund to maintain sufficient cash balances in Fund 5H30 in fiscal years 2024 and 2025. Any cash transferred is hereby appropriated. The transferred cash may be used by the Department to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that the school district is unable to pay from existing resources. The Director shall notify the members of the Controlling Board of any such transfers.

(C) If the cash balance of the School District Solvency Assistance Fund (Fund 5H30) is insufficient to pay solvency assistance in fiscal years 2024 and 2025, at the request of the Superintendent of Public Instruction, and with the approval of the Controlling Board, the Director of Budget and Management may transfer cash from the Lottery Profits Education Reserve Fund (Fund 7018) to Fund 5H30 to provide assistance and grants to
school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary nature that they are unable to pay from existing resources under section 3316.20 of the Revised Code. Such transfers are hereby appropriated to appropriation item 200670, School District Solvency Assistance – Lottery. Any required reimbursements from school districts for solvency assistance granted from appropriation item 200670, School District Solvency Assistance – Lottery, shall be made to Fund 7018.

**Section 265.390. FOUNDATION FUNDING – ALL STUDENTS**

(A) The foregoing appropriation item 200604, Foundation Funding – All Students, shall be used in conjunction with appropriation items 200550, Foundation Funding – All Students, and 200612, Foundation Funding – All Students, to distribute the amounts calculated for disadvantaged pupil impact aid under sections 3317.022 and 3317.16 of the Revised Code and the portions of the state share of the base cost calculated under those sections that are attributable to the staffing cost for the student wellness and success component of the base cost, as determined by the Department of Education.

(B) A district or school shall spend any remaining student wellness and success funds it received for fiscal year 2020 or fiscal year 2021 under section 3317.26 of the Revised Code, as that section existed prior to September 30, 2021, in accordance with that section. The Department may require districts and schools to report how all of those funds are spent.

**Section 265.400. SCHOOL BUS PURCHASE**

Notwithstanding any provision of law to the contrary, school bus purchase funds awarded in fiscal year 2022 or fiscal year 2023 may be used through fiscal year 2025. The Department may also
extend the period of availability due to supply chain disruptions and delays.

Section 265.405. INTERSCHOLASTIC ATHLETICS AND EXTRACURRICULAR ACTIVITIES

Of the foregoing appropriation item 200490, Interscholastic Athletics and Extracurricular Activities, an amount equal to three per cent of the cash deposited into the Sports Gaming Profits Education Fund (Fund 5YO0) but not less than $500,000 in each fiscal year shall be used by the Department of Education, in collaboration with the Adaptive Sports Program of Ohio, to fund adaptive sports programs in school districts across the state. After each quarterly deposit of cash into Fund 5YO0 in each fiscal year, the Superintendent of Public Instruction shall certify to the Director of Budget and Management three per cent of the amount deposited. The Director may authorize additional expenditures from appropriation item 200490, Interscholastic Athletics and Extracurricular Activities, equal to the amount certified. The amounts authorized by the Director are hereby appropriated.

The remainder of the foregoing appropriation item 200490, Interscholastic Athletics and Extracurricular Activities, shall be distributed by the Department of Education on a per-pupil basis to reduce or eliminate pay-to-play fees for interscholastic athletics and extracurricular activities, as determined by the Department.

Section 265.407. PUBLIC AND NONPUBLIC EDUCATION SUPPORT

The foregoing appropriation item 200491, Public and Nonpublic Education Support, shall be used in conjunction with appropriation item 200550, Foundation Funding – All Students, to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code.
Section 265.409. CAREER-TECHNICAL EDUCATION EQUIPMENT

The foregoing appropriation item 2006A2, Career-Technical Education Equipment, shall be used by the Department of Education, in consultation with the Governor's Office of Workforce Transformation and the Ohio Facilities Construction Commission, to establish a program to assist city, local, exempted village, and joint vocational school districts, community schools, and STEM schools in establishing or expanding career-technical education programs, with priority for career-technical education programs that support careers on Ohio's Top Jobs List, and establishing or expanding credentialing programs that qualify for the Innovative Workforce Incentive Program.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 2006A2, Career-Technical Education Equipment, at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

Notwithstanding any provision of law to the contrary, the Department of Education may extend the period of availability of awards made under this section up to two fiscal years according to guidelines established by the Department of Education.

Section 265.410. LOTTERY PROFITS EDUCATION FUND

The foregoing appropriation item 200612, Foundation Funding - All Students, shall be used in conjunction with appropriation item 200550, Foundation Funding - All Students, to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code.

The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding - All Students, and appropriation item 200612, Foundation Funding - All Students.
Funding – All Students. If adjustments to the monthly distribution schedule are necessary, the Department shall make such adjustments with the approval of the Director.

Section 265.420. EDUCATION STUDIES

Of the foregoing appropriation item 200611, Education Studies, a portion of the funds shall be used by the Department of Education, in consultation with the Department of Mental Health and Addiction Services, to conduct an evaluation of the impact of student wellness and success funds on student measures such as school climate, attendance, discipline, and academic achievement, as determined by the department.

Of the foregoing appropriation item 200611, Education Studies, a portion of the funds shall be used by the Department of Education to conduct a study of access to all-day kindergarten across the state, including barriers to offering all-day kindergarten and age cut-off dates. In conducting the study, the Department shall engage with superintendents and school treasurers from districts charging tuition for all-day kindergarten or not offering all-day kindergarten. The department shall submit recommendations to the Governor on the feasibility of requiring the availability of all-day kindergarten.

Of the foregoing appropriation item 200611, Education Studies, up to $500,000 in fiscal year 2024 shall be used by the Department of Education to conduct a study to determine the needs of Ohio's economically disadvantaged students, the most effective services for meeting those needs, and the cost of implementing those services using Ohio cost data, including all current expenditures and inputs supporting economically disadvantaged students. The Department shall issue a report on the results of the study, which shall include recommendations regarding the measures and parameters for determining student eligibility for
the services identified by the study. The recommendations shall take into account existing state and federal resources used to provide such services. An amount equal to the unexpended, unencumbered balance of this set-aside at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

Section 265.430. QUALITY COMMUNITY AND INDEPENDENT STEM SCHOOLS SUPPORT

(A) The foregoing appropriation item 200631, Quality Community and Independent STEM Schools Support, shall be used for the Quality Community and Independent STEM School Support Program. Under the program, the Department of Education shall pay each community school established under Chapter 3314. of the Revised Code and designated as a Community School of Quality under this section and each STEM school established under Chapter 3326. of the Revised Code and designated as an Independent STEM School of Quality under this section an amount up to $3,000 in each fiscal year for each pupil identified as economically disadvantaged and up to $2,250 in each fiscal year for each pupil that is not identified as economically disadvantaged. The payment for the current fiscal year shall be calculated using the adjusted full-time equivalent number of students enrolled in the school for the current fiscal year as of the date the payment is made, as reported by the school under section 3314.08 of the Revised Code. The Department shall make the payment to each Community School of Quality or Independent STEM School of Quality not later than January 31 of each fiscal year. If the amount appropriated is not sufficient to pay the amounts calculated pursuant to this section, the Superintendent of Public Instruction may request the Director of Budget and Management to authorize expenditures in excess of the amounts appropriated. Upon approval by the Director of Budget and Management, the additional amounts are hereby appropriated to
appropriation item 200631, Quality Community and Independent STEM Schools Support.

(B) To be designated as a Community School of Quality, a community school shall satisfy at least one of the following conditions:

(1) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school received a higher performance index score than the school district in which the school is located on the two most recent report cards issued for the school under section 3302.03 of the Revised Code.

(c) The school received a performance rating of four stars or higher for the value-added progress dimension on the most recent report card issued for the school under section 3302.03 of the Revised Code or is a school described under division (A)(4) of section 3314.35 of the Revised Code and did not receive a rating for the value-added progress dimension on the most recent report card.

(d) At least fifty per cent of the students enrolled in the school are economically disadvantaged, as determined by the Department.

(2) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school is in its first year of operation or the school opened as a kindergarten school and has added one grade per year and has been in operation for less than four school years.
(c) The school is replicating an operational and instructional model used by a community school described in division (B)(1) of this section.

(d) If the school has an operator, the operator received a "C" or better on its most recent performance report published under section 3314.031 of the Revised Code.

(3) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school contracts with an operator that operates schools in other states and meets at least one of the following criteria:

   (i) Has operated a school that received a grant funded through the federal Charter School Program established under 20 U.S.C. 7221 within the five years prior to the date of application or received funding from the Charter School Growth Fund;

   (ii) Meets all of the following criteria:

      (I) One of the operator's schools in another state performed better than the school district in which the school is located, as determined by the Department.

      (II) At least fifty per cent of the total number of students enrolled in all of the operator's schools are economically disadvantaged, as determined by the Department.

      (III) The operator is in good standing in all states where it operates schools, as determined by the Department.

      (IV) The Department has determined that the operator does not have any financial viability issues that would prevent it from effectively operating a community school in Ohio.

(c) The school is in its first year of operation.
(C) To be designated as an Independent STEM School of Quality, a STEM school shall satisfy all of the following criteria:

(1) The STEM school operates autonomously under section 3326.031 of the Revised Code.

(2) The STEM school does not have a STEM school equivalent designation under section 3326.032 of the Revised Code.

(3) The STEM school is not governed by a school district under section 3326.51 of the Revised Code.

(4) The STEM school is not a community school established under Chapter 3314. of the Revised Code.

(5) The STEM school cannot levy taxes or issue tax-secured bonds in accordance with section 3326.49 of the Revised Code.

(6) The STEM school satisfies the requirements prescribed by section 3326.03 of the Revised Code.

(7) The STEM school satisfies the requirements described in the Quality Model for STEM and STEAM Schools established by the Department of Education in accordance with Chapter 3326. of the Revised Code.

(D) A school designated as a Community School of Quality under division (B) of this section or Independent STEM school of Quality under division (C) of this section shall maintain that designation for the two fiscal years following the fiscal year in which the school was initially designated as a Community or Independent STEM School of Quality.

(E) A school designated a Community or Independent STEM School of Quality may renew its designation each year that it satisfies the criteria under division (B)(1) or (C) of this section. The school shall maintain that designation for the two fiscal years following each fiscal year in which the criteria
under division (B)(1) or (C) of this section are satisfied. This division applies to schools designated as a Community or Independent STEM School of Quality based on the report cards issued in accordance with sections 3302.03 and 3314.012 of the Revised Code for the 2017-2018 and 2018-2019 school years.

(F) A school that was designated as a Community School of Quality for the first time for the 2019-2020 school year shall be considered to have maintained that designation for the 2022-2023 school year and may renew its designation under division (D) of this section after that year.

(G) If two or more community schools have merged or merge in accordance with division (B) of section 3314.0211 of the Revised Code on or after June 30, 2022, the surviving community school is eligible to receive funds under this program, provided it otherwise qualifies as a Community School of Quality under division (B)(1), (2), or (3) of this section. In such a case, the payment for the current fiscal year shall be calculated using the adjusted full-time equivalent number of students enrolled in the school for the current fiscal year as of the date the payment is made, as reported by the surviving community school under section 3314.08 of the Revised Code, regardless of whether those students were previously enrolled in a community school that was dissolved as part of the merger. A community school that was qualified to receive funds under the program prior to merging on or after June 30, 2022, and was dissolved due to the merger, shall be considered to have been eligible for funds under the program prior to the effective date of this section and shall not be required to return any funds received prior to that date.

Section 265.440. COMMUNITY SCHOOL FACILITIES

The foregoing appropriation item 200684, Community School Facilities, shall be used to pay each community school established
under Chapter 3314. of the Revised Code and each STEM school established under Chapter 3326. of the Revised Code an amount equal to $25 in each fiscal year for each full-time equivalent pupil in an internet- or computer-based community school and $1,000 in each fiscal year for each full-time equivalent pupil in all other community or STEM schools for assistance with the cost associated with facilities. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

### Section 265.450. LOTTERY PROFITS EDUCATION RESERVE FUND

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2024 and fiscal year 2025.

(C) On July 15, 2023, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded $1,263,000,000 in fiscal year 2023.

(D) On July 15, 2024, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded $1,424,000,000 in fiscal year 2024.

(E) Notwithstanding any provision of law to the contrary, in fiscal year 2024 and fiscal year 2025, the Director of Budget and
Management may transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.

Section 265.460. FEDERAL COVID RELIEF REAPPROPRIATIONS

(A) On July 1, 2023, or as soon as possible thereafter, the Superintendent of Public Instruction may certify to the Director of Budget and Management amounts equal to the unexpended, unencumbered balances of appropriation items under the following funds at the end of fiscal year 2023 to be reappropriated to fiscal year 2024:

(1) The ARP – Homeless Children and Youth Fund (Fund 3HZ0);
(2) The ARP – Students with Disabilities Fund (Fund 3IA0).

The Director of Budget and Management may approve up to the amounts certified. The approved amounts are hereby reappropriated to the same appropriation items and shall be used for the same purposes in fiscal year 2024.

(B) On July 1, 2024, or as soon as possible thereafter, the Superintendent of Public Instruction may certify to the Director of Budget and Management amounts equal to the unexpended, unencumbered balances of appropriation items under the following funds at the end of fiscal year 2024 to be reappropriated to fiscal year 2025:

(1) The Governor's Emergency Education Relief Fund (Fund 3HQ0);
(2) The Federal Coronavirus School Relief Fund (Fund 3HS0);
(3) The ARP – Homeless Children and Youth Fund (Fund 3HZ0).

The Director of Budget and Management may approve up to the amounts certified. The approved amounts are hereby reappropriated to the same appropriation items and shall be used for the same purposes in fiscal year 2025.
Section 265.465. EMERGENCY ASSISTANCE TO NON-PUBLIC SCHOOLS REALLOCATION

(A) Of appropriation item 200651, Emergency Assistance to Non-Public Schools, up to $1,000,000 in fiscal year 2024 shall be used to support the pilot program established in the section of this act entitled "PUPIL TRANSPORTATION PILOT PROGRAM."

(B) The Department shall support the set-aside in division (A) of this section using reallocated federal Emergency Assistance to Non-Public Schools funds under Title III, section 312(d)(6) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260.

Section 265.470. NEGATIVE FUND BALANCE DUE TO DELAY IN ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND CLAIMS REIMBURSEMENTS


Section 265.480. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the
administration of the National Assessment of Educational Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent shall participate.

**Section 265.490. EARMARK ACCOUNTABILITY**

At the request of the Superintendent of Public Instruction, any entity that receives a budget earmark under the Department of Education shall submit annually to the Department a report that includes a description of the services supported by the funds, a description of the results achieved by those services, an analysis of the effectiveness of the program, and an opinion as to the program's applicability to other school districts. For an earmarked entity that received state funds from an earmark in the prior fiscal year, no funds shall be provided by the Department to an earmarked entity for a fiscal year until its report for the prior fiscal year has been submitted.

**Section 265.500. COMMUNITY SCHOOL OPERATING FROM HOME**

A community school established under Chapter 3314. of the Revised Code that was open for operation as a community school as of May 1, 2005, may operate from or in any home, as defined in section 3313.64 of the Revised Code, located in the state, regardless of when the community school's operations from or in a particular home began.

**Section 265.510. USE OF VOLUNTEERS**

The Department of Education may utilize the services of volunteers to accomplish any of the purposes of the Department. The Superintendent of Public Instruction shall approve for what purposes volunteers may be used and for these purposes may recruit, train, and oversee the services of volunteers.
Superintendent may reimburse volunteers for necessary and appropriate expenses in accordance with state guidelines and may designate volunteers as state employees for the purpose of motor vehicle accident liability insurance under section 9.83 of the Revised Code, for immunity under section 9.86 of the Revised Code, and for indemnification from liability incurred in the performance of their duties under section 9.87 of the Revised Code.

Section 265.520. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN

In collaboration with the County Family and Children First Council, a city, local, or exempted village school district, community school, STEM school, joint vocational school district, educational service center, or county board of developmental disabilities that receives allocations from the Department of Education from appropriation item 200550, Foundation Funding - All Students, or appropriation item 200540, Special Education Enhancements, may transfer portions of those allocations to a flexible funding pool authorized by the section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements.

Section 265.530. PRIVATE TREATMENT FACILITY PROJECT

(A) As used in this section:

(1) The following are "participating residential treatment centers":

(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2024 or fiscal year 2025 or both, the Department pays through appropriation item 470401,
RECLAIM Ohio;

(b) Abraxas, in Shelby;

c) Paint Creek, in Bainbridge;

d) F.I.R.S.T., in Mansfield.

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.

(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service...
center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center.

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal year 2024 and fiscal year 2025 to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school district, notwithstanding any conflicting provision of the Revised Code, shall pay tuition for the child for fiscal year 2024 and fiscal year 2025 under this division unless that school district is providing the educational program to the child under division (B) of this section.

A tuition payment under this division shall be made to the school district, educational service center, or residential treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district,
educational service center, or residential treatment facility of providing special education and related services to the student pursuant to the student's individualized education program, minus the tuition paid for the child under division (C)(1) of this section.

A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code.

(D) In each of fiscal years 2024 and 2025, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of the reimbursement shall be the amount appropriated for this purpose divided by the full-time equivalent number of children for whom reimbursement is to be made.

(E) Funds provided to a school district, educational service center, or residential treatment facility under this section shall be used to supplement, not supplant, funds from other public sources for which the school district, service center, or residential treatment facility is entitled or eligible.

(F) The Department of Education shall track the utilization of funds provided to school districts, educational service centers, and residential treatment facilities under this section and monitor the effect of the funding on the educational programs they provide in participating residential treatment facilities. The Department shall monitor the programs for educational accountability.
Section 265.540. (A) Notwithstanding anything in the Revised Code to the contrary, the Superintendent of Public Instruction shall not establish any new academic distress commissions for the 2023-2024 and 2024-2025 school years.

(B) This section does not affect an academic distress commission established prior to the effective date of this section.

Section 265.550. PUPIL TRANSPORTATION PILOT PROGRAM

(A) The Department of Education shall establish a pilot program under which an educational service center shall provide transportation to students enrolled in community schools established under Chapter 3314. of the Revised Code, STEM schools established under Chapter 3326. of the Revised Code, and chartered nonpublic schools, in lieu of the students receiving transportation from their resident school district. The Department shall take a regional approach to the pilot program when possible.

(B) Not later than August 1, 2023, the Department, collaborating with the Ohio Educational Service Center (ESC) Association Program Cabinet, shall select up to five educational service centers and a school district served by each service center to participate in the pilot program. Interested educational service centers shall apply to participate in the pilot program in a form and manner determined by the Department and the Ohio ESC Association Program Cabinet. The Department, Ohio ESC Association Program Cabinet, and selected service centers jointly shall identify community schools, STEM schools, and chartered nonpublic schools that enroll students from the district and for whom the service centers will provide transportation during the 2023-2024 school year. No community school, STEM school, or chartered nonpublic school shall be required to participate in the pilot program.
(C) During the 2023–2024 school year, the Department and the Ohio ESC Association Program Cabinet shall develop, and the participating service centers shall implement, the pilot program's transportation procedures and a payment structure for transportation funding between participating school districts, community schools, and STEM schools.

(D) The participating educational service centers and school districts shall not be subject to section 3327.021 of the Revised Code during the 2023–2024 school year with regard to students enrolled in participating schools. Notwithstanding section 3314.46 of the Revised Code, a participating service center may provide transportation to any participating community school it sponsors.

(E) The educational service centers shall comply with all transportation requirements for students with disabilities as specified in the individualized education programs developed for the students pursuant to Chapter 3323. of the Revised Code.

(F) The Department, in collaboration with the Ohio ESC Association Program Cabinet, shall evaluate the pilot program and issue a report of the program's findings and recommendations not later than July 1, 2024. The report shall include data on the impact the program had on attendance at the participating school districts and schools, the finances of the participating school districts and schools, and any other metrics determined by the Department and Ohio ESC Association Program Cabinet. The participating educational service centers and schools shall submit data and other information to the Department, in a manner determined by the Department, for the purpose of conducting the evaluation.
(A) The Financial Literacy and Workforce Readiness Programming Initiative is hereby established within the Department of Education. The Programming Initiative shall operate in fiscal years 2024 and 2025. The purpose of the Programming Initiative is to ensure the next generation's preparedness in financial literacy, workforce and career readiness, entrepreneurship, and other relevant skills to enter and be competitive in Ohio's future workforce economy.

(B)(1) The Department shall distribute appropriated funds to the following organizations as part of the Programming Initiative:

(a) Junior Achievement of North Central Ohio;
(b) Junior Achievement of Greater Cleveland;
(c) Junior Achievement of Mahoning Valley.

(2) The participating organizations listed under division (B)(1) of this section shall collaborate with local schools, institutions of higher education, local, regional, and statewide employers and businesses, subject matter experts, community-based organizations, and other public-private entities or agencies to implement the Programming Initiative.

(C) The Programming Initiative shall do all of the following:

(1) Place specific emphasis on engagement with students, teachers, and schools primarily located in underserved communities, under-resourced urban and rural areas, or those with populations considered economically disadvantaged;

(2) Increase capacity and resources that expand each of the participating organizations collective ability to offer more financial literacy, workforce readiness and entrepreneurship, or related programming such as work-based learning experiences designed to engage more students in the geographic areas to which the participating organizations provide services;
(3) Increase the number of students measurably impacted by the participating organizations' services to up to one hundred ten thousand students in any of grades kindergarten through twelve in fiscal years 2024 and 2025;

(4) Assist students enrolled in any of grades nine through twelve with direct entry into the workforce, access to higher education, or in-demand job training;

(5) Increase each participating organization's ability to provide teacher-focused programming and support to assist in the greater integration of the organization's programming into up to three hundred schools located within its service area;

(6) Strengthen each participating organization's capacity and resources to collectively provide up to ten student-focused engagement events involving students and teachers from multiple schools and communities in northeast and central portions of the state. The engagement events shall do both of the following:

(a) Enhance and deepen participating students' ability to demonstrate mastery of financial literacy, workforce or career readiness, entrepreneurship, or related skills and knowledge vital to equipping and preparing students with the requisite skills, competencies, and knowledge to be competitive for in-demand jobs within the state and global workforce economy, particularly those that are considered high-growth jobs in the state of Ohio;

(b) Be offered to all partnering schools and respective students, however the emphasis shall remain on the engagement of students and schools that meet the conditions prescribed under division (C)(1) of this section.

Section 267.10. ELC OHIO ELECTIONS COMMISSION

General Revenue Fund

GRF 051321 Operating Expenses $ 415,000 $ 432,000
Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS

Dedicated Purpose Fund Group

4K90 881609 Operating Expenses $ 1,444,500 $ 1,446,764

TOTAL DPF Dedicated Purpose Fund Group

TOTAL ALL BUDGET FUND GROUPS $ 1,444,500 $ 1,446,764

Section 269.20. OPERATING EXPENSES

Of the foregoing appropriation item 881609, Operating Expenses, up to $92,000 in each fiscal year shall be used to employ an Automated Reporting and Preneed Payment Systems (ARPS) Administrator.

Of the foregoing appropriation item 881609, Operating Expenses, up to $80,000 in each fiscal year shall be used to employ an Indigent Burial and Cremation Support Program Administrator.

Section 271.10. PAY EMPLOYEE BENEFITS FUNDS

Fiduciary Fund Group

1240 995673 Payroll Deductions $ 900,725,600 $ 927,747,368

8060 995666 Accrued Leave Fund $ 125,489,317 $ 129,253,996

8070 995667 Disability Fund $ 26,672,965 $ 27,471,726

8080 995668 State Employee Health Benefit Fund $ 1,008,347,532 $ 1,008,157,697
8090 995669  Dependent Care Spending Account $ 4,483,500  $ 4,483,500 154246
8100 995670  Life Insurance Investment Fund $ 2,123,113  $ 2,123,113 154247
8110 995671  Parental Leave Benefit Fund $ 12,362,119  $14,147,759 154248
8130 995672  Health Care Spending Account $ 14,904,666 $ 14,904,666 154249
TOTAL FID Fiduciary Fund Group $ 2,095,108,812 $ 2,128,289,825 154250
TOTAL ALL BUDGET FUND GROUPS $ 2,095,108,812 $ 2,128,289,825 154251

Section 271.20. PAYROLL DEDUCTION FUND

The foregoing appropriation item 995673, Payroll Deductions, shall be used to make payments from the Payroll Deduction Fund (Fund 1240) pursuant to section 125.21 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

ACCRUED LEAVE LIABILITY FUND

The foregoing appropriation item 995666, Accrued Leave Fund, shall be used to make payments from the Accrued Leave Liability Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND

The foregoing appropriation item 995667, Disability Fund, shall be used to make payments from the State Employee Disability Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.
STATE EMPLOYEE HEALTH BENEFIT FUND
The foregoing appropriation item 995668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 8080) pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

DEPENDENT CARE SPENDING FUND
The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Fund (Fund 8090) to employees eligible for dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND
The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND
The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to sections 124.136 and 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.
Notwithstanding any provision of section 124.136 of the Revised Code to the contrary, beginning July 1, 2023, the Director of Administrative Services may use the foregoing appropriation item 995671, Parental leave Benefit Fund, to pay parental leave to employees eligible for parental leave under that section for up to 12 weeks, inclusive of the two week waiting period.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for nonreimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD

General Revenue Fund
GRF 125321 Operating Expenses $ 4,421,000 $ 4,466,000
TOTAL GRF General Revenue Fund $ 4,421,000 $ 4,466,000

Dedicated Purpose Fund Group
5720 125603 Training and Publications $ 334,128 $ 162,149
TOTAL DPF Dedicated Purpose Fund Group $ 334,128 $ 162,149

TOTAL ALL BUDGET FUND GROUPS $ 4,755,128 $ 4,628,149

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS

Dedicated Purpose Fund Group
4K90 892609 Operating Expenses $ 1,233,994 $ 1,281,904
TOTAL DPF Dedicated Purpose Fund $ 1,233,994 $ 1,281,904
Group

| TOTAL ALL BUDGET FUND GROUPS | $1,233,994 | $1,281,904 | 154333 |

**Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY**

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</tbody>
</table>

Internal Service Activity Fund Group

<table>
<thead>
<tr>
<th>Code</th>
<th>Account</th>
<th>Description</th>
<th>Budgeted</th>
<th>Actual</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>715602</td>
<td>Laboratory Services</td>
<td>$533,000</td>
<td>$533,000</td>
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<tr>
<td>2190</td>
<td>715604</td>
<td>Central Support Indirect</td>
<td>$10,294,764</td>
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<tr>
<td>4A10</td>
<td>715640</td>
<td>Operating Expenses</td>
<td>$1,008,000</td>
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<td>TOTAL ISA Internal Service Activity Fund Group</td>
<td>$11,835,764</td>
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Federal Fund Group

<table>
<thead>
<tr>
<th>Code</th>
<th>Account</th>
<th>Description</th>
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<th>Actual</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>3530</td>
<td>715612</td>
<td>Public Water Supply</td>
<td>$2,998,150</td>
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<td>3570</td>
<td>715619</td>
<td>Air Pollution Control - Federal</td>
<td>$7,019,706</td>
<td>$7,059,570</td>
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<tr>
<td>3620</td>
<td>715605</td>
<td>Underground Injection Control - Federal</td>
<td>$180,815</td>
<td>$181,818</td>
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<tr>
<td>3BU0</td>
<td>715684</td>
<td>Water Quality</td>
<td>$34,064,930</td>
<td>$34,345,960</td>
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</table>
Protection
3CS0 715688 Federal NRD Settlements $ 201,000 $ 201,000 154391
3F30 715632 Federally Supported Cleanup and Response $ 9,859,094 $ 10,056,289 154392
3HE0 715697 Volkswagen Clean Air Act Settlement $ 3,085,000 $ 3,095,000 154393
3T30 715669 Drinking Water State Revolving Fund $ 3,155,035 $ 3,255,035 154394
3V70 715606 Agencywide Grants $ 940,000 $ 940,000 154395
TOTAL FED Federal Fund Group $ 61,503,730 $ 62,132,822 154396
TOTAL ALL BUDGET FUND GROUPS $ 272,514,012 $ 275,549,711 154397

Section 277.20. AREAWIDE PLANNING AGENCIES

The Director of Environmental Protection may award grants from appropriation item 715687, Areawide Planning Agencies, to areawide planning agencies engaged in areawide water quality management and planning activities in accordance with Section 208 of the "Federal Clean Water Act," 33 U.S.C. 1288.

CASH TRANSFER TO THE SCRAP TIRE MANAGEMENT FUND FROM THE AUTO EMISSIONS TEST FUND

The Director of Budget and Management, at the request of the Director of Environmental Protection, may transfer the remaining cash balance in the Auto Emissions Test Fund (Fund 5BY0) to the Scrap Tire Management Fund (Fund 4R50) in fiscal year 2024.

H2OHIO FUND

On July 1, 2024, or as soon as possible thereafter, the Director of Environmental Protection may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 715695, H2Ohio, at the end of fiscal year 2024 to be reappropriated in fiscal year 2025. The amount certified is hereby reappropriated to
the same appropriation item for fiscal year 2025.

**Section 279.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION

<table>
<thead>
<tr>
<th>General Revenue Fund</th>
<th>694,000 $</th>
<th>701,000 $</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRF 172321 Operating Expenses</td>
<td>694,000 $</td>
<td>701,000 $</td>
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<tr>
<td>TOTAL GRF General Revenue Fund</td>
<td>694,000 $</td>
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</tr>
<tr>
<td>TOTAL ALL BUDGET FUND GROUPS</td>
<td>694,000 $</td>
<td>701,000 $</td>
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**Section 281.10.** ETC BROADCAST EDUCATIONAL MEDIA COMMISSION

<table>
<thead>
<tr>
<th>General Revenue Fund</th>
<th>10,566,000 $</th>
<th>10,566,000 $</th>
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</thead>
<tbody>
<tr>
<td>GRF 935401 Statehouse News Bureau</td>
<td>383,000 $</td>
<td>383,000 $</td>
</tr>
<tr>
<td>GRF 935402 Ohio Government Telecommunications Services</td>
<td>2,233,000 $</td>
<td>2,233,000 $</td>
</tr>
<tr>
<td>GRF 935410 Content Development, Acquisition, and Distribution</td>
<td>3,909,000 $</td>
<td>3,909,000 $</td>
</tr>
<tr>
<td>GRF 935430 Broadcast Education Operating</td>
<td>4,041,000 $</td>
<td>4,041,000 $</td>
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<table>
<thead>
<tr>
<th>Dedicated Purpose Fund Group</th>
<th>500 $</th>
<th>500 $</th>
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</thead>
<tbody>
<tr>
<td>5FK0 935608 Media Services</td>
<td>500 $</td>
<td>500 $</td>
</tr>
<tr>
<td>5VB0 935650 Facility Rental</td>
<td>6,200 $</td>
<td>7,400 $</td>
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<td>TOTAL DPF Dedicated Purpose Fund</td>
<td>6,700 $</td>
<td>7,900 $</td>
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</table>

<table>
<thead>
<tr>
<th>Internal Service Activity Fund Group</th>
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<tbody>
<tr>
<td>4F30 935603 Affiliate Services</td>
<td>4,000 $</td>
<td>4,000 $</td>
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<td>4,000 $</td>
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<td>TOTAL ALL BUDGET FUND GROUPS</td>
<td>10,576,700 $</td>
<td>10,577,900 $</td>
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</tbody>
</table>

**Section 281.20.** STATEHOUSE NEWS BUREAU
The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau.

**OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES**

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions.

**CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION**

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to $965,000 in each fiscal year shall be allocated equally among the Ohio educational television stations. Funds shall be used for the production of interactive instructional programming series with priority given to resources aligned with state academic content standards.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to $2,650,000 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified public educational television stations and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula is developed by the
Broadcast Educational Media Commission in consultation with Ohio's qualified public educational television stations and educational radio stations.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to $294,000 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified radio reading services to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula is developed by the Broadcast Educational Media Commission in consultation with Ohio's qualified radio reading services.

Section 283.10. ETH OHIO ETHICS COMMISSION

General Revenue Fund

<table>
<thead>
<tr>
<th>Fund</th>
<th>Item</th>
<th>Description</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRF</td>
<td>146321</td>
<td>Operating Expenses</td>
<td>$2,289,000</td>
<td>$2,305,000</td>
<td>$16,000</td>
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<td>$2,289,000</td>
<td>$2,305,000</td>
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Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Fund</th>
<th>Item</th>
<th>Description</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>4N20</td>
<td>723602</td>
<td>Operating Expenses</td>
<td>$16,515,000</td>
<td>$16,626,000</td>
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Section 285.10. EXP OHIO EXPOSITIONS COMMISSION

General Revenue Fund

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<tr>
<th>Fund</th>
<th>Item</th>
<th>Description</th>
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<th>FY 2023</th>
<th>Change</th>
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</thead>
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<tr>
<td>GRF</td>
<td>723403</td>
<td>Junior Fair Subsidy</td>
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<td>$380,000</td>
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Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Fund</th>
<th>Item</th>
<th>Description</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>Change</th>
</tr>
</thead>
<tbody>
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<td>4N20</td>
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Harness Racing
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>GRF 2023</th>
<th>GRF 2024</th>
<th>GRF 2025</th>
</tr>
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<tbody>
<tr>
<td>5060</td>
<td>Grounds Maintenance and Repairs</td>
<td>300,000</td>
<td>300,000</td>
<td>154501</td>
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<tr>
<td>5ZN0</td>
<td>EXPO 2050</td>
<td>95,000,000</td>
<td>95,000,000</td>
<td>154502</td>
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<td>TOTAL DPF Dedicated Purpose Fund Group</td>
<td>112,165,000</td>
<td>112,276,000</td>
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<td>TOTAL ALL BUDGET FUND GROUPS</td>
<td>112,545,000</td>
<td>112,656,000</td>
<td>154504</td>
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</table>

**STATE FAIR RESERVE**

The General Manager of the Expositions Commission, in consultation with the Director of Budget and Management, may submit a request to the Controlling Board to use available amounts in the State Fair Reserve Fund (Fund 6400) if revenues from either the 2023 or the 2024 Ohio State Fair are unexpectedly low.

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management, in consultation with the General Manager of the Expositions Commission, may determine that the Ohio Expositions Fund (Fund 5060) has a cash balance in excess of the anticipated operating costs of the Exposition Commission in that fiscal year. Notwithstanding section 991.04 of the Revised Code, the Director of Budget and Management may transfer an amount up to the excess cash from Fund 5060 to Fund 6400 in each fiscal year.

**Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION**

General Revenue Fund

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>GRF 2023</th>
<th>GRF 2024</th>
<th>GRF 2025</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRF</td>
<td>Operating Expenses</td>
<td>11,626,000</td>
<td>12,098,000</td>
<td>154522</td>
</tr>
<tr>
<td>GRF</td>
<td>Cultural Facilities Lease Rental Bond Payments</td>
<td>31,000,000</td>
<td>31,000,000</td>
<td>154523</td>
</tr>
<tr>
<td>GRF</td>
<td>Common Schools General Obligation Bond Debt Service</td>
<td>370,000,000</td>
<td>297,000,000</td>
<td>154524</td>
</tr>
<tr>
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<td>TOTAL GRF General Revenue Fund</td>
<td>412,626,000</td>
<td>340,098,000</td>
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</tbody>
</table>
Dedicated Purpose Fund Group

5CV3 230652  Career-Technical Construction Program  $ 100,000,000 $ 0 154527

TOTAL DPF Dedicated Purpose Fund  $ 100,000,000 $ 0 154528

Internal Service Activity Fund Group

1310 230639  State Construction Management Operations  $ 8,129,013 $ 8,305,828 154530

TOTAL ISA Internal Service Activity Fund  $ 8,129,013 $ 8,305,828 154531

TOTAL ALL BUDGET FUND GROUPS  $ 520,755,013 $ 348,403,828 154532

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 230401, Cultural Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2023, through June 30, 2025, by the Ohio Facilities Construction Commission pursuant to leases and agreements for cultural and sports facilities made under section 154.23 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 230908, Common Schools General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2023, through June 30, 2025, on obligations issued under sections 151.01 and 151.03 of the Revised Code.

CAREER-TECHNICAL CONSTRUCTION PROGRAM

(A) The foregoing appropriation item 230652, Career-Technical Construction Program, shall be used by the Ohio Facilities
Construction Commission to assist with construction projects that support establishing or expanding career-technical education programs. Funds shall be distributed to joint vocational school districts or city, local, and exempted village school districts designated as the lead district of a career-technical planning district according to guidelines established by the Executive Director of the Commission, in consultation with the Governor's Office of Workforce Transformation and the Department of Education. The guidelines shall consider establishing or expanding career-technical education programs that support the occupations on the Governor's Office of Workforce Transformation's Ohio's Top Jobs List or that qualify for the Innovative Workforce Incentive Program under the Department of Education.

(B) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 230652, Career-Technical Construction Program, at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

(C) As used in division (A) of this section, "construction project" means a project that will build, erect, alter, improve, or demolish any public educational facility, including any improvements to real property and the installation of heating, cooling, ventilating, or other specialized equipment necessary for educational purposes.

Section 287.30. SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

At the request of the Executive Director of the Ohio Facilities Construction Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within thirteen months of receiving Controlling Board approval under section 3318.05 or 3318.41 of the
Revised Code. The Executive Director of the Ohio Facilities Construction Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS

On July 1, 2023, or as soon as possible thereafter, the Executive Director of the Ohio Facilities Construction Commission shall certify to the Director of Budget and Management the amount of cash receipts and related investment income, irrevocable letters of credit from a bank, or certification of the availability of funds that have been received from a county or a municipal corporation for deposit into the Capital Donations Fund (Fund 5A10) and that are related to an anticipated project. These amounts are hereby appropriated to appropriation item C37146, Capital Donations. Prior to certifying these amounts to the Director, the Executive Director shall make a written agreement with the participating entity on the necessary cash flows required for the anticipated construction or equipment acquisition project.

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR MAINTENANCE LEVY

The Ohio Facilities Construction Commission shall amend the project agreement between the Commission and a school district that is participating in the Accelerated Urban School Building Assistance Program as of September 29, 2018, if the Commission determines that it is necessary to do so in order to comply with division (B)(3)(c) of section 3318.38 of the Revised Code.

Section 287.60. Notwithstanding any other provision of law to the contrary, the Ohio Facilities Construction Commission may
determine the amount of funding available for disbursement in a

given fiscal year for any project approved under sections 3318.01
to 3318.20 of the Revised Code in order to keep aggregate state
capital spending within approved limits and may take actions

including, but not limited to, determining the schedule for design

or bidding of approved projects, to ensure appropriate and

supportable cash flow.

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL

DISTRICT

Notwithstanding division (B) of section 3318.40 of the

Revised Code, in each fiscal year in which funds are available for

additional projects, the Ohio Facilities Construction Commission

shall provide assistance to at least one joint vocational school

district for the acquisition or improvement of classroom

facilities in accordance with sections 3318.40 to 3318.45 of the

Revised Code.

Section 287.80. RETURNED OR RECOVERED FUNDS

Notwithstanding any provision of law to the contrary, any

moneys a school district transfers to the Ohio Facilities

Construction Commission under division (C)(2) or (3) of section

3318.12 of the Revised Code as well as any moneys recovered from

settlements with or judgments against parties relating to their

involvement in a classroom facilities project shall be deposited

into the fund from which the capital appropriation for the project

was made. In any fiscal year in which the Commission has made a

deposit under this section, the Executive Director of the Ohio

Facilities Construction Commission may seek Controlling Board

approval to increase appropriations from those funds and specified

appropriation items in an amount equal to the amount of the funds

deposited under this section. The additional amounts, if approved,
shall be used in accordance with the purposes of Chapter 3318. of the Revised Code for projects pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code. Upon approval of the Controlling Board, the additional amounts are hereby appropriated.

Section 289.10. GOV OFFICE OF THE GOVERNOR

General Revenue Fund
GRF 040321 Operating Expenses $ 3,219,000 $ 3,219,000 154651
TOTAL GRF General Revenue Fund $ 3,219,000 $ 3,219,000 154652

Internal Service Activity Fund Group
5AK0 040607 Government Relations $ 662,798 $ 662,798 154654
TOTAL ISA Internal Service Activity Fund Group $ 662,798 $ 662,798 154656

TOTAL ALL BUDGET FUND GROUPS $ 3,881,798 $ 3,881,798 154657

GOVERNMENT RELATIONS

The Office of the Governor may issue an intrastate transfer voucher to charge any state agency of the executive branch such amounts necessary to represent the interests of Ohio to federal, state, and local government units and to cover the costs or membership dues related to Ohio's participation in national and regional associations. Amounts collected shall be deposited in the Government Relations Fund (Fund 5AK0).

Section 291.10. DOH DEPARTMENT OF HEALTH

General Revenue Fund
GRF 440413 Local Health Department Support $ 2,379,000 $ 2,379,000 154668
GRF 440416 Mothers and Children Safety Net Services $ 4,505,000 $ 4,640,000 154669
GRF 440431 Free Clinic Safety Net $ 1,750,000 $ 1,750,000 154670
<table>
<thead>
<tr>
<th>Service Description</th>
<th>Budget Year 1</th>
<th>Budget Year 2</th>
<th>Program Number</th>
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</thead>
<tbody>
<tr>
<td>Breast and Cervical Cancer Screening</td>
<td>$1,165,000</td>
<td>$1,200,000</td>
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<tr>
<td>AIDS Prevention</td>
<td>$3,611,000</td>
<td>$3,720,000</td>
<td>154672</td>
</tr>
<tr>
<td>Public Health Laboratory</td>
<td>$3,800,000</td>
<td>$3,800,000</td>
<td>154673</td>
</tr>
<tr>
<td>Child and Family Health Services Match</td>
<td>$623,000</td>
<td>$641,000</td>
<td>154674</td>
</tr>
<tr>
<td>Health Care Quality Assurance</td>
<td>$6,427,000</td>
<td>$6,619,000</td>
<td>154675</td>
</tr>
<tr>
<td>Environmental Health/Radiation Protection</td>
<td>$4,500,000</td>
<td>$4,500,000</td>
<td>154676</td>
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<tr>
<td>FQHC Primary Care Workforce Initiative</td>
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<td>$2,686,000</td>
<td>154677</td>
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<tr>
<td>Alcohol Testing</td>
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<tr>
<td>Emergency Preparation and Response</td>
<td>$2,922,000</td>
<td>$2,997,000</td>
<td>154679</td>
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<tr>
<td>Lupus Awareness</td>
<td>$250,000</td>
<td>$250,000</td>
<td>154680</td>
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<tr>
<td>Chronic Disease, Injury Prevention, and Drug Overdose</td>
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<tr>
<td>Infectious Disease Prevention and Control</td>
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<tr>
<td>Public Health Technology Innovation</td>
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<td>$1,393,000</td>
<td>154683</td>
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<tr>
<td>Health Program Support</td>
<td>$8,625,000</td>
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<tr>
<td>Children and Youth with Special Health Care Needs</td>
<td>$12,115,000</td>
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<td>Targeted Healthcare Services - Over 21</td>
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<td>Lead Abatement</td>
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<tr>
<td>Fund Code</td>
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<tr>
<td>440530</td>
<td>Lead-Safe Home Fund</td>
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<td>Youth Homelessness</td>
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<td>$3,610,000</td>
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<tr>
<td>654453</td>
<td>Medicaid - State Health Program Support</td>
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<td>$4,639,000</td>
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<td>Certificate of Need</td>
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HAI/AR Grant

3HP0 440687 Healthier Communities $ 8,000,000 $ 1,000,000 154744

3HP0 440688 Detection and Mitigation of COVID-19 - Confinement Facilities $ 9,000,000 $ 1,000,000 154745

3HV0 440681 COVID-19 Vaccine Preparedness (ARP) $ 10,000,000 $ 10,000,000 154746

TOTAL FED Federal Fund Group $ 700,073,325 $ 568,013,961 154747

TOTAL ALL BUDGET FUND GROUPS $ 1,025,844,090 $ 849,235,591 154748

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES

Of the foregoing appropriation item 440416, Mothers and Children Safety Net Services, up to $200,000 in each fiscal year may be used to assist families with hearing-impaired children under twenty-six years of age in purchasing hearing aids and hearing assistive technology. The Director of Health shall adopt rules governing the distribution of these funds, including rules that do both of the following: (1) establish eligibility criteria to include families with incomes at or below four hundred per cent of the federal poverty guidelines as defined in section 5101.46 of the Revised Code and (2) develop a sliding scale of disbursements under this section based on family income. The Director may adopt other rules as necessary to implement this section. Rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

FREE CLINIC SAFETY NET SERVICES

The foregoing appropriation item 440431, Free Clinic Safety Net Services, shall be provided to the Charitable Healthcare Network. Funds may be used to reimburse free clinics for health care services provided, as well as for administrative services,
information technology costs, infrastructure repair, or other clinic necessities. Additionally, the Director of Health may designate up to five per cent of the appropriation in each fiscal year to pay the administrative costs the Department of Health incurs for operating the program.

AIDS PREVENTION

The foregoing appropriation item 440444, AIDS Prevention, shall be used to administer educational and other prevention initiatives.

ENVIRONMENTAL HEALTH/RADIATION PROTECTION

Of the foregoing appropriation item 440454, Environmental Health/Radiation Protection, $500,000 in each fiscal year shall be distributed to the Ohio Association of Radon Professionals to operate a pilot program to test for radon in school buildings operated by a school district, community school established under Chapter 3314., or STEM school established under Chapter 3326. of the Revised Code, and if necessary, to conduct radon mitigation in such schools.

FQHC PRIMARY CARE WORKFORCE INITIATIVE

The foregoing appropriation item 440465, FQHC Primary Care Workforce Initiative, shall be provided to the Ohio Association of Community Health Centers to administer the FQHC Primary Care Workforce Initiative. The Initiative shall provide medical, dental, behavioral health, physician assistant, and advanced practice nursing students with clinical rotations through federally qualified health centers. Additionally, the Director of Health may designate up to five per cent of the appropriation in each fiscal year to pay the administrative costs the Department of Health incurs for operating the program.

EMERGENCY PREPARATION AND RESPONSE
The foregoing appropriation item 440477, Emergency Preparation and Response, shall be used to support public health emergency preparedness and response efforts. This appropriation may also be used to support data infrastructure projects and other data analysis and analytics work.

LUPUS AWARENESS

The foregoing appropriation item 440481, Lupus Awareness, shall be distributed to the Lupus Foundation of America, Greater Ohio Chapter, Inc., to operate a lupus education and awareness program.

CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention and Drug Overdose, $500,000 in fiscal year 2024 shall be used for the development, maintenance, and staffing of a Parkinson's disease registry, in accordance with section 3701.25 of the Revised Code, as enacted by this act.

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention and Drug Overdose, up to $1,000,000 in each fiscal year shall be used, in consultation with the Department of Mental Health and Addiction Services and the Governor's RecoveryOhio Initiative, to support the continuation of the Emergency Department Comprehensive Care Initiative to enhance Ohio's response to the addiction crisis by creating a comprehensive system of care for patients who present in emergency departments with addiction.

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention and Drug Overdose, up to $250,000 in fiscal year 2024 shall be used, in consultation with the Governor's RecoveryOhio Initiative, to support local health providers' harm reduction efforts to reduce overdose rates and deaths.

INFECTIOUS DISEASE PREVENTION AND CONTROL
On July 1, 2024, or as soon as possible thereafter, the Director of Health may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 440483, Infectious Disease Prevention and Control, at the end of fiscal year 2024 to be reappropriated to fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2025.

HEALTH PROGRAM SUPPORT

Of the foregoing appropriation item 440485, Health Program Support, $7,500,000 in each fiscal year shall be used by the Department of Health, in consultation with the Department of Education, to support school-based health centers in high-need counties, as determined by the departments.

Of the foregoing appropriation item 440485, Health Program Support, $1,000,000 in each fiscal year shall be distributed to Ohio organizations currently providing all of the following services: wraparound care, including multidisciplinary clinical care; local case management services by health care professionals; durable medical and augmentative communication devices; state and federal advocacy; and support groups and patient grants for those diagnosed with amyotrophic lateral sclerosis (ALS). The distribution of funds shall be based on each awarded organization's identified Ohio county coverage and by the prevalence rate of persons living with ALS using the most recent population estimates available from the United States Census Bureau. Funds shall be used to support persons living with ALS, including any of the followings: wraparound care, case management, purchase and distribution of durable medical equipment and augmentative communication devices, and patient grants for disease-related expenses. Funding is required to be designated in service to Ohioans and shall not be used for persons living...
outside of the state of Ohio.

TARGETED HEALTH CARE SERVICES—OVER 21

The foregoing appropriation item 440507, Targeted Health Care Services—Over 21, shall be used to administer the Cystic Fibrosis Program and to implement the Hemophilia Insurance Premium Payment Program. The Department of Health shall expend up to $100,000 in each fiscal year to implement the Hemophilia Insurance Premium Payment Program.

The foregoing appropriation item 440507, Targeted Health Care Services—Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Program for Children and Youth with Special Health Care Needs participants for the Cystic Fibrosis Program.

The Department shall expend all of the funds appropriated in appropriation item 440507, Targeted Health Care Services—Over 21.

LEAD ABATEMENT

Of the foregoing appropriation item 440527, Lead Abatement, $500,000 in each fiscal year shall be used by the Department of Health to distribute funds to local governments for projects that include, but are not limited to, lead hazard control and housing rehabilitation initiatives that expand the Department's lead hazard control and prevention efforts.

LEAD-SAFE HOME FUND PROGRAM

The foregoing appropriation item 440530, Lead-Safe Home Fund Program, shall be used by the Department of Health to make distributions to local governments for projects that include, but are not limited to, lead hazard control and housing rehabilitation initiatives that expand the Department's lead hazard control and prevention efforts.
YOUTH HOMELESSNESS

The foregoing appropriation item 440672, Youth Homelessness, shall be used to address homelessness in youth and pregnant women by providing assertive outreach to provide stable housing, including recovery housing.

FEE SUPPORTED PROGRAMS

Of the foregoing appropriation item 440647, Fee Supported Programs, $2,160,000 in each fiscal year shall be used to distribute subsidies, on a per capita basis, to local health departments accredited through the Public Health Accreditation Board, or local health departments that are in the process of earning accreditation.

Of the foregoing appropriation item 440647, Fee Supported Programs, $1,840,000 in each fiscal year shall be used to distribute subsidies to local health departments accredited through the Public Health Accreditation Board on a per capita basis.

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT

The Children and Youth with Special Health Care Needs Audit Fund (Fund 4770) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Program for Children and Youth with Special Health Care Needs recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of children and youth with special health care needs, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis or hemophilia. Moneys may also be expended for administrative expenses incurred in operating the
Program for Children and Youth with Special Health Care Needs.

GENETICS SERVICES

The foregoing appropriation item 440608, Genetics Services, shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency.

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT

Of the foregoing appropriation item 440656, Tobacco Use Prevention, Cessation, and Enforcement, $750,000 in each fiscal year shall be used to award grants in accordance with the section of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM."

Of the foregoing appropriation item 440656, Tobacco Use Prevention, Cessation, and Enforcement, $250,000 in each fiscal year shall be distributed to boards of health for the Baby and Me Tobacco Free Program. The Director of Health shall determine how the funds are to be distributed, but shall prioritize awards to boards that serve women who reside in communities that have the highest infant mortality rates in this state, as identified under section 3701.142 of the Revised Code.

The remainder of appropriation item 440656, Tobacco Use Prevention, Cessation, and Enforcement, shall be used to administer tobacco use prevention and cessation activities and programs, to administer compliance checks, retailer education, and programs related to legal age restrictions, and to enforce the Ohio Smoke-Free Workplace Act.

TOXICOLOGY SCREENINGS

The foregoing appropriation item 440621, Toxicology Screenings, shall be used to reimburse county coroners in counties in which the coroner has performed toxicology screenings on
victims of a drug overdose. The Director of Health shall transfer the funds to the counties in proportion to the numbers of toxicology screenings performed per county.

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY ASSESSMENTS

The foregoing appropriation item 440607, Children and Youth with Special Health Care Needs - County Assessments, shall be used to make payments under division (E) of section 3701.023 of the Revised Code.

HOSPITAL RELIEF

The foregoing appropriation item 440697, Hospital Relief, shall be used in fiscal year 2024 to distribute funds as follows: $30,000,000 for the Memorial Health System Belpre Medical Campus, $10,000,000 for East Ohio Regional Hospital, $4,000,000 for Fairfield Medical Center, $3,028,000 for the Timothy Freeman, MD, Center for Intellectual and Developmental Disabilities, and $2,500,000 for Coleman Health Services.

Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM

(A) The Department of Health shall create the Moms Quit for Two Grant Program. Recognizing the significant health risks posed to women and their children by tobacco use during and after pregnancy, the Department shall award grants to private, nonprofit entities or government entities that demonstrate the ability to deliver evidence-based tobacco cessation interventions to women who reside in communities that have the highest incidence of infant mortality, as determined by the Director of Health, and who are pregnant or to other adults residing in the home with a pregnant woman. The Department may adopt any rules it considers necessary to administer the Program.

(B) The Department shall create a grant application and
develop a process for receiving and evaluating completed grant applications on a competitive basis. The Department shall give first preference to the entities described in division (A) of this section that are able to target the interventions to pregnant women and second preference to such entities that are able to target the interventions to other adults residing in a home with a pregnant woman. The Department's decision regarding a submitted grant application is final.

(C) The Department shall establish performance objectives to be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

Section 291.40. WIC VENDOR CONTRACTS


(B) The Department of Health shall process and review a WIC vendor contract application pursuant to Chapter 3701-42 of the Administrative Code not later than forty-five days after receipt of the application if the applicant is a WIC-contracted vendor at the time of application and meets all of the following requirements:

(1) Submits a complete WIC vendor application with all required documents and information;

(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application;

(3) Completes the required in-person training within forty-five days of submitting the complete application.

(C) If an applicant fails to meet any of the requirements described in division (B) of this section, the Department shall
deny the application for the contract. After an application has been denied, the applicant may reapply for a contract to act as a WIC vendor during the contracting cycle that is applicable to the applicant's WIC region.

Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION

Dedicated Purpose Fund Group

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Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS

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Section 297.10. OHS OHIO HISTORY CONNECTION

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GRF 360501 Education and Collections $ 5,604,000 $ 5,882,000 155038
GRF 360502 Site and Museum Operations $ 7,721,000 $ 9,002,000 155039
GRF 360504 Ohio Preservation Office $ 731,000 $ 738,000 155040
GRF 360505 National Afro-American Museum $ 728,000 $ 811,000 155041
GRF 360506 Hayes Presidential Center $ 597,000 $ 621,000 155042
GRF 360508 State Historical Grants $ 700,000 $ 700,000 155043
GRF 360509 Outreach and Partnership $ 148,000 $ 151,000 155044
TOTAL GRF General Revenue Fund $ 21,089,000 $ 25,695,000 155045

Dedicated Purpose Fund Group

5KL0 360602 Ohio History Tax Check-off $ 150,000 $ 150,000 155047
5PD0 360603 Ohio History License Plate $ 10,000 $ 10,000 155048
TOTAL DPF Dedicated Purpose Fund Group $ 160,000 $ 160,000 155049

TOTAL ALL BUDGET FUND GROUPS $ 21,249,000 $ 25,855,000 155050

SUBSIDY APPROPRIATION 155051

Upon approval by the Director of Budget and Management, the foregoing appropriation items shall be released to the Ohio History Connection in quarterly amounts that in total do not exceed the annual appropriations. The funds and fiscal records of the Ohio History Connection for fiscal year 2024 and fiscal year 2025 shall be examined by independent certified public accountants approved by the Auditor of State, and a copy of the audited financial statements shall be filed with the Office of Budget and 155052
The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio History Connection under section 149.30 of the Revised Code.

HOLOCAUST AND GENOCIDE MEMORIAL AND EDUCATION COMMISSION

The foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, shall be used to support the operations of the Holocaust and Genocide Memorial and Education Commission established under section 197.03 of the Revised Code, including employment of a Director of the Office of the Commission and any other employees approved by the Commission.

Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, $75,000 in each fiscal year shall be used to support scholarships to attend certificate coursework in Holocaust education offered in partnership with Yad Vashem, Ohio colleges and universities, or one of Ohio's Holocaust educational museums.

Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, $125,000 in each fiscal year shall be used for recording the stories and testimonials of genocide survivors living in Ohio, as well as veterans or active duty military personnel involved in operations related to eliminating genocide.

Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, $125,000 in each fiscal year shall be used for students, teachers, and community and university student leaders to attend educational programming that visits Holocaust sites. Funding may also be used by the Commission to host such programs in Europe, or at institutions approved by the Commission.
Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, $175,000 in each fiscal year shall be used to create curriculum related to Holocaust education that is specific to Ohio. Funding shall also be used to make curricula and catalogued artifacts available online, indexed and searchable, for use by K-12 students, teachers, librarians, home schooled students and teachers, and other staff.

Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, $200,000 in each fiscal year shall be used for Ohio K-12 students, or other individuals approved by the Commission, to visit one of Ohio's Holocaust education and memorial museums. Funding may be used for transportation, admission, security, and other related costs.

Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, $250,000 in each fiscal year shall be used to support the development of teacher training courses at colleges and universities related to instruction on the Holocaust as well as other approved programming by the Commission. Funding may be used to provide funding as well as scholarships to students in graduate teaching programs to attend such courses.

The Commission, in partnership with the Department of Education and the Department of Higher Education, shall submit two reports of findings and recommendations to the general assembly and the governor not later than June 30 of each fiscal year regarding the impact of such funding, reach, and any recommended changes to the programming.

UNESCO WORLD HERITAGE SITES

The foregoing appropriation item 360402, UNESCO World Heritage Sites, shall be used for operating costs for approved...

STATE HISTORICAL GRANTS

Of the foregoing appropriation item 360508, State Historical Grants, $350,000 in each fiscal year shall be used for the Western Reserve Historical Society, and $350,000 in each fiscal year shall be used for the Cincinnati Museum Center.

Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES

General Revenue Fund

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<th>2023</th>
<th>2024</th>
</tr>
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<tbody>
<tr>
<td>GRF 025321 Operating Expenses</td>
<td>$30,250,000</td>
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<tr>
<td>TOTAL GRF General Revenue Fund</td>
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Internal Service Activity Fund Group

<table>
<thead>
<tr>
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<th>2024</th>
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<tbody>
<tr>
<td>1030 025601 House of Representatives Reimbursement</td>
<td>$1,433,664</td>
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<tr>
<td>4A40 025602 Miscellaneous Sales</td>
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<td>TOTAL ISA Internal Service Activity Fund Group</td>
<td>$1,483,664</td>
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<td>TOTAL ALL BUDGET FUND GROUPS</td>
<td>$31,733,664</td>
<td>$31,733,664</td>
</tr>
</tbody>
</table>

OPERATING EXPENSES

On July 1, 2023, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2023 to be reappropriated to fiscal year 2024. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify
to the Director of Budget and Management an amount up to the
unexpended, unencumbered balance of the foregoing appropriation
item 025321, Operating Expenses, at the end of fiscal year 2024 to
be reappropriated to fiscal year 2025. The amount certified is
hereby reappropriated to the same appropriation item for fiscal
year 2025.

HOUSE REIMBURSEMENT

If it is determined by the Chief Administrative Officer of
the House of Representatives that additional appropriations are
necessary for the foregoing appropriation item 025601, House of
Representatives Reimbursement, the amounts are hereby
appropriated.

Section 301.10. HFA OHIO HOUSING FINANCE AGENCY

Dedicated Purpose Fund Group

5AZ0 997601 Housing Finance Agency $ 16,861,741 $ 17,433,489
  Personal Services
5ZM0 997602 Housing Finance Agency $ 1,500,000 $ 1,500,000
  - Landlord Credit
  Score Cost Assistance
TOTAL DPF Dedicated Purpose Fund $ 18,361,741 $ 18,933,489
Group
TOTAL ALL BUDGET FUND GROUPS $ 18,361,741 $ 18,933,489

Section 301.20. Notwithstanding section 175.05 of the Revised
Code, of the foregoing appropriation item 997602, Housing Finance
Agency – Landlord Credit Score Cost Assistance, $1,500,000 in each
fiscal year shall be used by the Ohio Housing Finance Agency to
establish and administer a pilot program to offset costs incurred
by landlords for reporting the payment of rents using a
third-party partner to credit monitoring services. Landlords of
units participating in the Low-Income Housing Tax Credit program
through the Ohio Housing Finance Agency or providing recovery housing that meets requirements under section 340.034 of the Revised Code are eligible for the program.

**Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL**

General Revenue Fund

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>FY 2023</th>
<th>FY 2024</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Operating Expenses</td>
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Internal Service Activity Fund Group

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<th>Account</th>
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<th>FY 2023</th>
<th>FY 2024</th>
<th>Change</th>
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<td>5FA0 965603</td>
<td>Deputy Inspector General for ODOT</td>
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<td>$400,000</td>
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<td>5FT0 965604</td>
<td>Deputy Inspector General for BWC/OIC</td>
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<td>$425,000</td>
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<td>$825,000</td>
<td>$825,000</td>
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</table>

TOTAL ALL BUDGET FUND GROUPS | $2,766,000 | $2,903,000 | 155188 |

**Section 305.10. INS DEPARTMENT OF INSURANCE**

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>FY 2023</th>
<th>FY 2024</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>5540 820401</td>
<td>Examination</td>
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<td>5540 820601</td>
<td>Operating Expenses - OSHIIP</td>
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<td>5540 820606</td>
<td>Operating Expenses</td>
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Federal Fund Group

<table>
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<tr>
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<th>FY 2023</th>
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</tr>
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<tr>
<td>3U50 820602</td>
<td>OSHIIP Operating Grant</td>
<td>$3,050,000</td>
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<td>$46,366,669</td>
<td>$47,087,703</td>
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</table>
Section 305.20. MARKET CONDUCT EXAMINATION

When conducting a market conduct examination of any insurer doing business in this state, the Superintendent of Insurance may assess the costs of the examination against the insurer. The Superintendent may enter into consent agreements to impose administrative assessments or fines for conduct discovered that may be violations of statutes or rules administered by the Superintendent. All costs, assessments, or fines collected shall be deposited to the credit of the Department of Insurance Operating Fund (Fund 5540).

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES

General Revenue Fund

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2023</th>
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<td>TANF State Maintenance of Effort</td>
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<td>GRF 600450</td>
<td>Program Operations</td>
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<td>GRF 600502</td>
<td>Child Support - Local</td>
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<td>GRF 600521</td>
<td>Family Assistance - Local</td>
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<td>GRF 600533</td>
<td>Child, Family, and Community Protection Services</td>
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<td>GRF 600534</td>
<td>Adult Protective Services</td>
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<td>GRF 600551</td>
<td>Job and Family Services Program Support</td>
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<td>GRF 600561</td>
<td>Parenting and Pregnancy Program</td>
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<td>Adoption Grant Program</td>
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<td>Fund Group</td>
<td>Program/Activity</td>
<td>Budget 2022</td>
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<td>Increase/Decrease</td>
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<td>Childrens Crisis Care</td>
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<td>Code</td>
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<td>Federal Fiscal Year</td>
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<td>3950</td>
<td>Federal Discretionary Grants</td>
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<td>Social Services Block Grant</td>
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<td>3970</td>
<td>Child Support - Federal</td>
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<td>Medicaid Program</td>
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<td>Child Support Projects</td>
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<td>Workforce Innovation and Opportunity Act Programs</td>
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<td>Trade Programs</td>
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</tbody>
</table>
Section 307.20. COUNTY ADMINISTRATIVE FUNDS

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs.

(B) Of the foregoing appropriation item 600521, Family Assistance - Local, $2,500,000 in each fiscal year shall be provided to assist county departments that submit an approved plan on increasing fraud prevention, early detection of fraud, and investigations on potential fraud that may be occurring in public assistance programs.

(C) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program.

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item:

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and
Section 307.30. NAME OF FOOD STAMP PROGRAM

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program, the Supplemental Nutrition Assistance Program, or the Food Assistance Program in rules and documents of the Department of Job and Family Services.

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS

Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, 600658, Public Assistance Activities, and 600689, TANF Block Grant, a total of up to $22,050,000 in each fiscal year shall be used to provide funds to the Ohio Association of Food Banks to purchase and distribute food products, support Innovative Summer Meals programs for children, provide SNAP outreach and free tax filing services, and provide capacity building equipment for food pantries and soup kitchens.

Notwithstanding section 5101.46 of the Revised Code and any other provision in this act, the Director of Job and Family Services shall provide assistance from eligible funds to the Ohio Association of Food Banks in an amount not less than $24,550,000 in each fiscal year. This amount includes the funds designated to the Ohio Association of Food Banks in the first paragraph of this section.

Eligible nonfederal expenditures made by member food banks of the Association shall be counted by the Department of Job and Family Services toward the TANF maintenance of effort requirements.
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services shall enter into an agreement with the Ohio Association of Food Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section.

Section 307.41. TOLEDO SEAGATE FOODBANK

Of the foregoing appropriation item 600689, TANF Block Grant, $250,000 in each fiscal year shall be provided to the Toledo Seagate Foodbank, in accordance with sections 5101.80 and 5101.801 of the Revised Code.

Section 307.43. OHIO ASSOCIATION OF FOODBANKS SUBGRANT

The Department of Job and Family Services shall enter into a subgrant agreement with the Ohio Association of Foodbanks to enable the Association to provide food distribution to low-income families and individuals via the statewide charitable emergency food provider network and to support transportation of meals for the Governor's Office of Faith-Based and Community Initiatives Innovative Summer Meals programs for children and provide capacity building equipment for food pantries and soup kitchens.

The Ohio Association of Foodbanks shall do all of the following:

(A) Purchase food for the Agriculture Clearance and Ohio Food Programs. Information regarding the food purchase shall be reflected in the plan for statewide distribution of food products to local food distribution agencies.

(B) Support the Capacity Building Grant program and purchase equipment for partner agencies that is needed to increase their capacity to serve more families eligible under the Temporary Assistance for Needy Families program with perishable foods, fruits, and vegetables. This equipment purchase shall include, but is not limited to, shelving, pallet jacks, commercial

155319
155320
155321
155322
155323
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155328
155329
155330
155331
155332
155333
155334
155335
155336
155337
155338
155339
155340
155341
155342
155343
155344
155345
155346
155347
155348
refrigerators, and commercial freezers.

(C) Submit a quarterly report to the Department of Job and Family Services not later than sixty days after the close of the quarter to which the report pertains. The quarterly report shall include all of the following:

(1) A summary of the allocation and expenditure of grant funds;

(2) Product type and pounds distributed by foodbank service region and county;

(3) The number of households, households with children, a breakdown of individuals served by age, including those over the age of sixty, those between the ages of nineteen and fifty-nine, and those up to the age of eighteen, and the number of meals served.

(D) Submit an annual report to the Agreement Manager at the Department of Job and Family Services not later than one hundred twenty days after the end of the fiscal year. The annual report shall include the following:

(1) A summary of the allocation and expenditure of grant funds;

(2) The number of households, households with children, a breakdown of individuals served by age, including those over the age of sixty, those between the ages of nineteen and fifty-nine, and those up to the age of eighteen, and the number of meals served.

(3) The quantity and type of food distributed and the total per pound cost of the food purchased;

(4) Information on the cost of storage, transportation, and processing;

(5) An evaluation of the success in achieving expected
performance outcomes.

Section 307.50. FOOD STAMPS TRANSFER

On July 1, 2023, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to $1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0).

Section 307.60. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

Section 307.70. TANF STATE MAINTENANCE OF EFFORT

Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, $7,500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Alliance of Boys and Girls Clubs to provide after-school and summer programs that protect at-risk children and enable youth to become responsible adults. Not less than $150,000 in each fiscal year shall be provided to the Boys and Girls Club of Massillon.

Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT

Of the foregoing appropriation item 600689, TANF Block Grant,
up to $13,535,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601.

Of the foregoing appropriation item 600689, TANF Block Grant, up to $2,000,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support the Independent Living Initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care who meet TANF eligibility requirements.

Of the foregoing appropriation item 600689, TANF Block Grant, up to $1,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Children's Trust Fund.

Of the foregoing appropriation item 600689, TANF Block Grant, $3,750,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Children's Hunger Alliance to assist with meal sponsorship, early child care programs, child care, consultations and nutrition education, school district nutrition programs, after school nutrition programs, and summer nutrition programs.

Of the foregoing appropriation item 600689, TANF Block Grant, $1,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Big Brothers Big Sisters of Central Ohio to provide mentoring services to children throughout the state who have experienced trauma in their lives, including parental incarceration.
Of the foregoing appropriation item 600689, TANF Block Grant, $1,500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Waterford Institute to implement a pilot program for pre-kindergarten children.

Of the foregoing appropriation item 600689, TANF Block Grant, $1,500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Council of YWCAs to support programs that prevent domestic violence, support victims of domestic violence, provide trauma-informed support for survivors, and support educational opportunities for at-risk youth.

Of the foregoing appropriation item 600689, TANF Block Grant, $1,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Produce Perks Midwest to expand Ohio's Nutrition Incentive Program.

Of the foregoing appropriation item 600689, TANF Block Grant, $500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Child Focus, Inc., to support programs that provide workforce development, life skills training, and parent education to improve healthy family formation, maintenance, and stability for young adult parents and financially disadvantaged couples.

Of the foregoing appropriation item 600689, TANF Block Grant, $400,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support Ohio YMCA day camps and before and after school programs to support students' academic achievement and development.

Of the foregoing appropriation item 600689, TANF Block Grant, $300,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Shoes and
Clothes for Kids to further increase the number of children served in the Classroom Guarantee in Lorain County.

Of the foregoing appropriation item 600689, TANF Block Grant, $200,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Marriage Works! Ohio in Dayton.

Section 307.85. CAREER NAVIGATOR PILOT PROGRAM

Of the foregoing appropriation item 600450, Program Operations, up to $3,025,000 in each fiscal year shall be used to support a career navigator program that assists high school students with post-graduation planning. These funds shall be used as follows:

(A) Up to $3,000,000 in each fiscal year shall be used by the Department of Job and Family Services, in partnership with the Department of Education and the Governor's Office of Workforce Transformation, to establish a two-year pilot program to employ career navigators at select local workforce development boards, defined as "local board" in section 6301.01 of the Revised Code. The career navigators shall provide services to Ohio high school students. These services may include OhioMeansJobs registration, career planning information, and assistance with earning the OhioMeansJobs-Readiness Seal for graduation. When implementing the program, the career navigators and participating local workforce development boards shall coordinate with the business advisory council of a participating local school district.

(B) Up to $25,000 in each fiscal year shall be used by the Department of Job and Family Services, in partnership with the Department of Education and the Governor's Office of Workforce Transformation, to conduct an evaluation of the pilot program. This evaluation shall be completed not later than three months after the end date of the program.
Section 307.90. CHILD SUPPORT COLLECTIONS PILOT

Of the foregoing appropriation item 600450, Program Operations, up to $2,000,000 in each fiscal year may be provided to assist up to ten county child support enforcement agencies that submit an approved plan to the Department of Job and Family Services to administer a pilot program to secure consistent child support payments in targeted non-payment child support cases and to participate in a study to identify strategies for highest success for obtaining collections.

Section 307.95. LA SOUPE

Of the foregoing appropriation item 600450, Program Operations, up to $1,770,000 in fiscal year 2024 shall be provided to La Soupe, Inc. to expand and establish services in three new sites in Ohio.

Section 307.100. ELEVATE NORTHLAND

Of the foregoing appropriation item 600450, Program Operations, up to $500,000 in fiscal year 2024 shall be allocated to Elevate Northland and used for the capital improvements to the Elevate Northland Center in the Northland area.

Section 307.120. CHILD, FAMILY, AND COMMUNITY PROTECTION SERVICES

(A) The foregoing appropriation item 600533, Child, Family, and Community Protection Services, shall be distributed to county departments of job and family services. County departments shall use the funds distributed to them under this section as follows, in accordance with the written plan of cooperation entered into under section 307.983 of the Revised Code:

(1) To assist individuals in achieving or maintaining
self-sufficiency, including by reducing or preventing dependency among individuals with family income not exceeding two hundred percent of the federal poverty guidelines;

(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the differential response approach program;

(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application;

(4) To provide outreach, referral, application assistance, and other services to assist individuals to receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs.

(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation.

Section 307.130. ADULT PROTECTIVE SERVICES

Of the foregoing appropriation item 600534, Adult Protective Services, $7,040,000 in each fiscal year shall be used to provide an initial allocation of $80,000 to each county. The remainder of appropriation item 600534 shall be provided to counties in accordance with the formula established in section 5101.14 of the Revised Code.
Section 307.133. JOB AND FAMILY SERVICES PROGRAM SUPPORT

Of the foregoing appropriation item 600551, Job and Family Services Program Support, $150,000 in each fiscal year shall be distributed to Men's Challenge in Stark County.

Section 307.135. PARENTING AND PREGNANCY PROGRAM

The foregoing appropriation item 600561, Parenting and Pregnancy Program, shall be used, in accordance with section 5101.804 of the Revised Code, to support the Ohio Parenting and Pregnancy Program.

Section 307.140. ADOPTION GRANT PROGRAM

The foregoing appropriation item 600562, Adoption Grant Program, shall be used, in consultation with the Department of Children and Youth, to administer grants to adoptive parents through the Adoption Grant Program, in accordance with sections 5101.191 and 5101.192 of the Revised Code.

Section 307.150. FEDERAL DISCRETIONARY GRANTS

Of the foregoing appropriation item 600616, Federal Discretionary Grants, up to $195,000 in each fiscal year shall be used for the training of guardians ad litem and court-appointed special advocates as well as to conduct a study to demonstrate the impact of court-appointed special advocate volunteers on outcomes for children who are in child welfare custody as a result of abuse, neglect, or dependency.

Section 307.210. CHILDRENS CRISIS CARE FACILITIES

Of the foregoing appropriation item 600674, Childrens Crisis Care Facilities, up to $265,000 in each fiscal year may be provided to Brigid's Path.
The remainder of appropriation item 600674, Childrens Crisis Care Facilities, shall be allocated by the Department of Job and Family Services in each fiscal year to children's crisis care facilities as defined in section 5103.13 of the Revised Code. The Director of Job and Family Services shall allocate funds in each fiscal year based on the total length of stay or days of care for each child residing in the facility, which is determined by calculating the total days each child resides at the crisis care facility, including the date of admission, but not the day of discharge. A children's crisis care facility may decline to receive funds provided under this section. A children's crisis care facility that accepts funds provided under this section shall use the funds in accordance with section 5103.13 of the Revised Code and the rules as defined in rule 5101:2-9-36 of the Administrative Code.

Section 307.220. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS

The Fiduciary Fund Group and Holding Account Fund Group shall be used to hold revenues until the appropriate fund is determined or until the revenues are directed to the appropriate governmental agency other than the Department of Job and Family Services. Any Department of Job and Family Services refunds or reconciliations received or held by the Department of Medicaid shall be transferred or credited to the Refunds and Audit Settlement Fund (Fund R012). If receipts credited to the Support Intercept - Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), or the Refunds and Audit Settlements Fund (Fund R012) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.
Section 307.240. (A) (1) The Department of Job and Family Services shall establish a two-year pilot program known as the Actionable Help and New Dignity for Upward Progression (A HAND UP) pilot program. Under the pilot program, the Department shall assist program participants in transitioning into the workforce as they become ineligible for public assistance benefits.

(2) The Department shall select four counties in which to operate the pilot program. In selecting counties, the Department shall select one metropolitan county; one midsize county; and two rural counties, one of which is located in the Appalachian region of the state.

(3) Individuals participating in the program shall do so for a maximum initial period of one year. Following an individual's initial participation in the program, the Department shall evaluate the progress made by the participant in meeting the goals of the program. Following an evaluation of a participant's progress, the Department may permit an individual to continue participating in the program for additional six-month periods. At the end of each six-month period, the Department shall evaluate the progress of the participant and determine whether the participant may continue in the program for another six-month period.

(B) Not later than one hundred eighty days after the effective date of this section, the Department shall have the pilot program fully operational. The Department shall do all of the following in setting up the pilot program:

(1) Establish eligibility criteria for individuals participating in the pilot program;

(2) Establish conditions for continued participation in the pilot program;
(3) Establish a competitive application process for employers seeking to participate in the pilot program;

(4) Identify existing subsidized employment programs and provide training to program operators seeking to participate in the pilot program;

(5) Establish an assessment tool to determine the success of employers participating in the pilot program;

(6) Establish a process by which pilot program participants are connected with employers participating in the program;

(7) Establish a mentorship program, including training for mentors, that connects pilot program participants with program mentors;

(8) Identify and establish a financial literacy program for pilot program participants.

(C) Under the pilot program, the Department shall do both of the following:

(1) Provide pilot program participants a stipend, on a sliding scale as determined by the Department, that each participant may use to pay for health care insurance premiums and deductibles or for child care expenses;

(2) Provide employers that participate in the pilot program with subsidies for employing pilot program participants.

(D) Not later than one hundred eighty days after the effective date of this section, the Department shall adopt rules, in accordance with Chapter 119. of the Revised Code, as necessary to implement the pilot program.

(E) To assist with the administration and operation of the pilot program, the Department shall establish a digital application that does all of the following:

(1) Calculates a participant's income based on the
individual's benefits received and income earned;

(2) Connects participants with pilot program resources;

(3) Provides educational and motivational resources to participants;

(4) Connects participants with mentors or pilot program case workers.

In developing the digital application, the Department may work in collaboration with the Office of InnovateOhio.

(F) If a county department of job and family services representing a county selected to participate in the pilot program has established an individual development account program under section 329.12 of the Revised Code, the Department of Job and Family Services shall request a waiver from the United States Department of Health and Human Services to allow pilot program participants in those counties to use individual development account funds for purposes other than those specified in 45 C.F.R. 263.22, such as rental assistance, moving costs, utilities, and transportation costs.

(G)(1) As part of the pilot program, the Department of Job and Family Services shall study participants once they have completed participation in the program to determine all of the following:

(a) Whether they are employed;

(b) The type of employment in which they are engaged;

(c) The amount of compensation they are receiving;

(d) Whether their employer provides health insurance;

(e) Whether and how often they have received public assistance since completing participation in the program;

(f) Whether they are successfully self-sufficient.
(2) The Department shall include the results of this study in the annual reports it submits to the General Assembly under division (H) of this section.

(H) Beginning one year after the effective date of this section, the Department shall submit a report to the General Assembly. Thereafter, the Department shall submit an annual report to the General Assembly at the end of each calendar year in which the pilot program operates. The reports shall specify the outcomes of the pilot program, including data indicating the ways in which the pilot program is assisting participants in transitioning from receiving public assistance benefits to the workforce. The reports shall be submitted in accordance with section 101.68 of the Revised Code.

(I) The foregoing appropriation item 600460, Job and Family Services ARPA, shall be used to support the 'A Hand Up' pilot program in accordance with this section.

Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW

General Revenue Fund
GRF 029321 Operating Expenses $ 610,000 $ 620,000 155724
TOTAL GRF General Revenue Fund $ 610,000 $ 620,000 155725
TOTAL ALL BUDGET FUND GROUPS $ 610,000 $ 620,000 155726

OPERATING GUIDANCE

The Legislative Service Commission shall act as fiscal agent for the Joint Committee on Agency Rule Review. Members of the Committee shall be paid in accordance with section 101.35 of the Revised Code.

OPERATING EXPENSES

On July 1, 2023, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up
to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2023 to be reappropriated to fiscal year 2024. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2024 to be reappropriated to fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2025.

Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE

General Revenue Fund
GRF 048321 Operating Expenses $ 408,000 $ 591,000
TOTAL GRF General Revenue Fund $ 408,000 $ 591,000
TOTAL ALL BUDGET FUND GROUPS $ 408,000 $ 591,000

OPERATING EXPENSES

The foregoing appropriation item 048321, Operating Expenses, shall be used to support expenses related to the Joint Medicaid Oversight Committee created by section 103.41 of the Revised Code.

On July 1, 2023, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2023 to be reappropriated to fiscal year 2024. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2024.
On July 1, 2024, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2024 to be reappropriated to fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2025.

Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO

General Revenue Fund

GRF 018321 Operating Expenses $ 1,192,000 $ 1,231,000 155776
TOTAL GRF General Revenue Fund $ 1,192,000 $ 1,231,000 155777

Dedicated Purpose Fund Group

4030 018601 Ohio Jury Instructions $ 616,853 $ 674,109 155779
TOTAL DPF Dedicated Purpose Fund Group $ 616,853 $ 674,109 155780

TOTAL ALL BUDGET FUND GROUPS $ 1,808,853 $ 1,905,109 155781

STATE COUNCIL OF UNIFORM STATE LAWS

Notwithstanding section 105.26 of the Revised Code, of the foregoing appropriation item 018321, Operating Expenses, up to $93,710 in fiscal year 2024 and up to $97,458 in fiscal year 2025 shall be used to pay the expenses of the State Council of Uniform State Laws, including membership dues to the National Conference of Commissioners on Uniform State Laws.

OHIO JURY INSTRUCTIONS FUND

The Ohio Jury Instructions Fund (Fund 4030) shall consist of grants, royalties, dues, conference fees, bequests, devises, and other gifts received for the purpose of supporting costs incurred by the Judicial Conference of Ohio in its activities as a part of
the judicial system of the state as determined by the Judicial Conference Executive Committee. Fund 4030 shall be used by the Judicial Conference of Ohio to pay expenses incurred in its activities as a part of the judicial system of the state as determined by the Judicial Conference Executive Committee. All moneys accruing to Fund 4030 in excess of the amount appropriated for the current fiscal year are hereby appropriated for the purposes authorized. No money in Fund 4030 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board.

**Section 317.10. JSC THE JUDICIARY/SUPREME COURT**

<table>
<thead>
<tr>
<th>General Revenue Fund</th>
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<tr>
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<td>5T80 005609 Grants and Awards</td>
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Group

Fiduciary Fund Group 155818
5JY0 005620 County Law Library $308,500 $308,500 155819
Resources Boards
TOTAL FID Fiduciary Fund Group $308,500 $308,500 155820

Federal Fund Group 155821
3J00 005603 Federal Grants $1,746,957 $1,717,558 155822
TOTAL FED Federal Fund Group $1,746,957 $1,717,558 155823
TOTAL ALL BUDGET FUND GROUPS $221,032,141 $228,482,619 155824

Section 317.20. STATE CRIMINAL SENTENCING COMMISSION 155826

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code.

LAW-RELATED EDUCATION 155831

Of the foregoing appropriation item 005406, Law-Related Education, $225,000 in each fiscal year shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs.

Of the foregoing appropriation item 005406, Law-Related Education, $150,000 in each fiscal year shall be used to promote information about candidates who have filed to run for judicial office. No funds shall be used for the endorsement or promotion of any candidate.

OHIO COURTS TECHNOLOGY INITIATIVE 155844

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the
Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the creation of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training programs for judges and court personnel, and operation of the Commission on Technology and the Courts by the Supreme Court for the promulgation of statewide rules, policies, and uniform standards, and to aid in the orderly adoption and comprehensive use of technology in Ohio courts.

ATTORNEY SERVICES

The Attorney Registration Fund (Fund 4C80) shall consist of money received by the Supreme Court (The Judiciary) pursuant to the Rules for the Government of the Bar of Ohio. In addition to funding other activities considered appropriate by the Supreme Court, the foregoing appropriation item 005605, Attorney Services, may be used to compensate employees and to fund appropriate activities of the following offices established by the Supreme Court: the Office of Disciplinary Counsel, the Board of Commissioners on Grievances and Discipline, the Clients' Security Fund, and the Attorney Services Division which include the Office of Bar Admissions. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 4C80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 4C80 shall be credited to the fund.

COURT INTERPRETER CERTIFICATION

The Court Interpreter Certification Fund (Fund 5HT0) shall
consist of money received by the Supreme Court (The Judiciary) pursuant to Rules 80 through 87 of the Rules of Superintendence for the Courts of Ohio. The foregoing appropriation item 005617, Court Interpreter Certification, shall be used to provide training, to provide the written examination, and to pay language experts to rate, or grade, the oral examinations of those applying to become certified court interpreters. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5HT0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5HT0 shall be credited to the fund.

CIVIL JUSTICE GRANT PROGRAM

The Civil Justice Program Fund (Fund 5SP0) shall consist of (1) $50 voluntary donations made as part of the biennium attorney registration process and (2) $150 of the pro hac vice fees for out-of-state attorneys pursuant to Government of the Bar Rule amendments. The foregoing appropriation item 005626, Civil Justice Grant Program, shall be used by the Supreme Court of Ohio for grants to not-for-profit organizations and agencies dedicated to providing civil legal aid to underserved populations, to fund innovative programs directed at this purpose, and to increase access to judicial service to that population. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5SP0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5SP0 shall be credited to the fund.
GRANTS AND AWARDS

The Grants and Awards Fund (Fund 5T80) shall consist of grants and other money awarded to the Supreme Court (The Judiciary) by the State Justice Institute, the Division of Criminal Justice Services, or other entities. The foregoing appropriation item 005609, Grants and Awards, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5T80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5T80 shall be credited or transferred to the General Revenue Fund.

JUDICIARY/SUPREME COURT EDUCATION

The Judiciary/Supreme Court Education Fund (Fund 6720) shall consist of fees paid for attending judicial and public education on the law, reimbursement of costs for judicial and public education on the law, and other gifts and grants received for the purpose of judicial and public education on the law. The foregoing appropriation item 005601, Continuing Judicial Education, shall be used to pay expenses for judicial education courses for judges, court personnel, and those who serve the courts, and for public education on the law. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 6720 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 6720 shall be credited to the fund.

COUNTY LAW LIBRARY RESOURCES BOARDS
The Statewide Consortium of County Law Library Resources Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant to section 307.515 of the Revised Code into a county's law library resources fund and forwarded by that county's treasurer for deposit in the state treasury pursuant to division (E)(1) of section 3375.481 of the Revised Code. The foregoing appropriation item 005620, County Law Library Resources Boards, shall be used for the operation of the Statewide Consortium of County Law Library Resources Boards. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5JY0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5JY0 shall be credited to the fund.

FEDERAL GRANTS

The Federal Grants Fund (Fund 3J00) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the United States Government or other entities that receive the moneys directly from the United States Government and distribute those moneys to the Supreme Court (The Judiciary). The foregoing appropriation item 005603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 3J00 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund.

Section 319.10. LEC LAKE ERIE COMMISSION
Dedicated Purpose Fund Group

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CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer cash from the funds specified below, up to the amounts specified below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept contributions and transfers made to the fund.

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<td>Department of Natural Resources</td>
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H2OHIO FUND

On July 1, 2024, or as soon as possible thereafter, the Director of the Lake Erie Commission may certify to the Director...
of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 780604, H2Ohio, at the end of fiscal year 2024 to be reappropriated in fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2025.

**Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE**

General Revenue Fund

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>GRF 028321</td>
<td>Legislative Ethics</td>
<td>$713,000</td>
</tr>
<tr>
<td>TOTAL GRF General Revenue Fund</td>
<td>$713,000</td>
<td>$713,000</td>
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</table>

Dedicated Purpose Fund Group

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>4G70 028601</td>
<td>Joint Legislative Ethics Committee</td>
<td>$150,000</td>
</tr>
<tr>
<td>5HN0 028602</td>
<td>Investigations and Financial Disclosure</td>
<td>$10,000</td>
</tr>
<tr>
<td>TOTAL DPF Dedicated Purpose Fund Group</td>
<td>$160,000</td>
<td>$160,000</td>
</tr>
</tbody>
</table>

TOTAL ALL BUDGET FUND GROUPS $873,000 $873,000

Of the foregoing appropriation item 028321, Legislative Ethics Committee, up to $87,717 in each fiscal year shall be used for the hiring of an additional staff attorney to assist the Joint Legislative Ethics Commission in carrying out the performance of its lawful functions.

On July 1, 2023, or as soon as possible thereafter, the Legislative Inspector General of the Joint Legislative Ethics Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 028321, Legislative Ethics Committee, at the end of fiscal year 2023 to be reappropriated to fiscal year 2024.
The amount certified is hereby reappropriated to the same
appropriation item for fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the
Legislative Inspector General of the Joint Legislative Ethics Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 028321, Legislative Ethics Committee, at the end of fiscal year 2024 to be reappropriated to fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2025.

Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION

General Revenue Fund

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>2023</th>
<th>2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRF 035321</td>
<td>Operating Expenses</td>
<td>$24,862,000</td>
<td>$24,862,000</td>
</tr>
<tr>
<td>GRF 035402</td>
<td>Legislative Fellows</td>
<td>$1,150,000</td>
<td>$1,150,000</td>
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<tr>
<td>GRF 035405</td>
<td>Correctional</td>
<td>$447,000</td>
<td>$447,000</td>
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<tr>
<td></td>
<td>Institution Inspection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRF 035409</td>
<td>National Associations</td>
<td>$600,000</td>
<td>$600,000</td>
</tr>
<tr>
<td>GRF 035410</td>
<td>Legislative Information Systems</td>
<td>$13,713,000</td>
<td>$13,713,000</td>
</tr>
<tr>
<td>GRF 035501</td>
<td>Litigation</td>
<td>$1,250,000</td>
<td>0</td>
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<tr>
<td>TOTAL GRF General Revenue Fund</td>
<td>$42,022,000</td>
<td>$40,772,000</td>
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Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>2023</th>
<th>2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>4100 035601</td>
<td>Sale of Publications</td>
<td>$10,000</td>
<td>$10,000</td>
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<tr>
<td>TOTAL DPF Dedicated Purpose Fund Group</td>
<td>$10,000</td>
<td>$10,000</td>
<td></td>
</tr>
</tbody>
</table>

TOTAL ALL BUDGET FUND GROUPS | $42,032,000 | $40,782,000 |

Section 323.20. OPERATING EXPENSES

On July 1, 2023, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the
Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035321, Operating Expenses, at the end of fiscal year 2023 to be reappropriated to fiscal year 2024. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035321, Operating Expenses, at the end of fiscal year 2024 to be reappropriated to fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2025.

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE

On July 1, 2023, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035405, Correctional Institution Inspection Committee, at the end of fiscal year 2023 to be reappropriated to fiscal year 2024. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035405, Correctional Institution Inspection Committee, at the end of fiscal year 2024 to be reappropriated to fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2025.
LEGISLATIVE TASK FORCE ON REDISTRICTING

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035407, Legislative Task Force on Redistricting, at the end of fiscal year 2023 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2024.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035407, Legislative Task Force on Redistricting, at the end of fiscal year 2024 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2025.

LEGISLATIVE INFORMATION SYSTEMS

On July 1, 2023, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035410, Legislative Information Systems, at the end of fiscal year 2023 to be reappropriated to fiscal year 2024. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035410, Legislative Information Systems, at the end of fiscal year 2024 to be reappropriated to fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2025.

LITIGATION

The foregoing appropriation item 035501, Litigation, shall be used for any lawsuit in which the General Assembly, or either
house of the General Assembly, is made a party. The chairperson and vice-chairperson of the Legislative Service Commission shall both approve the use of the appropriated moneys.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035501, Litigation, at the end of fiscal year 2023 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2024.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035501, Litigation, at the end of fiscal year 2024 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2025.

Section 325.10. LIB STATE LIBRARY BOARD

General Revenue Fund

<table>
<thead>
<tr>
<th>GRF</th>
<th>350321</th>
<th>Operating Expenses</th>
<th>$ 4,527,000</th>
<th>$ 4,527,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRF</td>
<td>350401</td>
<td>Ohioana Library Association</td>
<td>$ 314,000</td>
<td>$ 314,000</td>
</tr>
<tr>
<td>GRF</td>
<td>350502</td>
<td>Regional Library Systems</td>
<td>$ 494,000</td>
<td>$ 494,000</td>
</tr>
</tbody>
</table>

TOTAL GRF General Revenue Fund $ 5,335,000 $ 5,335,000

Dedicated Purpose Fund Group

| 4590 | 350603  | Services for Libraries | $ 6,818,338 | $ 6,818,338 |
| 4S40 | 350604  | Ohio Public Library Information Network | $ 6,009,243 | $ 6,009,243 |
| 5GB0 | 350605  | Library for the Blind | $ 1,274,194 | $ 1,274,194 |

TOTAL DPF Dedicated Purpose Fund Group $ 14,101,775 $ 14,101,775

Internal Service Activity Fund

| 1390 | 350602  | Services for State Agencies | $ 8,000 | $ 8,000 |
TOTAL ISA Internal Service Activity $ 8,000 $ 8,000 156134

Fund Group

Federal Fund Group

3130 350601 LSTA Federal $ 5,432,653 $ 5,432,653 156136

TOTAL FED Federal Fund Group $ 5,432,653 $ 5,432,653 156137

TOTAL ALL BUDGET FUND GROUPS $ 24,877,428 $ 24,877,428 156138

Section 325.20. OHIOANA LIBRARY ASSOCIATION

Of the foregoing appropriation item 350401, Ohioana Library 156141
Association, $195,000 in each fiscal year shall be used to support 156142
the operating expenses of the Martha Kinney Cooper Ohioana Library 156143
Association under section 3375.61 of the Revised Code. 156144

The remainder of the foregoing appropriation item 350401, 156145
Ohioana Library Association, shall be used to pay the rental 156146
expenses of the Martha Kinney Cooper Ohioana Library Association 156147
under section 3375.61 of the Revised Code. 156148

REGIONAL LIBRARY SYSTEMS

The foregoing appropriation item 350502, Regional Library 156150
Systems, shall be used to support regional library systems 156151
eligible for funding under sections 3375.83 and 3375.90 of the 156152
Revised Code. 156153

OHIO PUBLIC LIBRARY INFORMATION NETWORK

(A) The foregoing appropriation item 350604, Ohio Public 156154
Library Information Network, shall be used for an information 156155
telecommunications network linking public libraries in the state 156156
and such others as may participate in the Ohio Public Library 156157
Information Network (OPLIN).

The Ohio Public Library Information Network Board of Trustees 156159
created under section 3375.65 of the Revised Code may make 156160
decisions regarding use of the foregoing appropriation item 156161
350604, Ohio Public Library Information Network.
(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

LIBRARY FOR THE BLIND

The foregoing appropriation item 350605, Library for the Blind, shall be used for the statewide Talking Book Program to assist the blind and disabled.

TRANSFER TO OPLIN TECHNOLOGY FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer $3,689,788 cash in each fiscal year from the Public Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 4S40).

TRANSFER TO LIBRARY FOR THE BLIND FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer $3,689,788 cash in each fiscal year from the Public Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 4S40).
Management, the Director of Budget and Management shall transfer $1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0).

Section 327.10. LCO LIQUOR CONTROL COMMISSION

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Fund Group</th>
<th>Description</th>
<th>2023</th>
<th>2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>5LP0</td>
<td>Commission Operating Expenses</td>
<td>$1,227,200</td>
<td>$1,225,800</td>
</tr>
</tbody>
</table>

TOTAL DPF Dedicated Purpose Fund Group $1,227,200 $1,225,800

TOTAL ALL BUDGET FUND GROUPS $1,227,200 $1,225,800

Section 329.10. LOT STATE LOTTERY COMMISSION

State Lottery Fund Group

<table>
<thead>
<tr>
<th>Fund Group</th>
<th>Description</th>
<th>2023</th>
<th>2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>7044</td>
<td>Operating Expenses</td>
<td>$61,967,164</td>
<td>$64,686,040</td>
</tr>
<tr>
<td>7044</td>
<td>Advertising Contracts</td>
<td>$29,755,000</td>
<td>$29,955,000</td>
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<tr>
<td>7044</td>
<td>Gaming Contracts</td>
<td>$109,197,677</td>
<td>$120,685,198</td>
</tr>
<tr>
<td>7044</td>
<td>Direct Prize Payments</td>
<td>$179,366,000</td>
<td>$182,106,000</td>
</tr>
<tr>
<td>7044</td>
<td>Problem Gambling</td>
<td>$4,850,000</td>
<td>$4,850,000</td>
</tr>
<tr>
<td>8710</td>
<td>Annuity Prizes</td>
<td>$42,243,000</td>
<td>$40,946,000</td>
</tr>
</tbody>
</table>

TOTAL SLF State Lottery Fund Group $427,378,841 $443,228,238

TOTAL ALL BUDGET FUND GROUPS $427,378,841 $443,228,238

OPERATING EXPENSES

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS
Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

PROBLEM GAMBLING

Notwithstanding sections 127.14 and 131.35 of the Revised Code, if the revenue from the one-half of one per cent dispersed from the video lottery sales agent commissions, as well as the surrendered funds pursuant to rule 3770:2-8-03 of the Administrative Code, from the Voluntary Exclusion Program, exceeds the amount appropriated, the Director of the State Lottery Commission may certify to the Director of Budget and Management the amount in excess requesting to be increased in the foregoing appropriation item 950605, Problem Gambling, or to be transferred to support programs provided for gambling addiction and other related services through the Problem Gambling Services Fund (Fund 5T90). If the Director of Budget and Management determines sufficient cash is available, the Director may transfer up to the amount certified. Any additional amounts approved by the Director pursuant to this section are hereby appropriated.

ANNUITY PRIZES

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund
deferred prizes and interest are hereby appropriated.

**TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND**

Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be $1,424,000,000 in fiscal year 2024 and $1,440,000,000 in fiscal year 2025. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.

**Section 333.10. MCD DEPARTMENT OF MEDICAID**

<table>
<thead>
<tr>
<th>General Revenue Fund</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GRF 651425</strong> Medicaid Program</td>
<td>$ 176,250,000</td>
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<tr>
<td>Support - State</td>
<td></td>
</tr>
<tr>
<td><strong>GRF 651525</strong> Medicaid Health Care Services - State</td>
<td>$ 5,570,713,000</td>
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<tr>
<td>Medicaid Health Care Services - Federal</td>
<td></td>
</tr>
<tr>
<td>Medicaid Health Care Services - Total</td>
<td></td>
</tr>
<tr>
<td><strong>GRF 651526</strong> Medicare Part D</td>
<td>$ 645,860,000</td>
</tr>
<tr>
<td>TOTAL GRF General Revenue Fund</td>
<td></td>
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<tr>
<td>State</td>
<td>$ 6,392,823,000</td>
</tr>
<tr>
<td>Federal</td>
<td>$14,649,386,000</td>
</tr>
<tr>
<td>GRF Total</td>
<td>$21,042,209,000</td>
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</tbody>
</table>

**Dedicated Purpose Fund Group**

<p>| 4E30 651605 | Resident Protection | $ 5,028,600 | $ 5,026,600 |
| 5AN0 651686 | Care Innovation and Community Improvement Program | $ 77,673,500 | $ 86,650,700 |
| 5DL0 651639 | Medicaid Services | $ 953,417,800 | $ 1,098,017,800 |</p>
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Budget 1</th>
<th>Budget 2</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>5DL0</td>
<td>Medicaid Recoveries - Program Support</td>
<td>$85,000,300</td>
<td>$85,000,400</td>
<td>$156277</td>
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<tr>
<td>5DL0</td>
<td>Multi-system Youth Custody Relinquishment</td>
<td>$26,250,000</td>
<td>$27,562,500</td>
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<tr>
<td>5FX0</td>
<td>Medicaid Services - Payment Withholding</td>
<td>$12,000,000</td>
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<tr>
<td>5GF0</td>
<td>Medicaid Services - Hospital Franchise Fee</td>
<td>$1,631,571,167</td>
<td>$1,723,365,065</td>
<td>$156280</td>
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<tr>
<td>5HC8</td>
<td>MCD Home and Community Based Services</td>
<td>$86,027,329</td>
<td>$67,374,876</td>
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<tr>
<td>5R20</td>
<td>Medicaid Services - Long Term</td>
<td>$415,000,000</td>
<td>$415,000,000</td>
<td>$156282</td>
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<tr>
<td>5TN0</td>
<td>Medicaid Services - HIC Fee</td>
<td>$1,063,227,900</td>
<td>$1,138,441,200</td>
<td>$156283</td>
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<tr>
<td>5XY0</td>
<td>Improvements for Priority Populations</td>
<td>$10,500,000</td>
<td>$10,500,000</td>
<td>$156284</td>
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<tr>
<td>6510</td>
<td>Medicaid Services - Hospital Care Assurance Program</td>
<td>$244,642,100</td>
<td>$136,707,750</td>
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<td></td>
<td>TOTAL DPF Dedicated Purpose Fund Group</td>
<td>$4,610,338,696</td>
<td>$4,805,646,891</td>
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<tr>
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<td>Holding Account Fund Group</td>
<td></td>
<td></td>
<td>156287</td>
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<tr>
<td>R055</td>
<td>Refunds and Reconciliation</td>
<td>$10,000,000</td>
<td>$10,000,000</td>
<td>$156288</td>
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<td>TOTAL HLD Holding Account Fund Group</td>
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<td>$10,000,000</td>
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<tr>
<td></td>
<td>Federal Fund Group</td>
<td></td>
<td></td>
<td>156290</td>
</tr>
<tr>
<td>3ER0</td>
<td>Medicaid and Health</td>
<td>$787,100</td>
<td>$795,500</td>
<td>$156291</td>
</tr>
</tbody>
</table>
Transformation
Technology

3F00 651623 Medicaid Services – Federal
$11,013,604,990 $11,208,144,212 156292

3F00 651624 Medicaid Program Support – Federal
$ 538,250,300 $ 493,250,300 156293

3FA0 651680 Health Care Grants – Federal
$ 3,000,000 $ 3,000,000 156294

3G50 651655 Medicaid Interagency Pass Through
$ 258,149,000 $ 258,149,000 156295

3HC8 651699 MCD Home and Community Based Services – Federal
122,897,812 $ 121,350,266 156296

TOTAL FED Federal Fund Group $11,936,689,202 $12,084,689,278 156297
TOTAL ALL BUDGET FUND GROUPS $37,599,236,898 $39,796,811,169 156298

Section 333.15. LODGING FOR FAMILIES

Of the foregoing appropriation items 651425, Medicaid Program Support – State, and 651624, Medicaid Program Support – Federal, $1,250,000 from each appropriation item in each fiscal year shall be used by the Medicaid Director to work with the Centers for Medicare and Medicaid Services to add lodging as an administrative service available for families with children who have special health care needs."

Section 333.20. MEDICAID HEALTH CARE SERVICES

The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code.

Section 333.25. PROVIDER RATE INCREASE FOR VISION AND EYE CARE

Of the foregoing appropriation item 651525, Medicaid Health
Care Services, an allocation shall be made to provide an increase in Medicaid provider payment rates for vision services and medically billed eye care provided to Medicaid recipients in fiscal year 2024. The increase shall be added to the Medicaid payment rates for those services in fiscal year 2023. The increased rate shall be maintained in fiscal year 2025.

Section 333.27. DENTAL SERVICE REIMBURSEMENT

Of the foregoing appropriation item 651525, Medicaid Health Care Services, $122,144,375 in fiscal year 2024 and $244,288,751 in fiscal year 2025 shall be used to increase the reimbursement to dental service providers who are treating Medicaid patients.

Section 333.29. DIRECT CARE PAYMENT RATES

Of the foregoing appropriation item 651525, Medicaid Health Care Services, $47,086,175 in fiscal year 2024 and $194,924,947 in fiscal year 2025, shall be used in accordance with this section. The funds shall be used to increase the base payment rates to $17 per hour during fiscal year 2024 beginning on January 1, 2024, and $18 per hour during fiscal year 2025, for the following services under Medicaid components administered by the Department of Medicaid or the Department of Aging:

(A) Personal care services;

(B) Adult day services;

(C) Behavioral health services;

(D) Other waiver services under the Medicaid home and community-based services waiver components administered by the Department of Medicaid or the Department of Aging.

Section 333.30. LEAD ABATEMENT AND RELATED ACTIVITIES

Upon the request of the Medicaid Director, the Director of
Budget and Management may transfer up to $5,000,000 in appropriations in each fiscal year from appropriation item 651525, Medicaid Health Care Services, to appropriation items in the Department of Health for the purpose of lead abatement activities. The Medicaid Director may seek Controlling Board approval to transfer amounts in excess of $5,000,000 in appropriations in each fiscal year to the Department of Health for lead abatement activities. The Director of Medicaid may transfer federal funds as the state's single state agency for Medicaid reimbursements, as drawn for these transactions. Amounts transferred are hereby appropriated.

Section 333.50. MEDICARE PART D

The foregoing appropriation item 651526, Medicare Part D, may be used by the Department of Medicaid for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share of appropriations between appropriation item 651525, Medicaid Health Care Services, and appropriation item 651526, Medicare Part D. If the state share of appropriation item 651525, Medicaid Health Care Services, is adjusted, the Director of Budget and Management shall adjust the federal share accordingly. The Department of Medicaid shall provide notification to the Controlling Board of any transfers at the next scheduled Controlling Board meeting.

Section 333.60. CARE INNOVATION AND COMMUNITY IMPROVEMENT PROGRAM

(A) As used in this section:

(1) "Nonprofit hospital agency" means a nonprofit hospital
agency, as defined in section 140.01 of the Revised Code, that is affiliated with a state university as defined in section 3345.011 of the Revised Code.

(2) "Participating agency" means a nonprofit hospital agency or public hospital agency participating in the Care Innovation and Community Improvement Program.

(3) "Public hospital agency" has the same meaning as in section 140.01 of the Revised Code.

(B) Subject to approval by the Centers for Medicare and Medicaid Services, the Medicaid Director shall continue the Care Innovation and Community Improvement Program for the 2024-2025 fiscal biennium. Any nonprofit hospital agency or public hospital agency may volunteer to participate in the program if the agency operates a hospital that has a Medicaid provider agreement.

(C) Participating agencies are responsible for the state share of the program's costs and shall make or request the appropriate government entity to make intergovernmental transfers to pay for those costs. The Medicaid Director shall establish a schedule for making the intergovernmental transfers.

(D) Each participating agency shall be eligible to receive supplemental payments under the Medicaid program for physician and other professional services that are covered by the Medicaid program and provided to Medicaid recipients. Any nonprofit hospital agency or public hospital agency seeking supplemental payment for physician or professional services shall be governed under the Care Innovation and Community Improvement Program. Eligibility for supplemental payments shall depend on all participating agencies meeting collective performance measures as established by the Director. The maximum amount of the potential supplemental payments shall equal the difference between the Medicaid payment rates for the services and the average commercial
payment rates for the services. The Director may terminate, or adjust the amount of, the supplemental payments if the amount of the funds available for the Care Innovation and Community Improvement Program is inadequate.

(E) Each participating agency shall work collaboratively with all other participating agencies on quality improvement initiatives that are approved by the Medicaid Director and that align with and advance the goals of the Department of Medicaid's quality strategy required under 42. C.F.R. 438.340.

(F) The Medicaid Director shall maintain a process to evaluate the work done by participating agencies under division (E) of this section and the agencies' progress in meeting the goals of the Care Innovation and Community Improvement Program. The Director may terminate an agency's participation in the program if the Director determines that the agency is not participating as specified in division (E) of this section or making progress in meeting the program's quality improvement goals.

(G) All intergovernmental transfers made under division (C) of this section shall be deposited into the Care Innovation and Community Improvement Program Fund created by Section 333.320 of H.B. 49 of the 132nd General Assembly. Money in the fund and the corresponding federal financial participation in the Health Care – Federal Fund created under section 5162.50 of the Revised Code shall be used to make supplemental payments under division (D) of this section.

(H) If the amount of the foregoing appropriation item 651686, Care Innovation and Community Improvement Program, and the corresponding federal financial participation in appropriation item 651623, Medicaid Services – Federal, are inadequate to make the supplemental payments required by division (E) of this section, the Medicaid Director may request that the Director of
Budget and Management authorize additional expenditures from the Care Innovation and Community Improvement Program Fund and the Health Care – Federal Fund as needed to make the supplemental payments. If the Director of Budget and Management authorizes the additional expenditures, the additional amounts are hereby appropriated.

**Section 333.70. DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT AND RECOVERIES FUND**

Of the amount received by the Department of Medicaid during fiscal year 2024 and fiscal year 2025 from the first installment of assessments paid under section 5168.06 of the Revised Code and intergovernmental transfers made under section 5168.07 of the Revised Code, the Medicaid Director shall deposit $2,500,000 cash in each fiscal year into the state treasury to the credit of the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0).

**Section 333.80. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID SUPPORT AND RECOVERIES FUND TO THE STATEWIDE PREVENTION AND TREATMENT FUND**

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to $2,200,000 cash in each fiscal year from the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) to the Statewide Prevention and Treatment Fund (Fund 4750), used by the Department of Mental Health and Addiction Services. Any transferred funds shall be used to support Centers of Excellence and related activities. Any transferred amounts are hereby appropriated.

**Section 333.90. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID SUPPORT AND RECOVERIES FUND TO THE DEPARTMENT OF AGING FOR THE OMBUDSMAN PROGRAM**
Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to $1,000,000 cash in each fiscal year from the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) to the Department of Aging. Any transferred funds shall be used to support the Ombudsman program. Any transferred amounts are hereby appropriated.

Section 333.110. HOSPITAL CARE ASSURANCE MATCH

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

The foregoing appropriation item 651649, Medicaid Services – Health Care Assurance Program, shall be used by the Department of Medicaid for distributing the state share of all hospital care assurance program funds to hospitals under section 5168.09 of the Revised Code. If receipts credited to the Hospital Care Assurance Program Fund (Fund 6510) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.120. REFUNDS AND RECONCILIATION FUND

If estimated receipts to the Refunds and Reconciliation Fund (Fund R055) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and
Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support – Local Transportation, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

Section 333.135. MEDICAID PAYMENT RATES FOR AMBULANCE TRANSPORTATION

Of the foregoing appropriation item 651525, Medicaid Health Care Services, $119,000,000 in each fiscal year shall be used to increase the overall Medicaid reimbursement rates for ambulance transportation services. An amount equal to the unexpended, unencumbered balance of the amount allocated in this section, at
the end of fiscal year 2024, is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2025.

Section 333.140. MEDICAID PAYMENT RATES FOR COMMUNITY BEHAVIORAL HEALTH SERVICES

(A) As used in this section:

(1) "Community behavioral health services" has the same meaning as in section 5164.01 of the Revised Code.

(2) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(3) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.

(4) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

(B) Subject to division (C) of this section, the Department of Medicaid may establish Medicaid payment rates for community behavioral health services provided during fiscal year 2024 and fiscal year 2025 that exceed the authorized rates paid for the services under the Medicare program.

(C) This section does not apply to community behavioral health services provided by any of the following:

(1) Hospitals on an inpatient basis;

(2) Nursing facilities;

(3) Intermediate care facilities for individuals with intellectual disabilities.

Section 333.150. HOME AND COMMUNITY BASED SERVICES APPROPRIATIONS – STATE

The Director of Budget and Management may authorize
additional expenditures in appropriation items 651698, MCD Home and Community Based Services, 653698, DDD Home and Community Based Services, 652698, MHA Home and Community Based Services, 655698, JFS Home and Community Based Services, and 656698, AGE Home and Community Based Services, as long as the additional expenditures are offset by equal expenditure reductions in another of these appropriation items. Any additional expenditures shall be used in accordance with Section 9817 of the "American Rescue Plan Act of 2021," Pub. L. No. 117-2, and shall comply with the Department of Medicaid's Medicaid state plan approved by the Centers for Medicare and Medicaid Services (CMS) and any associated CMS guidance, reporting requirements, and certifications. Any additional expenditures are hereby appropriated.

Section 333.160. HOME AND COMMUNITY BASED SERVICES

APPROPRIATIONS - FEDERAL

The Director of Budget and Management may authorize additional expenditures in appropriation items 651699, MCD Home and Community Based Services - Federal, 653699, DDD Home and Community Based Services - Federal, 652699, MHA Home and Community Based Services - Federal, 655699, JFS Home and Community Based Services - Federal, and 656699, AGE Home and Community Based Services - Federal.

If additional expenditures are authorized in any of these appropriation items, the Director of Budget and Management shall make appropriation adjustments in any of the other items as necessary. Any additional expenditures shall be used in accordance with Section 9817 of the "American Rescue Plan Act of 2021," Pub. L. No. 117-2, and shall comply with the Department of Medicaid's Medicaid state plan approved by the Centers for Medicare and Medicaid Services (CMS) and any associated CMS guidance, reporting requirements, and certifications. Any additional expenditures are
hereby appropriated.

Section 333.170. OHIO INVESTS IN IMPROVEMENTS FOR PRIORITY POPULATIONS

(A) As used in this section:

(1) "Care management system" and "enrollee" have the same meanings as in section 5167.01 of the Revised Code.

(2) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(B) There is hereby created the Ohio Invests in Improvements for Priority Populations (OIPP) Program. The program shall be a directed payment program for inpatient and outpatient hospital services provided to Medicaid care management system enrollees receiving care at state university-owned hospitals with less than three hundred inpatient beds. Participating hospitals shall receive payments directly for services provided under the program and remit to the Department of Medicaid, through intergovernmental transfer, the nonfederal share of those services. Transfers made for the program shall be deposited into the Hospital Directed Payment Program Fund (Fund 5XY0). The Medicaid Director shall seek approval from the Centers for Medicare and Medicaid Services for the program in accordance with section 5162.07 of the Revised Code.

(C) The foregoing appropriation item 651694, Improvements for Priority Populations, and the corresponding federal share in appropriation item 651623, Medicaid Services – Federal, shall be used for the OIPP Program.

(D) If receipts credited to the Hospital Directed Payment Program Fund (Fund 5XY0) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of
the amounts appropriated. If any additional amounts are authorized, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the appropriation in appropriation item 651623, Medicaid Services - Federal, accordingly. Any authorized amounts are hereby appropriated.

**Section 333.180. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY COSTS**

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer state share appropriations in each fiscal year between appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support - Local, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. Any increase in funding shall be provided to county departments of job and family services and shall only be used for costs related to transitioning to a new work community engagement program under the Medicaid program as prescribed by the Medicaid Director. These funds shall not be used for existing and ongoing operating expenses. The Medicaid Director shall establish criteria for distributing these funds and for county departments of job and family services to submit allowable expenses.

**Section 333.190. VOLUNTARY MEDICAID COMMUNITY ENGAGEMENT PROGRAM**

(A) As used in this section:

(1) "Expansion eligibility group" has the same meaning as in
section 5163.01 of the Revised Code.

(2) "Medical assistance recipient" has the same meaning as in section 5160.01 of the Revised Code.

(B) The Medicaid Director shall establish and implement a voluntary community engagement program in accordance with this section.

(C) The community engagement program shall be available to all medical assistance recipients. Participation in the program shall be voluntary.

(D) The community engagement program shall do all of the following:

(1) Encourage medical assistance recipients to work who are of working age and able-bodied;

(2) Promote to medical assistance recipients the economic stability, financial independence, and improved health outcomes from work;

(3) Provide information to medical assistance recipients about the services available under the community engagement program, including an explanation of the importance of work to overall physical and mental health.

(E) The community engagement program shall continue through the FY 2024 - FY 2025 fiscal biennium or until Ohio is able to implement the waiver component under section 5166.37 of the Revised Code, whichever is sooner, at which point it will cease to exist.

(F) As part of the community engagement program, the Medicaid Director shall explore partnerships with education and training providers to increase training opportunities for Medicaid recipients.
Section 333.200. PUBLIC ASSISTANCE FOR ELIGIBILITY DETERMINATIONS DUE TO END OF PUBLIC HEALTH EMERGENCY

During the FY 2024 - FY 2025 biennium, to facilitate the resumption of routine Medicaid eligibility determinations in accordance with federal guidance, all transfers from the Medicaid Income Maintenance (IM) Control allocation to other IM Control Programs (SNAP & TANF) or other allocations shall require prior approval by the Medicaid Director. The Medicaid Director may apply conditions and criteria regarding when transfers may occur, including specifying which counties are eligible for transfer of funds. Funds within appropriation item 655522, Medicaid Program Support - Local, may also be distributed based on performance criteria. Performance based amounts and criteria, and criteria for transfer approval may include but are not limited to timeliness and accuracy of application and renewal processing.

Section 333.210. POST-COVID MEDICAID REDETERMINATION

(A) The Department or the Department's designee shall use third-party data sources and systems to conduct eligibility redeterminations of all Medicaid recipients in this state after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B).

(B) To the full extent permitted by state and federal law, the Department, or the Department's designee shall verify Medicaid recipient enrollment records against third-party data sources and systems, including any records the Department considers appropriate in order to strengthen program integrity, reduce costs, and reduce fraud, waste, and abuse in the Medicaid program.

(C) At the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the Department, or the Department's designee shall:
(1) Conduct an eligibility review of Medicaid recipients for whom a redetermination has not been conducted in the past twelve months. The reviews shall be conducted on a schedule coinciding with what would have been the recipients' next eligibility review dates.

(2) Conduct an eligibility review of Medicaid recipients for whom a redetermination has been conducted in the past twelve months. The reviews shall be conducted on a schedule coinciding with the recipients' next eligibility review dates.

(D) The Department shall disenroll those recipients who are deemed no longer eligible for the Medicaid program under the eligibility review.

(E) The Department shall oversee the county determinations and administration to ensure timely and accurate compliance with the provisions of this section and federal requirements.

(F) The Department shall complete a report containing its findings under division (A) of this section, including any findings of fraud, waste, or abuse in the Medicaid program. Thirteen months after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the Department shall submit the report to the Joint Medicaid Oversight Committee.

Section 333.230. COMPETITIVE WAGES FOR DIRECT CARE WORKFORCE OF MEDICAID SERVICES

Direct care providers under Ohio's Medicaid program have been adversely impacted by the COVID-19 pandemic and extraordinary inflationary pressures within the economy. The Department of Medicaid in collaboration with the Department of Aging and the Department of Developmental Disabilities has included funding in the budget to be used for provider rate increases. These provider
rate increases shall be used to ensure workforce stability and
greater access to care for Medicaid recipients through increased
wages and needed workforce supports.

Section 333.240. MEDICAID ASSISTED LIVING PROGRAM PAYMENT RATES

(A) As used in this section:

(1) "Assisted living program" and "assisted living services" have the same meanings as in section 173.51 of the Revised Code.

(2) "Assisted living memory care service" means a service provided by a residential care facility to an individual with a documented diagnosis of any form of dementia who is residing in an assisted living memory care unit and being served by an assisted living Medicaid provider.

(3) "Assisted living memory care unit" means a discrete unit or section in a residential care facility or an entire residential care facility that meets both of the following criteria:

(a) The unit or facility is designated by the facility operator as a memory care unit.

(b) The unit or facility is operated in compliance with rules applicable to memory care units adopted by the Department of Health under Chapter 3721. of the Revised Code.

(4) "Direct care staff" includes nurses, resident care assistants, activities personnel, and social services personnel who are employed by or contracted with a residential care facility.

(5) "Practitioner" means a health care provider engaging in activities authorized by the provider's license, certification, or registration.

(6) "Residential care facility" has the same meaning as in
section 3721.01 of the Revised Code.

(B) The Department of Medicaid, in consultation with the Department of Aging, shall adopt rules, effective November 1, 2023, establishing an assisted living services base payment rate for residential care facilities participating in the Medicaid-funded component of the assisted living program that shall be no less than one hundred thirty dollars per day.

(C) The Department of Medicaid and the Department of Aging shall adopt rules, effective November 1, 2023, establishing an assisted living memory care service payment rate for residential care facilities participating in the Medicaid-funded component of the assisted living program. This payment rate is based on additional costs that a provider may incur resulting from serving individuals with dementia and, except as provided in division (E) of this section, shall be at least twenty-five dollars per day more than the base payment rate established by rules adopted under division (B) of this section. The per diem for assisted living memory care service will only be available to assisted living providers if both the following conditions are met:

(1) The resident for whom the per diem is paid was assessed by a practitioner and was determined by the practitioner to need the services of a memory care unit.

(2) The memory care unit in which the resident resides has a direct care staff to resident ratio that is at least twenty percent higher than other units in the residential care facility. If the memory care unit is an entire residential care facility, the facility in which the resident resides has a direct care staff to resident ratio that is at least twenty percent higher than the average direct care staff to resident ratio of a representative sample of residential care facilities participating in the Medicaid-funded component of the assisted living program or parts of those facilities that are not memory care units.
(D) The Department of Medicaid and the Department of Aging shall adopt rules establishing an assisted living critical access payment rate for residential care facilities participating in the Medicaid-funded component of the assisted living program that averaged at least fifty per cent of their residents receiving Medicaid-funded services during the preceding state fiscal year or in the case of a new residential care facility, that projects to average at least fifty per cent of its residents receiving Medicaid-funded services during the state fiscal year in which the facility opens. The critical access payment rate shall be at least fifteen dollars per day more than the base payment rate established by rules adopted under division (B) of this section.

(E) The assisted living memory care service payment rate for a residential care facility participating in the Medicaid-funded component of the assisted living program that receives a critical access payment rate under rules adopted under division (D) of this section shall be at least ten dollars higher than the critical access payment rate.

(F) The Department of Medicaid, in consultation with the Department of Aging and stakeholders, shall adopt rules establishing a methodology for determining rates for assisted living services, including assisted living memory care services and critical access services, which at minimum provides for adjusting rates annually for changes in the Consumer Price Index for All Items for All Urban Consumers for the Midwest region, published by the U.S. Bureau of Labor Statistics. The Department shall adopt rules under this section no later than July 1, 2024.

Section 333.250. TRANSFER OF APPROPRIATION FOR PRE-ADMISSION SCREENING RESIDENT REVIEW CONTRACT FROM MENTAL HEALTH AND ADDICTION SERVICES TO OHIO DEPARTMENT OF MEDICAID

On July 1, 2023, or as soon as possible thereafter, upon the
request of the Medicaid Director, in consultation with the Director of Mental Health and Addiction Services, the Director of Budget and Management may transfer appropriations between appropriation line item 652321, Medicaid Support, within the Department of Mental Health and Addiction Services and appropriation line item 651425, Medicaid Program Support – State, within the Department of Medicaid to fund Pre-Admission Screening Resident Reviews. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share of appropriations in appropriation line item 652636, Community Medicaid Legacy Support, within the Department of Mental Health and Addiction Services and appropriation line item 651624, Medicaid Program Support – Federal, within the Department of Medicaid.

**Section 333.260. PHYSICIAN DIRECTED PAYMENT PROGRAM**

(A) As used in this section, "directed payment program" means a payment program authorized by 42 C.F.R. 438.6(c) under which the Department of Medicaid regulates payment rates between Medicaid managed care organizations and certain Medicaid providers.

(B)(1) The Medicaid Director may create a physician directed payment program for Medicaid managed care organization payments to nonpublic hospitals, and their related health systems, for physician services provided to Medicaid enrollees. Payment amounts under the program shall not exceed the average commercial level paid to participating health systems for physician and other professional services covered under the Medicaid program and provided to enrollees.

(2) The program shall advance the maternal and child health goals established in the Department's quality strategy required by 42 C.F.R. 438.340.

(C) Under the program, participating hospitals shall receive
payments directly for physician services provided to enrollees and remit to the Department the nonfederal share of those services through intergovernmental transfer.

(1) Eligible public entities may transfer funds to be used by the Department for directed payments, as authorized by 42 C.F.R. 433.51, through intergovernmental transfer pursuant to an interagency agreement with the Department.

(2) Transfers made for the program shall be deposited into the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) created under section 5162.52 of the Revised Code.

(D) If receipts credited to the physician directed payment program exceed the amounts available in the fund, the director may either adjust any payment amounts under the program or terminate the program.

Section 333.270. LOCKABLE AND TAMPER-EVIDENT CONTAINERS

(A) As used in this section:

(1) "Lockable container" means a container that meets both of the following requirements:

(a) Has special packaging;

(b) Has a locking mechanism that can be unlocked in any of the following ways:

(i) Physically by using a key or other object capable of unlocking a locked container;

(ii) Physically by entering a numeric or alphanumeric combination code that is selected by the patient or an individual acting on behalf of the patient;

(iii) Electronically by entering a password or code that is selected by the patient or an individual acting on behalf of the patient.
(2) "Drug used in medication-assisted treatment" has the same meaning as in section 5119.19 of the Revised Code.

(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.


(5) "Tamper-evident container" means a container that meets both of the following requirements:
   
   (a) Has special packaging;
   
   (b) Displays a visual sign when there is unauthorized entry into the container or has a numerical display of the time that the container was last opened.

(B) Subject to division (C) of this section, during fiscal year 2024 and fiscal year 2025, the Department of Medicaid shall reimburse any pharmacist or prescriber that seeks reimbursement for expenses related to the following:

   (1) Pharmacists for costs related to dispensing drugs used in medication-assisted treatment in lockable containers or tamper-evident containers;
   
   (2) Prescribers for costs related to personally furnishing drugs used in medication-assisted treatment in lockable containers or tamper-evident containers.

   (C) Reimbursement may be sought for the period provided in division (B) of this section, or until funds appropriated for the reimbursement are expended, whichever occurs first.

   (D) Of the foregoing appropriation item 651525, Medicaid Health Care Services, $500,000 state share in each fiscal year shall be used for the reimbursement described in this section.
The Department of Medicaid shall request approval from the Centers for Medicare and Medicaid Services by December 31, 2023, to expand the Medicaid in Schools Program to authorize Medicaid payment for any covered service provided to an eligible individual by a qualified provider in a school.

Section 333.290. NURSING FACILITY PAYMENT RATE NOTICES

In its notice to each nursing facility with the facility's per Medicaid day payment rate for state fiscal year 2024, the Department of Medicaid shall include an explanation of how many quality points the facility would have received, based on calendar year 2022 data, for each of the quality measures under division (C)(1)(c) of section 5165.26 of the Revised Code, as amended by this act.

Section 333.300. NURSING FACILITY BASE RATES

For state fiscal years 2024 and 2025, the Department of Medicaid shall include in each nursing facility's base rate only forty per cent of the sum of the increase in its rate for direct care costs and its rate for ancillary and support costs that results from the rebasing conducted pursuant to section 5165.36 of the Revised Code.

Section 335.10. MED STATE MEDICAL BOARD

Dedicated Purpose Fund Group

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Section 335.20. LEGACY PAIN MANAGEMENT STUDY COMMITTEE

(A) The Legacy Pain Management Study Committee is established
to study and evaluate the care and treatment of patients suffering from chronic or debilitating pain, in particular those who have been prescribed opioids for lengthy periods of time, often referred to as legacy patients. In conducting its study and evaluation, the committee shall consider all of the following topics:

(1) The needs of patients experiencing chronic or debilitating pain;

(2) The challenges associated with tapering opioid doses for pain patients and the need for flexibility and tapering pauses when treating such patients;

(3) The ways in which communications between patients and prescribers can be improved;

(4) The availability of and patient access to pain management specialists in this state;

(5) Any other topic the committee considers relevant.

(B) The committee consists of the following nine members:

(1) Four members of the 135th General Assembly, two appointed by the Speaker of the House of Representatives and two appointed by the Senate President;

(2) The Director of the Ohio Department of Mental Health and Addiction Services or the Director's designee;

(3) The President of the State Medical Board of Ohio or the President's designee;

(4) The Executive Director of the State Board of Pharmacy or the Executive Director's designee;

(5) Two public members, one who represents patients and is appointed by the Speaker of the House of Representatives and one who represents prescribers and is appointed by the Senate President.
The members shall be appointed not later than thirty days after the effective date of this section. The members shall select a chairperson from among the committee's membership and shall meet as necessary to satisfy the requirements of this section.

(C) Not later than December 1, 2024, the committee shall prepare and submit to the General Assembly a report of its recommendations for legislation addressing the care and treatment of legacy patients. The report shall be submitted in accordance with section 101.68 of the Revised Code. The State Medical Board shall provide to the committee the administrative support necessary to execute its duties.

(D) The committee ceases to exist on the submission of the report described in division (C) of this section.

Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES

General Revenue Fund

GRF 336321 Program Support and Operations $ 54,807,000 $ 57,100,000
GRF 336402 Resident Trainees $ 450,000 $ 450,000
GRF 336406 Prevention and Wellness $ 7,000,000 $ 7,000,000
GRF 336412 Hospital Services $ 288,000,000 $ 310,000,000
GRF 336415 Mental Health Facilities Lease $ 25,875,000 $ 22,625,000
GRF 336421 Continuum of Care Services $ 95,389,000 $ 95,389,000
GRF 336422 Criminal Justice Services $ 21,000,000 $ 21,000,000
GRF 336424 Recovery Housing $ 5,000,000 $ 5,000,000
GRF 336425 Specialized Docket $ 11,269,000 $ 11,269,000
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**Section 337.20. PREVENTION AND WELLNESS**

The foregoing appropriation item 336406, Prevention and Wellness, shall be used as follows:

(A) Up to $1,250,000 in each fiscal year shall be distributed to boards of alcohol, drug addiction, and mental health services
to purchase the provision of evidence-based prevention services from providers certified by the Department of Mental Health and Addiction Services.

(B) Up to $8,000,000 in each fiscal year shall be used to support suicide prevention efforts.

(C) Up to $2,250,000 in each fiscal year shall be used to increase access to early identification and intervention of behavioral health disorders across the lifespan.

Section 337.30. MENTAL HEALTH FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 336415, Mental Health Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2023, through June 30, 2025, by the Department of Mental Health and Addiction Services pursuant to leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code.

Section 337.40. CONTINUUM OF CARE SERVICES

The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows:

(A) A portion of this appropriation shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated:

(1) To provide subsidized support for psychotropic medication
needs of indigent citizens in the community to reduce unnecessary 157069
hospitalization due to lack of medication; and 157070

(2) To provide subsidized support for medication-assisted 157071
treatment costs. 157072

(B) A portion of this appropriation may be distributed to 157073
boards of alcohol, drug addiction, and mental health services, 157074
community addiction and/or mental health services providers, 157075
courts, or other governmental entities to provide specific grants 157076
in support of initiatives concerning mental health and addiction 157077
services.

(C) Of the foregoing appropriation item 336421, Continuum of 157078
Care Services, $1,500,000 in each fiscal year shall be allocated 157079
by the Department of Mental Health and Addiction Services to 157080
boards of alcohol, drug addiction, and mental health services. The 157081
boards shall use their allocations to establish and administer, in 157082
collaboration with the other boards that serve the same state 157083
psychiatric hospital region, mental health crisis stabilization 157084
centers or, upon approval from the Director of Mental Health and 157085
Addiction Services, boards may use these funds in conjunction with 157086
funds earmarked in division (A) of Section 337.130 of this act, to 157087
establish and administer crisis stabilization centers that have 157088
the ability to serve individuals with substance use and/or mental 157089
health needs. There shall be at least one center located in each 157090
state psychiatric hospital region.

Boards of alcohol, drug addiction, and mental health services 157091
shall ensure that each mental health crisis stabilization center 157092
established and administered under division (C) of this section 157093
complies with all of the following:

(1) It serves individuals before and after the individuals 157094
receive treatment and care at hospital emergency departments or 157095
freestanding emergency departments.
(2) It serves individuals before and after the individuals are confined in state or local correctional facilities.

(3) It has a Medicaid provider agreement.

(4) It serves individuals who present as needing the crisis stabilization services provided by the center.

(5) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code.

(D) Boards of alcohol, drug addiction, and mental health services shall submit to the Director of Mental Health and Addiction Services for approval a plan for establishing and administering crisis stabilization centers pursuant to division (C) of this section and division (A) of Section 337.130 of this act that meet the mental health and substance use needs of individuals within their service districts.

(E) As used in division (C) of this section:

(1) "State or local correctional facility" means any of the following:

(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code;

(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code;

(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code.

(2) "State psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code.

(F) Of the foregoing appropriation item 336421, Continuum of Care Services, up to $9,000,000 in each fiscal year shall be used...
to develop a strategic approach to strengthening cross-systems collaboration efforts to serve adults with serious mental illness who are involved in multiple behavioral health, developmental disabilities, human services, or criminal justice systems.

(G) Of the foregoing appropriation item 336421, Continuum of Care Services, up to $2,500,000 in each fiscal year shall be used to develop, evaluate, and expand crisis services infrastructure to provide support for adults, children, and families in a variety of settings.

(H) Of the foregoing appropriation item 336421, Continuum of Care Services, up to $6,500,000 in each fiscal year shall be used to support an evidence-informed intervention model that helps public children services agencies bring together caseworkers, behavioral health providers, and family peer mentors into teams dedicated to helping families struggling with co-occurring child maltreatment and substance use disorder.

(I) Of the foregoing appropriation item 336421, Continuum of Care, up to $1,000,000 in each fiscal year shall be used for operating expenses and critical repairs to improve the habitability of homes and quality of life for adults with severe mental illness living in class two and class three residential facilities.

(J) Of the foregoing appropriation item 336421, Continuum of Care Services, up to $4,000,000 in each fiscal year shall be used to expand statewide access to rapid mobile response and stabilization services provided to youth experiencing an emotional or behavioral health crisis and their families.

(K) Of the foregoing appropriation item 336421, Continuum of Care Services, $2,000,000 in each fiscal year shall be allocated to Bellefaire Jewish Children's Bureau to be used for support of its ongoing health care integration efforts to fund competitive
compensation to recruit and retain front-line staffing positions across its core behavioral health programs including inpatient psychiatric care and outpatient physical health care and to maintain sufficient staff-to-client ratios for all programs.

(L) Of the foregoing appropriation item 336421, Continuum of Care Services, $375,000 in each fiscal year shall be provided to Arika's Angels and shall be used for addiction recovery and mental health behavioral supports.

(M) Of the foregoing appropriation item 336421, Continuum of Care Services, $150,000 in each fiscal year shall be distributed to Mental Health America of Ohio for the Perinatal Outreach and Encouragement for Moms (POEM) Program.

(N) Of the foregoing appropriation item 336421, Continuum of Care Services, $150,000 in each fiscal year shall be allocated to the "Save a Warrior" Foundation to be used to fund their program for first-responders suffering from severe forms of PTSD.

Section 337.45. HOSPITAL ACCESS FUND

(A) As used in this section, "mentally ill person subject to court order" has the same meaning as in section 5122.01 of the Revised Code.

(B) Of the foregoing appropriation item 336421, Continuum of Care, up to $7,000,000 in each fiscal year shall be used to pay for the treatment of indigent mentally ill persons subject to court order in hospitals or inpatient units licensed by the Department of Mental Health and Addiction Services under section 5119.33 of the Revised Code.

Section 337.50. CRIMINAL JUSTICE SERVICES

(A) Except as otherwise provided in this act, the foregoing appropriation item 336422, Criminal Justice Services, shall be
used for all of the following:

(1) The provision of forensic psychiatric evaluations to courts of common pleas;

(2) The completion of evaluations of patients of forensic status in facilities operated or designated by the Department of Mental Health and Addiction Services prior to each patient's conditional release to the community;

(3) Workforce, training, and technological initiatives that support the items specified in divisions (A)(1) and (2) of this section.

A portion of this appropriation may be allocated through boards of alcohol, drug addiction, and mental health services to community addiction and/or mental health services providers in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services.

(B) Of the foregoing appropriation item, 336422, Criminal Justice Services, up to $5,000,000 in each fiscal year shall be allocated to the Behavioral Health Drug Reimbursement Program established in section 5119.19 of the Revised Code.

On July 1, 2023, or as soon as possible thereafter, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of this earmark in fiscal year 2023. The amount certified is hereby reappropriated to the appropriation item in fiscal year 2024 for the same purpose.

(C) The foregoing appropriation item 336422, Criminal Justice Services, may also be used to:

(1) Provide forensic monitoring and tracking of individuals on conditional release;

(2) Provide forensic and crisis response training;
(3) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;

(4) Provide services to incarcerated individuals in jails, as defined in section 2929.01 of the Revised Code, with a substance use disorder, severe mental illness, or both, including screening and clinically appropriate treatment;

(5) Link and provide behavioral health treatment and recovery supports to incarcerated individuals described in division (C)(4) of this section upon release from jail;

(6) Provide specialized re-entry services to offenders leaving prisons and jails;

(7) Provide specific grants in support of addiction services alternatives to incarceration;

(8) Support therapeutic communities;

(9) Support specialty dockets and expand or create new certified court programs;

(10) Establish and administer outpatient competency restoration services. The services shall be provided by forensic centers described in section 5119.10 of the Revised Code or, to the extent a forensic center in a community does not provide outpatient competency restoration services, a psychiatric program or facility selected by a board of alcohol, drug addiction, and mental health services to provide such services.

Section 337.60. SUBSTANCE USE DISORDER TREATMENT IN SPECIALIZED DOCKET PROGRAMS

(A) As used in this section:

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(3) "Drug used in medication-assisted treatment" means a drug approved by the United States Food and Drug Administration for use in medication-assisted treatment.

(4) "Drug used in withdrawal management or detoxification" means a drug approved by the United States Food and Drug Administration for use in, or a drug in standard use for, mitigating alcohol or opioid withdrawal symptoms or assisting with detoxification.

(5) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(6) "Medication-assisted treatment drug court program" and "MAT drug court program" mean a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs and that uses medication-assisted treatment as part of its specialized docket program: a common pleas court, municipal court, or county court, or a division of any of those courts.

(7) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.

(8) "Recovery supports" has the same meaning as in section 5119.01 of the Revised Code.

(9) "Substance use disorder treatment" has the same meaning as "alcohol and drug addiction services" as defined in section 5119.01 of the Revised Code.

(B)(1) The Department of Mental Health and Addiction Services shall conduct a program to provide substance use disorder treatment to persons who are eligible to participate in a medication-assisted treatment drug court program and are selected...
under this section to be participants in a MAT drug court program because of a substance use disorder. The substance use disorder treatment provided under the Department's program may include the following:

(a) Drugs used in medication-assisted treatment;
(b) Services involved in providing medication-assisted treatment;
(c) Drugs used in withdrawal management or detoxification;
(d) Services involved in providing withdrawal management or detoxification;
(e) Recovery supports.

(2) The Department shall conduct its program in collaboration with any counties in Ohio that are conducting MAT drug court programs.

(3) In addition to conducting its program in accordance with division (B)(2) of this section, the Department may conduct its program in collaboration with any other court that is conducting a MAT drug court program.

(C) In conducting its program, the Department shall collaborate with the Supreme Court, the Department of Rehabilitation and Correction, and any agency of the state that the Department of Mental Health and Addiction Services determines may be of assistance in accomplishing the objectives of the Department's program. The Department may collaborate with the boards of alcohol, drug addiction, and mental health services and with local law enforcement agencies that serve the counties in which a court participating in the Department's program is located.

(D)(1) A MAT drug court program participating in the Department’s program shall select the persons who are to be its
participants for purposes of the Department's program. To be selected, a person must be a criminal offender, including an offender under a community control sanction, or be involved in a drug or family dependency court. A person shall not be selected to be a participant unless the person meets the legal and clinical eligibility criteria for the MAT drug court program and is an active participant in the MAT drug court program, or unless the offender is under a community control sanction with the program's participating judge.

(2) After a MAT drug court program enrolls a person as a participant for purposes of the Department's program, the participant shall comply with all requirements of the MAT drug court program.

(E) The substance use disorder treatment provided under the Department's program in collaboration with a MAT drug court program, including any recovery supports that are provided, shall be provided by a community addiction services provider. The provider shall do all of the following:

(1) Provide treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the community addiction services provider;

(2) Conduct professional, comprehensive substance abuse and mental health diagnostic assessments of a person under consideration for selection as a program participant to determine whether the person would benefit from substance use disorder treatment and monitoring;

(3) Determine, based on the assessment described in division (E)(2) of this section, the treatment needs of the program participants served by the community addiction services provider;

(4) Develop, for program participants served by the community addiction services provider, individualized goals and objectives;
(5) Subject to division (F) of this section, provide access to both of the following drug therapies to the extent they are included in the program's substance use disorder treatment: drugs used in medication-assisted treatment and drugs used in withdrawal management or detoxification;

(6) Provide other types of therapies, including psychosocial therapies, for both substance use disorder and any disorders that are considered by the community addiction services provider to be co-occurring disorders;

(7) Monitor program compliance through the use of regular drug testing, including urinalysis, of the program participants served by the community addiction services provider;

(8) Provide access to time-limited recovery supports that help eliminate barriers to treatment and are specific to the participant's needs, including assistance with housing, transportation, child care, job training, obtaining a driver's license or state identification card, and any other matter considered relevant by the provider.

(F) With regard to the drug therapies included in the substance use disorder treatment provided under the Department's program, both of the following apply:

(1) One or more drugs may be used, but each drug that is used must constitute either or both of the following:

(a) Long-acting antagonist therapy, partial agonist therapy, or full agonist therapy;

(b) Alpha-2 agonist therapy for withdrawal management or detoxification.

(2) If a drug constituting partial or full agonist therapy is used, the program shall provide safeguards to minimize abuse and diversion of the drug, including such safeguards as routine drug
testing of program participants.

(G) It is anticipated and expected that MAT drug court programs will expand their ability to serve more drug court participants as a result of increased access to commercial or publicly funded health insurance. In order to ensure that funds appropriated to support the Department's program are used in the most efficient manner with a goal of enrolling the maximum number of participants, the Medicaid Director, in collaboration with major Ohio health care plans, shall develop plans consistent with this division. There shall be no prior authorizations or step therapy for program participants to have access to any drug therapy included in the substance use disorder treatment provided under the Department's program. The plans developed under this division shall ensure all of the following:

(1) The development of an efficient and timely process for review of eligibility for health benefits for all persons selected to participate in the program;

(2) A rapid conversion to reimbursement for all health care services by the participant's health care plan following approval for coverage of health care benefits;

(3) The development of a consistent benefit package that provides ready access to and reimbursement for essential health care services including, but not limited to, primary health care services, alcohol and opioid detoxification services, appropriate psychosocial services, drugs used in medication-assisted treatment, and drugs used in withdrawal management or detoxification;

(4) The development of guidelines that require the provision of all treatment services, including medication, with minimal administrative barriers and within a time frame that meets the requirements of individual patient care plans.
(H) Of the foregoing appropriation item 336422, Criminal Justice Services, up to $5,000,000 in each fiscal year shall be used to support the substance use disorder treatment included in the Department's program for drug court specialized docket programs and to support the administrative expenses of courts and community addiction services providers participating in the Department's program.

Section 337.70. RECOVERY HOUSING

(A) As used in this section, "recovery housing residence" has the same meaning as in section 5119.01 of the Revised Code.

(B) Of the foregoing appropriation item 336424, Recovery Housing, up to $5,000,000 in each fiscal year shall be used as follows:

(1) To expand, support access to, as well as assist the operators of recovery housing residences in their efforts to improve the quality of recovery housing residences in this state. The Director of Mental Health and Addiction Services may provide funds from this appropriation item to such operators for the purpose of defraying costs associated with attaining certification or accreditation, as applicable, under section 5119.39 of the Revised Code.

(2) To implement sections 5119.39 to 5119.397 of the Revised Code.

Section 337.80. SPECIALIZED DOCKET SUPPORT

(A) The foregoing appropriation item 336425, Specialized Docket Support, shall be used to defray a portion of the annual payroll costs associated with the specialized docket of a common pleas court, municipal court, county court, juvenile court, or family court that meets all of the eligibility requirements in division (B) of this section, including a family dependency.
treatment docket. The foregoing appropriation item 336425, Specialized Docket Support, may also be used to defray costs associated with treatment services and recovery supports for participants.

(B) To be eligible, the specialized docket must have received Supreme Court of Ohio initial or final certification and include participants with behavioral health needs in its target population.

(C) Of the foregoing appropriation item 336425, Specialized Docket Support, the Department of Mental Health and Addiction Services shall use up to one per cent of the funds appropriated in each fiscal year to pay the cost it incurs in administering the duties established in this section.

(D) The Department, in consultation with the Supreme Court of Ohio, may adopt funding distribution methodology, guidelines, and procedures as necessary to carry out the purposes of this section.

Section 337.90. COMMUNITY INNOVATIONS

The foregoing appropriation item 336504, Community Innovations, may be used by the Department of Mental Health and Addiction Services to make targeted investments in programs, projects, or systems operated by or under the authority of other state agencies, governmental entities, or private not-for-profit agencies that impact, or are impacted by, the operations and functions of the Department, with the goal of achieving a net reduction in expenditure of state general revenue funds and/or improved outcomes for Ohio citizens without a net increase in state general revenue fund spending.

The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of
these funds in the program, project, or system is expected to
decrease demand for the Department or other resources funded with
state general revenue funds, and/or to measurably improve outcomes
for Ohio citizens with mental illness or with alcohol, drug, or
gambling addictions. The Director shall have discretion to provide
funds from this appropriation item to private not-for-profit
entities in amounts, and subject to conditions, that the Director
determines most likely to achieve state savings and/or improved
outcomes. Distribution of funds from this appropriation item shall
not be subject to sections 9.23 to 9.239 or Chapter 125. of the
Revised Code.

The Department shall enter into an agreement with each
recipient of community innovation funds, identifying: allowable
expenditure of the funds; other commitment of funds or other
resources to the program, project, or system; expected state
savings and/or improved outcomes and proposed mechanisms for
measurement of such savings or outcomes; and required reporting
regarding expenditure of funds and savings or outcomes achieved.

Of the foregoing appropriation item 336504, Community
Innovations, up to $3,000,000 in each fiscal year shall be used to
support workforce development initiatives.

Of the foregoing appropriation item 336504, Community
Innovations, up to $1,500,000 in each fiscal year shall be used to
mitigate behavioral health disparities.

Of the foregoing appropriation item 336504, Community
Innovations, up to $1,250,000 in each fiscal year shall be used to
establish additional clubhouses in this state for the purpose of
offering individuals with a mental illness or mental illness and
co-occurring substance use disorder opportunities for employment,
housing, education, and access to medical and psychiatric services
in a single caring and safe environment. The clubhouses shall be
operated in accordance with model standards and employment
benchmarks selected by the Department of Mental Health and Addiction Services.

Of the foregoing appropriation item 336504, Community Innovations, up to $1,000,000 in each fiscal year shall be used by the Department of Mental Health and Addiction Services, in partnership with the Department of Rehabilitation and Correction and Ohio Housing Finance Agency, to establish a landlord incentive program. Under the program, the Department of Mental Health and Addiction Services shall do both of the following:

(A) Issue incentive payments to landlords to encourage the leasing of rental units to individuals with a criminal record who have a mental illness, substance use disorder, or both, or are being discharged from a hospital as defined in section 5122.01 of the Revised Code.

(B) Reimburse landlords for small repairs in rental units leased to individuals described in division (A) of this section to ensure that such units conform with Housing Quality Standards specified by the United States Department of Housing and Urban Development in 24 C.F.R. 982, et seq.

The Department shall specify guidelines and a procedure for the distribution of funds pursuant to divisions (A) and (B) of this section.

Section 337.95. MOBILE-BASED OPIOID USE DISORDER TREATMENT

(A) As used in this section:

(1) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(2) "Medication unit" has the same meaning as in 42 C.F.R. 8.2.

(3) "Qualifying practitioner" has the same meaning as in section 303(g)(2)(G)(iii) of the "Controlled Substances Act of
(B) During fiscal years 2024 and 2025, the Department of Mental Health and Addiction Services shall operate a pilot program to provide opioid use disorder treatment to individuals in underserved regions of this state, selected by the Department, using medication units that are mobile. The purpose of the program is to extend access to medication-assisted treatment to areas of the state lacking opioid treatment programs licensed under section 5119.37 of the Revised Code and qualifying practitioners.

(C) The Department shall ensure that the services provided in mobile medication units used in the pilot program are those specified in relevant guidance issued by the United States Substance Abuse and Mental Health Services Administration.

(D) Upon request of the Department, the State Board of Pharmacy, State Medical Board, Board of Nursing, and any other state agency that the Department determines may be of assistance in accomplishing the purpose of the pilot program, shall provide the requested assistance.

(E) Not later than sixty days after the effective date of this section, the Department shall develop a plan for implementing and evaluating the pilot program.

(F) Not later than six months after the conclusion of the pilot program, the Department shall complete a report of the findings obtained from the program. On completion, the Department shall submit the report to the Governor and to the General Assembly. The Department shall submit the report to the General Assembly in accordance with section 101.68 of the Revised Code.

(G) Of the foregoing appropriation item 336504, Community Innovations, up to $750,000 in each fiscal year shall be used to operate the pilot program established under this section.
Section 337.100. RESIDENTIAL STATE SUPPLEMENT

The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to implement and operate the Residential State Supplement (RSS) Program required by section 5119.41 of the Revised Code.

Section 337.103. APPALACHIAN CHILDREN COALITION

The foregoing appropriation item 336516, Appalachian Children Coalition, shall be provided to the Appalachian Children Coalition to address systemic challenges children face in Appalachian Ohio. The Coalition shall use the funds as follows:

(A) $1,000,000 in each fiscal year shall be used to provide funding for training, hiring, and retention of entry-level child mental and behavioral health workers in school and health provider settings;

(B) $1,000,000 in each fiscal year shall be used to provide funding for research and facilitation of a publicly accessible database of child wellbeing indicators as well as provide capacity to child-serving entities in the region by way of grant writing support, community assessments, and mental and behavioral health workforce mapping;

(C) $250,000 in each fiscal year shall be used to enhance child mental health outcomes, promote implementation of whole-child models of care, and to expand the mental health workforce in the region; and

(D) $250,000 in each fiscal year shall be used to provide funding for prevention programming in the areas of teen suicide, substance misuse, human trafficking, bullying, and child abuse and neglect in the region.
Section 337.105. COMMUNITY PROJECTS

Of the foregoing appropriation item 336519, Community Projects, $1,500,000 in each fiscal year shall be provided to the Ohio Alliance of Boys & Girls Clubs to support prevention and early intervention for underserved children, youth, and families in high-need and/or high-risk communities through the integration of evidence-based trauma-informed practices into Club programming and the provision of broader community partnerships for care management, direct services, clinical interventions, as well as additional support for addiction prevention and youth mental health.

Section 337.120. MEDICAID SUPPORT

The foregoing appropriation item 652321, Medicaid Support, shall be used to fund specified Medicaid Services as delegated by the state's single agency responsible for the Medicaid Program.

Section 337.130. STABILIZATION CENTERS

(A) Except as otherwise provided in this act, of the foregoing appropriation item 336600, Stabilization Centers, up to $6,000,000 in each fiscal year shall be used to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, substance use stabilization centers or, upon approval from the Director of Mental Health and Addiction Services, boards may use these funds in conjunction with funds earmarked in division (C) of Section 337.40 of this act to establish and administer crisis stabilization centers that have the ability to serve individuals with substance use and/or mental health needs. There shall be a minimum of one center located in each state psychiatric hospital region.
(B) Boards of alcohol, drug addiction, and mental health services shall submit to the Director of Mental Health and Addiction Services for approval a plan for establishing and administering crisis stabilization centers pursuant to division (A) of this section and division (C) of Section 337.40 of this act that meet the needs of individuals within their service districts.

(C) As used in this section, "state psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code.

Section 337.135. 9-8-8 LIFELINE

(A) As used in this section, "9-8-8 Suicide and Crisis Lifeline" means the 9-8-8 universal telephone number designated for use within the United States under section 251(e) of the "Communications Act of 1934," 47 U.S.C. 251(e), as amended by the "National Suicide Hotline Designation Act of 2020," Pub. L. No. 116-172, for the purpose of the national suicide prevention and mental health crisis hotline system.

(B) The foregoing appropriation item 336661, 988 Suicide and Crisis Response, shall be used to support statewide operations and related activities of the 9-8-8 Suicide and Crisis Lifeline and mental health treatment and response.

Section 337.140. ADAMHS BOARDS

(A) Of the foregoing appropriation item 336643, ADAMHS Boards, $5,000,000 in each fiscal year shall be allocated as follows:

(1) Each board shall receive $50,000 in each fiscal year for each of the counties that are part of the board's district.
Each board shall receive a percentage of any remaining amount to be determined by a formula developed by the Director of Mental Health and Addiction Services.

(B) Of the foregoing appropriation item 336643, ADAMHS Boards, up to $6,000,000 in each fiscal year shall be used to fund a continuum of crisis stabilization and crisis prevention services and supports to allow individuals to be served in the least restrictive setting.

(C) Boards of alcohol, drug addiction, and mental health services shall submit for approval by the Director of Mental Health and Addiction Services a plan for establishing and administering crisis services in conjunction with the plan submitted pursuant to division (D) of Section 337.40 and division (B) of Section 337.130 of this act.

Section 337.145. ARPA PEDIATRIC BEHAVIORAL HEALTH

The foregoing appropriation item 336648, ARPA Pediatric Behavioral Health, shall be distributed to St. Vincent Family Services for pediatric behavioral health workforce retention and development.

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION

A portion of appropriation item 336629, Problem Gambling and Casino Addiction, shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services.

Section 337.160. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM

The foregoing appropriation item 336645, Transcranial Magnetic Stimulation Program, shall be used for the electroencephalogram (EEG) combined transcranial magnetic...
stimulation program as described in section 5902.09 of the Revised Code. These funds shall also be used to serve up to three hundred additional veterans and up to three hundred additional first responders and law enforcement officers.

Section 337.170. ACCESS SUCCESS II PROGRAM

To the extent cash is available, the Director of Budget and Management may transfer cash from a fund designated by the Medicaid Director, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health and Addiction Services. The transferred cash is hereby appropriated.

The Department of Mental Health and Addiction Services shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by the Department under Chapter 5119. of the Revised Code to transition from inpatient status to a community setting.

Section 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION FUND

On a schedule determined by the Director of Budget and Management, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code to be transferred from the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 4750). Upon certification, the Director of Budget and Management may transfer cash from the Indigent Drivers Alcohol Treatment Fund to the Statewide Treatment and Prevention Fund.
### Section 339.10. MIH COMMISSION ON MINORITY HEALTH

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### Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES

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</tbody>
</table>
Section 343.20. PROGRAM SUPPORT FUND

The Department of Natural Resources shall use a methodology for determining each division's payments into the Program Support Fund (Fund 1570). The methodology used shall contain the characteristics of administrative ease and uniform application in compliance with federal grant requirements. It may include direct cost charges for specific services provided. Payments to Fund 1570 shall be made using an intrastate transfer voucher.

The foregoing appropriation item 725401, Division of Wildlife-Operating Subsidy, shall be used to pay the direct and indirect costs of the Division of Wildlife.

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 725413, Parks and Recreational Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2023, through June 30, 2025, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

HEALTHY LAKE ERIE PROGRAM

The foregoing appropriation item 725505, Healthy Lake Erie Program, shall be used by the Director of Natural Resources, in support of the following: (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, and animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the Director may decide. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines.
commonly known as 4R nutrient stewardship practices.

COAL AND MINE SAFETY PROGRAMS

The foregoing appropriation item 725507, Coal and Mine Safety Programs, shall be used for the administration of the Mine Safety Program and the Coal Regulation Program.

SPECIAL PROJECTS

Of the foregoing appropriation item 725520, Special Projects, $3,500,000 in fiscal year 2024 shall be used to support the Mentor Erosion Mitigation Project.

Of the foregoing appropriation item 725520, Special Projects, $2,000,000 in each fiscal year shall be used to expand Project Wild wildlife-based conservation and environmental education.

Of the foregoing appropriation item 725520, Special Projects, $125,000 in each fiscal year shall be used to support the administrative costs and other expenses of the Indian Lake Watershed Project.

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2023, through June 30, 2025, on obligations issued under sections 151.01 and 151.05 of the Revised Code.

Section 343.30. H2OHIO FUND

On July 1, 2024, or as soon as possible thereafter, the Director of Natural Resources may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 725681, H2Ohio, at the end of fiscal year 2024 to be reappropriated in fiscal year 2025. The amount certified is hereby reappropriated to the same
appropriation item for fiscal year 2025.

WELL LOG FILING FEES

The Chief of the Division of Water Resources shall deposit fees forwarded to the Division pursuant to section 1521.05 of the Revised Code into the Water Management Fund (Fund 5160) for the purposes described in that section.

PARKS CAPITAL EXPENSES FUND

The Director of Natural Resources shall submit to the Director of Budget and Management the estimated design, engineering, and planning costs of capital-related work to be done by Department of Natural Resources staff for parks projects within the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from Fund 7035 appropriation item C725E6, Project Planning, for those purposes. Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Parks Capital Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by Fund 7035 using an intrastate transfer voucher.

NATUREWORKS CAPITAL EXPENSES FUND

The Department of Natural Resources shall submit to the Director of Budget and Management the estimated design, planning, and engineering costs of capital-related work to be done by Department of Natural Resources staff for each capital improvement project within the Ohio Parks and Natural Resources Fund (Fund 7031). If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from Fund 7031 appropriation item C725E5, Project Planning, for those purposes. Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Capital Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be
reimbursed by Fund 7031 using an intrastate transfer voucher.

ARPA – SPECIAL PROJECTS

The foregoing appropriation item 7256A3, ARPA – Special Projects, shall be used by the Director of Natural Resources to support the Rock & Roll Hall of Fame and Museum.

PARK MAINTENANCE

The foregoing appropriation item 725514, Park Maintenance, shall be used by the Department of Natural Resources to pay the costs of projects supported by the State Park Maintenance Fund (Fund 5TD0) under section 1501.08 of the Revised Code.

On July 1 of each fiscal year or as soon as possible thereafter, the Director of Natural Resources shall certify the amount of five percent of the average of the previous five years of deposits in the State Park Fund (Fund 5120) to the Director of Budget and Management. The Director of Budget and Management may transfer up to $1,800,000 from Fund 5120 to the State Park Maintenance Fund (Fund 5TD0).

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES

The foregoing appropriation item 725405, Clean Ohio Trail Operating, shall be used by the Department of Natural Resources in administering Clean Ohio Trail Fund (Fund 7061) projects pursuant to section 1519.05 of the Revised Code.

Section 343.60. (A) As used in this section:

(1) "Locally administer" means to supervise the design and construction of, and make contracts for the construction, reconstruction, improvement, enlargement, alteration, repair, or decoration of a capital facility project without the assistance of the Ohio Facilities Construction Commission.

(2) "Capital facility project" means any activities,
projects, or improvements described in division (B)(1) of section 1501.011 of the Revised Code.

(B) Notwithstanding section 123.21 of the Revised Code or any other provision of law to the contrary, for fiscal years 2024 and 2025, the Department of Natural Resources may locally administer any capital facility project commenced within those fiscal years, regardless of estimated cost.

(C) The Department shall do both of the following regarding a capital facility project that is locally administered:

(1) Comply with the applicable procedures and guidelines established in Chapter 153. of the Revised Code;

(2) Track all project information in the Ohio Administrative Knowledge System capital improvements application pursuant to Ohio Facilities Construction Commission guidelines as though the Department is administering the project pursuant to section 123.211 of the Revised Code and all generally applicable laws.

(D) Nothing in this section interferes with the powers of the Department of Natural Resources authorized in Chapter 1501. of the Revised Code.

Section 345.10. NUR STATE BOARD OF NURSING

Dedicated Purpose Fund Group

4K90 884609 Operating Expenses $ 13,045,656 $ 13,032,656

5AC0 884602 Nurse Education Grant $ 1,513,000 $ 894,000

Program

5P80 884601 Nursing Special Issues $ 500 $ 500

TOTAL DPF Dedicated Purpose

Total Budget Fund Group $ 14,559,156 $ 13,927,156

TOTAL ALL BUDGET FUND GROUPS $ 14,559,156 $ 13,927,156
Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD

Dedicated Purpose Fund Group

4K90 890609 Operating Expenses $ 1,330,747 $ 1,417,747
TOTAL DPF Dedicated Purpose Fund Group $ 1,330,747 $ 1,417,747
TOTAL ALL BUDGET FUND GROUPS $ 1,330,747 $ 1,417,747

Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY

General Revenue Fund

GRF 415402 Independent Living $ 252,000 $ 252,000
GRF 415406 Assistive Technology $ 26,000 $ 26,000
GRF 415431 Brain Injury $ 1,100,000 $ 1,100,000
GRF 415506 Services for Individuals with Disabilities $ 24,820,000 $ 30,015,000
GRF 415508 Services for the Deaf $ 527,000 $ 527,000
GRF 415511 Centers for Independent Living $ 500,000 $ 500,000
GRF 415512 Visually Impaired Reading Services $ 50,000 $ 50,000
GRF 415513 Accessible Ohio $ 500,000 $ 500,000
TOTAL GRF General Revenue Fund $ 27,775,000 $ 32,970,000

Dedicated Purpose Fund Group

4670 415609 Business Enterprise Operating Expenses $ 1,555,368 $ 1,555,368
4680 415618 Third Party Services Funding $ 11,680,000 $ 12,680,000
4L10 415619 Services for $ 2,200,000 $ 2,200,000
Rehabilitation

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<tr>
<td>3170 Disability Determination</td>
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<td>3790 Federal - Vocational Rehabilitation</td>
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<td>3GH0 Personal Care Assistance</td>
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<td>$3,336,051</td>
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<td>3GH0 Community Centers for the Deaf</td>
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<td>3GH0 Independent Living</td>
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<td>3GH0 Independent Living Projects</td>
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<td>3IL0 Works4Me Disability Innovation Fund Grant</td>
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<td>$2,300,000</td>
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<td>3L10 Social Security Vocational Rehabilitation</td>
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<td>$13,000,000</td>
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<td>3L40 Federal - Supported Employment</td>
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<td>3L40 Independent Living Older Blind</td>
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<td>$343,872,583</td>
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Section 353.20. INDEPENDENT LIVING
The foregoing appropriation item 415402, Independent Living Council, shall be used to support the state independent living programs and centers under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.

Of the foregoing appropriation item 415402, Independent Living Council, $67,662 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities.

The foregoing appropriation item 415511, Centers for Independent Living, shall be used to support the operations of the Centers for Independent Living in accordance with the State Plan for Independent Living.

ASSISTIVE TECHNOLOGY

The foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with disabilities in the State of Ohio.

BRAIN INJURY

The foregoing appropriation item 415431, Brain Injury, shall be provided to The Ohio State University College of Medicine to support the Brain Injury Program established under section 3335.60 of the Revised Code.

SERVICES FOR INDIVIDUALS WITH DISABILITIES

The foregoing appropriation item 415506, Services for Individuals with Disabilities, shall be used as state matching funds to provide vocational rehabilitation services to Ohioans with disabilities.

SERVICES FOR THE DEAF

The foregoing appropriation item 415508, Services for the
Deaf, shall be used to support community centers for the deaf.

VISUALLY IMPAIRED READING SERVICES

The foregoing appropriation item 415512, Visually Impaired Reading Services, shall be used to support VOICEcorps Reading Services to provide reading services for blind individuals.

SIGHT CENTERS

Of the foregoing appropriation item 415617, Independent Living Older Blind, $30,000 in each fiscal year shall be used to contract in equal amounts with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide outreach to the community of individuals with blindness or low vision.

Section 361.10. PEN PENSION SUBSIDIES

General Revenue Fund

<table>
<thead>
<tr>
<th>GRF 090524 Police and Fire Disability Pension Fund</th>
<th>$ 500 $ 500</th>
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</thead>
<tbody>
<tr>
<td>GRF 090534 Police and Fire Ad Hoc Cost of Living</td>
<td>$ 17,000 $ 17,000</td>
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<tr>
<td>GRF 090554 Police and Fire Survivor Benefits</td>
<td>$ 165,500 $ 165,500</td>
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<tr>
<td>GRF 090575 Police and Fire Death Benefits</td>
<td>$ 35,500,000 $ 36,000,000</td>
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<tr>
<td>TOTAL GRF General Revenue Fund</td>
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<tr>
<td>TOTAL ALL BUDGET FUND GROUPS</td>
<td>$ 35,683,000 $ 36,183,000</td>
</tr>
</tbody>
</table>

POLICE AND FIRE DEATH BENEFIT FUND

The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund, which
serves as trustees of the Ohio Public Safety Officers Death
Benefit Fund pursuant to section 742.62 of the Revised Code. The
Treasurer of State shall certify such amounts quarterly to the
Director of Budget and Management. By the twentieth day of June of
each fiscal year, the Board of Trustees shall certify to the
Treasurer of State the amount disbursed in the current fiscal year
to make the payments required by sections 124.824 and 742.63 of
the Revised Code and shall return to the Treasurer of State moneys
received from this appropriation item but not disbursed.

Notwithstanding any provision of section 124.824 of the
Revised Code to the contrary, for each death benefit fund
recipient who participates in health, medical, hospital, dental,
surgical, or vision benefits under section 124.824 of the Revised
Code, the Board of Trustees of the Ohio Police and Fire Pension
Fund shall forward as a pass-through from the revenue received
from the foregoing appropriation item 090575, Police and Fire
Death Benefits, the percentage of the cost for the applicable
benefits that would be paid by a state employer for a state
employee who elects that coverage and any applicable
administrative costs, which shall not exceed two per cent of the
total cost of the benefits. The Board of Trustees shall also
withhold from the benefits paid to a death benefit fund recipient
under section 742.63 of the Revised Code the percentage of the
cost for such benefits that would be paid by a state employee, and
forward the withheld amounts to the Department of Administrative
Services from the revenue received from the foregoing
appropriation item 090575, Police and Fire Death Benefits.

In fiscal year 2024 or 2025, if it is determined by the
Director of Administrative Services, in consultation with the
Chairperson of the Board of Trustees of the Ohio Police and Fire
Pension Fund, or designee, that additional amounts are necessary
to pay the cost of providing benefits under section 124.824 or
742.63 of the Revised Code, the Director of Administrative Services may certify the additional amount necessary to the Director of Budget and Management. The amount certified is hereby appropriated.

**Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD**

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>FY 2023</th>
<th>FY 2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>6910 810632</td>
<td>Petroleum Underground Storage Tank Release Compensation Board - Operating</td>
<td>$1,616,900</td>
<td>$1,638,600</td>
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<tr>
<td><strong>TOTAL DPF Dedicated Purpose Fund Group</strong></td>
<td></td>
<td>$1,616,900</td>
<td>$1,638,600</td>
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<tr>
<td><strong>TOTAL ALL BUDGET FUND GROUPS</strong></td>
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<td>$1,616,900</td>
<td>$1,638,600</td>
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</table>

**Section 367.10. PRX STATE BOARD OF PHARMACY**

Dedicated Purpose Fund Group

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
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<th>FY 2024</th>
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<tbody>
<tr>
<td>4A50 887605</td>
<td>Drug Law Enforcement</td>
<td>$50,000</td>
<td>$50,000</td>
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<tr>
<td>4K90 658605</td>
<td>OARRS Integration - STATE</td>
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<tr>
<td>4K90 887609</td>
<td>Operating Expenses</td>
<td>$12,785,300</td>
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<tr>
<td>5SG0 887612</td>
<td>Drug Database</td>
<td>$100,000</td>
<td>$100,000</td>
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<tr>
<td>5SY0 887613</td>
<td>Medical Marijuana Control Program</td>
<td>$2,081,000</td>
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<td><strong>TOTAL DPF Dedicated Purpose Fund Group</strong></td>
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<td>$15,508,300</td>
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Federal Fund Group

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<tr>
<th>Item</th>
<th>Description</th>
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<tbody>
<tr>
<td>3HD0 887614</td>
<td>Pharmacy Federal Grants</td>
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<tr>
<td>3HH0 658601</td>
<td>OARRS Integration - Federal</td>
<td>$1,392,000</td>
<td>$1,393,000</td>
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</tbody>
</table>
By August 1 of each fiscal year, or as soon as possible thereafter, upon request of the Executive Director of the State Board of Pharmacy, the Director of Commerce may certify to the Director of Budget and Management an amount determined by the Director of Commerce to assist with the operation of the drug database established and maintained by the State Board of Pharmacy pursuant to section 4729.75 of the Revised Code. Upon certification, the Director of Budget and Management may transfer that amount in cash from the Medical Marijuana Control Program Fund (Fund 5YS0), used by the Department of Commerce, to the Drug Database Fund (Fund 5SG0), used by the State Board of Pharmacy.

Section 369.10. PSY STATE BOARD OF PSYCHOLOGY

Dedicated Purpose Fund Group

4K90 882609 Operating Expenses $ 747,489 $ 757,489 158120
TOTAL DPF Dedicated Purpose $ 747,489 $ 757,489 158121

Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION

General Revenue Fund

GRF 019401 State Legal Defense $ 9,766,000 $ 11,387,000 158127
Services
GRF 019405 Training Account $ 50,000 $ 50,000 158128
GRF 019501 County Reimbursement $ 145,000,000 $ 145,000,000 158129
TOTAL GRF General Revenue Fund $ 154,816,000 $ 156,437,000 158130

Dedicated Purpose Fund Group 158131
1010 019607 Juvenile Legal Assistance $ 205,000 $ 205,000 158132
4060 019603 Training and Publications $ 75,000 $ 75,000 158133
4070 019604 County Representation $ 375,000 $ 375,000 158134
4080 019605 Client Payments $ 800,000 $ 800,000 158135
4N90 019613 Gifts and Grants $ 13,400 $ 13,400 158136
5740 019606 Civil Legal Aid $ 30,000,000 $ 28,000,000 158137
5CX0 019617 Civil Case Filing Fee $ 620,000 $ 620,000 158138
5DY0 019618 Indigent Defense Support - County Share $ 23,904,000 $ 23,904,000 158139
5DY0 019619 Indigent Defense Support - State Office $ 6,000,000 $ 6,000,000 158140

TOTAL DPF Dedicated Purpose Fund Group $ 61,992,400 $ 59,992,400 158141

Federal Fund Group 158142
3S80 019608 Federal Representation $ 38,300 $ 38,300 158143

TOTAL FED Federal Fund Group $ 38,300 $ 38,300 158144
TOTAL ALL BUDGET FUND GROUPS $ 216,846,700 $ 216,467,700 158145

TRAINING ACCOUNT 158146

The foregoing appropriation item 019405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represent at least one indigent defendant at no cost, and for state and county public defenders and attorneys who contract with the Ohio Public Defender to provide indigent defense services.
INDIGENT DEFENSE SUPPORT

The foregoing appropriation item 019501, County Reimbursement, shall be used to reimburse counties, at a rate not to exceed $75 per hour, for the costs of operating county public defender offices, joint county public defender offices and county appointed counsel systems, the counties' costs and expenses of conducting the defense in capital cases, the counties' costs and expenses of appointed counsel covered by section 2941.51 of the Revised Code, and the costs and expenses of contracting with the state public defender or with any nonprofit organization to provide legal representation to indigent persons.

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer $500,000 cash from the General Revenue Fund to the Legal Aid Fund (Fund 5740). The transferred cash shall be distributed by the Ohio Access to Justice Foundation to Ohio's civil legal aid societies as follows: $250,000 in each fiscal year for the sole purpose of providing legal services for economically disadvantaged individuals and families seeking assistance with legal issues arising as a result of substance abuse disorders, and $250,000 in each fiscal year for the sole purpose of providing legal services for veterans. None of the funds shall be used for administrative costs, including, but not limited to, salaries, benefits, or travel reimbursements.

FEDERAL REPRESENTATION

The foregoing appropriation item 019608, Federal Representation, shall be used to support representation provided by the Ohio Public Defender in federal court cases.
### Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY

<table>
<thead>
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<td>Ohio Narcotics</td>
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<td>Intelligence Center</td>
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<td>GRF 763403</td>
<td>EMA Operating</td>
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<td>GRF 763407</td>
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<td>Mitigation</td>
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<td>GRF 763408</td>
<td>State Disaster Relief</td>
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<td>GRF 763511</td>
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<td>GRF 769406</td>
<td>Homeland Security - Operating</td>
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### Highway Safety Fund Group

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**Section 373.20. RECOVERY OHIO LAW ENFORCEMENT**

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to $3,400,000 in each fiscal year may be used by the Office of Criminal Justice Services to support local law enforcement narcotics task forces that focus on cartel trafficking interdiction. The interdiction task forces shall be designated Ohio Organized Crime Commission task forces subject to approval and supervision of the Commission. This earmarked amount may also be used to provide funding to local law enforcement agencies, the Commission for task force-related equipment purchases, and for...
operating expenses of the Office of Criminal Justice Services related to the narcotics interdiction task force program.

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to $2,500,000 in each fiscal year may be used by the Office of Criminal Justice Services for Ohio's narcotics task forces in order to build new and strengthen existing partnerships with local law enforcement. This earmarked amount may also be used to provide funding to local law enforcement agencies and for operating expenses of the Office of Criminal Justice Services related to the Ohio narcotics task force program.

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to $600,000 in each fiscal year may be used to partner with the Office of Information Technology in the Department of Administrative Services to enhance and maintain a uniform records management and data intelligence system, and provide case management, collaboration, data sharing, and data analytics tools for Ohio narcotics task forces and law enforcement agencies.

OHIO NARCOTICS INTELLIGENCE CENTER

The foregoing appropriation item 761411, Ohio Narcotics Intelligence Center, may be used to operate and maintain a highly specialized Narcotics Intelligence Center consisting of personnel assigned to intelligence and computer forensic analysis that will assist Ohio narcotics task forces and law enforcement agencies.

STATE HAZARD MITIGATION PROGRAM

An amount equal to the unexpended, unencumbered balance of appropriation item 763407, State Hazard Mitigation Program, at the end of fiscal year 2024 is hereby reappropriated for fiscal year 2025.

LOCAL DISASTER ASSISTANCE
An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2023 is hereby reappropriated for the April 17, 2018, and April 8, 2019, Major Disaster Declarations for fiscal year 2024.

An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2024 is hereby reappropriated for the April 17, 2018, and April 8, 2019, Major Disaster Declarations for fiscal year 2025.

SECURITY GRANTS

(A) The foregoing appropriation item 763513, Security Grants, shall be used to make competitive grants of up to $100,000 to nonprofit organizations, houses of worship, chartered nonpublic schools, and licensed preschools for all of the following purposes:

(1) Eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism;

(2) Acquiring or retaining the services of a resource officer, special duty police officer, or licensed armed security guards, including the training, licensing, or certification of resource officers;

(3) The lease or purchase of qualified equipment, including equipment for emergency and crisis communication, crisis management, or trauma and crisis response to assist in preventing, preparing for, or responding to acts of terrorism;

(4) Placing the qualified equipment at alternative locations that are off the premises belonging to the grantee, provided that the grantee receives prior permission from any appropriate county, municipal corporation, local law enforcement agency, local

...
emergency management agency, or local transportation agency, as applicable;

(5) Funding coordinated training between law enforcement, counterterrorism agencies, and emergency responders on either the premises of a nonprofit corporation or through community-wide training efforts;

(6) Continuing coverage of costs that were authorized and paid for by a grant issued previously to the grantee in accordance with this section in previous bienniums under the program.

(B)(1) In addition to the purposes listed in division (A) of this section, a nonprofit organization that serves a broad community or geographic area may apply for and receive grants to provide antiterrorism related services for its serviced community or area, including providing armed security personnel. Prior to receiving a grant under division (B) of this section, the nonprofit organization shall provide the Emergency Management Agency with any appropriate compliance documentation. The Agency shall establish what compliance documentation is required prior to issuing grants under this division.

(2) If more than one nonprofit organization is located at the same address listed on the application, each nonprofit organization may apply for the full amount of a grant issued under this section. Each nonprofit organization shall explain in its application how it will use the grant money to address a different vulnerability than the other applicant nonprofit organizations that are located at the same address.

(C) The Emergency Management Agency shall administer and award the grants described in divisions (A) and (B) of this section. The Agency shall establish procedures and forms by which applicants may apply for a grant, a competitive process for ranking applicants and awarding the grants, and procedures for
The procedures shall require each applicant to do all of the following:

1. Identify and substantiate prior threats or attacks by a terrorist organization, network, or cell against the nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool;

2. Indicate the symbolic or strategic value of one or more sites that renders the site a possible target of terrorism;

3. Discuss potential consequences to the organization if the site is damaged, destroyed, or disrupted by a terrorist;

4. Describe how the grant will be used to integrate organizational preparedness with broader state and local preparedness efforts;

5. Submit either a vulnerability assessment conducted by experienced security, law enforcement, or military personnel, or a credible intelligence and threat analysis from one or more qualified homeland security, counterintelligence, or anti-terrorism experts, and a description of how the grant will be used to address the vulnerabilities identified in the assessment.

The Agency shall consider all of the above factors in evaluating grant applications. The grantee shall have twenty-four months from the date of the first disbursement to meet program requirements. The Agency shall include information about the grants and the application process on its web site.

The Emergency Management Agency may prioritize a portion of funding, but not more than $1,000,000 in each fiscal year, for innovative community-public safety partnerships addressing counterterrorism prevention, provided the grantee is eligible to receive the grant as a nonprofit organization that is at risk of terror attack.
(D) Any grant submission described in division (I) of section 3313.536 of the Revised Code or section 149.433 of the Revised Code is not a public record under section 149.43 of the Revised Code and is not subject to mandatory release or disclosure under that section.

(E) The Emergency Management Agency may use up to two and one-half per cent of the total amount appropriated to administer the program, a portion of which may be used to pay costs incurred by the Department of Public Safety to provide security-related or specialized assistance in reviewing vulnerability assessments and prioritizing grant applications.

(F) As used in this section:

(1) "Eligible security improvements" means any of the following:

(a) Physical security enhancement equipment or inspection and screening equipment included on the Authorized Equipment List published by the United States Department of Homeland Security;

(b) Attendance fees and associated materials, supplies, and equipment costs for security-related training courses and programs regarding the protection of critical infrastructure and key resources, physical and cyber security, target hardening, or terrorism awareness or preparedness. Personnel and travel costs associated with training shall not be considered an eligible expense of the grant;

(c) The purchase, upgrade, or maintenance of high-speed internet for those utilizing it for security purposes.

(2) "Nonprofit organization" means a corporation, association, group, institution, society, or other organization that is exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(c)(3), as amended.
(3) "Resource officer" means any law enforcement officer of an accredited local law enforcement agency providing special duty services in a school setting to create or maintain a safe, secure, and orderly environment. A resource officer may include a special duty police officer, off-duty police officer, deputy sheriff, or other peace officer of the applicable local law enforcement agency in which the chartered nonpublic school or licensed preschool is located or qualifying personnel of an accredited local law enforcement agency for any jurisdiction in this state.

(4) "Terrorism" means any act taken by a group or individual used to intimidate or coerce a nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool, its employees, and anyone who is or in the future may be associated with it, as well as their families; to influence the policy of the nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool; and to affect the conduct of the nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool.

(G) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 763513, Security Grants, at the end of fiscal year 2023 is hereby reappropriated for the same purpose in fiscal year 2024.

(H) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 763513, Security Grants, at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

EMERGENCY MEDICAL SERVICES OPERATING

Of the foregoing appropriation item 765401, Emergency Medical Services Operating, $300,000 in each fiscal year shall be distributed to Ohio Cardiac Arrest Registry to Enhance Survival for operating expenses.
SECURITY GRANTS PILOT PROGRAMS

(A) Of the foregoing appropriation item 763513, Security Grants, $197,000 in fiscal year 2024 shall be distributed to the Jewish Federation of Cincinnati for a mail room pilot program.

Of the foregoing appropriation item 763513, Security Grants, $150,000 in fiscal year 2024 shall be distributed to JFC Security, LLC to fund a community-focused antiterrorism cybersecurity pilot program.

Of the foregoing appropriation item 763513, Security Grants, $95,000 in fiscal year 2024 shall be distributed to the Jewish Federation of Cincinnati, to fund a community-focused antiterrorism cybersecurity pilot program.

Of the foregoing appropriation item 763513, Security Grants, $87,000 in fiscal year 2024 shall be distributed to the Mayerson Jewish Community Center Campus for a 911 Geo-Location pilot program.

(B) Funding recipients shall report to the Department of Public Safety by June 30 of each fiscal year, or as soon as possible thereafter, regarding best practices learned. Based on those reports, the Department of Public Safety shall make recommendations regarding increasing grant opportunities for the pilot program or including the pilot program as an eligible funding area within the security grants program.

JUSTICE PROGRAM SERVICES

Of the foregoing appropriation item 768425, Justice Program Services, up to $5,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to administer and distribute grants to state and local law enforcement agencies to implement or enhance body-worn camera programs.

Of the foregoing appropriation item 768425, Justice Program
Services, up to $4,531,000 in fiscal year 2024 and $4,542,000 in fiscal year 2025 shall be used by the Office of Criminal Justice Services to support anti-human trafficking efforts in the areas of prosecution, victim services to specifically include assistance for child victims, and prevention and policy to implement the priorities of the Governor's Ohio Human Trafficking Task Force.

Of the foregoing appropriation item 768425, Justice Program Services, up to $4,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to administer and distribute grants to state and local law enforcement agencies to assist local communities in reducing and preventing crime through the use of promising or proven crime reduction strategies. The use of the grants includes, but is not limited to, overtime, equipment, technical assistance, and analytical support to implement crime reduction strategies.

Of the foregoing appropriation item 768425, Justice Program Services, up to $3,000,000 in each fiscal year shall be provided to the Ohio Network of Children's Advocacy Centers to administer and distribute grants to child advocacy centers to coordinate the investigation, prosecution, and treatment of child sexual abuse while helping abused children heal.

Of the foregoing appropriation item 768425, Justice Program Services, up to $1,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to distribute grants to state and/or local law enforcement to conduct investigations on sexual assault kit testing results and related expenses.

Of the foregoing appropriation item 768425, Justice Program Services, up to $500,000 in each fiscal year shall be used by the Office of Criminal Justice Services to support state and local law enforcement agencies in the recruitment, hiring, and training of qualified individuals to serve as peace officers.
Of the foregoing appropriation item 768425, Justice Program Services, up to $200,000 in each fiscal year shall be used by the Office of Criminal Justice Services to implement recommendations of the Governor's Warrant Task Force.

OHIO SCHOOL SAFETY CENTER

The foregoing appropriation item 769412, Ohio School Safety Center, shall be used by the Department of Public Safety for the operations of the Ohio School Safety Center, including maintaining and promoting the Safer Ohio Schools Tip Line and assisting local schools and first responders in preventing, preparing for, and responding to threats and acts of violence, including self-harm, through a holistic, solutions-based approach to improving school safety.

Section 373.30. CERTIFICATION OF COSTS FOR THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND

The Director of Public Safety may certify to the Director of Budget and Management, on a quarterly basis, the amounts paid to deputy registrars pursuant to section 4507.49 of the Revised Code for identification cards and temporary identification cards issued or renewed without payment of any fees during the course of the preceding quarter.

The Director of Public Safety may certify to the Director of Budget and Management, on a quarterly basis, the amount of fees not collected by the registrar of motor vehicles for identification cards and temporary identification cards issued or renewed by the registrar of motor vehicles pursuant to section 4507.50 of the Revised Code without the payment of any fees during the course of the preceding quarter.

Upon receipt of the certifications, the Director of Budget and Management may transfer cash, up to the certified amount, from
the General Revenue Fund to the Public Safety – Highway Purposes Fund (Fund 5TM0). This amount is not to exceed $4,000,000 per fiscal year.

MOTOR VEHICLE REGISTRATION

The Director of Public Safety may deposit revenues to meet the cash needs of the Public Safety - Highway Purposes Fund (Fund 5TM0) established in section 4501.06 of the Revised Code, obtained under section 4503.02 of the Revised Code, less all other available cash. Revenue deposited pursuant to this paragraph shall support in part appropriations for the administration and enforcement of laws relative to the operation and registration of motor vehicles, for payment of highway obligations and other statutory highway purposes. Notwithstanding section 4501.03 of the Revised Code, the revenues shall be paid into Fund 5TM0 before any revenues obtained pursuant to section 4503.02 of the Revised Code are paid into any other fund. The deposit of revenues to meet the aforementioned cash needs shall be in approximately equal amounts on a monthly basis or as otherwise approved by the Director of Budget and Management. Prior to July 1 of each fiscal year, the Director of Public Safety shall submit a plan to the Director of Budget and Management requesting approval of the anticipated revenue amounts to be deposited into Fund 5TM0 pursuant to this paragraph. If during the fiscal year changes to the plan as approved by the Director of Budget and Management are necessary, the Director of Public Safety shall submit a revised plan to the Director of Budget and Management for approval prior to any change in the deposit of revenues.

CASH TRANSFERS TO THE PUBLIC SAFETY – HIGHWAY PURPOSES FUND – SHIPLEY UPGRADES

Pursuant to a plan submitted by the Director of Public Safety, or as otherwise determined by the Director of Budget and Management, the Director of Budget and Management, upon approval
of the Controlling Board, may make appropriate cash transfers on a pro-rata basis as approved by the Director of Budget and Management from other funds used by the Department of Public Safety, excluding the Public Safety Building Fund (Fund 7025), to the Public Safety - Highway Purposes Fund (Fund 5TM0) in order to reimburse expenditures for capital upgrades to the Shipley Building.

CASH BALANCE FUND REVIEW

The Director of Public Safety shall review the cash balances for each fund in the State Highway Safety Fund Group, and may submit a request in writing to the Director of Budget and Management to transfer amounts from any fund in the State Highway Safety Fund Group to the credit of the Public Safety - Highway Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a request, and subject to the approval of the Controlling Board, the Director of Budget and Management may make appropriate transfers as requested by the Director of Public Safety or as otherwise determined by the Director of Budget and Management.

CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND POLICING FUND

Notwithstanding any other provision of law to the contrary, the Director of Budget and Management, upon written request of the Director of Public Safety and approval of the Controlling Board, may approve the transfer of cash from the State Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0) to the Security, Investigations and Policing Fund (Fund 8400).

Notwithstanding any provision of law to the contrary, on July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management may, upon written request of the Director of Public Safety, approve the transfer of no more than $2,000,000 in cash from the General Revenue Fund to the Security, Investigations, and
Policing Fund (Fund 8400).

COLLECTIVE BARGAINING INCREASES

Notwithstanding division (D) of section 127.14 and division (B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or the Department of Public Safety with the approval of the Director of Budget and Management, authorize expenditures in excess of appropriations and transfer appropriations, as necessary, for any fund used by the Department of Public Safety, to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and, for exempt employees, under section 124.152 of the Revised Code. Any money approved for expenditure under this paragraph is hereby appropriated.

VALIDATION STICKER REQUIREMENTS

Validation stickers are required for the annual registration of passenger, commercial, motorcycle, and other vehicles and are produced in accordance with section 4503.191 of the Revised Code. Notwithstanding section 4503.191 of the Revised Code, the Registrar of Motor Vehicles may adopt rules authorizing validation stickers to be produced at any location.

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer $450,000 cash from the State Fire Marshall Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30).

Of the foregoing appropriation item 763662, EMA Service and Reimbursements, $250,000 in each fiscal year shall be distributed...
to the Ohio Task Force One – Urban Search and Rescue Unit to pay for its operating expenses and developing new programs.

Of the foregoing appropriation item 763662, EMA Service and Reimbursements, $200,000 in each fiscal year shall be distributed to the Ohio Task Force One – Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency.

STATE DISASTER RELIEF

The State Disaster Relief Fund (Fund 5330) may accept transfers of cash or appropriations from Controlling Board appropriation items for the Ohio Emergency Management Agency disaster response costs and disaster program management costs, and may also be used for the following purposes:

(A) To accept transfers of cash or appropriations from Controlling Board appropriation items for Ohio Emergency Management Agency recovery and mitigation program match costs to reimburse eligible local governments and private nonprofit organizations for costs related to disasters;

(B) To accept transfers of cash or appropriations from Controlling Board appropriation items to cover costs incurred and to reimburse government entities for Emergency Management Assistance Compact (EMAC) missions;

(C) To accept disaster related reimbursement from federal, state, and local governments. The Director of Budget and Management may transfer cash from reimbursements received by this fund to other funds of the state from which transfers were originally approved by the Controlling Board.

(D) To accept transfers of cash or appropriations from Controlling Board appropriation items to fund the State Disaster Relief Program, for disasters that qualify for the program by
written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor.

(E) The State Disaster Relief Fund (Fund 5330) may accept, hold, administer, and expend any cash received from a gift, donation, bequest, devise, or contribution.

**DRUG LAW ENFORCEMENT FUND**

Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2024 and 2025, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed $500,000 in any calendar year.

**HIGHWAY PATROL TRAINING**

The foregoing appropriation item 768431, Highway Patrol Training, shall be used for Ohio State Highway Patrol training and associated costs at the Mid-Ohio Sports Car Course.

**STATE HIGHWAY PATROL CONTINUING PROFESSIONAL TRAINING**

Notwithstanding sections 109.802 and 109.803 of the Revised Code, of the foregoing appropriation item 764695, State Highway Patrol Continuing Professional Training, $420,000 in each fiscal year shall be used for Ohio State Highway Patrol training and associated costs at the Mid-Ohio Sports Car Course.

**SARA TITLE III HAZMAT PLANNING**

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

**Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO**
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Federal</th>
<th>Local</th>
<th>Fiscal Year</th>
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<td>4A30</td>
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Administration High Priority Activities
Grants and Cooperative Agreements

3ID0 870649 Department of Energy Grid Resiliency
$7,122,706 $7,122,706 158725

3IE0 870650 Hazardous Material Commercial Vehicle Inspection Grants
$414,031 $414,031 158726

3V30 870604 Commercial Vehicle Information Systems/Networks
$32,300 $0 158727

TOTAL FED Federal Fund Group $25,573,103 $25,933,573 158728
TOTAL ALL BUDGET FUND GROUPS $80,243,854 $80,404,294 158729

Section 377.10. PWC PUBLIC WORKS COMMISSION

General Revenue Fund

GRF 150904 Conservation General Obligation Bond Debt Service
$46,600,000 $40,900,000 158733

GRF 150907 Infrastructure Improvement General Obligation Bond Debt Service
$231,000,000 $236,000,000 158734

TOTAL GRF General Revenue Fund $277,600,000 $276,900,000 158735

Capital Projects Fund Group

7038 150321 State Capital Improvements Program - Operating Expenses
$986,116 $971,376 158737

7056 150403 Clean Ohio Conservation
$328,705 $323,792 158738
Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 150904, Conservation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2023, through June 30, 2025, on obligations issued under sections 151.01 and 151.09 of the Revised Code.

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 150907, Infrastructure Improvement General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2023, through June 30, 2025, on obligations issued under sections 151.01 and 151.08 of the Revised Code.

CLEAN OHIO CONSERVATION OPERATING

The foregoing appropriation item 150403, Clean Ohio Conservation Operating, shall be used by the Ohio Public Works Commission in administering Clean Ohio Conservation Fund (Fund 7056) projects pursuant to sections 164.20 to 164.27 of the Revised Code.

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES

The foregoing appropriation item 150321, State Capital Improvements Program - Operating Expenses, shall be used by the Ohio Public Works Commission to administer the State Capital Improvement Program under sections 164.01 to 164.16 of the Revised Code.
DISTRICT ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized to create a District Administration Costs Program from proceeds of the Capital Improvements Fund and Local Transportation Improvement Program Fund. The program shall be used to provide for the direct costs of district administration of the nineteen public works districts. Districts choosing to participate in the program shall only expend State Capital Improvements Fund moneys for State Capital Improvements Fund costs and Local Transportation Improvement Program Fund moneys for Local Transportation Improvement Program Fund costs. The District Administration Costs Program account shall not exceed $1,235,000 per fiscal year. Each public works district may be eligible for up to $65,000 per fiscal year from its district allocation as provided in sections 164.08 and 164.14 of the Revised Code.

The Director, by rule, shall define allowable and non-allowable costs for the purpose of the District Administration Costs Program. Non-allowable costs include indirect costs, elected official salaries and benefits, and project-specific costs. No district public works committee may participate in the District Administration Costs Program without the approval of those costs by the district public works committee under section 164.04 of the Revised Code.

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized to create a District Administration Costs Program for districts represented by natural resource assistance councils. This program shall be funded from proceeds of the Clean Ohio Conservation Fund. The program shall be used by natural resource assistance councils in order to provide for administration costs of the nineteen natural resource assistance councils for the direct costs of council administration. Councils choosing to participate in this
program may be eligible for up to $15,000 per fiscal year from its
district allocation as provided in section 164.27 of the Revised
Code.

The Director shall define allowable and non-allowable costs
for the purpose of the District Administration Costs Program.
Non-allowable costs include indirect costs, elected official
salaries and benefits, and project-specific costs.

### Section 379.10. RAC STATE RACING COMMISSION

<table>
<thead>
<tr>
<th>Dedicated Purpose Fund Group</th>
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<tbody>
<tr>
<td>Thoroughbred Development</td>
<td>$1,100,000</td>
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<tr>
<td>Standardbred Development</td>
<td>$1,400,000</td>
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<tr>
<td>Racing Commission Operating</td>
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<tr>
<td>Horse Racing Development - Casino</td>
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<tr>
<td>Revenue Redistribution</td>
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<td><strong>TOTAL DPF Dedicated Purpose Fund Group</strong></td>
<td><strong>$27,710,497</strong></td>
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</table>

| Fiduciary Fund Group         |  |
| Simulcast Horse Racing Purse | $5,500,000 | $5,500,000 |
| **TOTAL FID Fiduciary Fund Group** | **$5,500,000** | **$5,500,000** |

| Holding Account Fund Group   |  |
| Bond Reimbursements          | $100,000 | $100,000 |
| **TOTAL HLD Holding Account Fund Group** | **$100,000** | **$100,000** |

| **TOTAL ALL BUDGET FUND GROUPS** | **$33,310,497** | **$33,310,497** |
### Section 381.10. BOR Department of Higher Education

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<th>FY 2023</th>
<th>Difference</th>
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<td>GRF 235425</td>
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<td>GRF 235428</td>
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<td>GRF 235438</td>
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Dedicated Purpose Fund Group

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Guides Initiative

3BG0 235651 Gear Up Grant $ 3,100,000 $ 3,100,000 158905
Scholarships

3N60 235658 John R. Justice $ 128,000 $ 128,000 158906
Student Loan Repayment Program

TOTAL FED Federal Fund Group $ 25,878,000 $ 25,878,000 158907
TOTAL ALL BUDGET FUND GROUPS $ 3,005,874,722 $ 3,027,853,165 158908

Section 381.20. SEA GRANTS

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources.

Section 381.30. ARTICULATION AND TRANSFER

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Network Advisory Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, 3333.162, and 3333.164 of the Revised Code.

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.
Section 381.60. TEACHER APPRENTICESHIP PROGRAM

(A) The foregoing appropriation item 235411, Teacher Apprenticeship Program, shall be used by the Chancellor of Higher Education, in consultation with the Superintendent of Public Instruction, to develop and implement the Teacher Apprenticeship Program, which is hereby established.

(B) Under the program, the Chancellor shall establish up to five teacher apprenticeship programs for different teaching licenses. The Chancellor may use the funds provided under this section to pay for the following, as determined appropriate by the Chancellor:

1. Program development;
2. Program participant support, including payment of tuition, fees, and apprentice salary;
3. Stipends for supervising teachers;
4. Administrative and technology support;
5. Any other expenses necessary to operate the program.

Section 381.70. TEXTBOOK AFFORDABILITY

(A) The foregoing appropriation item 235412, Textbook Affordability, shall be used by the Chancellor of Higher Education to encourage the adoption of open educational resources and other innovative low- or no-cost teaching materials at Ohio's public institutions of higher education. Funds disbursed under this section shall be used in a manner consistent with the goal of creating or identifying low- or no-cost teaching materials to produce cost savings for students.

(B) In disbursing funds to create open educational resources under this section, the Chancellor shall consider at least the following factors:
(1) The volume of students enrolled in specific courses, with a focus on converting teaching materials in high enrollment, general education courses included in the Ohio Transfer 36 as a first priority to broaden the scope of impact;

(2) The likely rate of faculty adoption of materials produced under this section, and the level of institutional support for embracing open educational resources and other innovative low- or no-cost teaching materials; and

(3) The extent to which resources produced under this section may be made available to institutions statewide for utilization. In considering this factor, the Chancellor may partner with the Ohio Open Ed Collaborative and OhioLINK and utilize or enhance electronic resources under their management to store and provide statewide access to materials.

(C) The Chancellor and the faculty at state institutions of higher education, as defined in section 3345.011 of the Revised Code, in consultation with OhioLINK, shall collaborate to create the Ohio Educational Resources Database consisting of open educational resources that have been identified as meeting the learning objectives for Ohio Transfer 36 and Transfer Assurance Guides courses by, at a minimum:

(1) Surveying all state institutions of higher education for open educational resources currently used in these courses;

(2) Identifying faculty to review materials available in OpenStax, OER Commons, and other repositories of open educational resources; and

(3) Establishing processes and procedures to maintain regular review and updating of materials to keep the database current.

(D) State institutions of higher education, at the Chancellor's direction, shall pursue collaborative efforts focused on the goal of achieving wider acceptance and adoption of open
educational materials.


(F) The Chancellor and Superintendent of Public Instruction shall promote opportunities to increase the use of open educational materials in College Credit Plus courses to reduce the cost of instructional materials to school districts.

Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program.

Section 381.110. TECHNOLOGY MAINTENANCE AND OPERATIONS

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education. The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH).

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of
section 3333.04 of the Revised Code to expand access to dual
enrollment opportunities for high school students, continue the
support of the statewide eTutoring program, and for any other
strategic priorities of the Chancellor.

Of the foregoing appropriation item 235417, Technology
Maintenance and Operations, a portion in each fiscal year shall be
used by the Chancellor to implement a high priority data
warehouse, advanced analytics, and visualization integration
services associated with the Higher Education Information (HEI)
system. The services may be facilitated by OH-TECH.

Of the foregoing appropriation item 235417, Technology
Maintenance and Operations, $150,000 in each fiscal year shall be
used to support Ohio Reach to provide mentoring and support
services to former foster youth attending college.

Section 381.130. MENTAL HEALTH SUPPORT

(A) The foregoing appropriation item 235419, Mental Health
Support, shall be used by the Chancellor of Higher Education to
provide resources and support to address behavioral health needs
at state institutions of higher education as defined in section
3345.011 of the Revised Code and private nonprofit institutions of
higher education holding certificates of authorization under
Chapter 1713. of the Revised Code. The Chancellor shall use the
funds to prioritize behavioral health services, including, but not
limited to, expansion of telehealth options, increased awareness
of telephone and text message care line services, expansion of
certified peer educator programs, and direct aid to students who
are unable to afford care.

(B) In allocating funds under this section, the Chancellor
shall consider at least the following factors:

(1) The relative severity of needs expressed and associated
risks involved;

(2) The extent to which funds awarded will increase campus-wide knowledge and awareness of available care options;

(3) The extent to which funds awarded will increase access to, and availability of, care options;

(4) The extent to which funds awarded will remove barriers to care options; and

(5) The extent to which funds awarded will be leveraged to create long-term sustainability on campus and support collaborative, community-based programs and initiatives that can be sustained with community resources.

(C) The Chancellor may consult with the Department of Mental Health and Addiction Services, RecoveryOhio, local and regional behavioral health providers, and other stakeholders as determined by the Chancellor to be appropriate when allocating funds under this section.

(D) An institution receiving funds under this section shall not make changes to mental health support services offered by the institution that have the goal or net effect of shifting the cost burden of those programs to the program described in this section. An institution receiving funds under this section shall maintain the same level of mental health support services that the institution provided in the most recent academic year in the aggregate to all students or on a per-student basis.

Section 381.140. IT SECURITY ENHANCEMENTS

(A) The foregoing appropriation item 235421, IT Security Enhancements, shall be used by the Chancellor of Higher Education, in consultation with OH-TECH, to enhance security operations and services.

(B) Enhanced security operations and services shall benefit
all members of OH-TECH and may include but not be limited to:

1. Establishing an enterprise security operations center;
2. Configuration management in the area of data loss prevention;
3. Endpoint patch and compliance;
4. Log aggregation;
5. Web application firewall;
6. Vulnerability management across the consortium; and
7. Other critical security enhancement services as determined appropriate by the Chancellor.

(C) The Ohio Academic Resource Network (OARnet) and the Ohio Supercomputer Center may use a portion of these funds to enhance their respective network security operations to better serve clients who store sensitive data that is subject to the highest data privacy standards imposed by federal regulations and national research organizations, including, but not limited to, the National Institutes of Health, the National Science Foundation, and the Department of Defense.

**Section 381.160. OHIO WORK READY GRANT**

The foregoing appropriation item 235425, Ohio Work Ready Grant, shall be used by the Chancellor of Higher Education to establish and operate the Ohio Work Ready Grant Program pursuant to section 3333.24 of the Revised Code.

**Section 381.170. ADULT LITERACY INITIATIVES**

(A) The foregoing appropriation item 235427, Adult Literacy Initiatives, shall be used by the Chancellor of Higher Education to implement strategies designed to increase literacy among Ohio's adult population.
(B) Of the foregoing appropriation item 235427, Adult Literacy Initiatives, a portion in each fiscal year shall be used by the Chancellor to support evidence-based literacy professional development and training opportunities for college and university faculty at state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education that have a certificate of authorization pursuant to Chapter 1713. of the Revised Code, with priority for those faculty that teach reading instruction. The Chancellor shall allocate funds in the manner the Chancellor prescribes, consistent with the goal of encouraging faculty to increase their knowledge, awareness, and adoption of evidence-based literacy approaches, including the science of reading.

(C) Of the foregoing appropriation item 235427, Adult Literacy Initiatives, a portion in each fiscal year shall be used by the Chancellor to support all of the following:

(1) Literacy instruction for students not eligible for Aspire services due to National Reporting System assessment standards, as determined by the Chancellor;

(2) Instructional services for adult English language learners; and

(3) Evidence-based and high-quality professional development initiatives for Aspire instructors that support all levels of adult learners to create an impact of literacy instruction being delivered across the state of Ohio by all instructors to all levels of learners.

(D) Not later than March 31, 2024, the Chancellor shall do all of the following:

(1) Conduct a review of all educator preparation programs at state and private nonprofit institutions of higher education and
develop a summary of the curriculum used at those institutions to provide training in the pedagogy of literacy, including the extent to which the curriculum is aligned with the science of reading;

(2) Conduct an analysis of curriculum used in Aspire programming for alignment with best practices for literacy education; and

(3) Conduct an analysis, in consultation with the Director of Job and Family Services, of Aspire programs available in Ohio, with emphasis on communities with the highest unemployment and underemployment rates and lowest rates of high school completion. Upon completion of this analysis, the Chancellor and Director of Job and Family Services shall do all of the following:

(a) Assess and develop recommended best practices on how the Department of Job and Family Services connects those on unemployment, Supplemental Nutrition Assistance Program, and other public benefits programs, as appropriate, to Aspire program options to ensure that Aspire opportunities are well known to as many potential beneficiaries as possible; and

(b) Develop strategies to implement the best practices identified in division (D)(3)(a) of this section and consider mechanisms of accountability to encourage those enrolled in public benefits programs to complete Aspire programming.

(E) On July 1, 2024, or as soon as possible thereafter, the Chancellor shall certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 235427, Adult Literacy Initiatives, at the end of fiscal year 2024 to be reappropriated to fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item in fiscal year 2025.
PARTNERSHIP

Of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, $500,000 in each fiscal year shall be allocated to the Mahoning Valley Innovation and Commercialization Center.

The remainder of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, shall be distributed to Ohio University's Voinovich School to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

Section 381.190. CHOOSE OHIO FIRST SCHOLARSHIP

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code.

During each fiscal year, the Chancellor of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235438, Choose Ohio First Scholarship. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Choose Ohio First Scholarship Reserve Fund (Fund 5PV0).

Section 381.200. ASPIRE

The foregoing appropriation item 235443, Aspire - State, shall be used to support the Aspire program. The supported programs shall satisfy the state match and maintenance of effort
requirements for the state-administered grant program.

Section 381.210. OHIO TECHNICAL CENTERS FUNDING

The foregoing appropriation item 235444, Ohio Technical Centers, shall be used by the Chancellor of Higher Education to support post-secondary adult career-technical education. The Chancellor shall provide coordination for Ohio Technical Centers through program approval processes, data collection of program and student outcomes, and subsidy disbursements from the foregoing appropriation item 235444, Ohio Technical Centers.

(A)(1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's files, to the Chancellor.

(a) In defining the number of full-time equivalent students for state subsidy purposes, the Chancellor shall exclude all students who are not residents of Ohio.

(b) A full-time equivalent student shall be defined as a student who completes 450 hours. Those students that complete some portion of 450 hours shall be counted as a partial full-time equivalent for funding purposes, while students that complete more than 450 hours shall be counted as proportionally greater than one full-time equivalent.

(c) In calculating each Ohio Technical Center's full-time equivalent students, the Chancellor shall use a three-year average.

(d) Ohio Technical Centers shall operate with, or be an active candidate for, accreditation by an accreditor authorized by the United States Department of Education to be eligible to receive subsidies from the foregoing appropriation item 235444,
Ohio Technical Centers.

(2) In each fiscal year, 25 per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis.

(3) In each fiscal year, 20 per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of a program of study as a measure of student retention.

(4) In each fiscal year, 50 per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Strengthening Career and Technical Education for the 21st Century Act, 20 U.S.C. 2323 (Perkins). The calculation for eligible full-time equivalent students shall be based on the per cent of Perkins placements for students who have completed at least 50 per cent of a program of study.

(5) In each fiscal year, five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have earned a credential from an industry-recognized third party.

(B) Of the foregoing appropriation item 235444, Ohio Technical Centers, up to 2.38 per cent in each fiscal year may be...
distributed by the Chancellor to the Ohio Central School System, up to $48,000 in each fiscal year may be utilized for assistance for Ohio Technical Centers, and up to $3,000,000 in each fiscal year may be distributed by the Chancellor to Ohio Technical Centers that provide customized training and business consultation services with matching local dollars, with preference to industries on the in-demand jobs list created under section 6301.11 of the Revised Code, industries in regionally emerging fields, or local businesses and industries. Each center meeting this requirement shall receive at least $25,000 but not more than a maximum amount determined by the Chancellor. (C) The remainder of the foregoing appropriation item 235444, Ohio Technical Centers, in each fiscal year shall be distributed in accordance with division (A) of this section.

Section 381.220. AREA HEALTH EDUCATION CENTERS PROGRAM

The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor of Higher Education to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center Program.

Section 381.230. CAMPUS SAFETY AND TRAINING

The foregoing appropriation item 235492, Campus Safety and Training, shall be used by the Chancellor of Higher Education for the purpose of developing model best practices for preventing and responding to sexual violence on campus. The Chancellor, in consultation with state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education holding certificates of
authorization under Chapter 1713. of the Revised Code, shall continue to develop model best practices in line with emerging trends, research, and evidence-based training for preventing and responding to sexual violence and protecting students and staff who are victims of sexual violence on campus. The Chancellor shall convene state institutions of higher education and private nonprofit institutions of higher education in the training and implementation of best practices regarding campus sexual violence.

NORTHEAST OHIO MEDICAL UNIVERSITY DENTAL SCHOOL

The foregoing appropriation item 235495, Northeast Ohio Medical University Dental School, shall be distributed to Northeast Ohio Medical University to support the creation and operation of its dental school, which shall meet all of the accreditation standards of the Commission on Dental Accreditation to train dental students and award only a Doctor of Dental Surgery (D.D.S.) or a Doctor of Dental Medicine (D.M.D.) degree. Northeast Ohio Medical University shall report to the Chancellor of Higher Education how it is using moneys it received from the foregoing appropriation item 235495, Northeast Ohio Medical University Dental School.

Section 381.240. STATE SHARE OF INSTRUCTION FORMULAS

The Chancellor of Higher Education shall establish procedures to allocate the foregoing appropriation item 235501, State Share of Instruction, based on the formulas detailed in this section that utilize the enrollment, course completion, degree attainment, and student achievement factors reported annually by each state institution of higher education participating in the Higher Education Information (HEI) system.

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE COMPLETIONS
(1) As soon as possible during each fiscal year of the biennium ending June 30, 2025, in accordance with instructions of the Department of Higher Education, each state institution of higher education shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's enrollment files, to the Chancellor.

(2) In defining the number of full-time equivalent students for state subsidy instructional cost purposes, the Chancellor shall exclude all undergraduate students who are not residents of Ohio or who do not meet the definition of residency for state subsidy and tuition surcharge purposes, except those charged in-state fees in accordance with reciprocity agreements made under section 3333.17 of the Revised Code or employer contracts entered into under section 3333.32 of the Revised Code.

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT

For purposes of calculating state share of instruction allocations, the total instructional costs per full-time equivalent student shall be:

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Doctoral I and Doctoral II models shall be allocated in accordance with division (D)(2) of this section.

Medical I and Medical II models shall be allocated in accordance with divisions (D)(3) and (D)(4) of this section.

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS

For the purpose of implementing the recommendations of the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this section shall be weighted by the amounts provided below:

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SOCIAL SCIENCES 7
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DOCTORAL 2 1.0000 1.0000 159391
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MEDICINE 1
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MEDICINE 2
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ENGINEERING, MATHEMATICS,
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ENGINEERING, MATHEMATICS,
MEDICINE 6
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ENGINEERING, MATHEMATICS,
MEDICINE 7
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ENGINEERING, MATHEMATICS,
MEDICINE 8
SCIENCE, TECHNOLOGY, 1.1361 1.1361 159400
ENGINEERING, MATHEMATICS,
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES

(1) Of the foregoing appropriation item 235501, State Share
of Instruction, 50 per cent of the appropriation for universities,
as established in division (A)(2) of the section of this act
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND
2025," in each fiscal year shall be reserved for support of
associate, baccalaureate, master's, and professional level degree
attainment.

The degree attainment funding shall be allocated to
universities in proportion to each campus's share of the total
statewide degrees granted, weighted by the cost of the degree
programs. The degree cost calculations shall include the model
cost weights for the science, technology, engineering,
mathematics, and medicine models as established in division (C) of
this section.

For degrees including credits earned at multiple
institutions, degree attainment funding shall be allocated to
universities in proportion to each campus's share of the
student-specific cost of earned credits for the degree. Each
institution shall receive its prorated share of degree funding for
credits earned at that institution. Cost of credits not earned at
a university main or regional campus shall be credited to the
degree-granting institution for the first degree earned by a
student at each degree level. The cost credited to the
degree-granting institution shall not be eligible for at-risk
weights and shall be limited to 12.5 per cent of the
student-specific degree costs. However, the 12.5 per cent
limitation shall not apply if the student transferred 12 or fewer
credits into the degree granting institution.

In calculating the subsidy entitlements for degree attainment
for universities, the Chancellor shall use the following count of degrees and degree costs:

(a) The subsidy eligible undergraduate degrees shall be defined as follows:

(i) The subsidy eligible degrees conferred to students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, shall be weighted by a factor of 1.

(ii) The subsidy eligible degrees conferred to students identified as out-of-state residents during all terms of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, who remain in the state of Ohio at least one year after graduation, as calculated based on the three-year average in-state residency rate using the Unemployment Wage data for out-of-state graduates at each institution, shall be weighted by a factor of 50 per cent.

(iii) Subsidy eligible associate degrees are defined as those earned by students attending any state-supported university main or regional campus.

(b) In calculating each campus's count of degrees, the Chancellor shall use the three-year average associate, baccalaureate, master's, and professional degrees awarded for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor.

(i) If a student is awarded an associate degree and, subsequently, is awarded a baccalaureate degree, the amount funded for the baccalaureate degree shall be limited to either the difference in cost between the cost of the baccalaureate degree and the cost of the associate degree paid previously, or if the associate degree has a higher cost than the baccalaureate degree,
the cost of the credits earned by the student after the associate degree was awarded.

(ii) If a student earns an associate degree then, subsequently, earns a baccalaureate degree, the associate degree granting institution shall only receive the prorated share of the baccalaureate degree funding for the credits earned at that institution after the associate degree is awarded.

(iii) If a student earns more than one degree at the same institution at the same degree level in the same fiscal year, the funding for the highest cost degree shall be prorated among institutions based on where the credits were earned and additional degrees shall be funded at 25 per cent of the cost of the degrees.

(c) Associate degrees and baccalaureate degrees earned by a student defined as at-risk based on academic under-preparation, age, minority status, financial status, or first generation post-secondary status based on neither parent completing any education beyond high school, shall be defined as degrees earned by an at-risk student and shall be weighted by the following:

A student-specific degree completion weight, where the weight is calculated based on the at-risk factors of the individual student, determined by calculating the difference between the percentage of students with each risk factor who earned a degree and the percentage of non-at-risk students who earned a degree.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.
In each fiscal year, the doctoral set-aside funding allocation shall be allocated to universities as follows:

(a) 25 per cent of the doctoral set-aside shall be allocated to universities in proportion to their share of the statewide total earnings of each state institution's three-year average course completions. The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file. Course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor for all doctoral enrollments in graduate-level models.

(b) 50 per cent of the doctoral set-aside shall be allocated to universities in proportion to each campus's share of the total statewide doctoral degrees, weighted by the cost of the doctoral discipline. In calculating each campus's doctoral degrees the Chancellor shall use the three-year average doctoral degrees awarded for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor.

(c) 25 per cent of the doctoral set-aside shall be allocated to universities in proportion to their share of research grant activity. Funding for this component shall be allocated to eligible universities in proportion to their share of research grant activity published by the National Science Foundation. Grant awards from the Department of Health and Human Services shall be weighted at 50 per cent.

(3) Of the foregoing appropriation item 235501, State Share of Instruction, 6.41 per cent of the appropriation for
universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved for support of Medical II FTEs. The amount so reserved shall be referred to as the medical II set-aside.

The medical II set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical II FTEs as calculated in division (A) of this section.

In calculating the core subsidy entitlements for Medical II models only, students repeating terms may be no more than five per cent of current year enrollment.

(4) Of the foregoing appropriation item 235501, State Share of Instruction, 1.48 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved for support of Medical I FTEs. The amount so reserved shall be referred to as the medical I set-aside.

The medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs as calculated in division (A) of this section.

(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students:

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;

(b) Those undergraduate FTE students with successful course
completions, identified in division (D)(5)(a) of this section, that are defined as at-risk based on academic under-preparation or financial status shall have their eligible completions weighted by the following:

(i) Institution-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the prior three calendar years; and

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(c) The course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor for all models except Medical I and Medical II.

(d) For universities, the Chancellor shall compute the course completion earnings by dividing the appropriation for universities, established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND 2025," less the degree attainment funding as calculated in division (D)(1) of this section, less the doctoral set-aside, less the medical I set-aside, and less the medical II set-aside, by the sum of all campuses' instructional costs as calculated in division (D)(5) of this section.

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES

(1) Of the foregoing appropriation item 235501, State Share
of Instruction, 50 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved for course completion FTEs as aggregated by the subsidy models defined in division (B) of this section.

The course completion funding shall be allocated to campuses in proportion to each campus's share of the total sector's course completions, weighted by the instructional cost of the subsidy models.

To calculate the subsidy entitlements for course completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:

(a) In calculating each campus's count of FTE course completions, the Chancellor shall use a three-year average for course completions for the three-year period ending in the prior year for students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file.

(b) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file.

(c) Those students with successful course completions, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible course completions weighted by a statewide access weight. The weight given to any student that meets any access factor shall be 15 per cent for all course completions.

(d) The model costs as used in the calculation shall be
augmented by the model weights for science, technology,  
engineering, mathematics, and medicine models as established in  
division (C) of this section.

(2) Of the foregoing appropriation item 235501, State Share  
of Instruction, 25 per cent of the appropriation for  
state-supported community colleges, state community colleges, and  
technical colleges as established in division (A)(1) of the  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR  
FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved  
for colleges in proportion to their share of college student  
success factors.

Student success factors shall be awarded at the institutional  
level for each subsidy-eligible student that successfully:

(a) Completes a college-level math course within the first 30  
hours of completed coursework.

(b) Completes a college-level English course within the first  
30 hours of completed coursework.

(c) Completes 12 semester credit hours of college-level  
coursework.

(d) Completes 24 semester credit hours of college-level  
coursework.

(e) Completes 36 semester credit hours of college-level  
coursework.

(3) Of the foregoing appropriation item 235501, State Share  
of Instruction, 25 per cent of the appropriation for  
state-supported community colleges, state community colleges, and  
technical colleges as established in division (A)(1) of the  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR  
FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved  
for completion milestones.
Completion milestones shall include baccalaureate degrees, associate degrees, technical certificates over 30 credit hours as designated by the Department of Higher Education, and students transferring to any four-year institution with at least 12 credit hours of college-level coursework earned at that community college, state community college, or technical college.

The completion milestone funding shall be allocated to colleges in proportion to each institution's share of the sector's total completion milestones, weighted by the instructional cost of the degree, certificate, or transfer models. Costs for technical certificates over 30 hours shall be weighted at one-half of the associate degree model costs and transfers with at least 12 credit hours of college-level coursework shall be weighted at one-fourth of the average cost for all associate degree model costs.

(4) To calculate the subsidy entitlements for completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:

(a) In calculating each campus's count of completions, the Chancellor shall use a three-year average for completion milestones awarded to students identified as subsidy eligible in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file.

(b) The subsidy eligible completion milestones by model shall equal only those students who successfully complete a baccalaureate or an associate degree, or technical certificate over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework as defined and reported in the Higher Education Information (HEI) system. Student completions reported in HEI shall have an accompanying course enrollment record in order to be subsidy eligible.
(c) Those students with successful completions for baccalaureate or associate degrees, technical certificates over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework, identified in division (E)(3) of this section, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible completions weighted by a statewide access weight. The weight shall be 25 per cent for students with one access factor, 66 per cent for students with two access factors, 150 per cent for students with three access factors, and 200 per cent for students with four access factors.

(d) For those students who complete more than one completion milestone, funding for each additional degree or technical certificate over 30 credit hours designated as such by the Department of Higher Education shall be funded at 50 per cent of the model costs as defined in division (E)(3) of this section.

(5) For purposes of the calculations made in division (E) of this section, the Chancellor shall only include subsidy-eligible students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file. The Chancellor shall be prohibited from including nonresident students as subsidy-eligible except for those students otherwise identified as subsidy-eligible in division (A)(2) of this section.

(F) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, state share of instruction earnings shall be reduced for each campus by the amount, if any, by which debt service charged in H.B. 16 of the 126th General Assembly, H.B. 699 of the 126th General Assembly, H.B. 496 of the 127th General Assembly, and H.B. 562 of the 127th General Assembly for that campus exceeds that campus's capital.
component earnings. The sum of the amounts deducted shall be transferred to appropriation item 235552, Capital Component, in each fiscal year.

(G) EXCEPTIONAL CIRCUMSTANCES

Adjustments may be made to the state share of instruction payments and other subsidies distributed by the Chancellor to state colleges and universities for exceptional circumstances. No adjustments for exceptional circumstances may be made without the recommendation of the Chancellor and the approval of the Controlling Board.

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF INSTRUCTION

The standard provisions of the state share of instruction calculation as described in the preceding sections of temporary law shall apply to any reductions made to appropriation item 235501, State Share of Instruction, before the Chancellor has formally approved the final allocation of the state share of instruction funds for any fiscal year.

Any reductions made to appropriation item 235501, State Share of Instruction, after the Chancellor has formally approved the final allocation of the state share of instruction funds for any fiscal year, shall be uniformly applied to each campus in proportion to its share of the final allocation.

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION

The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year may be based upon the state share of instruction appropriation estimates made for the various institutions of higher education, and
payments during the last six months of the fiscal year may be based on the final data from the Chancellor. If agreed to by the Chancellor and the Inter-University Council, payments to universities in each month of a fiscal year shall be based on final data in the higher education information system for the selected three-year period that is acceptable to both parties.

Section 381.250. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND 2025

(A) The foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS."

(1) Of the foregoing appropriation item 235501, State Share of Instruction, $484,972,000 in fiscal year 2024 and $491,887,000 in fiscal year 2025 shall be distributed to state-supported community colleges, state community colleges, and technical colleges.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, $1,619,028,000 in fiscal year 2024 and $1,642,113,000 in fiscal year 2025 shall be distributed to state-supported university main and regional campuses.

(B) Any increases in the amount distributed to an institution from appropriation item 235501, State Share of Instruction, above the prior year may be used by the institution to provide need-based aid and to provide counseling, support services, and workforce preparation services to students.

TRANSFER TO OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY

Notwithstanding any provision of law to the contrary, upon the request of the Chancellor of Higher Education, the Director of Budget and Management may transfer $2,000,000 in appropriations in
each fiscal year from appropriation item 235501, State Share of Instruction, to the Opportunities for Ohioans with Disabilities Agency for the College2Careers Program. Amounts transferred are hereby appropriated.

Section 381.260. RESTRICTION ON FEE INCREASES

(A) In fiscal years 2024 and 2025, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional and general fees.

(1) For the 2023-2024 and 2024-2025 academic years, all of the following shall apply:

(a) Each state university or college, as defined in section 3345.12 of the Revised Code, and university regional campus shall not increase its in-state undergraduate instructional and general fees over what the institution charged for the previous academic year.

(b) Each community college established under Chapter 3354., state community college established under Chapter 3358., or technical college established under Chapter 3357. of the Revised Code may increase its in-state undergraduate instructional and general fees by not more than five dollars per credit hour over what the institution charged for the previous academic year.

(c) For state institutions of higher education, as defined in section 3345.011 of the Revised Code, increases for all other special fees, including the creation of new special fees, shall be subject to the approval of the Chancellor of Higher Education.

(2) The limitations under division (A)(1) of this section do not apply to student health insurance, fees for auxiliary goods or services provided to students at the cost incurred to the institution, fees assessed to students as a pass-through for licensure and certification examinations, fees in elective courses...
associated with travel experiences, elective service charges, fines, and voluntary sales transactions.

(B) The limitations under this section shall not apply to increases required to comply with institutional covenants related to their obligations or to meet unfunded legal mandates or legally binding obligations incurred or commitments made prior to the effective date of this section with respect to which the institution had identified such fee increases as the source of funds. Any increase required by such covenants and any such mandates, obligations, or commitments shall be reported by the Chancellor to the Controlling Board. These limitations may also be modified by the Chancellor, with the approval of the Controlling Board, to respond to exceptional circumstances as identified by the Chancellor.

(C) Institutions offering an undergraduate tuition guarantee pursuant to section 3345.48 of the Revised Code may increase instructional and general fees pursuant to that section.

Section 381.270. HIGHER EDUCATION - BOARD OF TRUSTEES

(A) Funds appropriated for instructional subsidies at colleges and universities may be used to provide such branch or other off-campus undergraduate courses of study and such master's degree courses of study as may be approved by the Chancellor of Higher Education.

(B) In providing instructional and other services to students, boards of trustees of state institutions of higher education shall supplement state subsidies with income from charges to students. Except as otherwise provided in this act, each board shall establish the fees to be charged to all students, including an instructional fee for educational and associated operational support of the institution and a general fee for noninstructional services, including locally financed student
services facilities used for the benefit of enrolled students. The instructional fee and the general fee shall encompass all charges for services assessed uniformly to all enrolled students. Each board may also establish special purpose fees, service charges, and fines as required; such special purpose fees and service charges shall be for services or benefits furnished individual students or specific categories of students and shall not be applied uniformly to all enrolled students. A tuition surcharge shall be paid by all students who are not residents of Ohio.

The board of trustees of a state institution of higher education shall not authorize a waiver or nonpayment of instructional fees or general fees for any particular student or any class of students other than waivers specifically authorized by law or approved by the Chancellor. This prohibition is not intended to limit the authority of boards of trustees to provide for payments to students for services rendered the institution, nor to prohibit the budgeting of income for staff benefits or for student assistance in the form of payment of such instructional and general fees.

Each board may authorize a lower differential tuition rate of instructional or general fees equal to the default rate options provided under the College Credit Plus Program pursuant to Chapter 3365. of the Revised Code or equal to rates established pursuant to an agreement for an alternative payment structure pursuant to section 3365.07 of the Revised Code for nonpublic and home schooled students participating in that program that are not publicly funded. Each board may establish a lower differential tuition rate for in-state undergraduate instructional fees or general fees for students enrolled exclusively in online courses, as well as a lower differential tuition rate for the surcharge for nonresidents enrolled exclusively in online courses, provided a surcharge is still assessed.
Each state institution of higher education in its statement of charges to students shall separately identify the instructional fee, the general fee, the tuition charge, and the tuition surcharge. Fee charges to students for instruction shall not be considered to be a price of service but shall be considered to be an integral part of the state government financing program in support of higher educational opportunity for students.

(C) The boards of trustees of state institutions of higher education shall ensure that faculty members devote a proper and judicious part of their work week to the actual instruction of students. Total class credit hours of production per academic term per full-time faculty member is expected to meet the standards set forth in the budget data submitted by the Chancellor.

(D) The authority of government vested by law in the boards of trustees of state institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees in other areas of responsibility shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest, in contrast to any institutional or special interest, shall be served.

Section 381.280. WAR ORPHANS AND SEVERELY DISABLED VETERANS' CHILDREN SCHOLARSHIPS
The foregoing appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships, shall be used to reimburse state institutions of higher education for waivers of instructional fees and general fees provided by them, to provide grants to institutions that have received a certificate of authorization from the Chancellor of Higher Education under Chapter 1713. of the Revised Code, in accordance with the provisions of section 5910.04 of the Revised Code, and to fund additional scholarship benefits provided by section 5910.032 of the Revised Code.

During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the War Orphans and Severely Disabled Veterans' Children Scholarship Reserve Fund (Fund 5PW0).

Section 381.290. STATE SHARE OF INSTRUCTION RECONCILIATION

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior-year obligations to higher education institutions under the State Share of Instruction formulas, as determined by the Chancellor. Notwithstanding any provisions of law to the contrary, the Director of Budget and Management, upon the request of the Chancellor, may transfer cash in an amount up to the amounts certified for State Share of Instruction reconciliation from the State Financial Aid Reconciliation Fund (Fund 5Y50) to the General Revenue Fund. The
amounts certified for State Share of Instruction reconciliation are hereby appropriated to appropriation item 235505, State Share of Instruction Reconciliation.

Section 381.300. OHIOLINK

The foregoing appropriation item 235507, OhioLINK, shall be used by the Chancellor of Higher Education to support OhioLINK, a consortium organized under division (T) of section 3333.04 of the Revised Code to serve as the state's electronic library information and retrieval system, which provides access statewide to an extensive set of electronic databases and resources, the library holdings of Ohio's public and participating private nonprofit colleges and universities, and the State Library of Ohio.

Section 381.310. AIR FORCE INSTITUTE OF TECHNOLOGY

(A) Of the foregoing appropriation item 235508, Air Force Institute of Technology, $75,000 in each fiscal year shall be allocated to the Aerospace Professional Development Center in Dayton for statewide workforce development services in the aerospace industry.

(B) The remainder of the foregoing appropriation item 235508, Air Force Institute of Technology, shall be used to do both of the following:

(1) Strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio; and

(2) Support the Defense Associated Graduate Student Innovators, an engineering graduate consortium of Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.
Section 381.320. OHIO SUPERCOMPUTER CENTER

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of Higher Education to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

Section 381.330. THE OHIO STATE UNIVERSITY EXTENSION SERVICE

The foregoing appropriation item 235511, The Ohio State University Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 381.340. CENTRAL STATE SUPPLEMENT

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

Section 381.350. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF
MEDICINE

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.

Section 381.360. FAMILY PRACTICE

The foregoing appropriation item 235519, Family Practice, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a family practice and graduates practicing in a family practice.

Section 381.370. SHAWNEE STATE SUPPLEMENT

The foregoing appropriation item 235520, Shawnee State Supplement, shall be disbursed by the Chancellor of Higher Education to Shawnee State University. Funds shall be used in a manner consistent with the goals of improving course completion, increasing the number of degrees conferred, and furthering the university's mission of service to the Appalachian region.

Section 381.380. GERIATRIC MEDICINE

The Chancellor of Higher Education shall distribute appropriation item 235525, Geriatric Medicine, consistent with existing criteria and guidelines.

Section 381.390. PRIMARY CARE RESIDENCIES

The foregoing appropriation item 235526, Primary Care Residencies, shall be distributed in each fiscal year, based on
each medical school's share of residents placed in a primary care field and graduates practicing in a primary care field.

Section 381.410. PROGRAM AND PROJECT SUPPORT

(A)(1) Of the foregoing appropriation item 235533, Program and Project Support, $1,000,000 in each fiscal year shall be distributed by the Chancellor of Higher Education to the Ohio Academy of Science to create an innovation pathway between Ohio's K-12 education system and Ohio's colleges and universities and post-secondary career centers. The purpose of this program is to help create a "Culture of Innovation" in Ohio schools, to encourage students to continue their educations and careers in Ohio, to provide college scholarships to encourage Ohio's most innovative and entrepreneurial high school students to remain in Ohio by focusing on the application of science, technology, engineering, and mathematics and related fields, and to prepare students for the future through the development of research, innovation, and entrepreneurial mindsets and critical thinking skills that will be needed in the future by Ohio's workforce and job creators.

(2) The STEM Research, Innovation, and Entrepreneurship Program for Students to Help Develop Ohio's Future Workforce shall include:

(a) A comprehensive professional development program for teachers in grades 5-12 to help them develop a "Culture of Innovation" in their schools;

(b) In-school and local STEM Research, Innovation, and Entrepreneurship programs for students in grades 5-12 that include student incentive awards for competition winners and related curriculum, content, resources, and other program support to teachers and students;
(c) Mentoring and service programs in collaboration with Ohio colleges and universities, industry practitioners, content experts, and other innovation or entrepreneurship organizations, with a special emphasis on underserved urban and rural schools;

(d) Qualifying and statewide STEM Research, Innovation, and Entrepreneurship competitions, open to the winners and qualifiers of related in-school and local competitions, that includes scholarships to attend any Ohio college, university, or post-secondary career center.

(3) All aspects of the STEM Research, Innovation, and Entrepreneurship Program for Students to Help Develop Ohio's Future Workforce shall be open to any Ohio student in grades 5-12, with an emphasis on minority, rural and economically disadvantaged students.

(4) The STEM Research, Innovation, and Entrepreneurship Program for Students to Help Develop Ohio's Future Workforce shall collaborate with Ohio's colleges and universities, and existing STEM research, innovation, and entrepreneurship programs to implement these provisions and encourage enrollment at Ohio institutions of post-secondary and higher education.

(B) Of the foregoing appropriation item 235533, Program and Project Support, $500,000 in each fiscal year shall be used to support the Ohio Aerospace Institute’s Space Grant Consortium.

(C) Of the foregoing appropriation item 235533, Program and Project Support, $500,000 in each fiscal year shall be distributed to The Ohio State University to support research on the effects of turfgrass management practices on water quality in the state.

(D) Of the foregoing appropriation item 235533, Program and Project Support, $400,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the development and implementation of an apprenticeship program administered through
the Manufacturing Advocacy and Growth Network's (MAGNET) Early College Early Career Program. The apprenticeship program shall place high school students in a participating local private business that will employ the student and provide the training necessary for the student to earn a technical certification in Computer Integrated Manufacturing (CIM), machining, or welding.

(E) Of the foregoing appropriation item 235533, Program and Project Support, $250,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the expansion of the unmanned aviation STEM pilot program in Clark County.

(F) Of the foregoing appropriation item 235533, Program and Project Support, $200,000 in each fiscal year shall be used to support the University of Dayton Statehouse Civic Scholars Program.

(G) Of the foregoing appropriation item 235533, Program and Project Support, $125,000 in fiscal year 2024 and $330,000 in fiscal year 2025 shall be distributed to TECH CORPS to provide technical training for rural high school students under the Student TECH CORPS program.

(H) Of the foregoing appropriation item 235533, Program and Project Support, $100,000 in each fiscal year shall be distributed to S.U.C.C.E.S.S. for Autism to administer an interprofessional collaborative pilot program for the purpose of training professionals in The S.U.C.C.E.S.S. Approach, a transdisciplinary neurodevelopmental model to assess, educate, and treat children and adults with autism.

Section 381.420. OHIO STATE AGRICULTURAL RESEARCH

The foregoing appropriation item 235535, Ohio State Agricultural Research, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly
payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Section 381.430. STATE UNIVERSITY CLINICAL TEACHING

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeast Ohio Medical University Clinical Teaching, shall be distributed through the Chancellor of Higher Education.

Of the foregoing appropriation item 235537, University of Cincinnati Clinical Teaching, $500,000 in each fiscal year shall be provided to People Working Cooperatively for the Safe and Healthy at Home Initiative. The funds shall be used to make critical home modifications and emergency repairs for low-income and elderly homeowners and for health care and housing partnerships to address chronic housing related health care issues.

Section 381.440. CENTRAL STATE AGRICULTURAL RESEARCH AND DEVELOPMENT

The foregoing appropriation item 235546, Central State Agricultural Research and Development, shall be used in conjunction with appropriation item 235548, Central State Cooperative Extension Services, by Central State University for its state match requirement as an 1890 land grant university.

Section 381.450. CAPITAL COMPONENT

The foregoing appropriation item 235552, Capital Component, shall be used by the Chancellor of Higher Education to provide funding for prior commitments made pursuant to the state's former
capital funding policy for state colleges and universities that was originally established in H.B. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to qualifying capital projects was less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to qualifying capital projects from the campus's formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes.

Any campus for which the estimated campus debt service attributable to qualifying capital projects is greater than the campus's formula-determined capital component allocation shall have the difference subtracted from its State Share of Instruction allocation in each fiscal year. Appropriation equal to the sum of all such amounts shall be transferred from appropriation item 235501, State Share of Instruction, to appropriation item 235552, Capital Component.

Section 381.460. LIBRARY DEPOSITORIES

The foregoing appropriation item 235555, Library Depositories, shall be distributed to the state's five regional depository libraries for the cost-effective storage of and access to lesser-used materials in university library collections. The depositories shall be administrated by the Chancellor of Higher Education, or by OhioLINK at the discretion of the Chancellor.

Section 381.470. OHIO ACADEMIC RESOURCES NETWORK (OARNET)

The foregoing appropriation item 235556, Ohio Academic Resources Network, shall be used by the Chancellor of Higher Education to support the operations of the Ohio Academic Resources
Network, a consortium organized under division (T) of section 3333.04 of the Revised Code, which shall include support for Ohio's colleges and universities in maintaining and enhancing network connections, using new network technologies to improve research, education, and economic development programs, and sharing information technology services. To the extent network capacity is available, OARnet shall support allocating bandwidth to eligible programs directly supporting Ohio's economic development.

**Section 381.480.** LONG-TERM CARE RESEARCH

The foregoing appropriation item 235558, Long-term Care Research, shall be disbursed to Miami University for long-term care research.

**Section 381.490.** OHIO COLLEGE OPPORTUNITY GRANT

(A)(1) As used in this section:

(a) "Eligible institution" means any institution described in divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code.

(b) The three "sectors" of institutions of higher education consist of the following:

(i) A main campus at a state university, as defined in section 3345.011 of the Revised Code;

(ii) Eligible private nonprofit institutions of higher education;

(iii) Eligible private for-profit career colleges and schools.

(2)(a) Awards under section 3333.122 of the Revised Code for students first attending an eligible institution prior to the 2023-2024 academic year shall be as follows for fiscal years 2024...
and 2025:

(i) $2,700 per student at a state institution of higher education;

(ii) $4,200 per student at an eligible nonprofit institution of higher education; and

(iii) $1,600 per student at a private for-profit career college or school.

(b) Awards under section 3333.122 of the Revised Code for students with an expected family contribution of ten thousand dollars or less who are first attending an eligible institution in the 2023-2024 academic year shall be as follows for fiscal years 2024 and 2025:

(i) $4,000 per student at a main campus of a state university;

(ii) $5,000 per student at an eligible nonprofit institution of higher education; and

(iii) $1,600 per student at a private for-profit career college or school.

(c) For students attending an eligible institution year-round, awards may be distributed on an annual basis.

(3) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as specified under division (D) of section 3333.122 of the Revised Code, the Chancellor may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. If the Chancellor determines that reductions in award amounts are necessary, the Chancellor shall reduce the award amounts proportionally among the sectors of institutions specified in division (A)(1) of this section in a manner determined by the
Chancellor. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of each academic year.

(B) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for waivers of tuition and student fees for eligible students under the Ohio Safety Officer's College Memorial Fund Program under section 3333.26 of the Revised Code.

In each fiscal year, with the exception of sections 3333.121 and 3333.124 of the Revised Code and the section of this act entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor shall not distribute or obligate or commit to be distributed an amount greater than what is appropriated under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

(C) The Chancellor shall establish, and post on the Department of Higher Education's web site, award tables based on the amounts specified under division (A) of this section. The Chancellor shall notify students and institutions of any reductions in awards.

(D) Notwithstanding section 3333.122 of the Revised Code, no student shall be eligible to receive an Ohio College Opportunity Grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years, less the number of semesters or quarters in which the student received an Ohio Instructional Grant.

(E) During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in
appropriation item 235563, Ohio College Opportunity Grant. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Ohio College Opportunity Grant Program Reserve Fund (Fund 5PU0).

Section 381.500. THE OHIO STATE UNIVERSITY COLLEGE OF VETERINARY MEDICINE SUPPLEMENT

The foregoing appropriation item 235569, The Ohio State University College of Veterinary Medicine Supplement, shall be distributed through the Chancellor of Higher Education to The Ohio State University College of Veterinary Medicine to provide supplemental support for education, research, and operations.

Section 381.510. THE OHIO STATE UNIVERSITY CLINIC SUPPORT

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of Higher Education to The Ohio State University for support of dental and veterinary medicine clinics.

Section 381.520. FEDERAL RESEARCH NETWORK

The foregoing appropriation item 235578, Federal Research Network, shall be allocated to The Ohio State University to collaborate with federal installations in Ohio, state institutions of higher education as defined in section 3345.011 of the Revised Code, private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, and the private sector to align the state's research assets with emerging missions and job growth opportunities emanating from federal installations, strengthen related workforce development and technology commercialization programs, and better position the state's university system to directly impact new job creation in
Ohio. A portion of the foregoing appropriation item 235578, Federal Research Network, shall be used to support the growth of small business federal contractors in the state and to expand the participation of Ohio businesses in the federal Small Business Innovation Research Program and related federal programs.

**Section 381.530. CO-OP INTERNSHIP PROGRAM**

Of the foregoing appropriation item 235591, Co-Op Internship Program, $300,000 in each fiscal year shall be used to support students who attend institutions of higher education in Ohio and participate in the internship programs of The Washington Center.

Of the foregoing appropriation item 235591, Co-Op Internship Program, $165,000 in each fiscal year shall be used to support the operations of Ohio University's Voinovich School.

Of the foregoing appropriation item 235591, Co-Op Internship Program, $75,000 in each fiscal year shall be used to support the Model United Nations Program and the operations of the Center for Liberal Arts Student Success at Wright State University.

Of the foregoing appropriation item 235591, Co-Op Internship Program, $75,000 in each fiscal year shall be used to support the operations of The Ohio State University's John Glenn College of Public Affairs.

Of the foregoing appropriation item 235591, Co-Op Internship Program, $75,000 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron.

Of the foregoing appropriation item 235591, Co-Op Internship Program, $75,000 in each fiscal year shall be used to support the Center for Public Management and Regional Affairs at Miami University.

Of the foregoing appropriation item 235591, Co-Op Internship Program, $75,000 in each fiscal year shall be used to support the
Ohio Center for the Advancement of Women in Public Service at the Levin College of Public Affairs and Education at Cleveland State University.

Of the foregoing appropriation item 235591, Co-Op Internship Program, $75,000 in each fiscal year shall be used to support the University of Cincinnati Internship Program.

Of the foregoing appropriation item 235591, Co-Op Internship Program, $75,000 in each fiscal year shall be used to support the Kent State University Washington Program in National Issues.

Of the foregoing appropriation item 235591, Co-Op Internship Program, $75,000 in each fiscal year shall be used to support the Kent State University Columbus Program.

Of the foregoing appropriation item 235591, Co-Op Internship Program, $75,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center.

Of the foregoing appropriation item 235591, Co-Op Internship Program, $75,000 in each fiscal year shall be used to support the Shawnee State University Institute for Appalachian Public Policy.

Of the foregoing appropriation item 235591, Co-Op Internship Program, $75,000 in each fiscal year shall be used to support the Center for Regional Development at Bowling Green State University.

Of the foregoing appropriation item 235591, Co-Op Internship Program, $75,000 in each fiscal year shall be used to support the Regional Economic Development Initiative at Youngstown State University.

Section 381.540. COMMERCIAL TRUCK DRIVER STUDENT AID PROGRAM

The foregoing appropriation item 235595, Commercial Truck Driver Student Aid Program, shall be used by the Chancellor of Higher Education to administer and provide grants and loans under the Commercial Truck Driver Student Aid Program established in
section 3333.125 of the Revised Code.

**Section 381.550. RURAL UNIVERSITY PROGRAM**

The foregoing appropriation item 235598, Rural University Program, shall be used for the Rural University Program, a collaboration of Bowling Green State University, Kent State University, Miami University, and Ohio University that provides rural communities with economic development, public administration, and public health services. Each of the four participating universities shall receive $103,000 in each fiscal year to support their respective programs.

**Section 381.560. NATIONAL GUARD SCHOLARSHIP PROGRAM**

The Chancellor of Higher Education shall disburse funds from appropriation item 235599, National Guard Scholarship Program. During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0).

**Section 381.570. PLEDGE OF FEES**

Any new pledge of fees, or new agreement for adjustment of fees, made in the biennium ending June 30, 2025, to secure bonds or notes of a state institution of higher education for a project for which bonds or notes were not outstanding on the effective date of this section, to secure a refund of prior debt that is anticipated to increase the total cost of retiring the original debt, or to extend the period in which that full debt is retired
shall be effective only after approval by the Chancellor of Higher Education, unless approved in a previous biennium.

Section 381.580. HIGHER EDUCATION GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 235909, Higher Education General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2023, through June 30, 2025, for obligations issued under sections 151.01 and 151.04 of the Revised Code.

Section 381.590. SALES AND SERVICES

The Chancellor of Higher Education is authorized to charge and accept payment for the provision of goods and services. Such charges shall be reasonably related to the cost of producing the goods and services. Except as otherwise provided by law, no charges may be levied for goods or services that are produced as part of the routine responsibilities or duties of the Chancellor. All revenues received by the Chancellor shall be deposited into Fund 4560 and may be used by the Chancellor to pay for the costs of producing the goods and services.

Section 381.600. HIGHER EDUCATIONAL FACILITY COMMISSION ADMINISTRATION

The foregoing appropriation item 235602, Higher Educational Facility Commission Administration, shall be used by the Chancellor of Higher Education for operating expenses related to the Chancellor's support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the Chancellor, the Director of Budget and Management may transfer cash in an amount up to the amount appropriated from the foregoing appropriation item 235602, Higher Educational Facility Commission.
Administration, in each fiscal year from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 4E80).

Section 381.610. SUPER RAPIDS

(A) Of the foregoing appropriation item 235687, Super RAPIDS, $4,280,000 in fiscal year 2024 shall be distributed to Fairfield County to support building improvements, equipment purchases, and operating expenses for programs of the Fairfield County Workforce Center.

(B)(1) The remainder of the foregoing appropriation item 235687, Super RAPIDS, shall be used by the Governor's Office of Workforce Transformation and the Chancellor of Higher Education to support collaborative projects among qualifying institutions to strengthen education and training opportunities that maximize workforce development efforts in defined areas of the state. These funds shall be used to support efforts that build capacity, remove employment and training barriers for prospective and unemployed workers, develop and strengthen business-led strategies in the impacted industries, and provide local guided solutions to employment for communities in economic transition. Under the program, the Chancellor shall distribute funds to Ohio regions or subsets of regions, as defined by the Governor's Office of Workforce Transformation.

(2) Of the foregoing appropriation item 235687, Super RAPIDS, a portion in each fiscal year may be used by the Governor's Office of Workforce Transformation to meet urgent workforce development and job creation needs throughout the state.

(3) The Governor's Office of Workforce Transformation shall consult with the Department of Development, the Chancellor, and other stakeholders as determined to be appropriate, when defining regions and awarding funds under this section.
(4) The Chancellor and the Governor's Office of Workforce Transformation shall develop and use a proposal and review process to award funds under the program. In reviewing proposals and making awards, priority shall be given to proposals that demonstrate all of the following:

(a) Clear compliance with all applicable state and federal rules and regulations;

(b) Collaboration between and among state institutions of higher education, as defined in section 3345.011 of the Revised Code, Ohio Technical Centers, and other education and workforce-related entities as determined to be appropriate by the Governor's Office of Workforce Transformation and the Department of Higher Education;

(c) Evidence of meaningful business support and engagement;

(d) Identification of targeted occupations and industries supported by data, which sources shall include the Governor's Office of Workforce Transformation, OhioMeansJobs, labor market information from the Department of Job and Family Services, and lists of in-demand occupations;

(e) Sustainability beyond the grant period with the opportunity to provide continued value and impact to the region; and

(f) Evidence of a strong commitment to invest in one or more of the following areas:

(i) Broadband/5G;

(ii) Cybersecurity;

(iii) Healthcare;

(iv) Transportation;

(v) Advanced manufacturing;
(vi) Trades.

(5) As used in division (B) of this section:

(a) "Qualifying institution" means any of the following:

(i) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(ii) An Ohio Technical Center, as defined in section 3333.94 of the Revised Code;

(iii) Other secondary and postsecondary education and workforce-related entities, as determined by the Chancellor.

Section 381.620. INTERNSHIP PILOT PROGRAM

(A) The foregoing appropriation item 235698, Internship Pilot Program, shall be used by the Chancellor of Higher Education to support the Internship Pilot Program. These funds shall be used in a manner consistent with the following goals:

1. Connecting Ohio college and career technical students with Ohio-based employers to facilitate work-based learning opportunities, which may include internships, externships and co-ops;

2. Retaining the highest possible number of college and career-technical students in Ohio post-graduation to contribute to Ohio's expanding economic opportunities.

(B) The Chancellor shall develop the goals, structure, and parameters of the program. In doing so, the Chancellor may consult with the Governor's Office of Workforce Transformation, Department of Development, institutions of higher education, Ohio Technical Centers, Ohio employer organizations, and other stakeholders as determined to be appropriate.

(C) In allocating funds under this section, the Chancellor shall consider at least the following factors:
(1) Alignment with local, regional and statewide workforce needs, with priority given to internships, externships, and co-ops aligned to the most critical workforce needs;

(2) The extent to which funds awarded will be leveraged to create sustainability and support programs and initiatives that can be maintained long-term with support from philanthropic and private sector partners;

(3) Alignment with existing state programs that incentivize and support work-based learning opportunities, such as Choose Ohio First; and

(4) Evidence-based approaches, with priority given to strategies that have produced documented success in:

(a) Connecting students with employers for meaningful work-based learning experiences;

(b) Retaining a higher number of graduates in-state for employment post-graduation; and

(c) Creating a sustainable network and infrastructure of public-private partners to provide lasting opportunities for work-based learning experiences.

(D) Under the program, permissible expenditures include support for internship, externship, and co-op participants; career advising services; grants to colleges, universities, and Ohio Technical Centers to support their programs; grants to participating employers to defray costs of participating in the program; and other expenditures determined permissible by the Chancellor.

(E) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 235698, Internship Pilot Program, at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.
Section 381.630. TALENT READY GRANT PROGRAM

(A) The foregoing appropriation item 235517, Talent Ready Grant Program, shall be used by the Chancellor of Higher Education to fund the Talent Ready Grant program to support workforce credential and certificate programs under thirty credit hours at a community college, state community college, technical college, university regional campus, or an Ohio Technical Center. Such funding shall be used to do all of the following:

1. Award needs-based financial aid to students who are enrolled in a credit or non-credit program that may be completed in less than one year and for which a certificate or industry-recognized credential is awarded in an in-demand job;

2. Establish and operate workforce credential and certificate programs under thirty credit hours;

3. Provide additional support to short-term certificate programs.

(B) The Chancellor shall allocate funds among eligible entities in approximate proportion to each entity's share of eligible short-term certificate programs while also considering student enrollments, completions, and past utilization of short-term certificate funding disbursed under this line item, among other factors. For purposes of allocating funds between community colleges, state community colleges, and technical colleges, the Chancellor shall allocate the funding to each campus in proportion to each campus's share of the total sector's course completions for the most recent available year, as reported through the Higher Education Information System student enrollment file, weighted by the instructional cost of the subsidy models.

(C) The Chancellor, in collaboration with eligible entities under this section, shall conduct a study on the types of data
that should be submitted to the Higher Education Information System regarding workforce credentials and technical certificates that may be earned within thirty or fewer credit hours. The study and associated recommendations shall be completed not later than June 30, 2024.

Section 381.640. STATE FINANCIAL AID RECONCILIATION

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's financial aid programs. The amounts certified are hereby appropriated to appropriation item 235618, State Financial Aid Reconciliation, from revenues received in the State Financial Aid Reconciliation Fund (Fund 5Y50).

Section 381.650. SECOND CHANCE GRANT PROGRAM

The foregoing appropriation item 235494, Second Chance Grant Program, shall be distributed by the Chancellor of Higher Education to qualifying institutions of higher education and Ohio Technical Centers to provide grants to eligible students under the Second Chance Grant Program established in section 3333.127 of the Revised Code.

Section 381.655. GROW YOUR OWN TEACHER PROGRAM

The foregoing appropriation item 235592, Grow Your Own Teacher Program, shall be used by the Chancellor of Higher Education to implement and administer the Grow Your Own Teacher Program pursuant to sections 3333.393 and 3333.394 of the Revised Code.

Section 381.660. NURSING LOAN PROGRAM
The foregoing appropriation item 235606, Nursing Loan Program, shall be used to administer the nurse education assistance program.

Section 381.670. RESEARCH INCENTIVE THIRD FRONTIER - TAX

The foregoing appropriation item 235639, Research Incentive Third Frontier - Tax, shall be used by the Chancellor of Higher Education to advance collaborative research at institutions of higher education. Of the foregoing appropriation item 235639, Research Incentive Third Frontier - Tax, up to $2,500,000 in each fiscal year may be allocated toward research regarding the improvement of water quality, up to $1,500,000 in each fiscal year may be allocated for spinal cord research, up to $1,000,000 in each fiscal year may be allocated toward research regarding the reduction of infant mortality, up to $1,000,000 in each fiscal year may be allocated toward research regarding opiate addiction issues in Ohio, up to $750,000 in each fiscal year may be allocated toward research regarding cyber security initiatives, up to $300,000 in each fiscal year may be allocated toward the I-Corps@Ohio program, and up to $200,000 in each fiscal year may be allocated toward the Ohio Innovation Exchange program.

Section 381.680. VETERANS PREFERENCES

The Chancellor of Higher Education shall work with the Department of Veterans Services to develop specific veterans preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans' preference laws.

Section 381.690. (A) As used in this section:

(1) "Board of trustees" includes the managing authority of a
university branch district.

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.

Section 381.700. EFFICIENCY REPORTS

In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code.

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS

For each fiscal year, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical Teaching, 235538, University of Toledo Clinical Teaching, 235539, Wright State University Clinical Teaching, 235540, Ohio University Clinical Teaching, 235541, Northeast Ohio Medical University Clinical Teaching, 235542, Long-term Care Research, and 235572, The Ohio State University Clinic Support, shall report to the Chancellor of Higher Education the residency status of graduates from the respective programs receiving support from those appropriation items one year and five years after graduating.

Section 381.710. The Chancellor of Higher Education shall support the continued development of the Ohio Innovation Exchange.
for the purpose of showcasing the research expertise of Ohio's university and college faculty in a variety of fields, including, but not limited to, engineering, biomedicine, and information technology, and to identify institutional research equipment available in the state.

Section 381.720. COLLEGE CREDIT PLUS PROGRAM

(A) The Chancellor of Higher Education, in consultation with the Superintendent of Public Instruction, may take action as necessary to ensure that public colleges and universities and school districts are fully engaging and participating in the College Credit Plus Program as required by Chapter 3365. of the Revised Code. Such actions may include publicly displaying program participation data by district and institution.

(B) For the purposes of model pathways required under section 3365.13 of the Revised Code, the Chancellor and Superintendent shall work with public secondary schools and partnering public colleges and universities, as necessary, to encourage the establishment of model pathways that prepare participants to successfully enter the workforce in certain fields, which may include any of the following:

(1) Engineering technology and other fields essential to the superconductor industry;

(2) Nursing, with particular emphasis on models that facilitate a participant's potential progression through different levels of nursing;

(3) Teaching and other related education professions;

(4) Social and behavioral or mental health professions;

(5) Law enforcement or corrections; and

(6) Other fields as determined appropriate by the Chancellor.
and Superintendent, in consultation with the Governor's Office of Workforce Transformation.

### Section 383.10. DRC DEPARTMENT OF REHABILITATION AND CORRECTION

<table>
<thead>
<tr>
<th>General Revenue Fund</th>
<th>Operations</th>
<th>Halfway House</th>
<th>Adult Correctional Facilities Lease</th>
<th>Community Nonresidential Programs</th>
<th>Community Misdemeanor Programs</th>
<th>Community Residential Programs - Community Based Correctional Facilities</th>
<th>Parole and Community Operations</th>
<th>Administrative Operations</th>
<th>Institution Medical Services</th>
<th>Institution Education Services</th>
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<th>Dedicated Purpose Fund Group</th>
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**Internal Service Activity Fund Group**

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**Federal Fund Group**

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EXPEDITED PARDON INITIATIVE

Of the foregoing appropriation item 501321, Institutional Operations, up to $750,000 in each fiscal year may be used by the Department of Rehabilitation and Correction to support projects connecting rehabilitated citizens with community partners to advance the expedited pardon initiative and help eligible individuals navigate the process and access clemency.

OSU MEDICAL CHARGES

Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, the Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary inpatient care billed to the Department shall be reimbursed at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Medicaid under the Medicaid Program.

TRANSITIONAL HOUSING FUNDING

Of the foregoing appropriation item 501405, Halfway House, priority shall be given to residential providers that accept and place individuals released from institutions operated by the Department of Rehabilitation and Correction to the supervision of the Adult Parole Authority who were previously rejected by all other residential providers.

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 501406, Adult Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2023, through June 30,
2025, by the Department of Rehabilitation and Correction pursuant to leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

REENTRY EMPLOYMENT GRANTS

Of the foregoing appropriation item 503321, Parole and Community Operations, $275,000 in grants each fiscal year may be awarded by the Department of Rehabilitation and Correction to nonprofit organizations operating reentry employment programs meeting all of the following criteria:

1. Serve parolees, releasees, and probationers assessed by the Department as moderate or high risk to recidivate and referred by the Adult Parole Authority or probation for services;
2. Provide job readiness training, transitional employment, job coaching and placement, and post-placement retention services;
3. Have been independently and rigorously evaluated and shown to reduce recidivism;
4. Have the ability to serve multiple large jurisdictions across the state.

PROBATION IMPROVEMENT AND INCENTIVE GRANTS

The foregoing appropriation item 501610, Probation Improvement and Incentive Grants, shall be allocated by the Department of Rehabilitation and Correction to municipalities as Probation Improvement and Incentive Grants with an emphasis on:

1. Providing services to those addicted to opiates and other illegal substances, and (2) supplementing the programs and services funded by grants distributed from the foregoing appropriation item 501407, Community Nonresidential Programs.

LOCAL JAIL GRANTS
The foregoing appropriation item 501505, Local Jail Grants, shall be used by the Department of Rehabilitation and Correction to provide grants for county jail construction and renovation projects. The Department shall accept and review applications and designate the projects involving the construction and renovation of county jails in the same manner as the Department administers funds appropriated for the same purpose from the Adult Correctional Building Fund. The Department may consider applications for the reimbursement of county jail construction and renovation project expenditures that were incurred on or after July 1, 2021.

### Section 387.10. RDF STATE REVENUE DISTRIBUTIONS

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<th>General Revenue Fund Group</th>
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<tbody>
<tr>
<td><strong>GRF 110908</strong> Property Tax</td>
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<td>Reimbursement - Local Government</td>
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<tr>
<td><strong>GRF 200903</strong> Property Tax</td>
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<td><strong>TOTAL GRF General Revenue Fund</strong></td>
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<td><strong>5JH0 110634</strong> Gross Casino Revenue Payments- School Districts</td>
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<td><strong>5JJ0 110636</strong> Gross Casino Revenue - Host City</td>
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<td><strong>7047 200902</strong> Property Tax Replacement Phase</td>
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<td>Fund Group</td>
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<td>7051 762901 Auto Registration Distribution</td>
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Distribution

7085 800985 Volunteer Firemen’s Dependents Fund
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7093 110640 Next Generation 9-1-1
$ 1,000,000 $ 1,000,000 160804

7094 110641 Wireless 9-1-1
$ 27,637,500 $ 27,775,688 160805

Government Assistance

7095 110995 Municipal Income Tax
$ 15,450,000 $ 15,913,500 160806

7099 762902 Permissive Tax
$ 242,000,000 $ 242,000,000 160807

Distribution - Auto Registration

TOTAL FID Fiduciary Fund Group
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Holding Account Fund Group

R045 110617 International Fuel
$ 70,698,838 $ 72,819,803 160810

Tax Distribution

TOTAL HLD Holding Account Fund Group
$ 70,698,838 $ 72,819,803 160811

TOTAL ALL BUDGET FUND GROUPS
$ 8,913,220,315 $ 9,378,779,739 160812

Section 387.20. ADDITIONAL APPROPRIATIONS

Appropriation items in Section 387.10 of this act shall be used for the purpose of administering and distributing the designated revenue distribution funds according to the Revised Code. If it is determined that additional appropriations are necessary for this purpose in any appropriation items in Section 387.10 of this act, such amounts are hereby appropriated.

GENERAL REVENUE FUND TRANSFERS

Notwithstanding any provision of law to the contrary, in fiscal year 2024 and fiscal year 2025, the Director of Budget and Management may transfer from the General Revenue Fund to the Local Government Tangible Property Tax Replacement Fund (Fund 7081) and the School District Tangible Property Tax Replacement Fund (Fund 7047) in the Revenue Distribution Fund Group, those amounts
necessary to reimburse local taxing units and school districts under sections 5709.92 and 5709.93 of the Revised Code. Also, in fiscal year 2024 and fiscal year 2025, the Director of Budget and Management may make temporary transfers from the General Revenue Fund to ensure sufficient balances in the Local Government Tangible Property Tax Replacement Fund (Fund 7081) and the School District Tangible Property Tax Replacement Fund (Fund 7047) and to replenish the General Revenue Fund for such transfers.

PROPERTY TAX REIMBURSEMENT - EDUCATION

The foregoing appropriation item 200903, Property Tax Reimbursement - Education, is appropriated to pay for the state's costs incurred because of the homestead exemption, the property tax rollback, and payments required under division (C) of section 5705.2110 of the Revised Code. In cooperation with the Department of Taxation, the Department of Education shall distribute these funds directly to the appropriate school districts of the state, notwithstanding sections 321.24 and 323.156 of the Revised Code, which provide for payment of the homestead exemption and property tax rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each school district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amount specifically appropriated in appropriation item 200903, Property Tax Reimbursement - Education, for the homestead exemption and the property tax rollback payments, and payments required under division (C) of section 5705.2110 of the Revised Code, which are determined to be
necessary for these purposes, are hereby appropriated.

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK

The foregoing appropriation item 110908, Property Tax Reimbursement—Local Government, is hereby appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation item 110908, Property Tax Allocation—Local Government, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, which are determined to be necessary for these purposes, are hereby appropriated.

MUNICIPAL INCOME TAX

The foregoing appropriation item 110995, Municipal Income Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined
that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.

MUNICIPAL NET PROFIT TAX

The foregoing appropriation item 110902, Municipal Net Profit Tax, shall be used to make payments to municipal corporations under section 718.83 of the Revised Code. If it is determined that additional amounts are necessary to make such payments, such amounts are hereby appropriated.

During fiscal year 2024 and fiscal year 2025, if the Tax Commissioner determines that there is insufficient cash in the Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly distribution obligations under section 718.83 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the amount of additional cash necessary to satisfy those obligations. In addition, the Commissioner shall submit a plan to the Director requesting the necessary cash be transferred from one or a combination of the following funds: the Municipal Income Tax Administrative Fund, the Local Sales Tax Administrative Fund, the General School District Income Tax Administrative Fund, the Motor Fuel Tax Administrative Fund, the Property Tax Administrative Fund, or the General Revenue Fund. This plan shall include a proposed repayment schedule to reimburse those funds for any cash transferred in accordance with this section. After receiving the certification and funding plan from the Tax Commissioner and if the Director determines that sufficient cash is available, the Director may transfer the cash to the Municipal Net Profit Tax Fund in accordance with the plan submitted by the Tax Commissioner or as otherwise determined by the Director of Budget and Management. The Director of Budget and Management may transfer cash from the Municipal Net Profit Tax Fund to reimburse the funds from which cash was transferred for the purpose outlined in this section.
PUBLIC LIBRARY FUND

Notwithstanding the requirement in division (B) of section 131.51 of the Revised Code that the Director of Budget and Management shall credit to the Public Library Fund one and sixty-six one-hundredths per cent of the total tax revenue credited to the General Revenue Fund during the preceding month, the Director shall instead calculate these amounts during fiscal year 2024 and fiscal year 2025 using one and seven-tenths as the percentage.

LOCAL GOVERNMENT FUND

Notwithstanding the requirement in division (A) of section 131.51 of the Revised Code that the Director of Budget and Management shall credit to the Local Government Fund one and sixty-six one-hundredths per cent of the total tax revenue credited to the General Revenue Fund during the preceding month, the Director shall instead calculate these amounts during fiscal year 2024 and fiscal year 2025 using one and seven-tenths as the percentage.

Section 391.10. OSB DEAF AND BLIND EDUCATION SERVICES

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<td>Deaf School Federal Grants</td>
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<td>Medicaid Professional Services</td>
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<td>TOTAL ALL BUDGET FUND GROUPS</td>
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**Section 395.10. SOS SECRETARY OF STATE**

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<td>Operating Expenses</td>
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<td>GRF</td>
<td>Poll Workers Training</td>
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<td>GRF</td>
<td>County Voting Systems Lease Rental Payments</td>
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<td>Notary Commission</td>
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<td>Description</td>
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<td>5990 050630</td>
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<td>5990 050631</td>
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<td>County Election Official Training</td>
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<td>Holding Account Fund Group</td>
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<td>R002 050606</td>
<td>Corporate/Business Filing Refunds</td>
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<td>Federal Fund Group</td>
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<td>Help America Vote Act (HAVA)</td>
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<td><strong>TOTAL ALL BUDGET FUND GROUPS</strong></td>
<td><strong>$43,087,537</strong></td>
<td><strong>$45,270,278</strong></td>
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</tbody>
</table>

**Section 395.20. POLL WORKERS TRAINING**

The foregoing appropriation item 050407, Poll Workers Training, shall be used to provide funding to county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code.
The foregoing appropriation item 050509, County Voting Systems Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Section 4 of S.B. 135 of the 132nd General Assembly with respect to financing the costs associated with the acquisition, development, installation, and implementation of county voting systems.

BOARD OF VOTING MACHINE EXAMINERS

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.

BALLOT ADVERTISING COSTS

Notwithstanding division (G) of section 3501.17 of the Revised Code, upon requests submitted by the Secretary of State, the Controlling Board may approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for the cost of public notices associated with statewide ballot initiatives.

ABSENT VOTER'S BALLOT APPLICATION MAILING

Notwithstanding division (B) of section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling
Board may approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held in November 2024.

ADDRESS CONFIDENTIALITY PROGRAM

Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to $200,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).

CORPORATE/BUSINESS FILING REFUNDS

The foregoing appropriation item 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.

HAVA FUNDS

An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2023 is hereby reappropriated for the same purpose in fiscal year 2024.

An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

Section 397.10. SEN THE OHIO SENATE
GRF  020321  Operating Expenses  $ 20,000,000  $ 20,000,000  161052
TOTAL GRF General Revenue Fund  $ 20,000,000  $ 20,000,000  161053

Internal Service Activity Fund Group  
1020  020602  Senate Reimbursement  $ 425,800  $ 425,800  161055
4090  020601  Miscellaneous Sales  $ 34,497  $ 34,497  161056
TOTAL ISA Internal Service Activity  
Fund Group  $ 460,297  $ 460,297  161058
TOTAL ALL BUDGET FUND GROUPS  $ 20,460,297  $ 20,460,297  161059

OPERATING EXPENSES  161060

On July 1, 2023, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2023 to be reappropriated to fiscal year 2024. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2024 to be reappropriated to fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2025.

Section 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM  161075

General Revenue Fund  161076
GRF  866321  CSV Operations  $ 685,000  $ 694,000  161077
TOTAL GRF General Revenue Fund  $ 685,000  $ 694,000  161078

Dedicated Purpose Fund Group  161079
5GN0  866605  Serve Ohio Support  $ 13,000  $ 13,000  161080
TOTAL DPF Dedicated Purpose Fund  $ 13,000  $ 13,000  161081
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<td>Federal Fund Group</td>
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<td>3R70 866617 AmeriCorps Programs</td>
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<td>TOTAL FED Federal Fund Group</td>
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Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND

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<td>7070 155905 Third Frontier</td>
<td>$ 196,260,000</td>
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<td>Research and Development Bond Retirement Fund</td>
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<tr>
<td>7072 155902 Highway Capital Improvement Bond Retirement Fund</td>
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<td>7073 155903 Natural Resources Bond Retirement Fund</td>
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<td>7074 155904 Conservation Projects Bond Retirement Fund</td>
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<td>7076 155906 Coal Research and Development Bond Retirement Fund</td>
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<td>7077 155907 State Capital Improvement Bond Retirement Fund</td>
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<td>7078 155908 Common Schools Bond Retirement Fund</td>
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<td>7079 155909 Higher Education Bond Retirement Fund</td>
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<td>7080 155901 Persian Gulf, Afghanistan, and Iraq Conflict Bond</td>
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Retirement Fund

TOTAL DSF Debt Service Fund Group $1,292,395,000 $1,006,695,000 161098
TOTAL ALL BUDGET FUND GROUPS $1,292,395,000 $1,006,695,000 161099

ADDITIONAL APPROPRIATIONS 161100

Appropriation items in this section are for the purpose of paying debt service and financing costs during the period from July 1, 2023, through June 30, 2025, on bonds or notes of the state issued under the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

Section 404.10. SHP STATE SPEECH AND HEARING PROFESSIONALS 161108

BOARD 161109

Dedicated Purpose Fund Group 161110

4K90 123609 Operating Expenses $ 647,461 $ 652,461 161111
TOTAL DPF Dedicated Purpose Fund $ 647,461 $ 652,461 161112
Group
TOTAL ALL BUDGET FUND GROUPS $ 647,461 $ 652,461 161113

Section 407.10. BTA BOARD OF TAX APPEALS 161115

General Revenue Fund 161116

GRF 116321 Operating Expenses $ 2,235,000 $ 2,296,000 161117
TOTAL GRF General Revenue Fund $ 2,235,000 $ 2,296,000 161118
TOTAL ALL BUDGET FUND GROUPS $ 2,235,000 $ 2,296,000 161119

Of the foregoing appropriation item 116321, Operating Expenses, $150,000 in fiscal year 2024 shall be used only to make technology upgrades. An amount equal to the unexpended unencumbered balance of the foregoing appropriation item 116321, Operating Expenses, at the end of fiscal year 2024 is hereby reappropriated in fiscal year 2025.
<table>
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<tr>
<th>Fund Group</th>
<th>Code</th>
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<td>GRF 110404</td>
<td>Tobacco Settlement Enforcement</td>
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<td>4350 110607</td>
<td>Local Tax Administration</td>
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<td>4360 110608</td>
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<td>4380 110609</td>
<td>School District Income Tax Administration</td>
<td>9,098,829</td>
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<td>4C60 110616</td>
<td>International Registration Plan Administration</td>
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<td>Wireless 9-1-1 Administration</td>
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<td>5NY0 110643</td>
<td>Petroleum Activity Tax Administration</td>
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<td>Motor Fuel Tax</td>
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Administration

5V80 110623 Property Tax $ 5,108,681 $ 5,108,681 161144
Administration

5YQ0 110651 Sports Gaming Tax $ 100,000 $ 100,000 161145
Administration Operating Expenses

5ZA0 110650 Ohio Tax System $ 3,000,000 $ 5,000,000 161146
Operating Expenses

6390 110614 Cigarette Tax $ 1,300,000 $ 1,300,000 161147
Enforcement

6880 110615 Local Excise Tax $ 511,916 $ 511,916 161148
Administration

TOTAL DPF Dedicated Purpose Fund $ 73,194,969 $ 75,897,626 161149
Group

Fiduciary Fund Group 161150

4250 110635 Tax Refunds $ 2,853,345,225 $ 3,082,043,652 161151
5CZ0 110631 Vendor's License $ 500,000 $ 500,000 161152
Application

TOTAL FID Fiduciary Fund Group $ 2,853,845,225 $ 3,082,543,652 161153

Holding Account Fund Group 161154

R010 110611 Tax Distributions $ 25,000 $ 25,000 161155
R011 110612 Miscellaneous Income $ 500 $ 500 161156
Tax Receipts

TOTAL HLD Holding Account Fund $ 25,500 $ 25,500 161157
Group

TOTAL ALL BUDGET FUND GROUPS $ 2,987,360,694 $ 3,219,150,778 161158

Section 409.20. TAX REFUNDS 161160

The foregoing appropriation item 110635, Tax Refunds, shall 161161
be used to pay refunds under section 5703.052 of the Revised Code. 161162
If it is determined that additional appropriations are necessary 161163
for this purpose, such amounts are hereby appropriated. 161164
VENDOR'S LICENSE PAYMENTS

The foregoing appropriation item 110631, Vendor's License Application, shall be used to make payments to county auditors under section 5739.17 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION

The foregoing appropriation item 110616, International Registration Plan Administration, shall be used under section 5703.12 of the Revised Code for audits of persons with vehicles registered under the International Registration Plan.

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT

Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.

TOBACCO SETTLEMENT ENFORCEMENT

The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.

OHIO TAX SYSTEM SUPPORT FUND

The foregoing appropriation item 110650, Ohio Tax System Operating Expenses, shall be used to pay costs incurred in the maintenance and support of the department's Ohio Tax System. The Tax Commissioner shall submit a plan to the Director of Budget and Management requesting the necessary cash be transferred to the
Ohio Tax System Support Fund (Fund 5ZA0) which is hereby created in the state treasury. Cash shall be transferred from one or a combination of the following funds: the Revenue Enhancement Fund, Local Sales Tax Administrative Fund, General School District Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, Property Tax Administration Fund, STARS Development and Implementation Fund, and the Motor Fuel Tax Administration Fund. This plan shall include a schedule of cash transfers. After receiving the funding plan from the Tax Commissioner and if the Director determines that sufficient cash is available, the Director may transfer the cash to the Ohio Tax System Support Fund with the plan submitted by the Tax Commissioner or as otherwise determined by the Director of Budget and Management. The transfers of cash to the Ohio Tax System Support Fund shall not exceed $8,000,000 in the fiscal year 2024-2025 biennium.

Section 411.10. DOT DEPARTMENT OF TRANSPORTATION

<table>
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<tr>
<th>Dedicated Purpose Fund Group</th>
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<tr>
<td>5QT0 776670 Ohio Maritime Assistance Program</td>
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<tr>
<td>5ZR0 776673 Connect4Ohio</td>
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<tr>
<td>5AC1 776674 Airport Development</td>
<td>$50,000,000 $ 0 161220</td>
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Grants

TOTAL DPF Dedicated Purpose Fund $1,070,000,000 $20,000,000 161221
Group
TOTAL ALL BUDGET FUND GROUPS $1,094,500,000 $45,500,000 161222

Section 411.15. OHIO MARITIME ASSISTANCE PROGRAM
The foregoing appropriation item 776670, Ohio Maritime Assistance Program, shall be used to provide grants under the Ohio Maritime Assistance Program established under section 5501.91 of the Revised Code.

The Director of Budget and Management, on July 1 or as soon as possible thereafter in each fiscal year, shall transfer $20,000,000 cash from the General Revenue Fund to the Ohio Maritime Assistance Fund (Fund 5QT0).

Section 411.30. CONNECT4OHIO
The foregoing appropriation item 776673, Connect4Ohio, shall be used to administer the Connect4Ohio Program created under Section 755.30 of this act. The unexpended, unencumbered portion of appropriation item 776673, Connect4Ohio, at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

Of the foregoing appropriation item 776673, Connect4Ohio, the amounts below shall be used as follows:

(A) Up to $200,000,000 of funding available under appropriation item 776673, Connect4Ohio, shall be used to complete qualifying bridge replacement projects as described under division (C)(3) of Section 755.30 of this act.

(B) Up to $200,000,000 of funding available under appropriation item 776673, Connect4Ohio, shall be used to provide necessary matching funds under division (D)(3) of Section 755.30 of this act.
(C) At least thirty-three per cent of the funding available under appropriation item 776673, Connect4Ohio, notwithstanding the allocations in divisions (A) and (B) of this section, shall be used for qualifying projects under division (A) of Section 755.30 of this act.

Section 411.40. AIRPORT DEVELOPMENT GRANTS

The foregoing appropriation item 776674, Airport Development Grants, shall be used for commercial airport improvements in the state. An amount equal to the unexpended, unencumbered portion of this appropriation at the end of fiscal year 2024 is hereby reappropriated for the same purposes in fiscal year 2025.

Section 413.10. TOS TREASURER OF STATE

General Revenue Fund

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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<td>GRF 090406</td>
<td>Treasury Management</td>
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<td>Payments</td>
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Dedicated Purpose Fund Group

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<td>4E90 090603</td>
<td>Securities Lending</td>
<td>$10,022,465</td>
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<td>6050 090609</td>
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<td>Fiduciary Fund Group</td>
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<td>$33,405,905</td>
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**Section 413.20. TAX REFUNDS**

The foregoing appropriation item 090635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

**Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL PAYMENTS**

The foregoing appropriation item 090406, Treasury Management System Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Section 701.20 of H.B. 497 of the 130th General Assembly and other prior acts of the General Assembly with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Treasury Management System.

**Section 414.10. VTO VETERANS' ORGANIZATIONS**

General Revenue Fund

VAP AMERICAN EX-PRISONERS OF WAR

GRF 743501 State Support $40,000 $40,000 161298

VAN ARMY AND NAVY UNION, USA, INC.

GRF 746501 State Support $75,000 $75,000 161300

VWK KOREAN WAR VETERANS

GRF 747501 State Support $75,000 $75,000 161302
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<td>GRF 749501</td>
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<td>GRF 750501</td>
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<td>VVV VIETNAM VETERANS OF AMERICA</td>
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<td>VAL AMERICAN LEGION OF OHIO</td>
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<td>GRF 752501</td>
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<td>VII AMVETS</td>
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<td>GRF 753501</td>
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<td>VAV DISABLED AMERICAN VETERANS</td>
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<td>VMC MARINE CORPS LEAGUE</td>
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<td>GRF 756501</td>
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<td>GRF 757501</td>
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<td>VFW VETERANS OF FOREIGN WARS</td>
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<td>TOTAL GRF General Revenue Fund</td>
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<td>GRF 900321</td>
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<td>TOTAL ALL BUDGET FUND GROUPS</td>
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<td>GRF 900402</td>
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**Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES**

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<thead>
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<td>GRF 900321</td>
<td>Veterans' Homes</td>
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<td>GRF 900408</td>
<td>Department of</td>
<td>$4,794,000</td>
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<td>Veterans Services</td>
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<td>GRF 900645</td>
<td>Veterans Long Term</td>
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<td>GRF 900901</td>
<td>Veterans Compensation</td>
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<td>General Obligation Bond Debt Service</td>
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<td>TOTAL GRF General Revenue Fund</td>
<td>$60,426,000</td>
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<td>Dedicated Purpose Fund Group</td>
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<tr>
<td>4840 900603 Veterans' Homes Services</td>
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<td>4820 900602 Veterans' Homes Operating</td>
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<td>5DB0 900643 Military Injury Relief Program</td>
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<td>5NX0 900646 State Opioid Response</td>
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<td>5YP0 900650 Sports Gaming - Veterans Modernization</td>
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<td>5Z00 900411 Veterans Homes Modernization</td>
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<td>TOTAL DPF Dedicated Purpose Fund Group</td>
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<td>Debt Service Fund Group</td>
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<td>7041 900615 Veteran Bonus Program Administration</td>
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<td>7041 900641 Persian Gulf, Afghanistan, and Iraq Compensation</td>
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<td>Federal Fund Group</td>
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<td>3680 900614 Veterans Training</td>
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<td>3BX0 900609 Medicare Services</td>
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<td>3L20 900601 Veterans' Homes Operations - Federal</td>
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<td>$30,500,000</td>
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<td>TOTAL ALL BUDGET FUND GROUPS</td>
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<td>$116,222,133</td>
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</table>
VETERANS ORGANIZATIONS' RENT

The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services.

USA CARES - OHIO

Of the foregoing appropriation item 900408, Department of Veterans Services, $750,000 in each fiscal year shall be used for USA Cares - Ohio.

VOLUNTEERS OF AMERICA CLEVELAND SHELTER FOR FEMALE VETERANS

Of the foregoing appropriation item 900408, Department of Veterans Services, $200,000 in fiscal year 2024 shall be distributed to Volunteers of America to construct temporary housing for female veterans in need and to provide related services to Ohio female veterans at their facility located in Cuyahoga County. All of this funding shall be spent in Ohio on Ohio female veterans.

SAVE A WARRIOR

Of the foregoing appropriation item 900408, Department of Veterans Services, $100,000 in each fiscal year shall be distributed to Save a Warrior to provide post-traumatic stress rehabilitation services to Ohio veterans at their facility located in Highland County.

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 900901, Veterans Compensation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2023, through June 30, 2025, on obligations issued under Section 2r of Article VIII, Ohio Constitution.
### Section 417.10. DVM State Veterinary Medical Licensing Board

<table>
<thead>
<tr>
<th>Fund Group</th>
<th>Description</th>
<th>Operating Expenses</th>
<th>Operating Expenses</th>
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</thead>
<tbody>
<tr>
<td>4K90 888609</td>
<td>Operating Expenses</td>
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<td>$448,000</td>
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<tr>
<td>5YG0 888603</td>
<td>Veterinarian Student</td>
<td>$0</td>
<td>$250,000</td>
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</table>

Debt Assistance Program

**TOTAL DPF Dedicated Purpose Fund Group** | $444,000 | $698,000 |

**TOTAL Internal Service Activity Fund Group** | $20,000 | $20,000 |

**TOTAL ALL BUDGET FUND GROUPS** | $464,000 | $718,000 |

### Section 419.10. VPB State Vision Professionals Board

**Dedicated Purpose Fund Group** | $608,684 | $619,684 |

**TOTAL DPF Dedicated Purpose Fund Group** | $608,684 | $619,684 |

**TOTAL ALL BUDGET FUND GROUPS** | $608,684 | $619,684 |

### Section 421.10. DYS Department of Youth Services

**General Revenue Fund** | $195,000,000 | $196,000,000 |

**RECLAIM Ohio** | $15,300,000 | $18,500,000 |

**Juvenile Correctional Facilities Lease Rental Bond Payments** | $16,702,000 | $16,702,000 |

**Parole Operations** | $11,318,000 | $11,822,000 |

**Administrative** | $16,427,000 | $16,775,000 |
## Operations

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<th>Fund Group</th>
<th>2023</th>
<th>2024</th>
<th>Notes</th>
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<td>1470 470612 Vocational Education</td>
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<td>1750 470613 Education Services</td>
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<td>4790 470609 Employee Food Service</td>
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<td>4A20 470602 Child Support</td>
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<td>4G60 470605 Juvenile Special</td>
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<td><strong>Revenue - Non-Federal</strong></td>
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<td>5BN0 470629 E-Rate Program</td>
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<td><strong>TOTAL DPF Dedicated Purpose Fund Group</strong></td>
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<td>3210 470603 Juvenile Justice Prevention</td>
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<td>3210 470606 Nutrition</td>
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<td>3210 470614 Title IV-E Reimbursements</td>
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<td>3210 470691 COVID Mitigation and Detection</td>
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<td>3V50 470604 Juvenile Justice/Delinquency Prevention</td>
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<td><strong>TOTAL FED Federal Fund Group</strong></td>
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</table>

**TOTAL ALL BUDGET FUND GROUPS**  
$272,768,800  $273,901,200  161426

### COMMUNITY PROGRAMS

For purposes of implementing juvenile sentencing reforms, and notwithstanding any provision of law to the contrary, the Department of Youth Services may use up to $1,375,000 of the unexpended, unencumbered balance of the portion of appropriation.
item 470401, RECLAIM Ohio, that is allocated to juvenile correctional facilities in each fiscal year to expand Targeted RECLAIM, the Behavioral Health Juvenile Justice Initiative, and other evidence-based community programs.

**JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS**

The foregoing appropriation item 470412, Juvenile Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2023, through June 30, 2025, by the Department of Youth Services under the leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

**EDUCATION SERVICES**

The foregoing appropriation item 470613, Education Services, shall be used to fund the operating expenses of providing educational services to youth supervised by the Department of Youth Services. Operating expenses include, but are not limited to, teachers' salaries, maintenance costs, and educational equipment.

**FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES**

In collaboration with the county family and children first council, the juvenile court of that county that receives allocations from one or both of the foregoing appropriation items 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer portions of those allocations to a flexible funding pool as authorized by the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

**Section 423.10. KID DEPARTMENT OF CHILDREN AND YOUTH**

General Revenue Fund
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<tr>
<td>GRF 830401</td>
<td>Foster Care</td>
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<td>Healthy Beginnings at Home</td>
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<tr>
<td>GRF 830403</td>
<td>Help Me Grow</td>
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<td>GRF 830404</td>
<td>Infant Vitality</td>
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<td>GRF 830405</td>
<td>Part C Early Intervention</td>
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<td>Strong Families Strong Communities</td>
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<td>GRF 830407</td>
<td>Early Childhood Education</td>
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<td>Early Learning Assessment</td>
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<td>Family and Children First</td>
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<td>GRF 830411</td>
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<td>Early Care and Education</td>
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<td>Kinship Permanency Incentive Program</td>
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<td>GRF 830502</td>
<td>Court Appointed Special Advocates</td>
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<td>GRF 830503</td>
<td>Adoption Services</td>
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<td>Infant Health Grants</td>
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<td>GRF 830505</td>
<td>Early Childhood Mental Health (ECMH)</td>
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<td>GRF 830506</td>
<td>Family and Children Services</td>
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## Dedicated Purpose Fund Group

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<td>Family and Children First</td>
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<td>Family and Children Activities</td>
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**TOTAL DPF Dedicated Purpose Fund Group**

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<tr>
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## Federal Fund Group

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**TOTAL ALL BUDGET FUND GROUPS**

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### Section 423.20. INFANT VITALITY GRANTS AND PROGRAMS

Of the foregoing appropriation item 830402, Healthy

<table>
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</table>
Beginnings at Home, up to $15,000,000 in fiscal year 2024 shall be used, in coordination with the Department of Health, to support stable housing initiatives for pregnant mothers and to improve maternal and infant health outcomes.

Of the foregoing appropriation item, 830402, Healthy Beginnings at Home, up to $1,000,000 in each fiscal year shall be used for Move to Prosper efforts.

Of the foregoing appropriation item, 830404, Infant Vitality, up to $2,500,000 in each fiscal year shall be used, in consultation with the Governor's Office of Children's Initiatives, to support programming by community and local faith-based service providers that invests in maternal health programs, provides services and support to pregnant mothers, and improves both maternal and infant health outcomes.

Of the foregoing appropriation item 830404, Infant Vitality, $2,000,000 in each fiscal year shall be distributed to Brigid's Path to support their infant and maternal health programs that improve health outcomes for infants who are born substance-exposed, support family resiliency, and prevent placements in the child welfare system.

Beginning in state fiscal year 2024, the Department of Children and Youth, in coordination with the Department of Medicaid, shall establish a bundle of funding for nonmedical maternal and child health programmatic services provided by residential infant care centers to infants born substance-exposed and their families. The Department of Children and Youth and the Department of Medicaid shall establish a permanent reimbursement model for services provided by residential infant care centers not later than June 30, 2025. The permanent reimbursement model shall include reimbursement for medical services in accordance with the Medicaid program's coverage of the optional eligibility group specified division (H) of section 5163.06 of the Revised Code and
reimbursement for nonmedical services in accordance with this section.

The remainder of appropriation item 830404, Infant Vitality, shall be used to fund a multi-pronged population health approach to address infant mortality. This approach may include the following: increasing awareness, including awareness regarding respiratory syncytial virus; supporting data collection; analysis and interpretation to inform decision-making and ensure accountability; targeting resources where the need is greatest; and implementing quality improvement science and programming that is evidence-based or based on emerging practices. Measurable interventions may include activities related to safe sleep, community engagement, group prenatal care, preconception education, continuous support for women during pregnancy and childbirth, patient navigators, community health workers, early childhood home visiting, newborn screening, safe birth spacing, gestational diabetes, smoking cessation tailored for pregnant women, breastfeeding, care coordination, and progesterone.

The foregoing appropriation item 830504, Infant Health Grants, shall be used by the Department of Children and Youth, in consultation and coordination with the Commission on Minority Health, to support the continuation or expansion of a pathways community HUB model that has the primary objective of reducing infant mortality.

Section 423.30. CHILDREN'S MENTAL HEALTH

Of the foregoing appropriation item 830406, Strong Families Strong Communities, up to $4,500,000 in each fiscal year shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention.

The foregoing appropriation item 830505, Early Childhood
Mental Health, shall be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool to third grade classroom expulsions. Funds shall be used by the Department of Children and Youth, in coordination with Department of Mental Health and Addiction Services, to support early childhood mental health credentialed counselors and consultation services, as well as administration and workforce development for the program.

Section 423.40. EARLY CHILDHOOD EDUCATION

Of the foregoing appropriation item 830606, Early Childhood Education, up to $20,000,000 in each fiscal year shall be used by the Department of Children and Youth, in coordination with the Department of Job and Family Services, to achieve the goals described in division (C) of section 5104.29 of the Revised Code.

The Department of Children and Youth, in coordination with the Department of Education, shall distribute the foregoing appropriation item 830407, Early Childhood Education, to pay the costs of early childhood education programs. The Department shall distribute such funds directly to qualifying providers.

(A) As used in this section:

(1) "Provider" means a city, local, exempted village, or joint vocational school district; an educational service center; a community school established under Chapter 3314. of the Revised Code that is sponsored by an exemplary rated sponsor; notwithstanding anything to the contrary in Chapter 3326. of the Revised Code, a STEM school that is established under that chapter; a chartered nonpublic school; an early childhood education child care provider licensed under Chapter 5104. of the Revised Code that participates in and meets at least the third highest tier of the Step Up to Quality program established...
pursuant to section 5104.29 of the Revised Code; or a combination 
of entities described in this paragraph.

(2) In the case of a city, local, or exempted village school 
district or early childhood education child care provider licensed 
under Chapter 5104. of the Revised Code, "new eligible provider" 
means a provider that did not receive state funding for Early 
Childhood Education in the previous fiscal year or demonstrates a 
need for early childhood programs as defined in division (D) of 
this section.

(3) In the case of a community school, "new eligible 
provider" means either of the following:

(a) A community school established under Chapter 3314. of the 
Revised Code that is sponsored by a sponsor rated "exemplary" in 
accordance with section 3314.016 of the Revised Code that offers a 
child care program in accordance with sections 3301.50 to 3301.59 
of the Revised Code that did not receive state funding for Early 
Childhood Education in the previous fiscal year;

(b) A community school established under Chapter 3314. of the 
Revised Code that satisfies all of the following criteria:

(i) It has received, on its most recent report card, either 
of the following:

(I) If the school offers any of grade levels four through 
etwelve, a performance rating of three stars or higher for 
achievement under division (D)(3)(b) of section 3302.03 of the 
Revised Code and progress under division (D)(3)(c) of section 
3302.03 of the Revised Code;

(II) If the school does not offer a grade level higher than 
three, a performance rating of three stars or higher for early 
literacy under division (D)(3)(e) of section 3302.03 of the 
Revised Code.
(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code.

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year.

(4) "Eligible child" means a child who is at least three years of age, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their third birthday.

(5) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of Children and Youth programs.

(6) "Children and Youth programs" has the same meaning as in section 5104.29 of the Revised Code.

(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children.

(C) The Department of Children and Youth shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program standards.

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2024, the Department shall distribute funds first to recipients of funds for early
childhood education programs under Section 265.20 of H.B. 110 of the 134th General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs or to existing providers to serve more eligible children pursuant to division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation, including piloting all-day programming.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2025, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children as outlined under division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation, including piloting all-day programming.

(E)(1) The Department shall distribute any new or remaining funding to existing providers of early childhood education programs or any new eligible providers in an effort to invest in high quality early childhood programs where there is a need as determined by the Department. The Department shall distribute the new or remaining funds to existing providers of early childhood education programs or any new eligible providers to serve additional eligible children based on community economic disadvantage, limited access to high quality preschool or childcare services, and demonstration of high quality preschool services.

(2) Awards under divisions (D) and (E) of this section shall be distributed on a per-pupil basis, and in accordance with division (I) of this section. The Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services on the
first day of December or the business day closest to that date equals the amount allocated under this section.

(F) Funds awarded under this section must be used to support expenses directly related to the operation of an early childhood education program. Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (K) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program standards. The approved provider shall administer and use such property and funds for the purposes specified.

(G) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (F) of this section, or if the program fails to substantially meet the early learning program standards, meet a quality rating level in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code as prescribed by the Department, or exhibits below average performance as measured against the standards, the early childhood education program shall propose and implement a corrective action plan that has been approved by the Department. The approved corrective action plan shall be signed by the chief executive officer and the executive of the official governing body of the provider. The corrective action plan shall include a
schedule for monitoring by the Department. Such monitoring may include monthly reports, inspections, a timeline for correction of deficiencies, and technical assistance to be provided by the Department or obtained by the early childhood education program. The Department may withhold funding pending corrective action. If an early childhood education program fails to satisfactorily complete a corrective action plan, the Department may deny expansion funding to the program or withdraw all or part of the funding to the program and establish a new eligible provider through a selection process established by the Department.

(H)(1) If the early childhood education program is not highly rated, as determined by the Director of Children and Youth, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall do all of the following:

(a) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;

(b) Align curriculum to the early learning content standards developed by the Department;

(c) Meet any child or program assessment requirements prescribed by the Department;

(d) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department;

(e) Document and report child progress as prescribed by the Department;

(f) Meet and report compliance with the early learning program standards as prescribed by the Department;

(g) Participate in the Step Up to Quality program established
pursuant to section 5104.29 of the Revised Code.

(2) If the program is highly rated, as determined by the Director of Children and Youth, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program.

(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that the provider is working in collaboration with a preschool special education program, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department may reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule.

(J) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn more than two hundred per cent of the federal poverty guidelines, as defined in division (A)(3) of section 5101.46 of the Revised Code, for the early childhood education program.
The Department shall conduct an annual survey of each provider to determine whether the provider charges families tuition or fees, the amount families are charged relative to family income levels, and the number of families and students charged tuition and fees for the early childhood program.

(K) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program standards, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any unexpended funds to the Department along with any reports prescribed by the Department. The funding made available from a program that waives its right for funding or has its funding eliminated or reduced may be used by the Department for new grant awards or expansion grants. The Department may award new grants or expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the selection process established by the Department.

(L) Eligible expenditures for the Early Childhood Education Program shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction, Director of Children and Youth, and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

(M)(1) The Department of Children and Youth and the Department of Job and Family Services shall continue to work toward establishing the following in common between early childhood education programs and publicly funded child care:

(a) An application;
(b) Program eligibility;
(c) Funding;
(d) An attendance policy;
(e) An attendance tracking system.
(2) In accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.
(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this section.

Section 423.50. EARLY LEARNING STUDENT ASSESSMENT

Of the foregoing appropriation item 830408, Early Learning Assessment, up to $2,760,000 in each fiscal year may be used to support the state's early learning assessment work and the assessments required under section 3301.0715 of the Revised Code.

CHILD CARE LICENSING

The foregoing appropriation item 830409, Child Care Licensing, shall be used by the Department of Children and Youth, in consultation and coordination with the Department of Education, to license and to inspect preschool and school-age child care programs under sections 3301.52 to 3301.59 of the Revised Code.

Section 423.60. COURT APPOINTED SPECIAL ADVOCATES

Of the foregoing appropriation item 830502, Court Appointed Special Advocates, up to $333,333 in each fiscal year shall be used to support administrative costs associated with existing
court-appointed special advocate programs. Of the foregoing appropriation item 830502, Court Appointed Special Advocates, up to $666,667 in each fiscal year shall be used to establish court-appointed special advocate programs in areas of the state that are not served by an existing program and to support existing programs.

Section 423.70. FAMILY AND CHILDREN SERVICES AND ACTIVITIES Of the foregoing appropriation item 830506, Family and Children Services, up to $25,000,000 in each fiscal year shall be provided to assist with the expense of providing services to youth requiring support from multiple systems. These funds may be used for youth currently in the custody of a public children services agency or to prevent children from entering into the custody of a public children services agency by custody relinquishment or another mechanism. The Director of Children and Youth shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item 830506, Family and Children Services, up to $10,000,000 in each fiscal year may be used to incentivize best practices. The Director of Children and Youth shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item, 830506, Family and Children Services, up to $145,040,010 in fiscal year 2024 and up to $155,040,010 in fiscal year 2025 shall be provided by the Department of Children and Youth, in coordination with the Department of Job and Family Services, to public children services agencies. Of that amount, $17,600,000 in each fiscal year shall be used to provide an initial allocation of $200,000 to each county and the remainder shall be provided using the formula in section 5101.14 of the Revised Code.
If the funds available for distribution under section 5101.14 of the Revised Code in fiscal year 2024 and fiscal year 2025 exceed the amount appropriated in fiscal year 2019, each county contributing local funds in county fiscal year 2019 to the county children services fund shall contribute moneys to the children services fund described in section 5101.144 of the Revised Code. The Director of Children and Youth, in consultation and coordination with the Director of Job and Family Services shall adopt rules, in accordance with section 111.15 of the Revised Code, to determine the amount of local funds each county must contribute to the children services fund based on past contributions. Rules must include a hardship provision identifying circumstances in which the county contribution may be waived or reduced.

The foregoing appropriation item 830607, Family and Children Activities, shall be used to expend miscellaneous foundation funds and grants to support family and children services activities.

Section 423.80. KINSHIP CARE NAVIGATOR PROGRAM

Of the foregoing appropriation item 830506, Family and Children Services, up to $8,500,000 in each fiscal year shall be used to support the Kinship Care Navigator Program, and may be used to match eligible federal Title IV-E funds.

Section 423.90. WENDY'S WONDERFUL KIDS

Of the foregoing appropriation items 830506, Family and Children Services, 830601, Child Welfare, and 830612, Adoption Program, a total of up to $12,000,000 in each fiscal year may be used to provide funds to the Dave Thomas Foundation for Adoption to implement statewide the Wendy's Wonderful Kids program of professional recruiters who use a child-focused model to find permanent homes for children in Ohio foster care.
Section 423.100. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools is subject to the following restrictions:

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council;

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from the Department of Children and Youth, in consultation and coordination...
with the Department of Job and Family Services, from the foregoing appropriation item 830506, Family and Children Services, or 830502, Court Appointed Special Advocates, may transfer a portion of either or both allocations to a flexible funding pool as authorized by this section.

Section 423.110. COMMUNITY SOCIAL SERVICE PROGRAMS

A portion of the foregoing appropriation item 830609, Community Social Service Programs, in coordination with the Department of Developmental Disabilities, may be used by the Early Intervention Services Advisory Council for the following purposes:

(A) In addition to other necessary and allowed uses of funds and in accordance with 20 U.S.C. 1441(d), the Early Intervention Services Advisory Council established pursuant to section 5123.0422 of the Revised Code, may, in its discretion, use budgeted funds to do all of the following:

(1) Conduct forums and hearings;

(2) Reimburse council members for reasonable and necessary expenses, including child care expenses for parent representatives, for attending council meetings and performing council duties;

(3) Pay compensation to a council member if the member is not employed or must forfeit wages from other employment when performing official council business;

(4) Hire staff;

(5) Obtain the services of professional, technical, and clerical personnel as necessary to carry out the performance of its lawful functions.

(B) Except as provided in division (A) of this section, council members shall serve without compensation or reimbursement.
Section 423.120. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

Of the foregoing appropriation item 830605, TANF Block Grant, up to $5,500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Commission on Fatherhood.

Of the foregoing appropriation item 830605, TANF Block Grant, $500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Child Focus, Inc., to support programs that provide early learning and behavioral health services for at-risk youth.

Section 423.130. PUBLICLY FUNDED CHILD CARE ELIGIBILITY

Beginning on the effective date of this section and through June 30, 2025, all of the following apply to a family's eligibility for publicly funded child care as described in division (A) of section 5104.38 of the Revised Code:

(A) The maximum amount of income that a family may have for initial eligibility shall not exceed one hundred sixty per cent of the federal poverty line;

(B) The maximum amount of income that a family may have for continued eligibility shall not exceed three hundred per cent of the federal poverty line.

Section 423.140. (A) On July 1, 2023, the Department of Children and Youth is created. The Director of the Department of Children and Youth shall be a member of the Governor's cabinet, appointed by the Governor with the advice and consent of the Senate. The Department of Children and Youth shall coordinate and facilitate the delivery in this state of children's services as described in section 5180.01 of the Revised Code as enacted by
(B) The directors of the Departments of Children and Youth, Job and Family Services, Education, Health, Developmental Disabilities, Medicaid, Mental Health and Addiction Services, and Development, or their designees, shall work together to identify duties, functions, programs, and staff resources within those departments that provide children's services as described in section 5180.01 of the Revised Code as enacted by this act.

The directors or their designees shall develop a detailed organizational plan to implement the transfer of children's services duties, functions, programs, and staff to the Department of Children and Youth by January 1, 2025.

The directors shall enter into a memorandum of understanding with the Director of the Department of Children and Youth to transfer all duties, functions, programs, and staff resources as recommended by the directors.

(C) Any business commenced but not completed by January 1, 2025, within the departments identified in division (B) of this section that is planned to be transferred pursuant to this section shall be completed by the Department of Children and Youth or its Director in the same manner and with the same effect as if completed by the identified departments.

(D) The Director of Children and Youth and the Directors of the Departments of Job and Family Services, Education, Health, Developmental Disabilities, Medicaid, Mental Health and Addiction Services, and Development may jointly or separately enter into one or more contracts with public or private entities for staff training and development to facilitate the transfer of the duties, functions, programs, and staff resources to the Department of Children and Youth. Division (B) of section 127.16 of the Revised Code does not apply to contracts entered into under this division.
(E) All employees and staff resources identified by the workgroup in division (B) of this section are transferred to the Department of Children and Youth on January 1, 2025, or on an earlier date identified by the directors of the respective departments under division (B) of this section. Subject to the lay-off provisions of sections 124.321 to 124.381 of the Revised Code, employees who are transferred retain their same positions and all benefits accruing thereto. Once transferred to the Department of Children and Youth, changes to positions or benefits for employees not subject to Chapter 4117. of the Revised Code shall be controlled by Chapter 124. of the Revised Code, or other applicable Revised Code or Administrative Code sections.

(1) Notwithstanding the foregoing, the Director of Children and Youth has the authority to establish, change, and abolish positions for the Department of Children and Youth, and to assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Department of Children and Youth who are not subject to Chapter 4117. of the Revised Code.

(2) The authority granted under division (E)(1) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the Director of Children and Youth determines that the bargaining unit classification is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification, the Director of Children and Youth or in the case of a position transferred outside of the Department, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's
compensation.

(3) Actions taken under division (E) of this section are not subject to appeal to the State Personnel Board of Review.

(F) Notwithstanding sections 4117.08 and 4117.10 of the Revised Code, the creation of the Department of Children and Youth, the transfer of programs and employees under this section, and the reassignment of certain functions and duties, are not appropriate subjects for collective bargaining under Chapter 4117 of the Revised Code.

(G) Notwithstanding section 145.297 of the Revised Code, the Directors of the Departments of Job and Family Services, Education, Health, Developmental Disabilities, Medicaid, Mental Health and Addiction Services, and Development may, with the approval of the Office of Budget and Management, establish a retirement incentive plan for eligible employees of those agencies who are members of the Public Employee Retirement System whose job duties will be transferred to the Department of Children and Youth. Any retirement incentive plan established pursuant to this section shall remain in effect until December 31, 2024.

(H) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section but shall be administered by the Department of Children and Youth. No action or proceeding pending on the effective date of the transfer of duties, functions, and programs to the Department is affected by the transfer, and shall be prosecuted or defended in the name of the Department or Director, as appropriate. In all such actions for those transferred duties, functions, and programs, the Department or Director shall be substituted as a party.

(I) Effective January 1, 2025, or on an earlier date determined by the directors under division (B) of this section,
all records, documents, files, equipment, assets, and other materials of the programs and staff resources transferred under this section are transferred to the Department of Children and Youth.

(J) All rules, orders, and determinations made or undertaken related to children's services programs transferred to the Department of Children and Youth shall continue in effect as rules, orders, and determinations of the Department until modified or rescinded by the Department of Children and Youth. On and after January 1, 2025, if necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules related to children's services programs transferred to the Department of Children and Youth to reflect this transfer.

(K) Notwithstanding any provision of law to the contrary, on or after the effective date of this section, the Director of Budget and Management shall make budget and accounting changes to implement the transfer of duties, functions, and programs to the Department of Children and Youth as described in this section, including administrative organization, program transfers, renaming of funds, creation of new funds, transfer of state funds, and consolidation of funds. The Director may, if necessary, cancel or establish encumbrances or parts of encumbrances in fiscal years 2024 and 2025 in the appropriate funds and appropriation items for the same purposes and for payment to the same vendor. Such encumbrances are hereby appropriated. If necessary for the continued efficient administration of children's services programs and appropriations provided in Section 423.10 of this act, the Director of Budget and Management may transfer appropriations between the Department of Children and Youth, and the Departments of Job and Family Services, Education, Health, Developmental Disabilities, Medicaid, Mental Health and Addiction Services, and
Development to continue levels of program services and efficiently deliver state funding to those programs as appropriated herein.

Section 503.10. PERSONAL SERVICE EXPENSES

Unless otherwise prohibited by law, any appropriation from which personal service expenses are paid shall bear the employer's share of public employees' retirement, workers' compensation, disabled workers' relief, and insurance programs; the costs of centralized financial services, centralized payroll processing, and related reports and services; centralized human resources services, including affirmative action and equal employment opportunity programs; the Office of Collective Bargaining; centralized information technology management services; administering the enterprise resource planning system; and administering the state employee merit system as required by section 124.07 of the Revised Code. These costs shall be determined in conformity with the appropriate sections of law and paid in accordance with procedures specified by the Office of Budget and Management. Expenditures from appropriation item 070601, Public Audit Expense - Intra-State, may be exempted from the requirements of this section.

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS AGAINST THE STATE

Except as otherwise provided in this section, an appropriation in this act may be used for the purpose of satisfying judgments, settlements, or administrative awards ordered or approved by the Court of Claims or by any other court of competent jurisdiction in connection with civil actions against the state. This authorization does not apply to appropriations to be applied to or used for payment of guarantees by or on behalf of the state, or for payments under lease agreements relating to, or
debt service on, bonds, notes, or other obligations of the state. Notwithstanding any other statute to the contrary, this authorization includes appropriations from funds into which proceeds of direct obligations of the state are deposited only to the extent that the judgment, settlement, or administrative award is for, or represents, capital costs for which the appropriation may otherwise be used and is consistent with the purpose for which any related obligations were issued or entered into. Nothing contained in this section is intended to subject the state to suit in any forum in which it is not otherwise subject to suit, and is not intended to waive or compromise any defense or right available to the state in any suit against it.

**Section 503.30. CAPITAL PROJECT SETTLEMENTS**

This section specifies an additional and supplemental procedure to provide for payments of judgments and settlements if the Director of Budget and Management determines, pursuant to division (C)(4) of section 2743.19 of the Revised Code, that sufficient unencumbered moneys do not exist in the fund to support a particular appropriation to pay the amount of a final judgment rendered against the state or a state agency, including the settlement of a claim approved by a court, in an action upon and arising out of a contractual obligation for the construction or improvement of a capital facility if the costs under the contract were payable in whole or in part from a state capital projects appropriation. In such a case, the Director may either proceed pursuant to division (C)(4) of section 2743.19 of the Revised Code or apply to the Controlling Board to increase an appropriation or create an appropriation out of any unencumbered moneys in the state treasury to the credit of the capital projects fund from which the initial state appropriation was made. The amount of an increase in appropriation or new appropriation approved by the Controlling Board is hereby appropriated from the applicable
capital projects fund and made available for the payment of the 162185
judgment or settlement.

If the Director does not make the application authorized by 162186
this section or the Controlling Board disapproves the application, 162187
and the Director does not make application under division (C)(4) 162188
of section 2743.19 of the Revised Code, the Director shall for the 162189
purpose of making that payment make a request to the General 162190
Assembly as provided for in division (C)(5) of that section.

Section 503.40. RE-ISSUANCE OF VOIRED WARRANTS 162191

In order to provide funds for the reissuance of voided 162192
warrants under section 126.37 of the Revised Code, there is hereby 162193
appropriated, out of moneys in the state treasury from the fund 162194
credited as provided in section 126.37 of the Revised Code, that 162195
amount sufficient to pay such warrants when approved by the Office 162196
of Budget and Management.

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 162197
BALANCES OF OPERATING APPROPRIATIONS 162198

(A) Notwithstanding the original year of appropriation or 162199encumbrance, the unexpended balance of an operating appropriation 162200
or reappropriation that a state agency lawfully encumbered prior 162201
to the close of fiscal year 2023 or fiscal year 2024 is hereby 162202
reappropriated on the first day of July of the following fiscal 162203
year from the fund from which it was originally appropriated or 162204
reappropriated for the period of time listed in this section and 162205
shall remain available only for the purpose of discharging the 162206
cumbrance:

(1) For an encumbrance for personal services, maintenance, 162207
equipment, or items for resale not otherwise identified in this 162208
section, for a period of not more than five months from the end of 162209
the fiscal year;
(2) For an encumbrance for an item of special order manufacture not available on state contract or an item not available in the open market, for a period of not more than five months from the end of the fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;

(3) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is expended provided such period does not extend beyond the FY 2024 – FY 2025 biennium;

(4) For an encumbrance for any other type of expense not otherwise identified in division (A)(1), (2), or (3) of this section, for such period as the Director approves, provided such period does not extend beyond the FY 2024 – FY 2025 biennium.

(B) Any operating appropriations for which unexpended balances are reappropriated in fiscal year 2024 or fiscal year 2025 pursuant to division (A)(2) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report shall include the item, the cost of the item, and the name of the vendor. The report shall be updated on a quarterly basis for encumbrances remaining open.

(C) Upon the expiration of the reappropriation period set out in division (A) of this section, a reappropriation made by this section lapses and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation not later than the end of the weekend following the expiration of the reappropriation period.

(D) If the Controlling Board approved a purchase, that approval remains in effect so long as the appropriation used to make that purchase remains encumbered.
Section 503.60. CORRECTION OF ACCOUNTING ERRORS

(A) The Director of Budget and Management may correct accounting errors committed by the staff of the Office of Budget and Management, such as reestablishing encumbrances or appropriations canceled in error, during the cancellation of operating encumbrances in November and of non-operating encumbrances in December.

(B) The Director of Budget and Management may at any time correct accounting errors committed by staff or a state agency or state institution of higher education, as defined in section 3345.011 of the Revised Code, such as reestablishing prior year non-operating encumbrances canceled or modified in error. The reestablished encumbrance amounts are hereby appropriated.

Section 503.70. TEMPORARY REVENUE HOLDING

The Director of Budget and Management may create funds in the state treasury solely for the purpose of temporarily holding revenue required to be credited to a fund in the state treasury, whose disposition is not immediately known at the time of receipt. Once identified, the Director shall credit the revenue to the appropriate fund in the state treasury.

Notwithstanding section 153.63 of the Revised Code or any other provision of law to the contrary, upon certification by a director or head of a state agency, in lieu of banks, buildings and loan associations, or other institutions, the Director of Budget and Management may create funds in the state treasury on behalf of an agency when the agency is required by law to detain funds in escrow. All investment earnings of the fund shall be credited to the fund while the detained amounts remain in escrow. The Director of Budget and Management may transfer cash between funds within the state treasury to satisfy escrow requirements.
Section 503.80. Appropriations Related to Cash Transfers and Re-estabishment of Encumbrances

Any cash transferred by the Director of Budget and Management under section 126.15 of the Revised Code is hereby appropriated. Any amounts necessary to re-establish appropriations or encumbrances under section 126.15 of the Revised Code are hereby appropriated.

Section 503.90. Transfers of Third Frontier Appropriations

The Director of Budget and Management may transfer appropriations between the Third Frontier Research and Development Fund (Fund 7011) and the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) as necessary to maintain the exclusion from the calculation of gross income for federal income taxation purposes under the Internal Revenue Code with respect to obligations issued to fund projects appropriated from the Third Frontier Research and Development Fund (Fund 7011).

The Director may also create new appropriation items within the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) and make transfers of appropriations to them for projects originally funded from appropriations made from the Third Frontier Research and Development Fund (Fund 7011).

Section 503.100. Income Tax Distribution to Counties

There are hereby appropriated out of any moneys in the state treasury to the credit of the General Revenue Fund, which are not otherwise appropriated, funds sufficient to make any payment required by division (B)(2) of section 5747.03 of the Revised Code.

Section 503.110. Expenditures and Appropriation Increases
Any money that the Controlling Board approves for expenditure or any increase in appropriation that the Controlling Board approves under sections 127.14, 131.35, and 131.39 of the Revised Code or any other provision of law is hereby appropriated for the period ending June 30, 2025.

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE

If the Governor's Residence Fund (Fund 4H20) receives payment for use of the residence pursuant to section 107.40 of the Revised Code, the amounts so received are hereby appropriated to appropriation item 100604, Governor's Residence Gift.

Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS

Certain appropriations are in this act for the purpose of paying debt service and financing costs on general obligation bonds or notes of the state issued pursuant to the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE

Certain appropriations are in this act for the purpose of making lease rental payments pursuant to leases and agreements relating to bonds, notes, or other obligations issued by or on behalf of the state pursuant to the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.
Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS

The Office of Budget and Management shall process payments from general obligation and lease rental payment appropriation items during the period from July 1, 2023, through June 30, 2025, relating to bonds, notes, or other obligations issued by or on behalf of the state pursuant to the Ohio Constitution, Revised Code, and acts of the General Assembly. Payments shall be made upon certification by the Treasurer of State of the dates and the amounts due on those dates.

Section 505.10. ARBITRAGE REBATE AUTHORIZATION

If it is determined that a payment is necessary in the amount computed at the time to represent the portion of investment income to be rebated or amounts in lieu of or in addition to any rebate amount to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those state obligations under section 148(f) of the Internal Revenue Code, such an amount is hereby appropriated from those funds designated by or pursuant to the applicable proceedings authorizing the issuance of state obligations.

Payments for this purpose shall be approved and vouchered by the Office of Budget and Management.

Section 505.20. STATEWIDE INDIRECT COST RECOVERY

Whenever the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to provide for the recovery of statewide indirect costs under section 126.12 of the Revised Code, the amount required for such purpose is hereby appropriated from the available receipts of such fund.
Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT COST ALLOCATION PLAN

The total transfers made from the General Revenue Fund by the Director of Budget and Management under this section shall not exceed the amounts transferred into the General Revenue Fund under section 126.12 of the Revised Code.

The director of an agency may certify to the Director of Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, from any fund included in the Statewide Indirect Cost Allocation Plan, prepared as required by section 126.12 of the Revised Code.

Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may transfer cash from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared under section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further federal disallowances would not be required.

The director of an agency may certify to the Director of Budget and Management the amount of expenses paid in error from a fund included in the Statewide Indirect Cost Allocation Plan. The Director of Budget and Management may transfer cash from the fund from which the expenditure should have been made into the fund from which the expenses were erroneously paid, up to the amount of the certification.

The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan.
Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the amount required by the federal government, the amount required for such purpose is hereby appropriated from the available receipts of such fund, up to the amount of the certification.

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the payment of adjustments to the federal government, as determined by the plan prepared under division (A) of section 126.12 of the Revised Code, may designate such funds as the Director considers necessary to retain their own interest earnings.

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and re-establish all or part of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to re-establish all or part of encumbrances are hereby appropriated.

Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS

Notwithstanding section 113.09 of the Revised Code, the Director of Budget and Management may designate any fund within the state treasury that receives federal revenue to be credited with investment earnings to comply with federal law.
Section 505.70. REPAYMENT OF FEDERAL FUNDS

Any unexpended federal revenue received into the state treasury remaining at the end of its applicable period for expenditure which must be returned in compliance with federal law, is hereby appropriated to the fund in which it was received, for that purpose.

Section 505.80. REAPPROPRIATION OF RECOVERY AND RELIEF FUNDS

Amounts equal to the unexpended portions of appropriation items under the following recovery and relief funds, at the end of fiscal year 2024, are hereby reappropriated to the same appropriation items and shall be used for the same purposes in fiscal year 2025: Governor's Emergency Education Relief Fund (Fund 3HQ0), CARES Act School Relief Fund (Fund 3HS0), Emergency Rental Assistance Fund (Fund 5CV2), State Fiscal Recovery Fund (Fund 5CV3), Local Fiscal Recovery Fund (Fund 5CV4), Coronavirus Capital Projects Fund (Fund 5CV5), and the Health and Human Services Reserve Fund (Fund 5SA4).

Section 509.10. TRANSFERS IN TO GENERAL REVENUE FUND

INTEREST EARNED

Notwithstanding any provision of law to the contrary, the Director of Budget and Management, through June 30, 2025, may transfer interest earned by any state fund to the General Revenue Fund. This section does not apply to funds whose source of revenue is restricted or protected by the Ohio Constitution, federal tax law, or the "Cash Management Improvement Act of 1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended.

NON-GRF FUNDS

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to $200,000,000.
Section 512.10. TRANSFERS OUT OF GENERAL REVENUE FUND

TOURISM FUND

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to $20,000,000 cash from the General Revenue Fund to the Tourism Fund (Fund 5MJ0).

CREDIT SCORE COST ASSISTANCE FUND

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer $3,000,000 cash from the General Revenue Fund to the Credit Score Cost Assistance Fund (Fund 5ZM0), which is hereby created in the state treasury.

TARGETED ADDICTION PROGRAM FUND

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to $24,500,000 cash in fiscal year 2024 and $24,750,000 cash in fiscal year 2025 from the General Revenue Fund to the Targeted Addiction Program Fund (Fund 5TZ0).

PERSIAN GULF, AFGHANISTAN, IRAQ COMPENSATION FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer $5,000,000 cash from the General Revenue Fund to the Persian Gulf, Afghanistan, Iraq Compensation Fund (Fund 7041).

TOBACCO USE PREVENTION FUND

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer $29,000,000 cash from the General Revenue Fund to the Tobacco Use Prevention Fund.
(Fund 5BX0).

FOUNDATION FUNDING - ALL STUDENTS FUND

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to $600,000,000 cash, in each fiscal year, from the General Revenue Fund to the Foundation Funding - All Students Fund (Fund 5VS0).

TEACHER CERTIFICATION FUND

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer $10,000,000 cash from the General Revenue Fund to the State Board of Education Licensure Fund (Fund 4L20).

OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer $50,000,000 cash from the General Revenue Fund to the OhioMeansJobs Workforce Development Revolving Loan Fund (Fund 5NH0) to support the Talent Ready Grant Program.

TEACHER LOAN REPAYMENT FUND

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer $25,000,000 cash from the General Revenue Fund to the Teacher Loan Repayment Fund (Fund 5WO0) created in section 3319.58 of the Revised Code.

SECOND CHANCE GRANT PROGRAM FUND

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to $4,000,000 cash from the General Revenue Fund to the Second Chance Grant Program Fund (Fund 5YD0).

GROW YOUR OWN TEACHER PROGRAM FUND

On July 1, 2023, or as soon as possible thereafter, the
Director of Budget and Management shall transfer $5,000,000 cash from the General Revenue Fund to the Grow Your Own Teacher Program Fund (Fund 5ZY0), which is hereby created in the state treasury.

On July 1, 2024, or as soon as possible thereafter, the Director of Budget and Management shall transfer $10,000,000 cash from the General Revenue Fund to the Grow Your Own Teacher Program Fund (Fund 5ZY0).

INFORMATION TECHNOLOGY DEVELOPMENT FUND

Upon the request of the Director of Administrative Services, the Director of Budget and Management may transfer up to $2,500,000 cash in each fiscal year from the General Revenue Fund to the Information Technology Development Fund (Fund 5LJ0) to support the operations of the Office of InnovateOhio.

PROFESSIONAL DEVELOPMENT FUND

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer $6,600,000 cash from the General Revenue Fund to the Professional Development Fund (Fund 5L70).

WILDLIFE FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer $500,000 cash from the General Revenue Fund to the Wildlife Fund (Fund 7015).

CAREER-TECHNICAL EDUCATION EQUIPMENT FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer $50,000,000 cash from the General Revenue Fund to the Career-Technical Education Equipment Fund (Fund 5AD1), which is hereby created in the State Treasury.

CAPITAL FUND TRANSFERS
Up to the remaining amount authorized in Section 529.10 of H.B. 687 of the 134th General Assembly, but not yet transferred as of June 30, 2023, shall remain in the General Revenue Fund until deemed necessary to be transferred in accordance with that section.

MEAT PROCESSING INVESTMENT PROGRAM FUND

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer $14,000,000 cash from the General Revenue Fund to the Meat Processing Investment Program Fund (Fund 5XX0).

SPORTS EVENT GRANT FUND

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer $6,100,000 cash from the General Revenue Fund to the Sports Event Grant Fund (Fund 5UY0).

BROWNFIELD REMEDIATION FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer $175,000,000 cash from the General Revenue Fund to the Brownfield Remediation Fund (Fund 5YE0).

BUILDING DEMOLITION AND SITE REVITALIZATION FUND

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer $150,000,000 cash from the General Revenue Fund to the Building Demolition and Site Revitalization Fund (Fund 5YF0).

NEXT GENERATION 911

The Director of Budget and Management shall transfer from the General Revenue Fund to the Next Generation 911 Fund (Fund 5AB1) up to $28,180,270 cash in fiscal year 2024 and up to $17,765,277 cash in fiscal year 2025.
988 SUICIDE AND CRISIS RESPONSE

The Director of Budget and Management shall transfer from the General Revenue Fund to the 988 Suicide and Crisis Response Fund (Fund 5AA1) up to $20,701,661 cash in fiscal year 2024 and up to $25,831,020 cash in fiscal year 2025.

Section 513.10. FISCAL YEAR 2023 GENERAL REVENUE FUND ENDING BALANCE

The Director of Budget and Management shall determine the surplus General Revenue Fund revenue that existed on June 30, 2023. Notwithstanding section 131.44 of the Revised Code or any other provision of law to the contrary, the remaining surplus revenue, except for the transfers listed in this section, shall remain in the General Revenue Fund. The Director shall transfer cash, not to exceed the amount of the remaining surplus revenue from the General Revenue Fund in the following order:

(A) Up to $500,000,000 cash to the All Ohio Future Fund (Fund 5XM0);  
(B) Up to $307,196,000 cash to the H2Ohio Fund (Fund 6H20);  
(C) Up to $200,000,000 cash to the Local Jails Grant Fund (Fund 5ZQ0);  
(D) Up to $190,000,000 cash to the EXPO 2050 Fund (Fund 5ZNO);  
(E) Up to $25,000,000 cash to the Innovation Hubs Fund (Fund 5ZK0);  
(F) Up to $65,000,000 cash to the Veterans Homes Modernization Fund (Fund 5Z00);  
(G) Up to $62,000,000 cash to the Local Projects Fund (Fund 5ZZ0);  
(H) Up to $50,000,000 cash to the Controlling Board Emergency Sub. H. B. No. 33 Page 5323
Purposes/Contingencies Fund (Fund 5KM0);

(I) Up to $150,000,000 cash to the Downtown Development Grant Fund (Fund 5ZV0);

(J) Up to $50,000,000 cash to the Township Development Grant Fund (Fund 5ZV0);

(K) Up to $25,000,000 cash to the Cultural Center Grant Fund (Fund 5ZW0);

(L) Up to $25,000,000 cash to the County and Independent Fairs Grant (Fund 5ZX0);

(M) Up to $196,260,000 cash to the Third Frontier Research and Development Bond Retirement Fund (Fund 7070);

(N) Up to $18,340,000 cash to the Coal Research and Development Bond Retirement Fund (Fund 7076);

(O) $49,528,000 cash to the Hospital Relief Fund (Fund 5AE1), which is hereby created in the state treasury;

(P) Up to $50,000,000 cash to the Airport Development Grants Fund; and

(Q) Up to $1,000,000,000 cash to the Connect4Ohio Fund (Fund 5ZR0).

Section 513.20. FISCAL YEAR 2024 GENERAL REVENUE FUND ENDING BALANCE

Notwithstanding section 131.44 of the Revised Code, the cash balance of the General Revenue Fund on June 30, 2024, shall remain in the General Revenue Fund.

Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS

Unless the agency and nuclear electric utility mutually agree to a higher amount by contract, the maximum amounts that may be assessed against nuclear electric utilities under division (B)(2)
of section 4937.05 of the Revised Code and deposited into the specified funds are as follows:

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<th>Fund</th>
<th>User</th>
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<th>FY 2025</th>
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<td>Department of Agriculture</td>
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<td>Radiation</td>
<td>Department of Health</td>
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<td>Emergency Response Fund</td>
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<td>Department of Health</td>
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</table>

**Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS**

(A) On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance from each of the funds as indicated in the table below to the fund also indicated in the table below. Upon completion of each transfer and on the effective date of its repeal by this act, where applicable, the fund from which the cash balance was transferred is hereby abolished.
<table>
<thead>
<tr>
<th>Agency Code</th>
<th>Agency Name</th>
<th>Program Description</th>
<th>Fund Code</th>
<th>State Agency Fund</th>
<th>Fund Name</th>
<th>Amount</th>
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<tbody>
<tr>
<td>COM 5SE0</td>
<td>Inspector Operating Fund</td>
<td>Cemetery Grant Program</td>
<td>4H90</td>
<td>Cemetery</td>
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<td>COM 5SU0</td>
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<td>DAS 1880</td>
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<td>Human Resources Services Fund</td>
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<tr>
<td>DAS 5JQ0</td>
<td>Professionals Licensing System Fund</td>
<td>Occupational Licensing and Regulatory Fund</td>
<td>4K90</td>
<td>Occupational Licensing and Regulatory Fund</td>
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<tr>
<td>DEV 3BJ0</td>
<td>TANF Heating Assistance Fund</td>
<td>Supportive Services</td>
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<tr>
<td>DEV 5RD0</td>
<td>Local Government Safety Capital Grant Fund</td>
<td>Supportive Services</td>
<td>1350</td>
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<tr>
<td>DEV 5RQ0</td>
<td>Lakes in Economic Distress Fund</td>
<td>Supportive Services</td>
<td>1350</td>
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<td>DEV 5X10</td>
<td>Exempt Facility Inspection Fund</td>
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<tr>
<td>DEV 7008</td>
<td>Logistics and Distribution Infrastructure Fund</td>
<td>General Revenue Fund</td>
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<td>DMH 1500</td>
<td>Special Education Fund</td>
<td>Sale of Goods and Services Fund</td>
<td>1490</td>
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<td>DPS 3390</td>
<td>Personnel Administration Subdivisions Fund</td>
<td>Federal Disaster Relief Fund</td>
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<td>DPS 5TJO</td>
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<td>Public School Building Fund</td>
<td>7021</td>
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<td>Fund Code</td>
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<tr>
<td>INS 5550</td>
<td>Superintendent's Examination Fund</td>
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<td>Department of Insurance Operating Fund</td>
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<tr>
<td>INS 5PT0</td>
<td>Captive Insurance Regulation and Supervision Fund</td>
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<td>Department of Insurance Operating Fund</td>
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<td>JFS 4Z70</td>
<td>Human Services Stabilization Fund</td>
<td>5RY0</td>
<td>Human Services Projects Fund</td>
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<tr>
<td>JFS 5DP0</td>
<td>Adoption Assistance Loan Fund</td>
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<td>Human Services Projects Fund</td>
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<tr>
<td>PUB 4X70</td>
<td>Trumbull County-County Share Fund</td>
<td>4C70</td>
<td>Multi-County County Share Fund</td>
<td>162662</td>
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</tr>
</tbody>
</table>

(B) The following funds are hereby abolished on the effective date of their repeal by this act:

<table>
<thead>
<tr>
<th>Fund Code</th>
<th>Fund Name</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Dev 5LU0 Racetrack Facility Community Economic</td>
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<tr>
<td></td>
<td>Redevelopment Fund</td>
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<tr>
<td>DEV 5LU0</td>
<td>Racetrack Facility Community Economic Redevelopment Fund</td>
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<td>DMH 3FR0</td>
<td>RTTT Early Learning Challenge Fund</td>
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<tr>
<td>DMH 3HB0</td>
<td>21st Century Cures Opioid State Targeted Response Fund</td>
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<td>DMH 3J80</td>
<td>Medicaid Fund</td>
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<tr>
<td>DMH 5CH0</td>
<td>Residential State Supplemental Fund</td>
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<tr>
<td>DMH 5DU0</td>
<td>Energy Projects Fund</td>
<td></td>
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<tr>
<td>EPA 6780</td>
<td>Toxic Chemical Release Reporting Fund</td>
<td></td>
</tr>
</tbody>
</table>

(C) On the effective date of this section or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance of the Central Service Agency Fund (Fund 162663)
1150) to the Accounting and Budgeting Fund (Fund 1050). Upon completion of the transfer, Fund 1150 is abolished. The Director shall cancel any existing encumbrances against appropriation item 100632, Central Service Agency, and reestablish them against either appropriation item 042603, Financial Management, or appropriation item 042620, Shared Services Operating. The reestablished encumbrance amounts are hereby appropriated.

Section 516.20. HEALTH AND HUMAN SERVICES RESERVE FUND

The Health and Human Services Fund (Fund 5SA4) created under Section 751.40 of H.B. 64 of the 131st General Assembly is hereby renamed the Health and Human Services Reserve Fund.

Section 525.10. On the effective date of the amendments to section 125.22 (126.42) of the Revised Code as renumbered and amended by this act, or as soon as reasonably possible thereafter, the Central Service Agency is abolished. The administration of all duties performed by the Agency shall be transferred from the Department of Administrative Services to the Office of Budget and Management. Employment records and actions shall be transferred with the employee, and all equipment and assets shall be transferred from the Department of Administrative Services to the Office of Budget and Management.

Business related to the Central Service Agency commenced but not completed by the Department of Administrative Services shall be completed by the Office of Budget and Management, as appropriate consistent with the amendments to section 125.22 (126.42) of the Revised Code as renumbered and amended by this act and with the amendments to section 126.25 of the Revised Code as amended by this act.

Whenever the Department of Administrative Services, Director
of Administrative Services, or Central Service Agency is referred to in any law, contract, or other document, related to the Central Service Agency, the reference shall be deemed to refer to the Office of Budget and Management or the Director of Budget and Management, whichever is appropriate in context.

Section 525.20. (A)(1) On or before December 31, 2023, the Department of Commerce and the State Board of Pharmacy shall transfer regulation of the Medical Marijuana Control Program to the Division of Marijuana Control in the Department of Commerce. Until the transfer is complete, the State Board of Pharmacy retains regulatory authority over licensing of retail dispensaries, registering patients and caregivers, and related duties.

(2) Upon completion of the transfer, the Medical Marijuana Control Program in the State Board of Pharmacy is abolished. All records of the Medical Marijuana Control Program in the State Board of Pharmacy shall be transferred to the Division, and all of its other assets and liabilities relating to the Medical Marijuana Control Program shall be transferred to the Division. The Division is successor to, and assumes the obligations of the Medical Marijuana Control Program in the State Board of Pharmacy. Any business commenced, but not completed by the State Board of Pharmacy Medical Marijuana Control Program on the date of the completion of the transfer shall be completed by the Division in the same manner, and with the same effect, as if completed by the State Board of Pharmacy. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section.

(B) Upon this transfer, the Division is responsible for adopting rules establishing standards and procedures for the Medical Marijuana Control Program. The rules regulating the
Medical Marijuana Control Program in existence on the effective date of this section continue in effect until repealed or amended by the Division of Marijuana Control.

(C) On or before March 1, 2024, the Division shall review and propose revisions to the rules in the Administrative Code related to medical marijuana retail dispensaries.

(D) A license to operate as a retail dispensary issued by the State Board of Pharmacy pursuant to section 3796.10 of the Revised Code as it existed immediately prior to the effective date of this section, and a registration issued by the State Board of Pharmacy pursuant to section 3796.08 of the Revised Code as it existed immediately prior to the effective date of this section, remain in effect for the remainder of the license's or registration's term, unless earlier suspended or revoked. Renewals shall be issued by the State Board of Pharmacy until the transfer is complete, at which time renewals shall be issued by the Division of Marijuana Control.

(E) Any form of medical marijuana approved by the State Board of Pharmacy under section 3796.061 of the Revised Code as it existed immediately prior to the effective date of this section remains approved until that approval is revoked by the Division of Marijuana Control, after giving notice to the petitioner described in section 3796.061 of the Revised Code. The Division shall post notice of that revocation on its web site.

Section 525.30. (A) "State schools" means the State School for the Deaf and the State School for the Blind.

(B) On the effective date of this section, all records of the state schools shall be transferred to Ohio Deaf and Blind Education Services established in section 3325.01 of the Revised Code, and all of their other assets and liabilities shall be transferred to Ohio Deaf and Blind Education Services. Ohio Deaf
and Blind Education Services is the successor to, and assumes the obligations of, the state schools.

(C) Any business commenced, but not completed by the state schools or their superintendents on the effective date of this section shall be completed by the superintendent of Ohio Deaf and Blind Education Services in the same manner, and with the same effect, as if completed by the state schools or their superintendents. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required under this section.

(D) Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, all of the employees of the state schools are transferred to Ohio Deaf and Blind Education Services and retain their positions and all of the benefits accruing thereto.

(E) On and after the effective date of this section, pursuant to section 126.15 of the Revised Code, the Director of Budget and Management shall transfer the balance of all appropriations made to the state schools to Ohio Deaf and Blind Education Services.

(F) Wherever the state schools or their superintendents are referred to in any law, contract, or other document, the reference shall be deemed to refer to Ohio Deaf and Blind Education Services or its superintendent, whichever is appropriate.

(G) No action or proceeding pending on the effective date of this section is affected by the transfer, and any such action or proceeding shall be prosecuted or defined in the name of Ohio Deaf and Blind Education Services or its superintendent. In all such actions and proceedings, the superintendent or Ohio Deaf and Blind Education Services, on application to the court, shall be substituted as a party.
**Section 610.10.** That Sections 213.10, 237.10 (as amended by H.B. 45 of the 134th General Assembly), 237.15, and 237.30 of H.B. 687 of the 134th General Assembly be amended to read as follows:

**Sec. 213.10.**

**DAS DEPARTMENT OF ADMINISTRATIVE SERVICES**

<table>
<thead>
<tr>
<th>Building Improvement Fund (Fund 5KZ0)</th>
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</thead>
<tbody>
<tr>
<td>C10035 Building Improvement</td>
<td>$45,436,000</td>
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<tr>
<td>TOTAL Building Improvement Fund</td>
<td>$45,436,000</td>
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<table>
<thead>
<tr>
<th>Administrative Building Taxable Bond Fund (Fund 7016)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>C10041 MARCS - Taxable</td>
<td>$16,888,000</td>
</tr>
<tr>
<td>C10055 Highland County MARCS Tower</td>
<td>$750,000</td>
</tr>
<tr>
<td>C10056 BGSU Public Safety Radio System - MARCS</td>
<td>$175,000</td>
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<tr>
<td>TOTAL Administrative Building Taxable Bond Fund</td>
<td>$17,813,000</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Administrative Building Fund (Fund 7026)</th>
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</thead>
<tbody>
<tr>
<td>C10000 Governor's Residence</td>
<td>$1,436,000</td>
</tr>
<tr>
<td>C10020 North High Building Complex Renovation</td>
<td>$14,209,000</td>
</tr>
<tr>
<td>C10021 Office Space Planning</td>
<td>$24,907,000</td>
</tr>
<tr>
<td>C10034 Aronoff Center Systems Replacements and Upgrades</td>
<td>$375,000</td>
</tr>
<tr>
<td>C10036 Rhodes Tower Renovations</td>
<td>$7,131,000</td>
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<tr>
<td>C10038 Riffe Renovations</td>
<td>$10,470,000</td>
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<tr>
<td>C10042 IT Projects</td>
<td>$24,345,375</td>
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<tr>
<td>C10051 Fleet Sustainability</td>
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<td>TOTAL Administrative Building Fund</td>
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<table>
<thead>
<tr>
<th>Capital IT Projects Fund (Fund 7091)</th>
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<tr>
<td>C10054 Statewide IT Projects</td>
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<td>TOTAL Capital IT Projects Fund</td>
<td>$33,085,524</td>
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<td>TOTAL ALL FUNDS</td>
<td>$179,707,899</td>
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</table>

**MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM**

**(A)** There is hereby continued a Multi-Agency Radio
Communications System (MARCS) Steering Committee consisting of all of the following members:

(1) The directors, or designees thereof, of the Directors of Administrative Services, Public Safety, Natural Resources, Transportation, Rehabilitation and Correction, and Budget and Management, and the State Fire Marshal or the State Fire Marshal's designee.

(2) The following members appointed by the Governor:

(a) One representative of the Ohio Chapter of the Association of Public Safety Communications Officials or its successor organization;

(b) One representative of the Buckeye State Sheriff's Association or its successor organization;

(c) One representative of the Ohio Association of Chiefs of Police or its successor organization;

(d) One representative of the Ohio Fire Chiefs' Association or its successor organization.

(3) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one from the majority party and one from the minority party;

(4) Two members of the Senate appointed by the President of the Senate, one from the majority party and one from the minority party. The

(B) The Director of Administrative Services or the Director's designee shall chair the Committee.

(C) The Committee shall provide assistance to the Director of Administrative Services for effective and efficient implementation of MARCS as well as develop policies for the ongoing management of the system. Upon dates prescribed by the Directors of Administrative Services and Budget and Management, the MARCS
Steering Committee shall report to the Directors on the progress of MARCS implementation and the development of policies related to the system.

(D) The Committee shall establish a subcommittee to represent MARCS users on the local government level. The chairperson of the subcommittee shall serve as a member of the MARCS Steering Committee.

(E) The foregoing appropriation item C10041, MARCS - Taxable, shall be used to purchase or construct the components of MARCS that are not specific to any one agency. The equipment may include, but is not limited to, computer and telecommunications equipment used for the functioning and integration of the system, communications towers, tower sites, tower equipment, and linkages among towers. The Director of Administrative Services shall, with the concurrence of the MARCS Steering Committee, determine the specific use of funds. Expenditures from this appropriation shall not be subject to Chapters 123. and 153. of the Revised Code.

Sec. 237.10.

FCC FACILITIES CONSTRUCTION COMMISSION

State Fiscal Recovery Fund (Fund 5CV3)
C230GF ARPA School Security $ 100,000,000
TOTAL State Fiscal Recovery Fund $ 100,000,000

Administrative Building Fund (Fund 7026)
C23016 Energy Conservation Projects $ 2,000,000
C230E5 State Agency Planning/Assessment $ 2,800,000
TOTAL Administrative Building Fund $ 4,800,000

Cultural and Sports Facilities Building Fund (Fund 7030)
C23024 OHS - Statewide Site Exhibit Renovation $ 475,000
C23025 OHS - Statewide Site Repairs $ 1,600,000
C23028 OHS - Basic Renovations and Emergency $ 1,000,000
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<thead>
<tr>
<th>Code</th>
<th>Description</th>
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<tbody>
<tr>
<td>C23032</td>
<td>OHS - Ohio Historical Center</td>
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<tr>
<td>C23033</td>
<td>OHS - Stowe House State Memorial</td>
<td>$1,500,000</td>
<td>162888</td>
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<tr>
<td>C23034</td>
<td>OHS - National Afro-American Museum</td>
<td>$900,000</td>
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<tr>
<td>C23057</td>
<td>OHS - Online Portal to Ohio's Heritage</td>
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<td>C230C8</td>
<td>OHS - Serpent Mound</td>
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<td>C230E6</td>
<td>OHS - Exhibits Native American Sites</td>
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<td>C230EN</td>
<td>OHS - Storage Facility Expansion</td>
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<td>C230EO</td>
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<td>C230FM</td>
<td>Cultural and Sports Facilities Projects</td>
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<td>C230FS</td>
<td>OHS - Ohio River Museum New Building</td>
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<td>C230FT</td>
<td>OHS - Statewide Site Security System</td>
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<tr>
<td>C230FY</td>
<td>OHS - National Road Museum</td>
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<td>C230GG</td>
<td>OHS - Start Westward Monument</td>
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<td>C230W7</td>
<td>OHS - Lundy House Restoration</td>
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<td>C230X1</td>
<td>OHS - Site Energy Conservation</td>
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**TOTAL Cultural and Sports Facilities Building Fund** $73,869,000 | 162902 |

**School Building Program Assistance Fund (Fund 7032)** | 162903 |
| C23002 | School Building Program Assistance                        | $600,000,000 | 162904 |
| C230GD | Accelerated Appalachian School Building Assistance        | $300,000,000 | 162905 |

**TOTAL School Building Program Assistance Fund** $600,000,000 | 162906 |

**900,000,000**

**Capital IT Projects Fund (Fund 7091)** | 162907 |
| C230GF | Data Management Solution                                 | $3,000,000 | 162908 |

**TOTAL Capital IT Projects Fund** $3,000,000 | 162909 |

**TOTAL ALL FUNDS** $781,669,000 | 162910 |

**1,081,669,000**

**ARPA SCHOOL SECURITY** | 162911 |

(A) The foregoing appropriation item C230GF, ARPA School Security, shall be used by the Facilities Construction Commission | 162912 |
to award grants of up to $100,000 per school building to eligible public school districts and chartered nonpublic schools. Grants shall be awarded according to guidelines adopted by the Commission after consultation with the Ohio Department of Education and the division of Homeland Security of the Department of Public Safety. In awarding grants, the Commission may consider applications submitted by eligible public school districts in response to similar grant programs operated by the Commission that have not been awarded if such applications comply with guidelines adopted under this division.

(B) All grants awarded under division (A) of this section shall comply with requirements of the federal American Rescue Plan Act of 2021, Pub. L. No. 117-2.

(C) As used in division (A) of this section:

(1) "Eligible public school district" means any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code.

(2) "School building" means a classroom facility serving the educational needs of students that has not had construction completed within the prior five years under any of the programs authorized under Chapter 3318. of the Revised Code and that has not received grant funding under the School Safety Grant Program established in S.B. 310 of the 133rd General Assembly and funded by appropriation item C23020, School Safety Grant Program.

(3) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the State Board of Education for nonpublic schools pursuant to section 3301.07 of the Revised Code.
The foregoing appropriation item C23016, Energy Conservation Projects, shall be used to perform energy conservation renovations, including the United States Environmental Protection Agency's Energy Star Program, in state-owned facilities. Prior to the release of funds for renovation, state agencies shall have performed a comprehensive energy audit for each project. The Facilities Construction Commission shall review and approve proposals from state agencies to use these funds for energy conservation. Public school districts and state-supported and state-assisted institutions of higher education are not eligible for funding from this item.

STATE AGENCY PLANNING/ASSESSMENT

Capital appropriations in H.B. 687 of the 134th General Assembly made from appropriation item C230E5, State Agency Planning/Assessment, shall be used by the Facilities Construction Commission to provide assistance to any state agency for assessment, capital planning, and maintenance management.

Sec. 237.15. SCHOOL BUILDING PROGRAM ASSISTANCE

Capital appropriations in this act made from appropriation item C23002, School Building Program Assistance, shall be used by the Facilities Construction Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to Chapter 3318. of the Revised Code.

ACCELERATED APPALACHIAN SCHOOL BUILDING ASSISTANCE

Capital appropriations in this act made from appropriation item C230GD, Accelerated Appalachian School Building Assistance, shall be used by the Facilities Construction Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to section 3318.33 of the Revised Code.

Sec. 237.30. The Ohio Public Facilities Commission is hereby
authorized to issue and sell, in accordance with Section 2n of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.03 of the Revised Code, original obligations in an aggregate principal amount not to exceed $470,100,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the School Building Program Assistance Fund (Fund 7032) to pay the state share of the costs of constructing classroom facilities pursuant to Chapter 3318. of the Revised Code.

Section 610.11. That existing Sections 213.10, 237.10 (as amended by H.B. 45 of the 134th General Assembly), 237.15, and 237.30 of H.B. 687 of the 134th General Assembly are hereby repealed.

Section 610.20. That Section 21 of H.B. 790 of the 120th General Assembly, as amended by Section 11 of H.B. 670 of the 121st General Assembly, is hereby repealed.

Section 610.30. That Sections 280.12 and 280.28 of H.B. 45 of the 134th General Assembly be amended to read as follows:

Sec. 280.12. The foregoing appropriation item 042628, Adult Day Care, shall be used by the Director of Budget and Management to administer grants to eligible adult day care providers during the current state fiscal year, and the remaining $4,000,000 shall be reappropriated and administered during the next state fiscal year.

Sec. 280.28. NURSING FACILITY WORKFORCE SUPPORT FOR ITEMS NOT
(A) As used in this section:

(1) "Ancillary and support costs," "direct care costs," "nursing facility," and "operator" have the same meanings as in section 5165.01 of the Revised Code.

(2) "CMS" means the United States Centers for Medicare and Medicaid Services.

(3) "Long-stay resident" means an individual who has resided in a nursing facility for at least one hundred one days.

(4) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(5) "Nursing facilities for which a quality score was determined" includes nursing facilities that are determined to have a quality score of zero.

(B) The foregoing appropriation item 042636, Nursing Facility Workforce Support, shall be used by the Office of Budget and Management to provide a lump sum payment to nursing facilities that are Medicaid providers homes, for general relief and items not covered by Medicaid managed care organization contracts or general Medicaid rates. Nursing facility providers home operators shall use the funds from the lump sum payment to make workforce relief payments in accordance with this section. The Office of Budget and Management shall distribute the appropriated funds as soon as practicable after December 31, 2022, but not later than April 1, 2023, as follows:

(1) Forty per cent of the appropriated funds shall be made as payments to nursing facilities based on each facility's total number of Medicaid days in calendar year 2021. Nursing homes that are not nursing facilities shall receive payments under this division based on the median number of medicaid days for all
nursing facilities in this state during calendar year 2021.

(2) Sixty per cent of the funds shall be made as quality payments to nursing facilities, to be determined in accordance with division (C) and (E) of this section.

(C) The Office of Budget and Management shall determine each nursing facility's quality payment under division (B)(2) of this section as follows:

(1) Determine the sum of the quality scores determined under division (D) of this section for all nursing facilities.

(2) Determine the value per quality point by determining the quotient of the following:

(a) The number that is sixty per cent of the appropriation made in this section;

(b) The sum determined under division (C)(1) of this section.

(3) Multiply the value per quality point determined under division (C)(2) of this section by the nursing facility's quality score determined under division (D) of this section.

(D) A Except as provided in division (E) of this section, a nursing facility's quality score shall be calculated as follows:

(1) Calculate the sum of the total number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics based on the four-quarter average for calendar year 2021 in the database maintained by CMS and known as care compare:

(a) The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers;

(b) The percentage of the nursing facility's long-stay residents who had a urinary tract infection;
(c) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened;

(d) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder.

(2) If the nursing facility was in the lowest percentile for any of the measures specified in division (D)(1) of this section, reduce the facility's points to zero for that measure.

(3) To the sum calculated under divisions (D)(1) and (2) of this section, add seven and one-half points if the nursing facility's occupancy rate during calendar year 2021 was seventy-five per cent or more.

(E) A new nursing facility, or a nursing home that is not a nursing facility, shall receive a quality score that equals the median quality score for all nursing facilities for which a quality score was determined.

(F) A nursing facility operator shall use the funds received under this section only for workforce expenses.

Section 610.31. That existing Sections 280.12 and 280.28 of H.B. 45 of the 134th General Assembly are hereby repealed.

Section 610.40. That Sections 2, 3, and 8 of H.B. 509 of the 134th General Assembly be amended to read as follows:

Sec. 2. That existing sections 109.572, 169.16, 1716.05, 1716.08, 1716.99, 2925.01, 3310.41, 3319.22, 3701.74, 3737.881, 3772.13, 3772.131, 3905.471, 3905.81, 4709.07, 4709.10, 4713.28, 4715.13, 4715.141, 4715.21, 4715.25, 4717.01, 4717.02, 4717.03, 4717.04, 4717.05, 4717.06, 4717.07, 4717.08, 4717.09, 4717.11, 4717.13, 4717.15, 4717.36, 4717.41, 4723.01, 4723.07, 4723.08, 4723.091, 4723.092, 4723.114, 4723.18, 4723.181, 4723.35, 4723.48, 4723.481, 4723.50, 4723.72, 4723.73, 4723.75, 4723.79, 4725.01,
4725.011, 4725.02, 4725.07, 4725.09, 4725.091, 4725.092, 4725.12, 163091
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4779.03, 4779.10, 4779.11, 4779.12, 4779.13, 4779.17, 5126.22, 163106
5126.25, and 5164.95 of the Revised Code are hereby repealed. 163107

Sec. 3. That sections 3319.2212, 4717.051, 4723.17, 4723.19, 163108
4723.76, 4725.14, 4725.17, 4725.171, 4725.58, 4751.202, and 163109
4779.18 of the Revised Code are hereby repealed. 163110

Sec. 8. (A) The repeal by this act of section 4717.051 of the 163111
Revised Code takes effect December 31, 2024. 163112

(B) The amendment by this act H.B. 509 of the 134th General 163113
Assembly of sections 4717.01, 4717.02, 4717.03, 4717.04, 4717.06, 163114
4717.07, 4717.08, section 4717.09, 4717.11, 4717.13, 4717.15, 163115
4717.36, and 4717.41 of the Revised Code takes effect December 31, 163116
2024. 163117

Section 610.41. That existing Sections 2, 3, and 8 of H.B. 163118
509 of the 134th General Assembly are hereby repealed. 163119
**Section 610.42.** Sections 610.40 and 610.41 of this act remove the limitations imposed on the continued existence of sections 4717.01, 4717.02, 4717.03, 4717.04, 4717.051, 4717.06, 4717.07, 4717.08, 4717.11, 4717.13, 4717.15, 4717.36, and 4717.41 of the Revised Code.

**Section 610.50.** That Section 207.14 of H.B. 597 of the 134th General Assembly be amended to read as follows:

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**Sec. 207.14.**

LTC JAMES RHODES STATE COLLEGE

Reappropriations

Higher Education Improvement Taxable Fund (Fund 7024)

C38125 Workforce Based Training and Equipment - Taxable

$226,284

TOTAL Higher Education Improvement Taxable Fund $226,284

Higher Education Improvement Fund (Fund 7034)

C38100 Basic Renovations

$758,498

C38116 Center for Health Science Education and Innovation

$128,978

C38117 IT Infrastructure

$976,395

C38122 Campus Safety Upgrades

$103,238

C38123 St. Rita's Medical Center

$500,000

C38124 Allen County Airport Communications Fuel Replacement

$300,000

C38126 Campus Safety Grant Program

$161,200

TOTAL Higher Education Improvement Fund $2,928,309

TOTAL ALL FUNDS $3,154,593

BASIC RENOVATIONS

The amount reappropriated for the foregoing appropriation item C38100, Basic Renovations, is the unencumbered balance as of
June 30, 2022, in appropriation item C38100, Basic Renovations, plus $74,715. Prior to the expenditure of this appropriation, James Rhodes State College shall certify to the Director of Budget and Management canceled encumbrances in the amount of at least $74,715.

Section 610.51. That existing Section 207.14 of H.B. 597 of the 134th General Assembly is hereby repealed.

Section 610.60. That Section 5 of H.B. 371 of the 134th General Assembly is hereby repealed.

Section 610.70. That Section 3 of H.B. 669 of the 133rd General Assembly, as amended by Section 4 of S.B. 102 of the 134th General Assembly, is hereby repealed, effective January 1, 2024.

Section 610.80. That Sections 125.10 and 125.11 of H.B. 59 of the 130th General Assembly (as amended by H.B. 110 of the 134th General Assembly) be amended to read as follows:

Sec. 125.10. Sections 5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 5168.13, 5168.99, and 5168.991 of the Revised Code are hereby repealed, effective October 16, 2023.

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised Code are hereby repealed, effective October 1, 2023.

Section 610.81. That existing Sections 125.10 and 125.11 of H.B. 59 of the 130th General Assembly (as amended by H.B. 110 of the 134th General Assembly) are hereby repealed.

Section 700.10. Section 5.2320 of the Revised Code shall be
known as Brenna's Law.

Section 701.10. The Tax Commissioner and Treasurer of State, or their appointed representatives, shall jointly study and design a tax-favored savings program for home purchases and related home improvements. The study may consider the potential for family member and employer contributions, lifetime caps, eligibility requirements, and any other items the Commissioner and Treasurer of State, or their representatives, find appropriate.

Section 701.20. As soon as practicable after the effective date of this section, the Director of the Legislative Service Commission shall remove rules adopted before the effective date of this section by a state institution of higher education or its governing body that the state institution of higher education posted on its web site in accordance with section 3345.033 of the Revised Code from the electronic Administrative Code published by or under contract with the Director.

Section 733.10. Notwithstanding anything in the Revised Code or Administrative Code to the contrary, any school district community school, STEM school, or chartered nonpublic school that is subject to section 3301.163 of the Revised Code that retained a student in the third grade under that section or section 3313.608 of the Revised Code for the 2023-2024 school year based solely on a student's score on the assessment prescribed under section 3301.0710 of the Revised Code to measure skill in English language arts expected at the end of third grade in the 2022-2023 school year shall promote such a student to the fourth grade on the effective date of this section.

Section 733.20. The enactment of section 3313.7117 of the Revised Code and related changes shall be known as "Sarah's Law..."
for Seizure Safe Schools."

**Section 737.10.** (A) Not later than thirty days after the effective date of this section, the State Lottery Commission shall publish all of its operating procedures adopted under section 3770.03 of the Revised Code, as amended by this act, on the Commission's official web site.

(B) Notwithstanding division (A)(5) of section 3770.03 of the Revised Code, as amended by this act, the State Lottery Commission may eliminate any rule of the Commission that it replaces with an operating procedure on or before the date that is thirty days after the effective date of this section, without rescinding the rule in accordance with section 111.15 or Chapter 119. of the Revised Code, as applicable. The State Lottery Commission shall notify the Director of the Legislative Service Commission of any such eliminated rule, and the Director of the Legislative Service Commission shall remove the rule from the Ohio Administrative Code.

**Section 737.20.** Section 3772.031 of the Revised Code, as amended by Section 101.01 of this act, applies to any threat, attempted threat, or illegal activity that impacts the integrity of sports gaming, regardless of whether it occurs before, during, or after a sporting event. This section enhances and in no way decreases the Ohio Casino Control Commission's already existing broad powers and broad authority in this area.

**Section 745.10.** (A) The Public Safety - Highway Purposes Fund Study Committee is established, consisting of the following members:

(1) Three members appointed by the Governor, including all of the following:
(a) One member representing the Department of Public Safety other than the Bureau of Motor Vehicles and the Ohio State Highway Patrol;

(b) One member representing the Bureau of Motor Vehicles;

(c) One member representing the Ohio State Highway Patrol;

(2) Three members of the Senate appointed by the Senate President and comprised of two Republicans and one Democrat;

(3) Three members of the House of Representatives appointed by the Speaker of the House of Representatives and comprised of two Republicans and one Democrat.

(B) The Committee shall complete a study of long-term issues facing the Public Safety - Highway Purposes Fund created under section 4501.06 of the Revised Code and, by July 1, 2024, submit a report of its findings and recommendations to the Speaker of the House of Representatives and the President of the Senate.

(C) Upon submission of the report, the Committee ceases to exist.

Section 747.10. Individuals, who are members of the Architects Board before the effective date of section 4703.01 of the Revised Code as amended in this act, may continue to hold that office until the expiration of the terms to which they were appointed, unless removed in accordance with that section. Upon the next vacancy on the Architects Board, the Governor shall appoint an individual who is a member of the general public, and who is not an architect, to the Architects Board.

Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM

There is hereby established in the Highway Operating Fund (Fund 7002), used by the Department of Transportation, a Diesel Emissions Reduction Grant Program. The Director of Environmental
Protection shall administer the program and shall solicit, evaluate, score, and select projects submitted by public and private entities that are eligible for the federal Congestion Mitigation and Air Quality (CMAQ) Program. The Director of Transportation shall process Federal Highway Administration-approved projects as recommended by the Director of Environmental Protection.

In addition to the allowable expenditures set forth in section 122.861 of the Revised Code, Diesel Emissions Reduction Grant Program funds also may be used to fund projects involving the purchase or use of hybrid and alternative fuel vehicles that are allowed under guidance developed by the Federal Highway Administration for the CMAQ Program.

Public entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program.

Private entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed, at the direction of the local public agency sponsor and upon approval of the Department of Transportation, through direct payments. These reimbursements shall be made from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program. Total expenditures from Fund 7002 for the Diesel Emissions Reduction Grant Program shall not exceed $10,000,000 in both fiscal year 2024 and fiscal year 2025.

Any allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations.
The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

Section 755.20. For purposes of adjusting the membership of the Transportation Review Advisory Council in accordance with section 5512.07 of the Revised Code, as amended by this act, all of the following shall occur not later than sixty days after the effective date of this section:

(A) The Governor shall remove one member from the Council who was appointed by the Governor prior to that effective date.

(B) The President of the Senate shall appoint one additional member to the Council who shall assume the remainder of the five-year term of the member removed by the Governor under division (A) of this section.

(C) The Speaker of the House of Representatives shall appoint one additional member to the Council who shall serve a five-year term from the date of appointment in accordance with section 5512.07 of the Revised Code.

Section 755.30. (A) As used in this section:

(1) "Rural county" means a county with a population of not more than ninety thousand residents according to the most recent federal decennial census.

(2) "Rural counties" means two or more connected counties that together have a population of not more than ninety thousand residents according to the most recent federal decennial census.

(B) The Connect4Ohio Program is created, and the Department
of Transportation shall administer the Program. The purpose of the Program is to assist in creating seamless transportation connections throughout all of Ohio and, by doing so, to make it easier for all Ohio workers to commute from their homes to employment centers.

(C) As part of the Program, the Department, the Transportation Review Advisory Council (TRAC), and the Public Works Commission shall work together to prioritize all of the following:

1. Completing existing corridor projects, particularly corridor projects that benefit rural counties;

2. Eliminating traffic impediments on county, township, state, and federal highway routes, particularly within rural counties;

3. Replacing not less than one existing bridge in each rural county, with preference given to bridges that have already had a general appraisal and that have been identified by either the Department or the county engineer as requiring replacement.

(D) The Department shall use money appropriated for purposes of the Program as follows:

1. Funding projects that align with the priorities established under division (C) of this section;

2. Funding such projects at one hundred per cent of the project cost, when appropriate, particularly for projects that are located in a rural county or that extend between rural counties;

3. Providing the necessary matching funds to receive TRAC approval for any construction projects that are related to the Program and its purpose.

(E) The Director of Transportation shall establish any procedures and requirements necessary to administer this section.
Section 757.10. Notwithstanding section 5743.15 of the Revised Code, any license issued under division (B), (C), or (F) of that section that is active on the effective date of the amendment by this act of that section shall remain valid until June 1, 2024, rather than May 27, 2024.

Section 757.20. BUSINESS INCENTIVE TAX CREDITS

In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2024-2025 biennium, an estimate of the credits expected to be claimed in each fiscal year of that biennium, and an estimate of the amount of credits authorized that will remain outstanding at the end of that biennium. In totality, this table provides an estimate of the state revenue forgone due to business incentive tax credits in the 2024-2025 biennium and future biennium.

Biennial Business Incentive Tax Credit Estimates

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<th>Tax Credit</th>
<th>FY 2024</th>
<th>FY 2025</th>
<th>FY 2024</th>
<th>FY 2025</th>
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(All figures in thousands of dollars)
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<tr>
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<th>2024</th>
<th>2025</th>
<th>2026</th>
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Section 757.30. All amended reports and applications for refund filed pursuant to section 5733.031 of the Revised Code, as amended by this act, must be received by the Department of Taxation on or before December 31, 2023. The Department shall deny
all applications for refund related to reports amended pursuant to that section and received after December 31, 2023, and any such denial is not subject to appeal. The Department shall not issue any assessments related to any amended report filed pursuant to that section if the amended report is received by the Department after December 31, 2023. For purposes of this section, a report or application is "received" on or before December 31, 2023, if it is postmarked on or before that date.

**Section 757.40.** (A) As used in this section:

1. "Qualified property" means real property for which a covenant not to sue was issued under section 3746.12 of the Revised Code in 2020 and that is subject to the exemption authorized by section 5709.87 of the Revised Code beginning for tax year 2022.

2. "Exempt portion" means the portion of the assessed value of improvements, buildings, fixtures, and structures that would be exempt from taxation if they qualified for the exemption authorized by section 5709.87 of the Revised Code for the applicable tax year, as described in division (C)(1)(a) of that section.

(B) Notwithstanding section 5709.87 of the Revised Code, a person that owned qualified property for tax year 2020 or 2021 may file an application with the Tax Commissioner, on a form prescribed by the Commissioner, on or before the date that is one year after the effective date of this section, requesting both of the following:

1. That unpaid property taxes, penalties, and interest on the exempt portion of the qualified property for tax years 2020 and 2021 be abated;

2. That all paid taxes, penalties, and interest on the
exempt portion of the qualified property for those tax years be credited or paid to the applicant;

(3) That, notwithstanding division (C)(1)(a) of section 5709.87 of the Revised Code, the exemption for the qualified property authorized by that division that began for tax year 2022 end after tax year 2029.

(C) Upon receipt of the application and after consideration of it, the Commissioner shall determine if the property is qualified property and, if so, shall issue and order directing both of the following:

(1) That all unpaid taxes, penalties, and interest described under division (B)(1) of this section be abated;

(2) That all taxes, penalties, and interest described in division (B)(2) of this section be regarded as an overpayment of taxes under section 5715.22 of the Revised Code and be credited or paid to the applicant in accordance with that section;

(3) That, notwithstanding division (C) of section 5709.87 of the Revised Code, the exemption for the property authorized by that division that began for tax year 2022 end after tax year 2029.

If the Commissioner finds that the property is not qualified property the Commissioner shall issue an order denying the application.

(E) Nothing in this section authorizes the Tax Commissioner to abate, credit, or pay any portion of the tax on the portion of the assessed value of qualified property that is not the exempt portion.

Section 757.50. The Tax Commissioner shall not make adjustments in 2023 or 2024 to the income amounts in divisions (A)(2) and (3) of section 5747.02 of the Revised Code, as
otherwise required by division (A)(5) of that section, or make adjustments in 2023 or 2024 to the personal exemption amounts prescribed in division (A) of section 5747.025 of the Revised Code, as otherwise required by divisions (B) and (C) of that section.

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**Section 759.10. FLYOHIO TETHERED DRONES PILOT PROGRAM**

(A) The Office of Aviation within the Department of Transportation shall conduct a pilot program to field test the use of tethered drones over rural campsite areas and urban or suburban areas to gauge the feasibility and cost-effectiveness of sharing data collected from these overflights to emergency responders, public safety professionals, and infrastructure security professionals.

This pilot project shall examine both mobile and permanent tethered drones, including deployment in all weather and hazard conditions through the purchase and use of tethered drones by the Mandel Jewish Community Center in the city of Cleveland at its main campus site as well as at the Center's campsite at Camp Wise in Geauga County.

(B) The Office may use up to $247,500 from GRF appropriation item 772456, Unmanned Aerial Systems Center, for purposes of administering and implementing the pilot program. Up to three percent of this funding may be used to pay administrative and reporting costs of the pilot project.

(C) The Office of Aviation shall issue a report of its findings on July 1, 2024, and July 1, 2025. Upon submission of the report on July 1, 2025, the pilot program is abolished.

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**Section 803.10.** The amendment by this act of division (D)(3)(c)(ii) of section 718.01 of the Revised Code applies to
taxable years beginning on or after January 1, 2023. In accordance with division (A) of section 718.04 of the Revised Code, each municipal corporation that levies a tax on income shall adopt an ordinance or resolution incorporating that amendment and applying it to taxable years beginning on or after January 1, 2023.

The amendment by this act of division (C)(15) of section 718.01 of the Revised Code applies to taxable years beginning on or after January 1, 2024. In accordance with division (A) of section 718.04 of the Revised Code, each municipal corporation that levies a tax on income shall adopt an ordinance or resolution incorporating that amendment and applying it to taxable years beginning on or after January 1, 2024.

Section 803.20. The amendment by this act of sections 1710.06 and 3706.12 of the Revised Code shall not be construed or otherwise interpreted in derogation of any issuance of a bond or note by the Ohio air quality development authority, the levy of any special assessment by a municipal corporation or special improvement district, or the assignment or remittance of any such assessment to the authority, issued, levied, assigned, or remitted before the effective date of this section.

Section 803.30. The amendment by this act of section 5751.033 of the Revised Code is intended to be remedial in nature and to clarify the law as it existed prior to that amendment, and shall be construed accordingly.

Section 803.40. The amendment by this act of section 5753.031 of the Revised Code applies to sports gaming receipts received on and after July 1, 2023.

Section 803.50. The amendment by this act of section 5739.02
of the Revised Code applies on and after October 1, 2023.

Section 803.60. The amendment by this act of division (E) of
section 5747.07 of the Revised Code applies to filings and
payments due on or after January 1, 2024.

Section 803.70. The amendment by this act of section 5726.01
of the Revised Code is intended to be remedial in nature and to
clarify the law as it existed prior to that amendment, and shall
be construed accordingly.

Section 803.80. The amendment by this act of section 718.84
of the Revised Code applies beginning to the first report required
to be filed under division (B) of that section on or after the
effective date of that amendment.

Section 803.90. The amendment by this act of section 323.152
of the Revised Code applies to tax year 2023 and every tax year
thereafter. The amendment by this act of section 4503.065 of the
Revised Code applies to tax year 2024 and every tax year
thereafter.

Section 803.100. The amendment by this act of sections 718.05, 718.27, 718.85, and 718.89 of the Revised Code applies to
tax returns required to be filed for taxable years ending on or
after January 1, 2023.

Section 803.110. The provisions of this act pertaining to the
certificate of need program, as they are established by the
amendment of sections 3702.511, 3702.52, 3702.532, 3702.54,
3702.544, 3702.55, 3702.57, 3702.60, and 3702.61 of the Revised
Code and the repeal of section 3702.541 of the Revised Code and
Section 5 of H.B. 371 of the 134th General Assembly, apply
retroactively to the following extent:

(A) The provisions apply to any certificate of need that was granted prior to the effective date of this section and is still valid on the effective date of this section.

(B) The provisions apply to any application for a certificate of need that is pending on the effective date of this section.

(C) The provisions apply to any action for the imposition of civil penalties or other sanctions, including any appeal of such an action, that is pending on the effective date of this section for a violation of sections 3702.51 to 3702.62 of the Revised Code.

Section 803.120. The amendment by this act of section 4301.62 and the enactment of section 4303.187 of the Revised Code apply beginning on January 1, 2024.

Section 803.130. The amendment or enactment by this act of divisions (A) and (G) of section 5727.47 of the Revised Code applies to petitions for reassessment filed for tax year 2024 and thereafter.

Section 803.140. The amendment by this act of divisions (B)(1) and (10) of section 5739.02 of the Revised Code is a remedial measure intended to clarify existing law and applies to all cases pending on a petition for reassessment or on further appeal, or transactions subject to an audit by the Department of Taxation, on or after the effective date of this section.

Section 803.150. The amendment or enactment by this act of sections 5743.06 and 5743.53 of the Revised Code apply to bad debts charged off as uncollectible on the books and records of a wholesale dealer, distributor, or vapor distributor on or after
Section 803.160. The amendment or enactment by this act of section 5747.01 and division (F)(2)(ss) of section 5751.01 of the Revised Code applies to taxable years or tax periods beginning on or after January 1, 2023.

Section 803.170. The amendment by this act of section 5747.501 of the Revised Code applies on and after July 1, 2023.

Section 803.180. The enactment by this act of section 5747.64 of the Revised Code applies to taxable years beginning on and after January 1, 2023.

Section 803.190. The enactment by this act of division (F)(2)(rr) of section 5751.01 of the Revised Code applies to tax periods ending on or after the effective date of this section.

Section 803.200. The amendment by this act of Section 280.28 of H.B. 45 of the 134th General Assembly is intended to be remedial in nature and applies on and after January 6, 2023.

Section 803.210. The amendment by this act of section 5747.02 of the Revised Code applies to taxable years beginning in or after 2023.

Section 806.10. SEVERABILITY

The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application.
Section 809.10. NO EFFECT AFTER END OF BIENNIUM

An item of law, other than an amending, enacting, or repealing clause, that composes the whole or part of an uncodified section contained in this act has no effect after June 30, 2025, unless its context clearly indicates otherwise.

Section 812.10. SUBJECT TO REFERENDUM

Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section is subject to the referendum under Ohio Constitution, Article II, section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified below, on that date.

Section 812.11. (A) The following sections of this act take effect six months after the effective date of this section:

(1) The amendment or enactment of sections 2151.231, 3103.03, 3109.53, 3109.66, 3111.01, 3111.04, 3111.041, 3111.06, 3111.07, 3111.111, 3111.15, 3111.29, 3111.38, 3111.381, 3111.48, 3111.49, 3111.78, 3119.01, 3119.06, 3119.07, 3119.95, 3119.951, 3119.953, 3119.955, 3119.957, 3119.9511, 3119.9513, 3119.9515, 3119.9517, 3119.9519, 3119.9523, 3119.9525, 3119.9527, 3119.9529, 3119.9531, 3119.9533, 3119.9535, 3119.9537, 3119.9539, 3119.9541, and 3121.29 of the Revised Code;

(2) The repeal of section 3121.46 of the Revised Code.

(B) During the six-month period after the effective date of this section, the Ohio Department of Job and Family Services shall perform system changes, create rules and forms, and make any other changes as necessary to implement the amendments, enactments, and repeals listed in this section.
Section 812.20. The amendment or enactment by this act of the sections listed below is exempt from the referendum under Ohio Constitution, Article II, section 1d and section 1.471 of the Revised Code and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date.

Sections 122.4017, 122.4037, 122.4040, 5165.158, 5747.501, 5751.02, 5753.031, 5913.01, and 5922.01 of the Revised Code.

Section 812.30. Sections of this act prefixed with numbers in the 200s, 300s, 400s, and 500s, and Section 757.20 of this act are exempt from the referendum under Ohio Constitution, Article II, Section 1d, and therefore take immediate effect when this act becomes law.

Section 820.10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 109.42 of the Revised Code as amended by both H.B. 343 and S.B. 288 of the 134th General Assembly.

Section 109.57 of the Revised Code as amended by both H.B. 405 and S.B. 288 of the 134th General Assembly.

Section 109.572 of the Revised Code as amended by both H.B. 509 and S.B. 288 of the 134th General Assembly.

Section 119.12 of the Revised Code as amended by both H.B. 52 and H.B. 64 of the 131st General Assembly.
Section 121.95 of the Revised Code as amended by both H.B. 29 and S.B. 9 of the 134th General Assembly.

Section 122.073 of the Revised Code as amended by both H.B. 487 and S.B. 314 of the 129th General Assembly.

Section 127.16 of the Revised Code as amended by both H.B. 442 and S.B. 276 of the 133rd General Assembly.


Section 317.08 of the Revised Code as amended by both H.B. 9 of the 130th General Assembly and H.B. 141 of the 131st General Assembly.

Section 718.01 of the Revised Code as amended by H.B. 228 and S.B. 217 of the 134th General Assembly, and H.B. 197 and S.B. 276 of the 133rd General Assembly.

Section 2101.16 of the Revised Code as amended by both H.B. 45 and H.B. 281 of the 134th General Assembly.

Section 2109.21 of the Revised Code as amended by both S.B. 117 and S.B. 124 of the 129th General Assembly.

Section 2929.18 of the Revised Code as amended by both H.B. 343 and H.B. 462 of the 134th General Assembly.

Section 2930.16 of the Revised Code as amended by both H.B. 343 and S.B. 288 of the 134th General Assembly.

Section 3119.06 of the Revised Code as amended by both H.B. 366 and S.B. 70 of the 132nd General Assembly.

Section 3302.03 of the Revised Code as amended by both S.B. 166 and S.B. 229 of the 134th General Assembly.

Section 3310.41 of the Revised Code as amended by both H.B. 509 and H.B. 554 of the 134th General Assembly.
The version of section 3319.22 of the Revised Code that is scheduled to take effect December 29, 2023, as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.

Section 3328.24 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.

Section 3509.05 of the Revised Code as amended by both H.B. 45 and H.B. 458 of the 134th General Assembly.

Section 4507.06 of the Revised Code as amended by both H.B. 74 and H.B. 281 of the 134th General Assembly.

Section 4513.17 of the Revised Code as amended by both H.B. 30 and S.B. 224 of the 134th General Assembly.

Section 4715.30 of the Revised Code as amended by both H.B. 203 and H.B. 263 of the 133rd General Assembly.

Section 4731.22 of the Revised Code as amended by both H.B. 254 and S.B. 288 of the 134th General Assembly.

Section 4741.22 of the Revised Code as amended by both H.B. 33 and H.B. 263 of the 133rd General Assembly.

The version of section 4765.55 of the Revised Code that is scheduled to take effect December 29, 2023, as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly.

Section 4776.01 of the Revised Code as amended by both H.B. 166 and S.B. 57 of the 133rd General Assembly.

Section 5153.162 of the Revised Code as amended by both H.B. 215 and H.B. 408 of the 122nd General Assembly.

Section 5153.163 of the Revised Code as amended by both H.B. 110 and H.B. 281 of the 134th General Assembly.

Section 5321.01 of the Revised Code as amended by both H.B. 281 and H.B. 430 of the 134th General Assembly.

Section 5725.98 of the Revised Code as amended by both H.B.
197 and S.B. 39 of the 133rd General Assembly.

Section 5729.98 of the Revised Code as amended by both H.B. 197 and S.B. 39 of the 133rd General Assembly.

Section 5739.09 of the Revised Code as amended by S.B. 310 of the 133rd General Assembly and H.B. 110 of the 134th General Assembly.

Section 5739.31 of the Revised Code as amended by both S.B. 143 and S.B. 200 of the 124th General Assembly.

Section 5739.99 of the Revised Code as amended by both S.B. 143 and S.B. 200 of the 124th General Assembly.


Section 5747.98 of the Revised Code as amended by both H.B. 45 and H.B. 66 of the 134th General Assembly.